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Home Office

Country Policy and Information Note

Turkey: Kurdish political parties

Version 3.0

August 2018

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 of COI; and (2) COI. These are explained in more detail below.

Analysis

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 in the country information section. Any event taking place or report/article published after this date 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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Analysis

Updated: 6 August 2018

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state due to the person's actual or perceived political opinion as a member or supporter of either:

- Halkların Demokratik Partisi (Peoples' Democratic Party) (HDP)
- Demokratik Bölgeler Partisi (Democratic Regions Party) (DBP)

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1.2 Points to note

1.2.1 The Barış ve Demokrasi Partisi (Peace and Democracy Party) (BDP) merged with the HDP in April 2014 and no longer exists as a separate party (see [Peace and Democracy Party \(Barış ve Demokrasi Partisi \(BDP\)\)](#)).

1.2.2 When the BDP and HDP merged, the Democratic Regions Party (DBP) was formed to operate on behalf of the HDP at local level (see [Democratic Regions Party \(Demokratik Bölgeler Partisi \(DBP\)\)](#)).

1.2.3 For the purposes of this note, 'HDP' includes former members of the BDP as well as the DBP unless otherwise stated.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum 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 Convention ground

2.2.1 Actual or imputed political opinion.

2.2.2 Establishing a convention ground alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed political opinion.

2.2.3 For further information on assessing convention reasons, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Exclusion

- 2.3.1 The HDP and the terrorist group Partiya Karkerên Kurdistanê (PKK) (Kurdistan Workers' Party) are separate organisations with different goals. However, some members of the HDP have been accused of links to the PKK. The PKK has been responsible for numerous serious human rights abuses. It has been proscribed in the UK as a terrorist organisation under the Terrorism Act 2000 since March 2001 and is also on the EU list of terrorist organisations (see Country Policy and Information Note on [Turkey: PKK](#)).
- 2.3.2 If it is accepted that the person has been involved with the PKK or in activities that have led to serious human rights abuses then decision makers must consider whether one (or more) of the exclusion clauses are applicable. Each case must nevertheless be considered on its individual facts and merits.
- 2.3.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on [Exclusion](#) under Articles 1F and 33(2) of the Refugee Convention and the Asylum Instruction on [Restricted Leave](#).

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2.4 Assessment of risk

- 2.4.1 The HDP and the PKK are separate organisations with different goals. The HDP denies direct links with the PKK. However, some members of the HDP have been accused by the Turkish government of links with the PKK. There are reports that government treatment of HDP supporters tends to vary according to developments in the conflict with the PKK (see [People's Democratic Party, Halkların Demokratik Partisi \(HDP\)](#) and [Perceived association with PKK](#)).
- 2.4.2 Since peace talks with the PKK broke down in mid-2015, the government has used a broad definition of terrorism to prosecute some HDP MPs and supporters for being members of, or aiding, the PKK. In May 2016, parliamentary immunity from criminal investigation for MPs was lifted. Although this applies to all parties, opposition parties, and the HDP in particular, are disproportionately affected. Numbers of applications for criminal investigations against HDP MPs rose dramatically in the months preceding the lifting of immunity. The claimed offences included spreading terrorist propaganda, membership of an armed organisation, insulting the state, insulting the president, and fomenting public enmity. As of June 2018, 25 of the 59 HDP MPs elected in 2015 had been arrested or detained at least once and nine HDP MPs remained in jail on charges related to terrorism and political speech (see [Arrests, Lifting of parliamentary immunity, May 2016, People's Democratic Party \(Halkların Demokratik Partisi \(HDP\)\), Perceived association with PKK, Detentions and Political prisoners](#)).
- 2.4.3 As of June 2018, eleven HDP MPs had had their parliamentary seats taken away and lost their status as legislators (nine of these are in prison). The main charges against them appear to be terror-related or absenteeism. Figen Yüksekdağ, former co-leader of HDP, was stripped of her parliamentary seat after being convicted of 'spreading terrorist propaganda'. As of February 2018, over 100 summary proceedings had been issued

against more than 30 HDP MPs in Parliament (see [Loss of parliamentary seats](#) and [Summary proceedings](#)).

- 2.4.4 Thousands of members of the HDP have been arrested since the coup attempt of July 2016. In March 2017, the HDP reported that 5,471 of its party officials had been detained (see [Arrests](#)).
- 2.4.5 Under the state of emergency, which had been in place since the coup attempt, a decree of September 2016 permitted the takeover of municipalities suspected of supporting terrorism. As of December 2017, the government had removed 106 mayors from office, 93 of which were DBP or HDP mayors. The majority were removed, arrested or detained for allegedly supporting the PKK. The government appointed trustees in more than 90 DBP or HDP municipalities. The state of emergency was brought to an end at midnight on 18 July 2018 but it is not clear at the time of writing whether this will lead to the revocation of rules brought in under emergency measures (see [Removal of mayors](#)).
- 2.4.6 In January 2018, Turkey commenced military operations against the Syrian Kurdish People's Protection Units, or YPG, which reportedly has links with the PKK. President Erdogan told supporters of pro-Kurdish opposition parties that security forces would intervene if they protested against these operations. By April 2018 approximately 850 people had reportedly been detained for taking part in demonstrations or protesting on social media about Turkish military operations in Afrin in the Kurdish region of Syria, and a number of HDP executives were among the detainees (see [Afrin and treatment of protestors](#)).
- 2.4.7 In the run-up to the elections of June 2018, the HDP was afforded very little airtime in the state-run media. Nevertheless, Selahattin Demirtas, one of the former co-leaders of the HDP, was a presidential candidate, despite being detained, and he made an election speech from prison, which was broadcast on the TRT News channel (see [Presidential and parliamentary elections of 24 June 2018](#)).
- 2.4.8 There are incidents of societal violence against HDP members and supporters, and these have included incidents related to the elections of June 2018, such as violent attacks against HDP members canvassing for support, and attacks on some of the party's offices. The police response has been variable, although there is evidence that police have arrested and detained some of those responsible for violence (see [Societal violence and police response in the run-up to the June 2018 elections](#)).
- 2.4.9 There are concerns that due process guarantees were not upheld under the state of emergency. There are reports that lengthy pre-trial detention has become the norm and that anti-terrorism charges rely on weak, circumstantial evidence, secret testimony or guilt by association. Under emergency rules, suspects can be held for up to 14 days without judicial review (this was reduced from 30 days in the immediate aftermath of the coup attempt). A person can be detained for up to 24 hours without access to a lawyer, but there are reports that police have failed to observe this limit. Lawyers have stated that they have been unable to speak to detained clients in confidence due to the presence of police officers. Some meetings

between lawyers and clients in prisons have been filmed. Lawyers also expressed concern for their own safety and stated that bar associations were not willing to support lawyers in issuing complaints about the ill-treatment of detainees. A decree issued in December 2017 removed requirements that a person hear all the evidence against them and that they have a lawyer present during the trial. As stated previously, the state of emergency was brought to an end at midnight on 18 July 2018 but it is not clear at the time of writing whether this will lead to the revocation of rules brought in under emergency measures. A new draft anti-terrorism law grants local governors authority to limit access for specific people to parts of their province if they suspect the person will disrupt public order. It also allows authorities to press ahead with mass dismissals of civil servants and hold suspects in custody for up to 12 days, and it broadens the scope to ban demonstrations (see [Due process](#), [Prison conditions and allegations of torture](#) and [Political climate](#)).

- 2.4.10 A former co-chair of the HDP, Selahattin Demirtas, has been in detention since November 2016. He is charged with membership of the PKK and spreading terrorist propaganda, amongst other crimes. It has been reported that indictments against some of the mayors arrested, detained and removed from their posts in the south east of the country lack substantial evidence to corroborate the charges of supporting terrorism. A number of lawyers defending those charged with offences related to terrorism have themselves been arrested; Levent Piskin, a lawyer for Demirtas, has also been indicted on terrorism-related charges; evidence against him includes his membership of the HDP Istanbul WhatsApp group. Demirtas was not permitted to attend his trial in December 2017, which was against his due process rights. The next trial hearing has been adjourned until September 2018 (see [Indictments and accusations](#) and [Due process](#)).
- 2.4.11 As of late 2017, more than 4,000 judges and prosecutors had been removed from their positions following the coup attempt and thousands of new judges loyal to the government have been appointed in recent years. Although judges occasionally rule against the government, it is reported that the independence of the judiciary has been weakened (see [Judiciary](#)).
- 2.4.12 Some HDP members have been arrested by the authorities and charged with involvement with either the PKK or with supporting autonomy for Kurds (see the Country Policy and Information Note on [Turkey: PKK](#) for further information on this subject).
- 2.4.13 In the Turkey Country Guidance case of IA and others (Risk-Guidelines-Separatist) [\[2003\] UKIAT 00034](#), the Tribunal gave consideration of the potential risk to a person on return to Turkey and found that, 'The following are the factors which in exhaustively 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 [sic] 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 [...]' (para 46-7).

- 2.4.14 In general, the risk faced by a member or supporter of the HDP will depend on the person's profile and activities. When ordinary members of the HDP have come to the adverse attention of the authorities, this has generally been whilst participating in demonstrations and rallies; an ordinary member would not generally attract the adverse attention of the authorities on account of their political beliefs. It will be up to a person to demonstrate that their appearance and participation at a demonstration or rally will have brought them to the adverse attention of the authorities such that they would experience serious harm or persecution on return.
- 2.4.15 If the person is a senior member of the HDP, or has otherwise come to the adverse attention of the authorities because of suspected involvement with the PKK or support for autonomy for Kurdish people, they may be at risk of serious harm or persecution.
- 2.4.16 Each case must be assessed according to its individual facts, with the onus on the person to demonstrate that they are at risk.
- 2.4.17 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 As the person's fear is of persecution or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 See also the country policy and information note on [Turkey: Background including actors of protection and internal relocation](#).
- 2.5.3 For further guidance on assessing the availability or not of state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 As the person's fear is of persecution or serious harm by the state, they will not be able to relocate to escape that risk.
- 2.6.2 See also the country policy and information note on [Turkey: Background including actors of protection and internal relocation](#).
- 2.6.3 For further guidance on considering 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 based on being a member or supporter of the HDP falls to be 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

Updated: 18 June 2018

3. Legal position

3.1.1 The United States Department of State Country Report on Human Rights Practices 2017 (USSD HR 2017) stated:

'The constitution and law provide citizens the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot.

'The government restricted the activities of some opposition political parties and leaders, and police detained opposition party officials and supporters. Nearly 150 parliamentarians remained at risk of possible prosecution after parliament lifted their immunity in 2016. The government also replaced democratically elected officials with state trustees when the former were accused of affiliation with terrorist groups. These tactics were most commonly directed against politicians affiliated with the pro-Kurdish HDP and its sister party, DBP.'¹

3.1.2 See [Arrests and detention](#), [Lifting of parliamentary immunity, May 2016](#) and [Removal of mayors](#) for further information on these issues.

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4. People's Democratic Party (Halkların Demokratik Partisi (HDP))

4.1 History

4.1.1 The Immigration and Refugee Board of Canada noted that the HDP was formed in October 2012 as a merger of 20 socialist parties².

4.1.2 Global Security provided the following (undated) information: 'The Peoples' Democratic Party (HDP - Halkların Demokratik Partisi) was officially founded in 2012 and became politically activated in October 27, 2013 after holding its first extraordinary congress. The HDP was formed as a political wing of the People's Democratic Congress (HDK), an association that includes numerous leftist and Kurdish groups.'³

4.1.3 A report by the European Asylum Support Office (EASO), dated November 2016, noted:

'The People's Democratic Party (Halkların Demokratik Partisi, HDP, in Kurdish Partiya Demokratîk a Gelan) is the latest of the Kurdish-focused parties created in Turkey since the beginning of the 1970s: HEP, DEP, ÖZDEP, HADEP, DEHAP, DTP, BDP, HDP. However, contrary to its predecessors the HDP was not created to succeed a party banned by the Constitutional Court. Formally founded in 2012, it is the political branch of a union of left-wing political organisations, the People's Democratic Congress. It gradually replaced the BDP before the former disappeared in 2014.'⁴

¹ USSD HR Report 2017, Turkey, Executive Summary, 20 April 2018, [URL](#)

² Immigration and Refugee Board of Canada, TUR105537.E, 14 June 2016, [URL](#)

³ Global Security, Political Parties, undated, [URL](#)

⁴ EASO, Country of origin information report, Turkey Country Focus, page 26, November 2016, [URL](#)

4.2 Party leaders

- 4.2.1 In February 2018 Reuters reported that Pervin Buldan and Sezai Temelli had been elected as leaders of the HDP at a congress in February 2018.⁵
- 4.2.2 See [Loss of parliamentary seats](#) and [Arrests and detention](#) for information about former co-leaders of the HDP, Figen Yüksekdağ and Selahattin Demirtas. See [Presidential and parliamentary elections of 24 June 2018](#) for information about Selahattin Demirtas' presidential candidacy.

4.3 Beliefs and aims

- 4.3.1 Middle East Eye published an article in February 2016 which stated:
- ‘The idea of a national, but Kurdish-based, political party was conceived by Abdullah Ocalan, the jailed leader of the banned Kurdistan Workers Party (PKK) and spiritual head of the Kurdish liberation movement not only in Turkey but also in Syria, Iran and Iraq, who has been imprisoned on the island of Imrali since 1999.
- ‘At his suggestion, a congress was formed of Turkish leftists, ecological activists, women's activists, minority groups and the Kurdish left. At the time, they didn't believe they could compete in elections, but that they could still campaign on important issues.
- ‘Highly unusual for a major Turkish political movement – and the party that would follow – the congress supported not only women's equality but also LGBT rights. While the matter remains a point of contention inside HDP, many of whose core voters are socially conservative, the policy has helped the party's international image.
- “It was a considerable success. For the first time in Turkish history, Turks and Kurds had set up cooperative organisations even in Western cities,” Kurkcu [Ertugrul Kurkcu, the first head of the HDP] said.’⁶
- 4.3.2 The same article stated:
- ‘HDP [...] is a remarkable outlier not only in the context of Turkish politics and history, but also that of the whole region. Nowhere else is there a political party of such weight running on a platform of economic justice, gender equality, and national liberation.
- ‘The party has tried to balance itself as an outlet for solidarity for the Kurdish rights movement, but in a way that is acceptable to the urban elite in the country's west.’⁷
- 4.3.3 In June 2015, the BBC published an article which stated:
- ‘It was never totally accurate to label Turkey's People's Democracy Party (HDP) simply as pro-Kurdish, as they were never a single issue party. It is even less appropriate now that the party has secured the necessary 10% of

⁵ Reuters, ‘Turkey's pro-Kurdish opposition elects new leaders,’ 11 February 2018, [URL](#)

⁶ Middle East Eye, ‘The rise and near fall of Turkey's pro-Kurdish HDP,’ 17 February 2016, [URL](#)

⁷ Middle East Eye, ‘The rise and near fall of Turkey's pro-Kurdish HDP,’ 17 February 2016, [URL](#)

the vote to enter parliament, extending its appeal to leftists, liberals, environmentalists, gay rights activists and pious Muslims.

"Kurdish-Turkish, left-wing opposition party" might be a better description of what it stands for, if a little more unwieldy. [...]

'Despite being part of the Kurdish movement in Turkey, the HDP has managed to appeal to ordinary Turks, whose vote in western Turkey was crucial in helping the party pass the 10% national election threshold for entering parliament. [...]

'For the first time, the HDP has MPs in largely secular western cities such as Izmir, Antalya and Bursa, and it has increased its number of MPs in Istanbul. [...]

'The first hint that his party was becoming more mainstream was when Mr Demirtas won almost 10% of the vote in last year's presidential election, won by Recep Tayyip Erdogan. [...]

'Until now, President Erdogan and his AK Party have found ways of challenging Turkey's secular nationalists by attracting liberal and progressive votes. This time, many of those votes went to the HDP.

'And by championing freedoms for all religious groups, it appealed at the same time to pious Muslim voters, too.'⁸

4.3.4 The HDP website described the party as below:

'Honest Politics

'We believe in honest and transparent politics. We know that the relationship between politicians, bureaucrats and capital is one that is based on interest and is a byproduct of this political system. We are fighting against the vortex of corruption and bribery that has seized all mediums of politics, from local to federal, in Turkey.

'A Democratic Party

'We the democratic and peaceful forces of Turkey; representatives of labor, ecology and women's rights associations, artists, writers, intellectuals, independent individuals, workers, representatives of different ethnic and religious groups, the unemployed, the retired, farmers, the handicapped, scientists and those whose cities are being destroyed have united here. Our organization starts from the streets and develops into local assemblies in our neighborhoods.'⁹

4.3.5 The HDP website also provided following information about the party:

'A Party of Freedom and Equality

'[...] We want to live in a country where no one is discriminated against or subjected to any form of oppression or pressure because of their ethnic backgrounds, beliefs or thoughts. [...]

'A Pro-Peace Party

⁸ BBC, 'Turkey's HDP challenges Erdogan and goes mainstream,' 8 June 2015, [URL](#)

⁹ HDP, 'Who are we?', undated, [URL](#)

‘Achieving peace in Turkey is HDP’s top priority. In order to guarantee peace, it is essential to establish the right to education in one’s native language, the right to self-govern at the local level and the constitutional recognition of equal citizenship. We believe that in order to bring peace to Turkey, everyone’s, primarily the Kurdish and Alawite peoples’, righteous demands should be respected and recognized rather than be ignored. [...]

‘A Pro-Labor Party

‘[...] We are fighting against unemployment and poverty, the devastation of the local producer and farmers. We are a part of the struggle of the oppressed masses.

‘A Pro-Selfgovernment Party

‘We do not believe in the misconception that democracy is solely about voting every four or years. We support direct democracy.[...]

‘HDP believes that the establishment of democratic and autonomous local governments is the first step towards a well-functioning democracy; we work to put in place strong local governments and defend every citizens’ right to the city. Governors and district governors should be elected, not appointed. Education, healthcare and safety services should be provided by local governments.

‘A Pro-Gender Equality Party

‘[...] We implement positive discrimination policies until the day women and men are viewed as equals in this country. As a result, we exercise equal representation policies across our party organizations. [...]

‘To us, the discrimination against the LGBTQ individuals is no different that [sic] a form of racism. We raise the voice of the LGBTQ individuals against hate crimes, xenophobia, murders and violence against the LGBTQ community.

‘A Green Party

‘Nature is one [sic] the verge of death. The flora and fauna is constantly being put under threat for the sake of profit. The world we live in does not solely belong to us and is not for us to devastate its resources. [...]’¹⁰

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4.4 Elections of June and November 2015

- 4.4.1 In a report dated May 2017, International Crisis Group (ICG) described the HDP as ‘The main legal party representing the Kurdish national movement in Turkey. It received 10.75 per cent of the total vote in the November 2015 parliamentary elections.’¹¹
- 4.4.2 On 7 June 2015, The Guardian noted that ‘the Kurdish vote in particular [swung] the election against the incumbents on an unprecedented scale. [...]

¹⁰ HDP, ‘Frequently asked questions about HDP’, undated, [URL](#)

¹¹ ICG, ‘Managing Turkey’s PKK Conflict: The Case of Nusaybin,’ 2 May 2017, [URL](#)

The HDP success marked a sea-change likely to have a big impact on national politics.’¹²

4.4.3 The Freedom House report, ‘Freedom in the World 2016,’ stated:

‘In the June 2015 elections, the AKP won the most votes (41 percent) but secured only 258 seats, short of a majority. Three opposition parties also won seats: the secularist Republican People’s Party (CHP, 132 seats), the Nationalist Action Party (MHP, 80 seats), and the predominantly Kurdish HDP (80 seats). All three ruled out a coalition with the AKP, and deep divisions between the MHP and HDP prevented the opposition from forming a coalition on its own.

‘Consequently, Erdoğan exercised the option to call new elections. In the November vote, the AKP won 49 percent of the ballots and 317 seats, giving it a clear parliamentary majority. CHP won 134 seats with 25 percent of the vote, whereas the HDP and MHP lost votes and parliamentary mandates, winning only 59 and 40 seats, respectively.’¹³

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5. Democratic Regions Party (Demokratik Bölgeler Partisi (DBP))

5.1.1 Following the merger of the BDP with the HDP, and as part of an attempt to renew the party’s organizational structure along grassroots lines, the Demokratik Bölgeler Partisi (Democratic Regions Party) (DBP) was formed to operate at local level.^{14,15}

5.1.2 In the report dated May 2017, ICG described the DBP as ‘The main legal political sister party of the HDP that operates only at the local level. In the 2014 local elections, it won in eleven provinces, 68 districts and 23 town municipalities in the majority Kurdish south east.’¹⁶

5.1.3 The ICG report further stated that ‘While the HDP is the Kurdish movement’s main legal political actor, the DBP operates at the local administration/municipality level on its behalf and is known to be more hardline, arguably with closer PKK links.’¹⁷

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6. Peace and Democracy Party (Barış ve Demokrasi Partisi (BDP))

6.1.1 The EASO Country Focus report on Turkey, dated November 2016, stated:

‘The Peace and Democracy Party (Barış ve Demokrasi Partisi, BDP, Kurdish: Partiya Aştî û Demokrasiyê) was a pro-Kurdish party. The party was founded in 2008 as an extension of the DTP, the banned Democratic Society Party (Demokratik Toplum Partisi). It was a founding member of HDP and shared most of the same political ideology. The BDP has been merged with HDP [...] in April 2014, with all BDP’s parliamentary deputies joining HDP.’¹⁸

¹² The Guardian, ‘Turkey election[...],’ 7 June 2015, [URL](#)

¹³ Freedom House, ‘Freedom in the World 2015,’ Political Rights and Civil Liberties, 7 March 2016, [URL](#)

¹⁴ The Rojava Report, ‘BDP To Become Democratic Regions Party (DBP),’ 26 April 2014, [URL](#)

¹⁵ Evrensel, ‘The name of the BDP was the Party of Democratic Regions,’ 11 July 2014, [URL](#)

¹⁶ ICG, ‘Managing Turkey’s PKK Conflict: The Case of Nusaybin,’ 2 May 2017, [URL](#)

¹⁷ ICG, ‘Managing Turkey’s PKK Conflict: The Case of Nusaybin,’ 2 May 2017, [URL](#)

¹⁸ EASO, Turkey Country Focus, page 27, November 2016, [URL](#)

- 6.1.2 In June 2016, the Immigration and Refugee Board of Canada, which cited various sources, stated ‘...in March 2014, the BDP contested the March 2014 municipal elections in parallel with HDP; BDP candidates ran in Kurdish-dominated areas while the HDP ran in other areas of Turkey, and, in April 2014, the BDP joined with the HDP. The Chair [the Jalal Talabani Chair of Kurdish Political Studies at the University of Central Florida, a position dedicated to the study of Kurdish politics] noted that the BDP is no longer a separate party (20 May 2016).’¹⁹

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7. Perceived association with Kurdistan Worker’s Party (Partiya Karkerên Kurdistanê, PKK)

- 7.1.1 In May 2018 Reuters published an article which stated that ‘The HDP denies direct ties to the PKK [...]’.²⁰ In September 2016, Radio Free Europe/Radio Liberty published an article which stated that ‘HDP denies any direct links to the PKK, saying that it promotes a negotiated settlement to the [Kurdish] insurgency.’²¹ In June 2018 ICG published a report which stated that ‘[HDP] Party functionaries assert that the party is operationally distinct from the PKK, but admit the two organisations’ social bases largely overlap. Government and state officials, on the other hand, allege that the PKK controls the HDP.’²²
- 7.1.2 Middle East Eye published an article in February 2016 which stated: ‘In Turkey the extent of HDP’s links with the PKK has been subject of much conjecture and confusion. Both on the pro-government side and among supporters of HDP the issue is still debated, often tensely.
- “The fact is the PKK welcomed the idea [of the HDP] very strongly from the start,” Kurkcu [Ertugrul Kurkcu, the first head of the HDP] said. “They nurtured the party, like a plant delicately grown. It isn’t understood outside of the Kurdistan region just how much a part of the liberation movement the organisation is: It was they who convinced the traditional Kurdish tribal chieftains to change positions on a party.”
- ‘Kurkcu adds that at the time the government, and President Recep Tayyip Erdogan, was praising the Kurdish movement for all this. The idea of a Kurdish party had gained ground in western Turkey, even among Turkish nationalists, as a way out of the brutal conflict.’²³
- 7.1.3 In June 2016, the Immigration and Refugee Board of Canada noted that: ‘Regarding the treatment of BDP and HDP members between 2011 and 2016, the Chair [Jalal Talabani Chair of Kurdish Political Studies at the University of Central Florida, a position dedicated to the study of Kurdish politics] provided the following analysis:
- ‘The level of persecution experienced by the BDP and HDP members generally follows the evolution of the armed conflict between the Turkish

¹⁹ Immigration and Refugee Board of Canada, TUR105537.E, 14 June 2016, [URL](#)

²⁰ Reuters, ‘Turkey’s pro-Kurdish opposition [...]’, 2 May 2018, [URL](#)

²¹ Radio Free Europe/Radio Liberty, ‘Turkey Purges [...]’, 11 September 2016, [URL](#)

²² ICG, ‘Turkey’s Election Reinvigorates Debate over Kurdish Demands,’ page 2, 13 June 2018, [URL](#)

²³ Middle East Eye, ‘The rise and near fall of Turkey’s pro-Kurdish HDP,’ 17 February 2016, [URL](#)

state and the PKK insurgents. In periods of truce and negotiations, BDP/HDP politicians are less likely to experience harassment, detention, arrest, and mistreatment. A series of operations (called KCK operations), started in spring 2009, targeted many BDP members who were accused of being part of a scheme (KCK) controlled by the PKK leadership. A large number of politicians and activists were detained and later arrested. With the initiation of the so-called "peace process" in early 2013, these operations came to an end and many BDP members who had been arrested were released. However, the rekindling of the armed conflict in July 2015 brought a new wave of legal operations targeting HDP/BDP members including their arrests. There were also many allegations of mistreatment by security forces.'²⁴

- 7.1.4 In the annual report 2018, Freedom House stated that 'After a cease-fire with the militant Kurdistan Workers' Party (PKK) collapsed in 2015, the government accused the HDP of being a proxy for the group.'²⁵
- 7.1.5 In the World Report 2018, which covers events of 2017, Human Rights Watch stated that 'In parallel with the resumption of armed clashes between the military and the armed Kurdistan Workers' Party (PKK) in the southeast, the government pursued a crackdown on elected parliamentarians and municipalities from pro-Kurdish parties.'²⁶
- 7.1.6 See [Arrests and detention](#) and [Removal of mayors](#) for further information.

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8. Societal violence and police response in the run-up to the June 2018 elections

8.1.1 On 18 June 2018, Bianet reported:

'An attack was carried out against the election booth of the Peoples' Democratic Party (HDP) in the island of Büyükada, İstanbul around 1 a.m. on June 17 [2018]. The attackers attempted to burn the booth and flags of the party.

'The main opposition party Republican People's Party (CHP) members from the neighboring election booth and the shop owners in the vicinity tried to stop the attackers. Sedat Şahin, a shop owner, and Vedat Demir, a member of the CHP Youth Organization, who were trying to stop the attackers, were stabbed. Four of around 10 attackers, who were reported to be in their twenties, were detained after the incident. One of the attackers was arrested today (June 18). [...]

'The HDP member Neşe Erdilek spoke to bianet about the incident and said, "Similar attacks have been made before. They come and destroy our booths. They come there late at night and destroy the booths."

'Erdilek also added, [...] "Some inhabitants of the island [Büyükada] heard that a group of youngsters came to the island and talked about this attack by mentioning that they had received an instruction. There are people coming to

²⁴ Immigration and Refugee Board of Canada, TUR105537.E, 14 June 2016, available at: [URL](#)

²⁵ Freedom House, 'Freedom in the World 2018,' Turkey, B1, 2 February 2018, [URL](#)

²⁶ Human Rights Watch, 'World Report 2018,' 18 January 2018, available at: [URL](#)

the island right now, especially to attack the HDP. The security [forces] can be said to protect them. Because the people who tried to stop the attackers were also threatened with being arrested."

'A member of the CHP Youth Organization Bülent Atmaca, [...] said, "Last night, we saw that a group of people started to take down and burn the flags of the HDP. There were almost 20 of them. We were about to prevent them from burning the flags, but there were stabbings. They [the attacked people] were then battered by the police as well. The police also insulted them. Some of the attackers were sitting under the tent of the Nationalist Movement Party (MHP), which also has an election booth in the vicinity. We think that it was done deliberately.'"²⁷

8.1.2 On 15 June 2018, Bianet published the following:

'An attack was carried out against the election works of the Peoples' Democratic Party (HDP) in the neighborhood of Değirmendere in Gölcük, Kocaeli yesterday (June 14). Two people, including the Kocaeli Provincial Co-Chair of the HDP Şahabettin Işık, were injured in the attack.

'A group of 10-15 people attacked the HDP members who were distributing leaflets and talking to people as part of party's election campaign for the Presidential and Parliamentary elections on June 24. During the attack, the group was chanting the slogan, "It is Değirmendere, it will be a grave to you."

'The people witnessing the attack supported the HDP members and condemned the attackers. To the question, "Why aren't you intervening in the attack?", the police answered, "We do not have the authority to intervene."

'Kocaeli Provincial Co-Chair of the HDP Şahabettin Işık and an executive from the party Emrah Durmuş were injured in the attack. The battered HDP members were taken to the Gölcük Necati Çelik Public Hospital for treatment. According to a statement of the HDP, Şahabettin Işık, whose hipbone has been broken, will undergo a surgical operation.

'After the attack, some HDP executives went to the Değirmendere Police Department to follow the legal procedure.'²⁸

8.1.3 Morning Star, a socialist media organisation, published an article on 8 June 2018 which stated:

'A provincial office of Turkey's People's Democratic Party (HDP) was torched today amid rising attacks on the pro-Kurdish opposition grouping across the country. [...]

'In today's attack — the third in three days — assailants set fire to the party's office in the Black Sea province of Bolu after failing to smash the door in. HDP co-chair for Bolu Ibrahim Yolci said he found flammable liquid on the door, but when he reported this to the local police, officers dismissed the idea that the attack was politically motivated, blaming the arson attempt on "drunks who did not know what they were doing."

²⁷ Bianet, 'Attack on HDP's Election Booth in Büyükdada: 2 People Wounded,' 18 June 2018, [URL](#)

²⁸ Bianet, 'Attack on HDP's Election Booth in Kocaeli,' 15 June 2018, [URL](#)

'Nonetheless, local party officials said they had evidence that fascist groups were behind the attacks and lawyer Raziye Turgut filed a lawsuit against the authorities. "We have the information that the candidate of the MHP [Nationalist Movement Party] was involved in the burning of HDP flags," Mr Turgut said. "We will report all attackers as well as the security forces for neglecting their duties and denying them punishment. We also demand protection for the party members threatened with their lives."'²⁹

8.1.4 On 5 June 2018, Bianet reported:

'A group of people attacked the provincial building of the Peoples' Democratic Party (HDP) in the province of Bolu last night (June 4).

'The Bolu Provincial Organization of the HDP announced the attack on its official Twitter account and stated, "Our party building has been attacked by the members of Justice and Development Party (AKP) and Nationalist Movement Party (MHP) accompanied by the police."

'During the attack, which the police did not intervene in, several members of the HDP got stuck in the building.

'The following messages were shared by the HDP Bolu Provincial Organization on Twitter around midnight:

"An attack is being carried out against the Bolu provincial building of HDP. They have burnt our flags in company with the police by chanting slogans in favor of the government and current President [Recep Tayyip Erdoğan]. [...]

"The police are telling the fascist crowd to go and hide at the backstreets instead of intervening in the attack. The fascists and the police are preparing arm in arm for a second attack around our party building."

'Around the time when the attack was carried out, Adana MP of the HDP Meral Daniş Beştaş posted a message on Twitter. Stating that the number of attackers reached 1,000, Beştaş said,

"The number of people, who walked in company with the police with AKP flags in their hands after HDP's flags were hung in Bolu, reached 1,000 after they took down and burnt the HDP flags. At the moment, 30 people, including our provincial co-chair, are waiting at our provincial building. We know who are responsible if one of them is hurt."'³⁰

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9. Government action

9.1 Political climate

9.1.1 The United States Congressional Research Service (US CRS) published a report in June 2018 which stated, 'President Erdogan rules in an increasingly authoritarian manner under a state of emergency that parliament has approved every three months since shortly after the July 2016 coup attempt.'³¹

²⁹ Morning Star, 'Third attack in as many days [...]', 8 June 2018, [URL](#)

³⁰ Bianet, 'Attack on HDP Building in Bolu,' 5 June 2018, [URL](#)

³¹ US CRS, 'Turkey: Background and U.S. Relations In Brief,' 6 June 2018, [URL](#)

- 9.1.2 In a report dated June 2018, ICG noted that, 'As hostilities with the PKK resumed in mid-2015, the government used the broad definition of terrorism in Turkish law to prosecute HDP MPs and supporters for "being members of or aiding the PKK". The crackdown on the party intensified following the 15 July 2016 coup attempt [...].'³²
- 9.1.3 The US CRS published a report in November 2017 which noted:
'Under the post-coup-attempt state of emergency, Turkey's government has cracked down on domestic political opponents. A primary focus, in addition to the Gulen movement, appears to be Turkey's Kurdish minority. Heightened ethnic Turkish-Kurdish tensions predated the attempted coup, having been exacerbated since mid-2015 by renewed conflict between government forces and the PKK. Key Kurdish political leaders have been imprisoned since late 2016. Additionally, dozens of elected Kurdish mayors have been removed from office and replaced with government-appointed "custodians." Turkish officials routinely accuse Kurdish politicians of support for the PKK, but these politicians generally deny ties of a criminal nature.'³³
- 9.1.4 The USSD HR Report 2017 stated:
'The country experienced significant political challenges during the year. The continuing state of emergency--imposed following the July 2016 coup attempt, renewed once in 2016 and an additional four times during the year--had far-reaching effects on the country's society and institutions, restricting the exercise of many fundamental freedoms. By year's end authorities had dismissed or suspended more than 100,000 civil servants from their jobs, arrested or imprisoned more than 50,000 citizens, and closed more than 1,500 nongovernmental organizations (NGOs) on terrorism-related grounds since the coup attempt, primarily for alleged ties to cleric Fethullah Gulen and his movement, whom the government accused of masterminding the coup attempt.'³⁴
- 9.1.5 In the 2018 annual report, Freedom House stated:
'Turkey's status declined from Partly Free to Not Free, its political rights rating declined from 4 to 5 [out of a rating of 1 to 7, where 1 is the most free and 7 the least free], and its civil liberties rating declined from 5 to 6 [out of a rating of 1 to 7, where 1 is the most free and 7 the least free] due to a deeply flawed constitutional referendum that centralized power in the presidency, the mass replacement of elected mayors with government appointees, arbitrary prosecutions of rights activists and other perceived enemies of the state, and continued purges of state employees, all of which have left citizens hesitant to express their views on sensitive topics.'³⁵
- 9.1.6 The June 2018 ICG report stated:
'The crackdown over the past few years [following the breakdown of talks with the PKK and the July 2016 coup attempt] has crippled the [HDP] party, particularly since restrictive measures have extended to local HDP branch

³² ICG, 'Turkey's Election Reinvigorates Debate over Kurdish Demands,' page 1, 13 June 2018, [URL](#)

³³ US CRS, 'Turkey: Background and U.S. Relations In Brief,' 9 November 2017, available at: [URL](#)

³⁴ USSD HR Report 2017, Turkey, Executive Summary, 20 April 2018, [URL](#)

³⁵ Freedom House, 'Freedom in the World 2018,' Turkey, Status Change Explanation, 2 February 2018, [URL](#)

offices, municipal authorities run by its local-level affiliate, the Democratic Regions Party (DBP), and media outlets as well as NGOs that sympathise with them. During the current [June 2018 election] campaign, Turkish authorities have arrested some of the HDP's election workers or subjected them to security checks. Moreover, the party has suffered physical attacks by unknown assailants on some of its campaign offices; the attacks are likely due, at least in part, to mounting nationalist sentiment in Turkish politics.'³⁶

9.1.7 The two-year state of emergency was brought to an end at midnight on 18 July 2018³⁷.

9.1.8 On 18 July 2018, Reuters reported:

'A two-year state of emergency imposed after Turkey's failed 2016 coup will end [...] but Tayyip Erdogan's opponents say his new executive presidency and a draft anti-terrorism law leave him with sweeping powers to stifle dissent. [...]

'Ahead of elections last month, Erdogan promised to lift the state of emergency if re-elected, but he said the government would also introduce new counter-terrorism legislation and take tough action against any threat to Turkey's security. Opponents say little will change at midnight on Wednesday, when the latest three-month extension of emergency rule lapses.

"Although the government is trying to disguise the new laws as an end to the state of emergency, what's really going on is that the state of emergency is being made permanent," Ayhan Bilgen, spokesman for the pro-Kurdish HDP party, said.

'New anti-terrorism laws, which the government says will prevent "an interruption in the fight against terrorism", will be discussed in parliament [...]. The proposed law grants local governors authority to limit access for specific people to parts of their province if they suspect the person will disrupt public order. It also allows authorities to press ahead with mass dismissals of civil servants and hold suspects in custody for up to 12 days. It also broadens the scope to ban demonstrations.'³⁸

9.1.9 For further information on the coup attempt of 2016 and resulting state of emergency and other government measures, see the Country Policy and Information Note on [Turkey: Gülenism](#).

9.1.10 See [Democratic Regions Party, Demokratik Bölgeler Partisi \(DBP\)](#), [Arrests and detention](#), [Police searches of HDP offices](#) and [Societal violence and police response](#) for further information on these subjects.

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9.2 Lifting of parliamentary immunity, May 2016

9.2.1 A report by Human Rights Watch, dated March 2017, stated:

³⁶ ICG, 'Turkey's Election Reinvigorates Debate over Kurdish Demands,' page 1, 13 June 2018, [URL](#)

³⁷ The Guardian, "Suffocating climate of fear" in Turkey [...], 19 July 2018, [URL](#)

³⁸ Reuters, 'Turkey's emergency rule expires as Erdogan's powers expand,' 18 July 2018, [URL](#)

‘The May 20, 2016, parliamentary vote on the constitutional amendment lifted the immunity of 154 members of parliament who had ongoing criminal investigation files against them. The amendment temporarily suspended article 83/2 of Turkey's constitution, lifting its prohibition on the criminal detention, interrogation, arrest, or prosecution of a member of parliament unless the parliament decides otherwise through an individualized process.

‘While the measure covered members from all parties, who are otherwise immune from criminal investigation while they hold elected office, it disproportionately affected the HDP. This was made clear in the general explanation accompanying the motion to suspend the article of the constitution:

“While Turkey is undertaking its greatest and most comprehensive fight against terrorism, the statements of certain deputies constituting emotional and moral support to terrorism, the de facto support and assistance of certain deputies to terrorists and the calls for violence by certain deputies cause public outrage. The Turkish public believes that certain deputies, who above all support terrorism and terrorists and call for violence, are exploiting parliamentary immunity, and requests that the Assembly allow the prosecution of those who take such actions. The Assembly cannot be considered to remain silent upon such a request. Many members of parliament and political party officials request that the immunity files be dealt with and that immunity be lifted.”

‘The fact that other members of parliament retain their immunity in relation to any future criminal investigation underscores the differential treatment of the affected members.

‘In a July 28, 2015 speech and subsequent speeches made over the months before the government introduced the bill, President Recep Tayyip Erdoğan had suggested lifting the parliamentary immunity of the HDP MPs, saying on several occasions that he saw prosecuting them as an alternative to closing down their party. The European Court of Human Rights had repeatedly found that closing down political parties – a common practice in Turkey – violated the right to association under article 11 of the European Convention.

‘Lawyers for the HDP told Human Rights Watch that in the months preceding the May 2016 vote, there was a dramatic rise in the number of applications from prosecutors for criminal investigations against HDP members of parliament. The potential offenses included spreading terrorist propaganda, membership in an armed organization, insulting the state, insulting the president, and fomenting public enmity.

‘While there had been 182 such applications against MPs from pro-Kurdish parties over the eight-year period from 2007 to December 24, 2015, 328 were filed in the five-month period between December 2015 and May 2016, 152 of them in the month after the government submitted the amendment and before the final vote on May 20. A total of 510 applications were filed against HDP members, seeking prosecution for 39645 offenses, compared with 294 applications for the three other parties in parliament combined.

'The amendment lifted the immunity of 55 of the 59 HDP members, 59 of 134 members from the main opposition Republican People's Party (CHP), 29 of 316 from the ruling Justice and Development Party (AKP), 10 of 40 from the opposition Nationalist Action Party (MHP), and one independent. [...]

'The lifting of parliament members' immunity was criticized by the Council of Europe's constitutional advisory body, the Venice Commission, by the Commissioner for Human Rights of the Council of Europe, and by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, which stated in a June 2016 resolution on "the functioning of democratic institutions in Turkey":

"Even though MPs from all political groups are concerned, the Assembly notes with concern that this decision disproportionately affects the opposition parties, in particular the People's Democratic Party, some of whose members are facing terrorism-related charges for statements they have made."⁴⁰

- 9.2.2 See [Arrests and detention](#) for further information on these issues.

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9.3 Referendum of April 2017 (Presidency)

- 9.3.1 In a report published in March 2017, Human Rights Watch commented on the detention of members of the HDP and suspension of mayors connected with the HDP as below:

'The move against the national pro-Kurdish party, Peoples' Democratic Party (HDP), and its regional sister party, Democratic Regions Party (DBP), comes in the lead up to an April 16, 2017 constitutional referendum on an amendment that would transform Turkey from its traditional parliamentary political system to a presidential one, leading to a concentration of power in the office of the president. The proposal has been widely criticized for lacking adequate checks and balances to protect human rights and rule of law against misuse of power by the office of the president. Both parties oppose such an expansion of presidential powers.'⁴¹

- 9.3.2 Human Rights Watch further noted that 'Thousands of [...] members of both pro-Kurdish parties [HDP and BDP] have been arrested. [...] The arrests have undermined the ability of parties to conduct a campaign over the upcoming referendum, officials from both parties say.'⁴²

- 9.3.3 The same report noted that 'Human Rights Watch spoke to İdris Baluken [HDP politician] on February 14 [2017]. [...]

'He described the major constraints preventing the HDP from mounting a serious political campaign ahead of the referendum:

"We are in a referendum period and are a parliamentary opposition party with our party leaders in prison. The constitutional amendments that will be voted on in the April referendum are not legitimate because we have been unable to use our lawful powers and authority as part of the parliamentary

⁴⁰ Human Rights Watch, 'Turkey: Crackdown on Kurdish Opposition,' 20 March 2017, [URL](#)

⁴¹ Human Rights Watch, 'Turkey: Crackdown on Kurdish Opposition,' 20 March 2017, [URL](#)

⁴² Human Rights Watch, 'Turkey: Crackdown on Kurdish Opposition,' 20 March 2017, [URL](#)

opposition which is a fundamental principle in a democratic country. When you think too that over 70 mayors and thousands of our party officials and members are jailed, and that under the state of emergency there is a crackdown on the media and civil society, in such a climate any legitimacy in discussing changing the constitution is gone. How can it be acceptable in a democracy for opposition leaders to be in jail?”⁴³

9.3.4 The USSD HR Report 2017 stated that ‘In April a court in Sirnak Province banned the HDP’s constitutional referendum campaign song, resulting in a nationwide prohibition on the use of “Bejin ‘Na” (“Say ‘No”). A judge found the anthem’s lyrics to be a challenge to the indivisibility of the Turkish state.’⁴⁴

9.3.5 See [Arrests](#) and [Removal of mayors](#) for further information.

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9.4 Presidential and parliamentary elections of 24 June 2018

9.4.1 In a report dated June 2018, ICG stated that ‘On 24 June, some 50 million Turkish citizens will head to early presidential and parliamentary elections. The contests were originally scheduled for November 2019. But in a surprise move on 18 April, President Recep Tayyip Erdoğan called snap polls, leaving prospective candidates just over two months to mount their campaigns.’⁴⁵

9.4.2 The ICG report further stated:

‘The opposition complains that the playing field is skewed. With most media outlets under ruling-party control, opposition candidates and parties scarcely receive coverage, while the HDP and Demirtaş face a total blackout in mainstream media. According to Transparency International, in the period 4-31 May, Turkey’s state-run TV channel TRT allotted 105 minutes of livestream or news coverage to Erdoğan, 37 minutes to İnce, fourteen to Akşener, five to Karamollaoğlu, two to Perinçek and a mere 18 seconds to Demirtaş.’⁴⁶

9.4.3 The Kurdish Institute of Paris reported in June 2018 that Selahattin Demirtaş had made an election speech from prison, which was broadcast on the TRT News channel⁴⁷.

9.4.4 In June 2018, Morning Star noted the following regarding the election campaign of June 2018:

‘[...] more than 140 people have been arrested since election campaigning began, including a woman at a rally in the southern province of Sanliurfa who was detained for wearing green, red and yellow ribbons in her hair — colours associated with Kurdish culture.[...]

⁴³ Human Rights Watch, ‘Turkey: Crackdown on Kurdish Opposition,’ 20 March 2017, [URL](#)

⁴⁴ USSD HR Report 2017, Turkey, Section 2.a, 20 April 2018, [URL](#)

⁴⁵ ICG, ‘Turkey’s Election Reinvigorates Debate over Kurdish Demands,’ page 1, 13 June 2018, [URL](#)

⁴⁶ ICG, ‘Turkey’s Election Reinvigorates Debate over Kurdish Demands,’ page 1, 13 June 2018, [URL](#)

⁴⁷ Kurdish Institute of Paris, ‘Demirtaş’ TV speech from prison,’ 18 June 2018, [URL](#)

'In the eastern city of Van, four HDP activists were arrested today for distributing election leaflets, while police in Diyarbakir in the south-east removed party flags, saying: "There is no election office on the street," but the ruling party's flags in place.'⁴⁸

- 9.4.5 On 25 June 2018, The Guardian reported that, 'with 99% of votes counted, Erdoğan had won a 52.54% share of the national vote, while the opposition CHP party's candidate, Muharrem İnce, was on 30.68%. [...]

'The pro-Kurdish party, known as the HDP, took 11.67% of the vote, passing the 10% threshold to enter parliament for a second consecutive term. This makes them the second-largest opposition party and will dilute the majority of Erdoğan's ruling party, the AKP.'⁴⁹

- 9.4.6 In June 2018, the Organisation for Security and Co-operation in Europe/ Office for Democratic Institutions and Human Rights (OSCE/ODIHR) International Election Observation Mission made the following preliminary conclusions with regards to the presidential and parliamentary elections:

'In the 24 June early presidential and parliamentary elections, voters had a genuine choice despite the lack of conditions for contestants to compete on an equal basis. The incumbent president and his party enjoyed a notable advantage, also reflected in excessive coverage by government-affiliated public and private media. The restrictive legal framework and powers granted under the state of emergency limited fundamental freedoms of assembly and expression, including in the media. Still, citizens demonstrated their commitment to democracy by participating in large numbers in campaign rallies and on election day. Hastily adopted changes to the election legislation were made without consultations and removed important safeguards for election day procedures. Election day procedures were generally followed, although important legally prescribed steps were often omitted during counting and tabulation.'⁵⁰

- 9.4.7 For further information about the HDP, see [People's Democratic Party, Halkların Demokratik Partisi \(HDP\)](#). See [Arrests and detention](#) for further information on these subjects.

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9.5 Afrin and treatment of protestors

- 9.5.1 In June 2018, US CRS published a report which stated the following about Turkish involvement in Afrin, in Syria:

'Turkey's involvement in Syria's conflict since 2011 has been complicated and costly. Turkey's chief objective has been to thwart the Syrian Kurdish People's Protection Units (or YPG, which has links with the U.S.-designated terrorist organization PKK, or Kurdistan Workers' Party) from establishing an autonomous area along the northern Syrian border with Turkey. Turkey appears to view the YPG as the top threat to its security, given the boost the

⁴⁸ Morning Star, 'Third attack in as many days [...]', 8 June 2018, [URL](#)

⁴⁹ The Guardian, 'Turkey elections 2018' 25 June 2018, [URL](#)

⁵⁰ OSCE PA, OSCE/ODIHR, CoE, International Election Observation Mission, 24 June 2018, [URL](#)

YPG's military and political success could provide to the PKK's insurgency within Turkey. [...]

'After Turkey moved against IS-held territory in northern Syria as a way to prevent the YPG from consolidating its rule across much of the border area between the two countries (Operation Euphrates Shield, August 2016-March 2017), Turkey launched an offensive directly against the YPG in Afrin in January 2018. By March, the YPG had abandoned control of the province to Turkish forces and their Syrian rebel allies. In Afrin and the other areas Turkey has occupied since 2016, Turkey has set up local councils, though questions persist about future governance and Turkey's overarching role.'⁵¹

9.5.2 In January 2018, Reuters stated:

'Turkish President Tayyip Erdogan warned supporters of the pro-Kurdish opposition not to protest the military's operation in northern Syria, saying security forces would intervene if they demonstrated.

"Know that wherever you go out on the streets our security forces are on your necks," Erdogan said, referring to members of the pro-Kurdish Peoples' Democratic Party (HDP), parliament's second-largest opposition.'⁵²

9.5.3 In January 2018, Bianet reported on detentions of people protesting the operations of the Turkish military in Afrin, stating 'There are many Peoples' Democratic Party (HDP) provincial and district executives among the detainees, recently HDP Denizli Provincial Chair Siddik Eker was detained on Saturday (January 27) for "propagandizing for terrorism" on social media. Units from the Denizli Provincial Security Directorate Anti-Terror Bureau searched Eker's home and seized some documents. Eker is still in the Security Directorate.'⁵³

9.5.4 In April 2018, BBC reported:

'In the first month after Turkey launched its operation in Afrin, the authorities detained 648 people over social media posts criticising the action.

'Another 197 people were taken into custody for expressing criticism in other forms, including street protests, or for supporting the demonstrations.

'When the Turkish Medical Association published a statement with the headline "War is a matter of public health", warning that conflicts such as Afrin could lead to further health problems, 11 doctors were detained. President Erdogan accused the doctors of treason.

'Since then, many more criminal investigations have been opened.'⁵⁴

9.5.5 See [Detentions](#) for further information about the treatment of those who protest against Turkish military operations in Afrin.

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⁵¹ US CRS, 'Turkey: Background and U.S. Relations In Brief,' 6 June 2018, [URL](#)

⁵² Reuters, 'Turkey's Erdogan warns [...],' 21 January 2018, [URL](#)

⁵³ Bianet, '311 Detentions, at Least 15 Arrest in "Social Media Operation,"' 29 January 2018, [URL](#)

⁵⁴ BBC, 'Turkey's anti-war protesters detained: "Everything is a crime,"' 18 April 2018, [URL](#)

9.6 Police searches of HDP offices

9.6.1 In April 2018, Firat News Agency stated that 'Istanbul police carried out a raid on the Peoples' Democratic Party (HDP) office in Avcılar district late Wednesday evening. Following a detailed search in the Office, police detained around 25 party members including district co-chair Mahmur Çakan.'⁵⁵

9.6.2 In December 2017 Turkish Minute stated:

'Turkish police on Tuesday raided the pro-Kurdish Peoples' Democratic Party (HDP) office in the Kadıköy district of İstanbul [...].

'Following a four-hour search of the premises for prohibited publications and photos, police detained Gül Demir, co-chair of HDP district bureau. A detention warrant was issued for Ercan Demir, the other co-chair of the bureau.'⁵⁶

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9.7 Loss of parliamentary seats

9.7.1 In February 2018 Hurriyet Daily News reported that 'In recent months, seven of the party's [HDP's] deputies were stripped of their seats in parliament either over terror-related charges or absenteeism.'⁵⁷ In July 2017, Daily Sabah noted that, 'Turkey's Parliament voted Thursday to strip lawmaker status of pro-PKK Peoples' Democratic Party (HDP) Van deputy Tuğba Hezer Öztürk and Şırnak deputy Faysal Sarıyıldız over non-attendance to parliamentary sessions. Both Hezer Öztürk and Sarıyıldız have not attended any parliamentary sessions since October 2016, and they are currently abroad due to 26 pending lawsuits on their ties with the PKK terror organization.'⁵⁸ In January 2018, Daily Sabah further reported, 'Leyla Zana [HDP MP] lost her seat due to failing to properly take her oath of office, as well as rampant absenteeism after missing 212 consecutive legislative sessions from Oct. 1, 2016, to April 30, 2017.'⁵⁹ In June 2018 ICG noted that 'parliament has stripped eleven of the party's MPs of their status as legislators.'⁶⁰

9.7.2 In a March 2017 report, Human Rights Watch noted 'On February 21 [2017], parliament stripped [Figen] Yüksekdağ [former co-leader of HDP] of her parliamentary seat after it was notified by the government that, on September 22, 2016, the Court of Cassation had upheld her conviction for "spreading terrorist propaganda" on the grounds that in November 2013, she attended a militant's funeral at which some crowd members shouted slogans.'⁶¹

⁵⁵ Firat News Agency, '25 detained in raid on HDP office in Istanbul,' 5 April 2018, [URL](#)

⁵⁶ Turkish Minute, 'Police raid HDP district bureau, detain co-chairperson,' 19 December 2017, [URL](#)

⁵⁷ Hurriyet Daily News, 'Detention warrants issued [...],' 9 February 2018, [URL](#)

⁵⁸ Daily Sabah, 'Parliament strips lawmaker status [...],' 27 July 2017, [URL](#)

⁵⁹ Daily Sabah, 'Pro-PKK HDP lawmaker Zana stripped of MP status,' 11 January 2018, [URL](#)

⁶⁰ ICG, 'Turkey's Election Reinvigorates Debate over Kurdish Demands,' page 1, 13 June 2018, [URL](#)

⁶¹ Human Rights Watch, 'Turkey: Crackdown on Kurdish Opposition,' 20 March 2017, [URL](#)

- 9.7.3 See also [Due process](#) for information about the revocation of the parliamentary seat of Figen Yüksekdağ. See [People's Democratic Party, Halkların Demokratik Partisi \(HDP\)](#) for further information about the HDP.

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9.8 Removal of mayors

- 9.8.1 International Crisis Group published a report in May 2017 which stated:

‘Ankara has systematically sought to silence, discredit and marginalise the HDP and its DBP sister party, particularly after the June 2015 parliamentary election in which HDP received 13 per cent of the national vote and the AKP lost its absolute majority. Most unprecedented has been removal of elected DBP mayors and the transfer of their responsibilities to governors or district governors already in office under a September 2016 amendment of the law on municipalities that allows trustees to be appointed to substitute for elected mayors or municipal council members “who have engaged in or supported terrorism”.’⁶²

- 9.8.2 In March 2017 Human Rights Watch noted that ‘The government has used powers under the state of emergency adopted following the July 2016 attempted coup to take direct control of municipalities and remove elected mayors. A September 1 [2016] decree (no. 674) amended the Law on Municipalities to permit the takeover of municipalities suspected of supporting terrorism.’⁶³

- 9.8.3 The Human Rights Watch report further stated:

‘On September 11 [2016], the Interior Ministry announced the takeover of 28 municipalities, 24 controlled by the DBP and accused of supporting the PKK. Four others were accused of supporting the alleged Fethullahist Terrorist Organization (FETÖ) – three controlled by the ruling AKP and one by the opposition MHP. In all the DBP municipalities, Ankara-appointed district governors serving in the provinces took over in place of mayors. In the four others, existing elected members of the municipal council replaced the mayors, preserving local democratic accountability.’⁶⁴

- 9.8.4 The USSD HR Report 2017 stated:

‘As of December 12 [2017], the Prime Ministry reported the government had removed a total of 106 elected mayors from office. These included 93 pro-Kurdish Democratic Regions Party (DBP) or HDP mayors, nine AKP mayors, three National Movement party (MHP) mayors, and one CHP mayor. A majority were removed, detained or arrested for allegedly supporting PKK terrorism. The government installed trustees in more than 90 HDP or DBP municipalities.’⁶⁵

⁶² ICG, ‘Managing Turkey’s PKK Conflict: The Case of Nusaybin,’ 2 May 2017, [URL](#)

⁶³ Human Rights Watch, ‘Turkey: Crackdown on Kurdish Opposition,’ 20 March 2017, [URL](#)

⁶⁴ Human Rights Watch, ‘Turkey: Crackdown on Kurdish Opposition,’ 20 March 2017, [URL](#)

⁶⁵ USSD HR Report 2017, Turkey, Section 1.e, 20 April 2018, [URL](#)

- 9.8.5 In the annual report published in 2018, Amnesty International noted that, due to the removal of mayors, ‘a third of Turkey’s population was not being represented by the people they had elected at the 2016 local elections.’⁶⁶
- 9.8.6 See [Indictments and accusations](#) for information about indictments against mayors. See [Arrests and detention](#) for further information on the removal, arrest and detention of mayors and related due process.

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10. Arrests and detention

10.1 Due process

10.1.1 In the ‘Freedom in the World 2018’ report, Freedom House stated:

‘A long-term erosion of due process guarantees has accelerated under the state of emergency. Antiterrorism charges brought since the coup attempt often rely on the weakest of circumstantial evidence, secret testimony, or an ever-expanding guilt by association. A decree issued in December 2017 apparently removed requirements that defendants hear all the evidence brought against them and have a defense attorney present during trial. In many cases, lawyers defending those accused of terrorism offenses have been arrested themselves. Lengthy pretrial detention has become routine. [...] Under emergency rules, suspects can be held for up to 14 days without judicial review, down from 30 in the initial aftermath of the coup attempt. Authorities can also detain individuals for up to 24 hours without access to a lawyer, though police have reportedly breached this limit in practice.

‘Score Change: The score declined from 1 to 0 [out of a possible score of 4] due to the lack of basic due process protections for the growing number of people detained or charged with terrorism offenses during the state of emergency.’⁶⁷

10.1.2 In the report of October 2017, Human Rights Watch stated:

‘Despite the January 2017 reforms, several lawyers told Human Rights Watch that they had limited opportunity to speak to their clients in confidence because police officers were often present during their meetings with detainees. Under Turkey’s Anti-Terror Law, lawyers’ meetings with clients in police detention can be legally restricted for the first 24 hours. However, lawyers reported that in some cases the police still attempted to bar access beyond that period, forcing them to apply to the prosecutor’s office to negotiate access.

‘Some lawyers also reported that they had come under undue pressure from the police when they challenged official written police accounts of police interviews with their clients, at which they (the lawyers) had been present.

‘Most lawyers interviewed by Human Rights Watch expressed concerns for their own safety. Several commented that provincial bar associations and the Union of Turkish Bar Associations were not offering the support to lawyers they needed, and were not willing to support efforts to document and lodge complaints about detainees’ allegations of ill treatment. Without the

⁶⁶ Amnesty International, ‘Report 2017/18,’ Turkey, Background, 22 February 2018, [URL](#)

⁶⁷ Freedom House, ‘Freedom in the World 2018,’ F2, 2 February 2018, [URL](#)

institutional support of bar associations and the Union of Turkish Bar Associations to which they belong, the ability of lawyers to protect the human rights of detainees without fear of reprisals is limited.’⁶⁸

10.1.3 See [Investigations into torture and impunity](#) for further information.

10.1.4 ‘In March 2017 Human Rights Watch reported on the treatment of Figen Yüksekdağ, former co-chair of the HDP:

‘The government asked the general assembly of the parliament to revoke Yüksekdağ's parliamentary seat based on her conviction for a terrorism offense, grounds for losing the right to be elected to a parliamentary seat under the Constitution (article 76). On March 9 [2017], the chief prosecutor of the Court of Cassation notified the HDP that the conviction dissolved Yüksekdağ's party membership.

‘Both steps have been heavily criticized by the HDP on two grounds. Firstly, the case for which Yüksekdağ received the conviction was reportedly not included among those cases prosecutors had submitted for the lifting of immunity. Secondly, the chief prosecutor of the Court of Cassation has no legally assigned role in communicating dissolution of party membership. For these reasons, the HDP argues that Yüksekdağ has been subjected to harsh and differential treatment.’⁶⁹

10.1.5 See [Loss of parliamentary seats](#) for further information.

10.1.6 In the World Report 2018, Human Rights Watch noted that ‘Demirtaş’ trial began in Ankara on December 7 [2017] but, allegedly due to security concerns, he was not permitted to appear in court, a failure to respect his due process rights.’⁷⁰

10.1.7 The USSD HR Report 2017 noted ‘Defendants have the right to be present at trial and to consult an attorney in a timely manner. Observers noted that especially in high-profile cases, courts failed to provide the defendants the right to exercise such rights. [...] authorities did not transfer imprisoned pro-Kurdish HDP co-chair Selahattin Demirtas to court for his December 7 hearing, claiming a need to maintain public order.’⁷¹

10.1.8 Margaret Owen, an international trial observer and barrister, stated in an article published on 11 June 2018 in Peace in Kurdistan, which campaigns for a ‘political solution to the Kurdish question,’ that the fifth hearing of Selahattin Demirtas’ trial had taken place but that there would now be an adjournment until 7 September 2018⁷².

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10.2 Indictments and accusations

10.2.1 The report by Human Rights Watch referred to the evidence against Selahattin Demirtas, former co-chair of the HDP, and indictments against other HDP MPs:

⁶⁸ Human Rights Watch, ‘In custody [...],’ page 1, 12 October 2017, [URL](#)

⁶⁹ Human Rights Watch, ‘Turkey: Crackdown [...],’ 20 March 2017, available at: [URL](#)

⁷⁰ Human Rights Watch, ‘World Report 2018,’ 18 January 2018, available at: [URL](#)

⁷¹ USSD HR Report 2017, Turkey, Section 1.e, 20 April 2018, [URL](#)

⁷² Peace in Kurdistan, ‘Fifth Demirtas Hearing [...],’ 11 June 2018, [URL](#)

‘Human Rights Watch has examined the criminal indictments against 11 HDP members of parliament and decisions to detain them pending trial. The evidence cited in the indictments consists mainly of political speeches rather than any conduct that could reasonably support charges of membership of an armed organization or separatism. The indictments charge them with offenses punishable with prison sentences amounting to hundreds of years. [...]

‘Selahattin Demirtaş, the HDP co-leader and member of parliament for Istanbul, was detained on November 4, 2016, and placed in pretrial detention pending a first trial hearing on April 26. The 500-page indictment against him, issued on January 11, charges him with being a leading member of the armed Kurdistan Workers’ Party (PKK/KCK), spreading terrorist propaganda, praising crimes and criminals, inciting enmity among the population, inciting the population not to obey laws, organizing, participating in, and provoking unauthorized demonstrations, and inciting the population to commit crimes. If convicted, he could face a 142-year prison sentence.

‘While much of the indictment is taken up with an account of the history of the armed PKK/KCK and the alleged structure of the organization, the evidence cited against Demirtaş consists mainly of his speeches. In addition, many pages of transcripts of wiretapped calls and intercepted conversations are used as evidence to suggest Demirtaş’s association with a non-governmental platform in Diyarbakır called the Democratic Society Congress, which the prosecutor alleges is part of the PKK/KCK, though none of the information seems to point to anything approaching criminal activity.

‘The evidence also includes a public statement by the HDP on October 6, 2014, calling for protests against the Turkish government’s approach to the Islamic State (also known as ISIS) assault on the northern Syrian town of Kobane. The prosecutor describes this statement as incitement to armed insurrection, although the statement did not call for violent protest. The indictment lists in detail the consequences of these protests, which left up to 50 dead in towns throughout the southeast and widespread destruction of property.

‘While the authorities have a duty to investigate circumstances in which these deaths and other criminal activities occurred, with a view to identifying those responsible and bringing them to justice, there is no evidence that the violence was the result of the HDP call for protest or that the party could have reasonably been expected to foresee the violent events that would unfold. Human Rights Watch furthermore notes that days after the October 6-8 [2014] incidents the HDP tabled a motion for a parliamentary inquiry into the circumstances in which the deaths occurred but that this was turned down by the ruling party and the opposition MHP.’⁷³

- 10.2.2 The USSD HR Report 2017 noted, ‘On April 9 [2017], prosecutors indicted Levent Piskin, a defense lawyer for imprisoned HDP co-chair Selahattin Demirtaş, on terrorism-related charges. Evidence against him included his

⁷³ Human Rights Watch, ‘Turkey: Crackdown on Kurdish Opposition,’ 20 March 2017, [URL](#)

membership in the HDP Istanbul WhatsApp group. The case continued at year's end, with Piskin free under judicial supervision.⁷⁴

10.2.3 The Human Rights Watch report of March 2017 also provided information about the indictments against mayors:

'Co-mayors of the greater Diyarbakır municipality, Gültan Kışanak and Fırat Anlı, elected with 55 percent of the vote in March 2014, have both been in pretrial detention since October 30, 2016. The Interior Ministry suspended their functions a day after their arrest and on November 1 [2016] the district governor of Etimesgut, a district of Ankara, was appointed to replace them. [...]

'Gültan Kışanak is held in Kandıra F type prison in Kocaeli province in western Turkey. A November 11, 2016 indictment charges Kışanak with 41 counts of spreading terrorist propaganda, joining unauthorized demonstrations, and being a leading member of an armed terrorist organization. If convicted Kışanak faces a possible 230-year prison sentence. The indictment, which Human Rights Watch has seen, focuses at length on her alleged links with the Democratic Society Congress encompassing many civic groups, which the court contends is part of the PKK/KCK. The indictment also cites numerous political speeches. Because the municipality provides funeral vehicles for transporting the dead to their place of burial, Kışanak is held responsible for the fact that the coffins of armed militants transported in municipal vehicles bore PKK symbols and flags. There is no evidence in the indictment against Kışanak that could conceivably support the accusation that she is a leading member or member of an armed organization or that she has committed any act that could reasonably be described as terrorism.

'Fırat Anlı, the Diyarbakır co-mayor, is in prison in Elazığ. The indictment, which Human Rights Watch has seen, includes charges similar to those against Kışanak, including the charge of spreading terrorist propaganda for speeches and providing funeral vehicles carrying the bodies of armed militants. He is also charged with the killing of a soldier during an armed clash on the basis of evidence that suggests he visited the village where it happened. Anlı's lawyers, however, told Human Rights Watch that there was no conceivable connection between his visit and the armed clash in November 2015, since his visit to the location was in 2014, a year before the clash. He faces a possible 121-year prison sentence if convicted.

'Zuhal Tekiner was co-mayor of the municipality of Silvan in Diyarbakır province until she was replaced by the district governor on September 11, 2016. Silvan is one of the 28 municipalities to be taken over under decree no. 674. Tekiner had previously been a member of the council and deputy mayor and was selected as co-mayor after the elected mayor, Yüksel Bodakçı, was jailed in August 2015 following a news conference, at which a declaration of "self governance" (öz yönetim), seeking to assert greater autonomy in how local government operates, was made. Bodakçı was released in March 2016, but Tekiner continued to act as co-mayor. She told

⁷⁴ USSD HR Report 2017, Turkey, Section 1.e, 20 April 2018, [URL](#)

Human Rights Watch about the day the authorities took over the Silvan municipality:

“Police entered the municipality on September 11 at 7 a.m., searched the building, took away our computers and documents. We were not in the building at the time. [...]

“There are dozens of investigations against me for a range of alleged offenses such as holding us responsible for putting up gravestones for militants with symbols on them connected with the PKK though they were there for many years before we were even in office and the municipality in any case is not responsible for the matter of gravestones. I am also accused of renting out shops owned by the municipality at low rents, of making propaganda at funerals of militants, for an interview with a journalist, for things I shared on social media. I have 10 ongoing trials, was acquitted in three other cases. Inspectors conducted inspections of the municipality dozens of times and found nothing concrete in those inspections.”⁷⁵

10.2.4 See also [Perceived association with PKK](#) and [Removal of mayors](#).

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10.3 Summary proceedings

10.3.1 In February 2018, Hurriyet Daily News reported that ‘Over a hundred summary proceedings were issued against more than 30 HDP lawmakers in parliament.’⁷⁶

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10.4 Arrests

10.4.1 In June 2018, ICG noted that ‘The crackdown on the party intensified following the 15 July 2016 coup attempt: since then, police have arrested or detained at least once 25 of the 59 HDP MPs elected in 2015 [...].’⁷⁷

10.4.2 See [Political climate](#) for further information about the impact of recent political events.

10.4.3 In February 2017, Al Jazeera reported, ‘The HDP, the Turkish parliament's third-biggest party, said in its application [to the European Court of Human Rights regarding the continued arrest of its former co-leaders, Selahattin Demirtas and Figen Yuksekdag] that since the failed coup attempt in July 2016, 5,471 people have been taken into custody and 1,482 people have been arrested within the scope of operations targeting the HDP and its supporters.’⁷⁸

10.4.4 In March 2017, Human Rights Watch stated:

‘Thousands of [...] members of both pro-Kurdish parties [HDP and BDP] have been arrested. [...] The BDP sister party told Human Rights Watch that

⁷⁵ Human Rights Watch, ‘Turkey: Crackdown on Kurdish Opposition,’ 20 March 2017, [URL](#)

⁷⁶ Hurriyet Daily News, ‘Detention warrants issued [...],’ 9 February 2018, [URL](#)

⁷⁷ ICG, ‘Turkey’s Election Reinvigorates Debate over Kurdish Demands,’ page 1, 13 June 2018, [URL](#)

⁷⁸ Al Jazeera, ‘HDP applies to ECHR over arrests of its leaders,’ 21 February 2017, [URL](#)

3,547 of its party officials had been placed in pretrial detention since July 2015.’⁷⁹

10.4.5 In February 2018, Reuters reported:

‘Turkey’s main pro-Kurdish party elected new leaders on Sunday, at a congress that party officials said authorities had tried to stop by arresting hundreds of would-be attendees. [...]

‘The party said delegates’ cars were stopped and they were subjected to frequent ID checks by police who detained around 500 people in the days leading up to the congress, attended by 32,000 members and supporters.

‘Former co-chair Serpil Kemalbay called the arrests “arbitrary” and said the government had tried to stop the congress “being held in a healthy way”.

‘The detentions were part of Turkey’s crackdown on those who oppose its operation against the YPG militia in northwestern Syria. Turkey considers the YPG an extension of the outlawed Kurdistan Workers Party (PKK) and has detained some 600 people for protests or social media posts against the campaign.’⁸⁰

10.4.6 See [Afrin and treatment of protestors](#) for further information about Turkish military operations against the YPG in Syria.

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10.5 Judiciary

10.5.1 In the annual report for 2018, Freedom House stated:

‘Although judges still occasionally rule against the government, the appointment of thousands of new, loyalist judges in recent years, the potential professional costs of ruling against the executive in a major case, and the effects of the ongoing purge have all severely weakened judicial independence in Turkey. This process was well under way before the July 2016 coup attempt, but by late 2017, more than 4,000 judges and prosecutors had been removed. Judges and trials in high-profile cases are transferred to ensure that the government’s arguments are presented before a sympathetic court.’⁸¹

10.5.2 The European Commission’s April 2018 progress report on Turkey noted:

‘There was serious backsliding in this area [Judiciary and fundamental rights] and the recommendations in the previous report were not implemented. Continued political pressure on judges and prosecutors and collective dismissal of a large number of judges and prosecutors following the 2016 attempted coup had a significant negative effect on the independence and the overall quality and efficiency of the judiciary. There has been no progress in addressing the many gaps in the Turkish anti-corruption framework. Corruption remains widespread and is an issue of concern.’⁸²

⁷⁹ Human Rights Watch, ‘Turkey: Crackdown on Kurdish Opposition,’ 20 March 2017, [URL](#)

⁸⁰ Reuters, ‘Turkey’s pro-Kurdish opposition elects new leaders,’ 11 February 2018, [URL](#)

⁸¹ Freedom House, ‘Freedom in the World 2018,’ Turkey, F1, 2 February 2018, [URL](#)

⁸² European Commission, ‘2018 Report,’ p 22, 17 April 2018, [URL](#)

10.6 Detentions

10.6.1 The ICG report of June 2018 noted that ‘Nine HDP MPs remain in jail, including the party’s former co-chair and 2018 presidential candidate, Selahattin Demirtaş.’⁸³

10.6.2 On 9 February 2018, Hurriyet Daily News reported:

‘The Ankara Public Prosecutor’s office has issued detention warrants for 17 members of the Kurdish issue-focused Peoples’ Democratic Party (HDP), including co-leader Serpil Kemalbay [HDP co-leader from May 2017 to February 2018], two days ahead of the party’s third ordinary congress where new co-leaders and executive members will be elected.

‘An Ankara prosecutor had launched an investigation into the 17 members after they read out a statement criticizing the Turkish military’s “Operation Olive Branch” in Syria’s northwestern district of Afrin last week on Feb. 9, state-run Anadolu Agency reported.

‘On Feb. 8, 31 HDP and Peoples’ Democratic Congress (HDK) members were also taken into custody in Istanbul after morning raids on their addresses.

‘Party members are now left to hold their third ordinary congress on Feb. 11 in the absence of their co-leaders Kemalbay and Selahattin Demirtaş, who has been in prison for over a year on terror-related charges.’⁸⁴

10.6.3 The same article stated:

‘Formed as a coalition of several political organizations including the Democratic Regions Party (DBP) and the Democratic Society Congress (DTK) under the Peoples’ Democratic Congress (HDK) umbrella, the HDP’s congress will also be held without HDK spokespersons Onur Hamzaoglu and Güllistan Koçyiğit, DBP co-leaders Sebahat Tuncel and Mehmet Aslan and DTK co-leader Leyla Güven as they are all currently detained. [...]

‘Nine HDP lawmakers are currently imprisoned, including former co-leader Figen Yüksekdağ and Demirtaş.’⁸⁵ Reuters noted that ‘They are mostly accused of links to the PKK. All deny the charges.’⁸⁶

10.6.4 On 20 February 2018 Hurriyet Daily News reported:

‘Serpil Kemalbay, the former co-leader of the country’s Kurdish issue-focused Peoples’ Democratic Party (HDP), was released from detention on Feb. 20 after being detained one week before over her opposition to Turkey’s ongoing military engagement in northern Syria.

‘Police had detained Kemalbay in Ankara on Feb. 13, two days after she handed over her position as HDP co-chair to a successor. [...]

⁸³ ICG, ‘Turkey’s Election Reinvigorates Debate over Kurdish Demands,’ page 1, 13 June 2018, [URL](#)

⁸⁴ Hurriyet Daily News, ‘Detention warrants issued [...],’ 9 February 2018, [URL](#)

⁸⁵ Hurriyet Daily News, ‘Detention warrants issued [...],’ 9 February 2018, [URL](#)

⁸⁶ Reuters, ‘Jailed leader [...],’ 12 January 2018, [URL](#)

‘Kemalbay, who still faces charges and has been placed under judicial control, will have to report regularly to the authorities and cannot leave the country [...].

‘The HDP, the third-largest party in parliament, has in recent years been hit by a wave of arrests of its leaders and supporters on accusations of supporting the PKK, which the party denies.’⁸⁷

- 10.6.5 For further information about perceived links between Kurdish political parties and the PKK, see [Perceived association with PKK](#). See [Afrin and treatment of protestors](#) and [Prison conditions and allegations of torture](#).

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10.7 Political prisoners

10.7.1 The USSD HR Report 2017 stated:

‘The number of political prisoners was not a matter of public record and remained a subject of debate at year’s end. In November [2017] media reported that, according to the Ministry of Justice, 62,669 prison inmates were charged with terrorism-related crimes. An exact breakdown of numbers of alleged members of the PKK, ISIS, and the Gulen movement was not available at year’s end. In July the Ministry of Justice reported the arrest of 50,510 individuals in connection with the July 2016 attempted coup. Some observers considered many of these individuals political prisoners, a charge sharply disputed by the government.

‘Prosecutors used a broad definition of terrorism and threats to national security, and in some cases used what appeared to be questionable evidence to file criminal charges against a broad range of individuals, including journalists, opposition politicians (primarily of the pro-Kurdish HDP), activists, and others critical of the government. At year’s end, nine HDP parliamentarians, including the HDP co-chair Selahattin Demirtas--head of the second-largest opposition party in parliament--remained imprisoned, as did one CHP lawmaker.’⁸⁸

- 10.7.2 The USSD HR Report 2017 further stated ‘Authorities used counterterrorism laws broadly against many human rights activists, media outlets, suspected PKK sympathizers, and alleged members of the Gulen movement, 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 pro-Kurdish HDP or its sister party, the DBP.’⁸⁹

10.7.3 The same report stated:

‘Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism. The law provides that persons who insult the president of the republic may face a prison term of up to four years. The sentence may be increased by one-sixth if committed publicly and by one-third if committed by media. [...]

⁸⁷ Hurriyet Daily News, ‘Turkey releases [...],’ 20 February 2018, [URL](#)

⁸⁸ USSD HR Report 2017, Turkey, Section 1.e, 20 April 2018, [URL](#)

⁸⁹ USSD HR Report 2017, Turkey, Section 1.e, 20 April 2018, [URL](#)

‘Lawmakers, mostly from the pro-Kurdish HDP, were also targeted in a significant number of insult-related cases. At year’s end nine HDP lawmakers were in prison for a variety of charges related to terrorism and political speech.

‘While leaders and deputies from opposition political parties regularly faced multiple insult charges, free speech advocates pointed out that the law was not applied equally and that AKP members and government officials were rarely prosecuted under it.’⁹⁰

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10.8 Prison conditions and allegations of torture

10.8.1 In the report dated March 2017, Human Rights Watch quoted Idris Baluken, an HDP politician, who described his imprisonment, saying, ‘I was held in solitary confinement for almost three months. In three months on only three occasions was I allowed to meet with other prisoners, once with the co-mayor of Diyarbakır Fırat Anlı, once with the co-mayor of Dersim Mehmet Ali Bul, and once with the two of them together.’⁹¹

10.8.2 In the same report, Human Rights Watch referred to Ahmet Türk, 74, ‘a well-known figure in political life and in the Kurdish political movement and a former parliament member,’ who was elected co-mayor of the Mardin greater municipality in March 2014 and subsequently removed from his post on 16 November 2016, detained on 21 November, placed in pretrial detention on 24 November and released on 3 February 2017. Türk described his time in prison, stating:

“‘I was held in Silivri prison for 50 days and Elazığ prison for 23 days. Because I have a pacemaker they didn’t hold me in a cell alone as they did for others. In Elazığ prison my meetings with my lawyers were filmed and recorded and a prison guard was present. I couldn’t tell if they recorded my conversations with lawyers in Silivri prison where many other prisoners’ meetings with their lawyers were filmed – especially those of the Gülenist prisoners.’”⁹²

10.8.3 A further report by Human Rights Watch dated October 2017 stated:

‘In Turkey today, people accused of terrorism or of being linked to the July 2016 attempted coup are at risk of torture in police custody. There has been a spate of reported cases of men being abducted, some of whom were held in secret detention places, with evidence pointing to the involvement of state authorities. [...]

‘The highest number of detentions concerns people suspected of links with the group the government and courts in Turkey refer to as the Fethullahist Terror Organization (FETÖ), associated with US-based cleric Fethullah Gülen. The government says this group was behind the attempted coup. The second largest group concerns people with alleged links to the armed Kurdistan Workers’ Party (PKK/KCK). Cases reported to Human Rights

⁹⁰ USSD HR Report 2017, Turkey, Section 2.a, 20 April 2018, [URL](#)

⁹¹ Human Rights Watch, ‘Turkey: Crackdown on Kurdish Opposition,’ 20 March 2017, [URL](#)

⁹² Human Rights Watch, ‘Turkey: Crackdown on Kurdish Opposition,’ 20 March 2017, [URL](#)

Watch show that it is people detained on these two grounds who are at greatest risk of torture.’⁹³

10.8.4 The USSD HR Report 2017 stated:

‘Credible reports suggested that some doctors would not sign their names to medical reports alleging torture due to the fear of reprisal, meaning victims were often unable to get medical documentation that would help prove their claims. The pro-Kurdish Peoples’ Democratic Party (HDP) alleged that police tortured dozens of civilians in Hakkari Province in August [2017] following the death of a special forces officer in counter-PKK operations. Following release from detention, 10 detainees filed claims of torture against police at the local prosecutor’s office. Police dismissed the torture claims as terrorist propaganda. Authorities opened an investigation that continued as of year’s end.’⁹⁴

10.8.5 In June 2018, Amnesty International reported:

‘14 Boğaziçi University students who had been held in pre-trial detention in prison on allegations of “making propaganda for a terrorist organizations” for protesting Turkey’s military operation in Afrin were released. During their statements, three students told the court that they had been subjected to torture and other ill-treatment at the time of their detention and while in police custody and requested that these allegations be subject to a criminal investigation. The students alleged that, among other things, police officers dragged students on the floor; twisted their arms; threatened to break them; banged the students’ heads on the windows of the police vehicles; and kicked and punched them. In its interim decision, the court rejected the students’ request for a criminal investigation, stating that ‘the alleged matter is understood to have taken place before the start of the prosecution and that [it] did not take place in front of the court, [and so] the court has not observed these incidents and that the students can make a criminal complaint themselves.’⁹⁵

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10.9 Investigations into torture and impunity

10.9.1 Freedom House noted that ‘an emergency decree issued in December 2017 appears to grant legal immunity to any person, including civilians, who takes action against terrorists or others associated with the 2016 coup attempt.’⁹⁶

10.9.2 In the report of October 2017, Human Rights Watch stated:

‘Although the government of President Erdoğan publicly asserts a zero tolerance for torture, there remains a climate of impunity for the torture and mistreatment of detainees. Human Rights Watch is not aware of any serious measures that have been taken to investigate credible allegations of torture, much less hold perpetrators to account. Human Rights Watch discussed the cases of torture documented in its October 2016 report directly with the Turkish government. However, a year later, lawyers and families have

⁹³ Human Rights Watch, ‘In custody, [...]’ page 1, 12 October 2017, [URL](#)

⁹⁴ USSD HR Report 2017, Turkey, Section 1.c, 20 April 2018, [URL](#)

⁹⁵ Amnesty International, ‘Urgent Action: University Students [...]’ 8 June 2018, [URL](#)

⁹⁶ Freedom House, ‘Freedom in the World 2018,’ Turkey, F3, 2 February 2018, [URL](#)

informed Human Rights Watch that there has yet to be any sign that prosecutors have conducted effective investigations into two complaints by named individuals examined in the October report, or complaints by three individuals identified in the report by their initials. [...]

‘Mass dismissals and prosecutions of judges and prosecutors over alleged Gülenist links and tighter executive control over the judiciary make it increasingly unlikely that prosecutors and judges concerned about their own job security will risk investigating such crimes.’⁹⁷

10.9.3 The USSD HR Report 2017 stated, ‘According to 2016 Ministry of Justice statistics, the government opened 42 criminal cases related to alleged torture. The government declined to provide data on its investigations into alleged torture.’⁹⁸

10.9.4 Amnesty International’s annual report 2017/18 stated:

‘The Turkish authorities continued to deny permission for the European Committee for the Prevention of Torture to publish its report on torture allegations following the coup attempt. There was no effective national preventive mechanism with a mandate for monitoring places of detention. There were no available statistics regarding investigations into allegations of torture. There was no evidence that allegations of torture were being effectively investigated. [...]

‘In the face of extreme political pressure, prosecutors and judges were even less inclined than in previous years to investigate alleged human rights violations by law enforcement officials or bring to justice those responsible. Intimidation of lawyers, including detentions and the bringing of criminal cases against them, further deterred lawyers from bringing criminal complaints.’⁹⁹

10.9.5 In April 2018 the human rights association İnsan Hakları Derneği (IHD) published a report which stated ‘Impunity is still the biggest obstacle on struggle with torture. The matter of impunity is still in front of us standing as the key fact enabling torture for reasons such as not investigating the perpetrators, not prosecuting the investigated cases, filing indictments on lower crimes instead of torture, not punishing the defendants or punishing on the other grounds, delaying the penalties.’¹⁰⁰

10.9.6 In its progress report on Turkey dated April 2018, The European Commission noted:

‘The NHREI [National Human Rights and Equality Institution], which acts as the national preventive mechanism, does not meet the key requirements under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and is not yet effectively processing cases referred to it. Turkey should ensure that this institution effectively fulfils its mandate with a dedicated structure and

⁹⁷ Human Rights Watch, ‘In custody, [...]’, page 1, 12 October 2017, [URL](#)

⁹⁸ USSD HR Report 2017, Turkey, Section 1.c, 20 April 2018, [URL](#)

⁹⁹ Amnesty International, ‘Report 2017/18’, 22 February 2018, [URL](#)

¹⁰⁰ IHD, ‘2017 Balance sheet of human rights violations in Turkey’, page 9, 6 April 2018, [URL](#)

appropriate resources for that purpose. The prison monitoring boards were replaced with new members, but their effectiveness cannot be assessed as their reports are not public. The recommendations of the fourth periodic review by the UN Committee against Torture have not been implemented so far.¹⁰¹

- 10.9.7 See [Judiciary](#) for further information on this subject. See [Due process](#) for further information about difficulties experienced by lawyers in defending their clients' safety in detention. For further information about prison conditions, see Country Policy and Information Note on [Prison conditions](#).

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¹⁰¹ European Commission, '[...] 2018 Report, 17 April 2018, [URL](#)

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:

- **Legal position**
- **People's Democratic Party (HDP)**
 - History, beliefs and aims
 - Elections of June and November 2015
 - Elections of June 2018
- **Peace and Democracy Party (BDP)**
- **Democratic Regions Party (DBP)**
- **Government treatment of the HDP**
 - Association with PKK
 - Impact of state of emergency
 - Impact of military operations in Afrin
 - Restrictions
 - Police searches of HDP offices
 - Referendum of April 2017 (Presidency)
- **Arrest and detention**
 - Arrests of HDP members and supporters
 - Criminal charges and accusations
- **Suspensions and dismissals from political office**
- **Societal violence**
- **State protection**

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Version control

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Country information and guidance updated, taking into account the observations made by the Immigration and Advisory Group on Country Information from their review of April 2018.

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