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Report of a Home Office Fact-Finding Mission Turkey: Kurds, the HDP and the PKK

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Map of Turkey



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¹ Nations Online, 'Political Map of Turkey', undated, [url](http://nationsonline.org/World/Map/Turkey.htm)

Introduction

This document provides information obtained from the Home Office's Fact-Finding Mission (FFM) to Turkey. It does **not** provide advice on handling particular types of protection and human rights claims. For this, see the Turkey Country Policy and Information Notes on the [GOV.UK website](#).

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1. Background

The FFM was conducted between 17 and 21 June 2019 by three officials from the Home Office's Country Policy and Information Team (CPIT), with support from the British Embassy in Ankara. The team visited Istanbul and Ankara.

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2. Purpose of the mission

The purpose of the mission was to gather accurate and up-to-date information from a range of sources about Kurdish ethnicity and Kurdish politics.

This information is to complement existing publicly available material.

A full Terms of Reference (ToR) is available at [Annex A](#).

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3. Structure of this report

The report is split into:

- An executive summary
- A thematically arranged narrative, including some direct quotes from sources interviewed, reflecting the Terms of Reference; and
- Annexes.

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Methodology

The FFM was undertaken with reference to the [EU \[European Union\] common guidelines on \(Joint\) Fact Finding Missions: a practical tool to assist member states in organizing \(joint\) Fact Finding Missions](#), November 2010 (EU Guidelines 2010).

4. Identification of sources

The Home Office Fact-finding Team (FFT) sought to interview a wide range of sources. That a particular source was interviewed and the notes of that interview included should not be considered as the Home Office's endorsement of that source or the information provided. Rather, all sources and information provided need to be critically assessed and considered against other publically available material.

In identifying interlocutors, the FFT consulted with staff at the British Embassy in Ankara. The sources contacted and interviewed represent the sources that the FFT were able to identify as relevant to the mission. But, as with any fact-finding mission, factors including time constraints and availability meant that the list of sources consulted and information provided are not exhaustive.

A list of sources interviewed is at [Annex B](#).

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5. Arranging and conducting interviews

The FFT met with 34 people during 15 face-to-face interviews.

At the start of each interview the FFT explained the purpose of the mission and stated that the notes of the meeting may be published in a report and that the sources would be able to review their notes before publication. A copy of this explanation can be found at [Annex C](#).

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6. Notes of interviews/meetings

The FFT made notes of meetings with sources, which were sent by email for review and approval. All 15 sources approved the notes, with a number making amendments to the original drafts.

All sources were asked how they would prefer to be referenced. A number of sources requested varying degrees of anonymity to protect their professional privacy or to protect their safety. In these cases, the FFT asked sources to provide a description of how they preferred to be referenced. All sources are described according to their own request where this was specifically made.

The notes of all interviews with sources are available at [Annex D](#).

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List of abbreviations

AKP	Adalat ve Kalkınma Partisi, or Justice and Development Party
BDP	Barış ve Demokrasi Partisi, or Peace and Democracy Party
CCP	Code of Criminal Procedure
CHP	Cumhuriyet Halk Partisi, or Republican People's Party
CPIT	Country Policy and Information Team
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FETO	Fetullah Terrorist Organisation
FFM	Home Office fact-finding mission
FFT	Home Office fact-finding team
HDP	Halkların Demokratik Partisi, or People's Democratic Party
HRFT	Human Rights Foundation of Turkey
IDP	Internally displaced person
ISIL/ISIS	Daesh
MHP	Milliyetçi Hareket Partisi, or Nationalist Movement Party
NGO	Non-governmental organisation
NHREIT	National Human Rights and Equality Institution of Turkey
PKK	Partiya Karkerên Kurdistanê, or Kurdistan Worker's Party
UN	United Nations
YPG	People's Protection Units/People's Defence Units

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Executive summary

Under Article 122 of the Penal Code, discrimination on grounds of race, language or nationality or political opinion or philosophical belief is prohibited.

The Kurdish language is no longer banned; it can be used in private schools, in universities, and in broadcasting. The ban on celebrating Kurdish New Year (Newroz) has also been lifted. There are many Kurdish MPs in both the ruling and opposition parties, two Ministers of Kurdish origin were mentioned, and the Ombudsman we met is of Kurdish origin.

There is some discrimination against Kurds, with differing reasons contributing towards this. While Kurds live all over Turkey, and there is a large Kurdish population in Istanbul, the Kurdish south east of the country is less developed and the population is likely be less affluent than that in the west. State schools teach in Turkish, which can put Kurdish-speaking pupils at a disadvantage. There were suggestions that Kurds can experience discrimination in the job market and that they are more likely to do manual work.

Political affiliation can also affect this. Although Kurds who are pro-government are not discriminated against, nor those who are discreet about their sympathies for Kurdish rights, those openly in favour of Kurdish rights are more likely to experience it. The Ombudsman pointed out that people can complain about any action of the state but he receives very few complaints regarding the treatment of Kurdish people.

Although the purpose of the FFM was to research the situation for Kurds and Kurdish politics, several interlocutors also mentioned Gulenism in relation to the coup attempt of 2016 and its impact on all government opponents.

The two main groups that draw support from Kurdish people are the HDP and the PKK. The HDP is an official political party, while the PKK is a proscribed terrorist organisation under Turkish law and is proscribed by the UK and the European Union. Given this, the Turkish government has a legitimate right to act against terrorism and to use all lawful and proportionate means to do so.

Turkish law on terrorism is broadly in line with international standards. However, following the breakdown of the peace process with the PKK in 2015, and again following the coup attempt of 2016, there has been an increase in arrests on the basis of terrorism with concerns being expressed that Article 314 of the Penal Code, which concerns terrorism, being interpreted quite broadly. Several sources also reported that the government perceive Kurdish people and HDP members/supporters as supporters of the PKK, and thus supporters of terrorism.

During the state of emergency following the coup attempt, the use of pre-trial detention increased and people could be held for 30 days before being brought before a judge, rather than the previous four days.

Interlocutors gave conflicting accounts of prison conditions. Although there is overcrowding, prison conditions are generally of an acceptable standard – with a human rights lawyer describing prison conditions as better than most in Europe. There were mixed reports on the use of torture. Although there was evidence of the

use of torture in the immediate aftermath of the 2016 coup attempt, there is further evidence that this has ceased.

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Source assessment and commentary

In trying to establish the various issues set out in the [Terms of reference](#), the Home Office has sought to assess the reliability of sources and information provided.

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, to a lesser extent given this report is limited to information gathered on the mission, ...
- whether the COI is consistent with and/or corroborated by other sources.

This was a particular challenge in respect of this mission. The polarised nature of some of the views provided, alongside some strong and sweeping statements – often difficult to substantiate, or supported by single examples – have made it difficult to reach clear views on how the information provided relates to the general situation for the groups concerned.

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Summary report

7. Human rights situation in Turkey

1.1 Overview

- 1.1.1 Suleyman Arslan of the National Human Rights and Equality Institution (NHREIT) stated, 'In terms of legislation and equality of the prisons, no ethnic group in Turkey have priority over another. You can be president, member of parliament if you are legally eligible'²
- 1.1.2 A representative of the Turkish Ministry of Justice explained
'The Republic of Turkey is a democratic State of law, which is one of the founding members of the Council of Europe and upholds the human rights, rule of law and democracy. The main principles of European Convention on Human Rights and other international treaties in the field of human rights are respected and secured in Turkey. Therefore it can definitely be said that Turkish standards provided by law and practice in the field of human rights are higher than international standards provided in international agreements.'³
- 1.1.3 The representative from the Turkish Ministry of Justice further stated that according to Turkish law, any discrimination based on religion, ethnicity, gender or language is prohibited⁴. The representative from the Ministry of Foreign Affairs stated that discrimination based on race, language, religion, sect, sex, or political or philosophical belief or opinion is penalised under Article 122 of the Penal Code and there are legal and administrative ways to complain about any such discrimination⁵.
- 1.1.4 A representative from the Turkish Ministry of Foreign Affairs explained how since the early 2000's the government started to implement reforms on fundamental rights and freedoms and [then] had a relatively good prospect of becoming a member of the EU. The attempted coup slowed down developments, and which required certain measures, but that they are seeking to revive those reforms now and that the political will is there⁶.

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1.2 Anti-terror laws

- 1.2.1 Article 314 of the Criminal/Penal Code concerns terrorism^{7,8}. Conviction under this provision can carry a sentence of up to 15 years' imprisonment⁹.
- 1.2.2 Andrew Gardner of Amnesty International also pointed to Article 301, which addresses insulting the Turkish nation.'¹⁰

² [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

³ [Ministry Of Justice, 21 June 2019](#)

⁴ [Ministry Of Justice, 21 June 2019](#)

⁵ [Ministry of Foreign Affairs, 20 June 2019](#)

⁶ [Ministry of Foreign Affairs, 20 June 2019](#)

⁷ [Human rights lawyer, 17 June 2019](#)

⁸ [Amnesty International, 18 June 2019](#)

⁹ [Amnesty International, 18 June 2019](#)

1.3 Interpretation and application of anti-terror laws

- 1.3.1 A human rights lawyer suggested that Article 314 is being interpreted very widely. A lawyer may be accused of having links to terrorism for offering legal support to students, academics, civil society members or MPs¹¹.
- 1.3.2 Similarly, Andrew Gardner of Amnesty International stated, 'The definition of terrorism in Turkey has gone beyond what it is. It defines it as being within political aims/scope rather than violent methods. For example, anyone who speaks out against the government on issues of Kurdish rights could be argued in the current context to be supporting the PKK, or anyone criticizing the post-coup cases, to be supporting FETO.'¹²
- 1.3.3 Mr Gardner pointed to the former chair and director of Amnesty International Turkey having both been charged with terrorism-related offences. He suggested that 'charging someone with terrorism is now a tool to attack people who don't support the government' and believed that 'The laws and legislation have not changed a lot, but the practice has changed.'¹³ He also added, 'Criticism of the government in relation to the Kurdish issues can be used to charge people with terrorist propaganda. Continuously criticising the government, you could be charged with not only propaganda for a terrorist group but also being a member of a terrorist organisation.'¹⁴
- 1.3.4 An HDP MP noted 'The level of evidence accepted to be arrested and charged under the propaganda for a terrorist organisation is very low.'¹⁵

See also [Numbers detained](#).

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1.4 Criticism of President Erdogan

- 1.4.1 A human rights lawyer referred to Gulsum Agaoglu, who was a board member of HDP and member of HDP's Women's Commission, who was in detention for nine months because of her critique of Erdogan and her relation to the HDP¹⁶.
- 1.4.2 The same lawyer added, 'If you are overheard criticising Erdogan, you will be turned in to the police. Cases in court do not have a legal justification so it is difficult to appeal because the case is not based in law.'¹⁷

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1.5 Internet and social media

- 1.5.1 Murat Celikkan, Director of Hafiza Merkezi, claimed that 'Over the last 5-6 years there have been social workers in the presidency whose job it is to go through social media. There is most likely another group employed by the

¹⁰ [Amnesty International, 18 June 2019](#)

¹¹ [Human rights lawyer, 17 June 2019](#)

¹² [Amnesty International, 18 June 2019](#)

¹³ [Amnesty International, 18 June 2019](#)

¹⁴ [Amnesty International, 18 June 2019](#)

¹⁵ [HDP, 20 June 2019](#)

¹⁶ [Human rights lawyer, 17 June 2019](#)

¹⁷ [Human rights lawyer, 17 June 2019](#)

Minister of Interior to also monitor peoples' accounts. Certain words will be picked up by these people and they will track you this way.'¹⁸ He also gave some examples (see [notes of meeting with Hafiza Merkezi, or Truth, Justice and Memory Centre, 18 June 2019](#)). Mr Celikkan also felt internet freedom decreased following the coup attempt¹⁹.

- 1.5.2 A human rights lawyer also opined that communication is monitored by the police and, '[...] if you post anything to do with government buildings or departments you can be arrested. Police or hardcore AKP supporters will pick up on tweets. Cem Kucuk [a journalist] targets people who do not support the AKP; they will be arrested. These people are called "trolls". The government pay hundreds of people to check social media to find people who tweet or use hashtags criticising the government.'²⁰
- 1.5.3 A human rights lawyer believed 60-70% support the HDP through social media²¹. The same source suggested that the police conduct random checks, which includes looking at social media on people's phones. The source described this as 'not an advanced process of stopping/searching' but 'if you have darker skin (from the east of Turkey), they will they check Twitter, Instagram, Facebook'²². The source suggested that a person could be arrested for posting online showing support [for the HDP] and that this was not a feature prior to the peace process breaking down in 2015; it had increased afterwards²³.
- 1.5.4 The FFT met with the Director of a Turkish organisation in the UK who claimed that 'A person can be in prison for 6 months or so for sending a political tweet; they are accused of having links with the PKK, and a person does not have to be well-known to receive such treatment.'²⁴

See also [Actual or perceived links between HDP and PKK](#).

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8. HDP (Halkların Demokratik Partisi, or People's Democratic Party)

1.6 Aims of the HDP

- 1.6.1 Estella Schmid, a co-founder of Peace in Kurdistan described the HDP as 'more inclusive of other ethnic and religious groups in Turkey' and appealing to, for example: women, LGBT, Kurdish and Turkish people²⁵.

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1.7 Registration and membership of the HDP (incl. membership cards)

- 1.7.1 All members of all political parties have to be registered at the Court of Cassation, which is the equivalent of the Supreme Court^{26,27}. This information is therefore available online²⁸. Supporters are not registered²⁹.

¹⁸ [Truth, Justice and Memory Centre, 18 June 2019](#)

¹⁹ [Truth, Justice and Memory Centre, 18 June 2019](#)

²⁰ [Human rights lawyer, 17 June 2019](#)

²¹ [Human rights lawyer, 17 June 2019](#)

²² [Human rights lawyer, 17 June 2019](#)

²³ [Human rights lawyer, 17 June 2019](#)

²⁴ [Turkish organisation based in the UK, 7 May 2019](#)

²⁵ [Peace in Kurdistan, 11 June 2019](#)

- 1.7.2 The HDP MP opined that ‘This process of putting all members of political parties into the Court of Cassation discourages people who want to join the parties.’³⁰
- 1.7.3 Murat Celikkan, Director of Hafiza Merkezi, stated, ‘HDP have thousands of members.’³¹ The HDP MP said that there are 30,000 to 40,000 HDP members registered at the Court of Cassation, yet six million people voted for the HDP at the elections³².
- 1.7.4 An HDP MP explained that the HDP do not offer ID cards, membership card or document cards for members. You can apply at district/provincial levels and once you are accepted, the new member’s name is in the system.’³³

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1.8 HDP meetings and rallies

- 1.8.1 Sources gave conflicting views on the extent to which the HDP could organise and conduct rallies or meetings.
- 1.8.2 A human rights lawyer suggested that ‘Currently, except for the AKP no political party can hold meetings, they don’t have the capability to hold them.’ and that for the HDP it was ‘impossible’³⁴. The Human Rights Foundation of Turkey also claim that ‘if the HDP are alone in the rallies/meetings, they are banned’³⁵
- 1.8.3 However, Murat Celikkan, Director of Hafiza Merkezi, and the Director of a Turkish organisation in the UK both stated that they do, but with difficulties – including raids or arrests by the police^{36,37}. An anonymous source believed the HDP could hold meetings during elections, mostly in the south-east and east of Turkey³⁸.
See also [Campaigning and elections](#).
- 1.8.4 The HDP MP and Andrew Gardner of Amnesty both explained that permission was needed – with both explaining it was frequently refused^{39,40}. The fact that sources can point to situations where rallies have taken place – notwithstanding bureaucratic or other impediments at times – indicates this position is more likely (see [Source assessment and commentary](#)).
- 1.8.5 Andrew Gardner of Amnesty International further explained that you could then go ahead, but Article 2911, which is the law on assembly and

²⁶ [Human rights lawyer, 17 June 2019](#)

²⁷ [HDP, 20 June 2019](#)

²⁸ [Human rights lawyer, 17 June 2019](#)

²⁹ [Human rights lawyer, 17 June 2019](#)

³⁰ [HDP, 20 June 2019](#)

³¹ [Truth, Justice and Memory Centre, 18 June 2019](#)

³² [HDP, 20 June 2019](#)

³³ [HDP, 20 June 2019](#)

³⁴ [Human rights lawyer, 17 June 2019](#)

³⁵ [HRFT, 17 June 2019](#)

³⁶ [Truth, Justice and Memory Centre, 18 June 2019](#)

³⁷ [Turkish organisation based in the UK, 7 May 2019](#)

³⁸ [Anonymous source, 19 June 2019](#)

³⁹ [HDP, 20 June 2019](#)

⁴⁰ [Amnesty International, 18 June 2019](#)

demonstrations, allows someone to be charged for unlawful assembly and demonstrations. This law is applied routinely to any demonstration on Kurdish rights or by pro-Kurdish groups, including demonstrations by HDP members and supporters. Government officials will not agree for you to hold a demonstration if you are HDP.⁴¹

- 1.8.6 The human rights lawyer also suggested that 'having/hosting pictures/ brochures of the opposition party you can be charged under Article 216 of Penal Code "Praising an Offence and Offender".⁴²
- 1.8.7 The Ombudsman stated that supporting any political party or criticising them is not a crime in Turkey; it is when people post online praising the PKK attacks or joining protests organised by them that police will intervene. However, praising terror attacks or organisations is a crime⁴³.

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1.9 Campaigning and elections

- 1.9.1 One source stated that there is some persecution of HDP members during elections, and that this is a result of crimes committed previously, rather than any action taken by the HDP during elections. The aim is to put pressure on the HDP⁴⁴.
- 1.9.2 Andrew Gardner of Amnesty International stated, 'During the 2018 election and referendum people who were for the HDP, such as HDP members, were arrested and detained.'⁴⁵
- 1.9.3 The FFT took the following photograph of HDP flags in Istanbul in the lead-up to the elections at the time.

⁴¹ [Amnesty International, 18 June 2019](#)

⁴² [Human rights lawyer, 17 June 2019](#)

⁴³ [Turkish Ombudsman's Office, 20 June 2019](#)

⁴⁴ [Anonymous source, 19 June 2019](#)

⁴⁵ [Amnesty International, 18 June 2019](#)



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9. State action(s) against the HDP

1.10 Actual or perceived links between HDP and PKK

- 1.10.1 Several sources pointed to the government seeing a link between the HDP and PKK^{46,47,48,49,50}. Sources gave differing opinions on the extent to which this was accurate and, if so, the reasons for that.
- 1.10.2 Murat Celikkan, Director of Hafiza Merkezi, stated, 'It is likely that members of the HDP are supportive or sympathetic towards the PKK, because they have friends/family/relatives fighting for the PKK. They have family members that were killed fighting for the PKK.'⁵¹
- 1.10.3 The Director of a Turkish organisation in the UK believed that 'although both the HDP and the PKK want equal rights and freedoms for Kurdish people, it cannot be assumed that a person who supports the HDP will also sympathise with the PKK, while others may support both organisations.'⁵²

⁴⁶ [Anonymous source, 19 June 2019](#)

⁴⁷ [Amnesty International, 18 June 2019](#)

⁴⁸ [Human Rights Association of Turkey, 21 June 2019](#)

⁴⁹ [Turkish Ombudsman's Office, 20 June 2019](#)

⁵⁰ [Turkish organisation based in the UK, 7 May 2019](#)

⁵¹ [Truth, Justice and Memory Centre, 18 June 2019](#)

⁵² [Turkish organisation based in the UK, 7 May 2019](#)

- 1.10.4 Estella Schmid, a co-founder of Peace in Kurdistan, stated that the HDP's aims and objectives are built from Abdullah Ocalan's idea for the future of a democratic Turkey, including equal rights for Kurdish people⁵³.
- 1.10.5 A human rights lawyer stated, 'ESP (Socialist Party of the Oppressed) is a democratic partner of HDP and they collaborate together during elections. They are being judicially harassed on grounds that they support a "terrorist" party by running with HDP, but there is no evidence that "if you support HDP you are member of terrorism"'.⁵⁴ He further noted, 'MHP (the Nationalist Movement Party, which is in a coalition with the ruling AKP party) MP for Ordu in Turkey stated on TV that each member or supporter of HDP is a terrorist. If six million people vote for HDP then they are all terrorists. Most people do not draw a distinction between HDP/PKK.'⁵⁵
- 1.10.6 The Turkish Ombudsman stated that the government would like to see the HDP as a democratic party but that it would also like it to put a clear distance between the terrorist attacks and themselves and denounce any terrorist attack that happens in Turkey. They added that they 'are under the direct influence of the PKK.'⁵⁶ Conversely, Andrew Gardner of Amnesty International pointed out that 'many HDP members and supporters are critical of the PKK and their methods.'⁵⁷
- 1.10.7 The Director of the Turkish organisation in the UK also stated that 'An escalation in tensions with the PKK [leads] to an increase in harassment of HDP supporters, particularly when there are waves of activism and protests in the aftermath of anti-PKK/anti-Kurdish events.'⁵⁸
- 1.10.8 The HDP MP also perceived that the government consider HDP supporters as terrorists, and consider Kurds as HDP supporters⁵⁹.

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1.11 Targeting of members/supporters of the HDP

- 1.11.1 Murat Celikkan, Director of Hafiza Merkezi (Truth, Justice and Memory Centre) stated that one can be a member of the HDP or write against the President but 'the price is very high.'⁶⁰ He added that low-level HDP members are targeted by the authorities and that anyone who criticises the President is likely to be arrested, detained, imprisoned and criminalised⁶¹.
- 1.11.2 One source stated that HDP members working on human rights issues risk being arrested for terrorist or criminal acts or aiding and abetting terrorism. If a person criticises the government or security forces, they are considered by the government as supporting a terrorist organisation⁶².

⁵³ [Peace in Kurdistan, 11 June 2019](#)

⁵⁴ [Human rights lawyer, 17 June 2019](#)

⁵⁵ [Human rights lawyer, 17 June 2019](#)

⁵⁶ [Turkish Ombudsman's Office, 20 June 2019](#)

⁵⁷ [Amnesty International, 18 June 2019](#)

⁵⁸ [Turkish organisation based in the UK, 7 May 2019](#)

⁵⁹ [HDP, 20 June 2019](#)

⁶⁰ [Truth, Justice and Memory Centre, 18 June 2019](#)

⁶¹ [Truth, Justice and Memory Centre, 18 June 2019](#)

⁶² [Anonymous source, 19 June 2019](#)

- 1.11.3 Andrew Gardner of Amnesty International believed that ‘Activism on behalf of the HDP has become de facto criminalized as support for terrorism with many unfair cases brought where there is no attempt to link people to violent acts or any other internationally recognisable offences.’⁶³
- 1.11.4 The Director of a Turkish organisation in the UK gave his view that ‘Being ethnically Kurdish and outspoken politically’, could cause the authorities to suspect an HDP member/supporter of supporting the PKK. He suggested that ‘The government attempts to discredit political opponents by suggesting that they are affiliated with terrorists’⁶⁴
- 1.11.5 However, the same source opined that any of the following may attract the attention of the authorities:
- ‘Elected HDP officials or persons on a regional board
 - ‘Management committee members
 - ‘Election organisers
 - ‘Talking to people
 - ‘Canvassers (knocking on doors, leafletting)
 - ‘Being a Mayor or a Councillor; local officials can be more influential than elected officials and many Mayors are in prison. The HDP is the third-largest political party with thousands of activists, and so they are seen by the authorities as a threat.’⁶⁵
- 1.11.6 And similarly that people were ‘often’ arrested for having spoken at rallies years earlier as records are kept by the Government⁶⁶. However, this was not corroborated elsewhere and appears to be a contradiction insofar as the Turkish state having a systematic way of monitoring people but choosing not to act on that until years later (see [Source assessment and commentary](#)).
- 1.11.7 Andrew Gardner of Amnesty International stated:
- ‘After the attempted coup in 2016 many HDP MPs, local officials and elected mayors were detained and prosecuted or spent time in pretrial detention.
- ‘In Diyarbakir, where, like many HDP controlled councils, the elected mayor was replaced with a state administrator, people who held official positions were arrested and detained, such as people in high places, activists or officials of the HDP. Anyone who was considered high-ranking, elected, member, mayor and official was at risk.’⁶⁷
- 1.11.8 An HDP MP stated that elected HDP MPs and officials had their passports taken away following the coup attempt of 2016, adding, ‘A party official/friend of the HDP has had this happen to them. There is an electronic watch list, for example on the border if you use your passport it will flag up on the system, the police or immigration official will stop you from leaving.’⁶⁸

⁶³ [Amnesty International, 18 June 2019](#)

⁶⁴ [Turkish organisation based in the UK, 7 May 2019](#)

⁶⁵ [Turkish organisation based in the UK, 7 May 2019](#)

⁶⁶ [Turkish organisation based in the UK, 7 May 2019](#)

⁶⁷ [Amnesty International, 18 June 2019](#)

⁶⁸ [HDP, 20 June 2019](#)

See also [Returns to Turkey](#).

1.11.9 The Ombudsman stated:

‘Under normal conditions, members of parliament enjoy immunity, but there are exceptions, if there is direct communication and clear direction from an MP such as a phone call to a terrorist member this is regarded as a clear connection, if you go to a funeral and speak during the funeral of the terrorist, a speech from an MP that praises terrorist incidents or attacks or speaking highly of terrorists, this is all considered as a crime, and you will lose your immunity.’⁶⁹

1.11.10 The representative from the Ministry of Foreign Affairs stated:

‘If a person is going through a judicial process it is legal, it is not because you have links to a legal political party. The independent court have employed due process. People have not been prosecuted for being an HDP member but if there is strong evidence of criminal activities then the prosecutor will use legal ways to prosecute them. There may be different reasons why they are being investigated.’ The source emphasised that they are fighting terrorism, not Kurdish people⁷⁰.

1.11.11 An executive of the Human Rights Association stated:

‘Government methods and rhetoric are that they will not close down the HDP, but they can punish HDP members.

‘We may offer the following as instances of such practice: HDP’s former co-chairpersons Selahattin Demirtaş and Figen Yüksekdağ’s and many HDP deputies’ parliamentary immunities were lifted and they were imprisoned. They are still imprisoned. Ninety-four Kurdish municipalities were seized during the state of emergency and appointed state trustees replaced the elected mayors, most of whom were later imprisoned. Further, the ECtHR’s judgment on Demirtaş has not been implemented. Scores of former HDP deputies, mayors and politicians had to leave Turkey and seek asylum in other countries.

‘This year, they attempted to close down four political parties because they had “Kurdistan” in their name. They have open investigations on them.’⁷¹

1.11.12 A human rights lawyer stated, ‘You can be a supporter and not a member, but you could also be targeted; for example, if you are involved in a march or meeting, or if you post on social media, it will draw attention to you.’⁷² He added, ‘People can be arrested in Taksim Square for handing out leaflets.’⁷³ He further stated, ‘Police in the south east will video people coming in and out of HDP buildings and rallies, and the authorities will use this as evidence against you for supporting HDP. This happens regularly and is considered normal. Mayors who come from the BDP and HDP have been targeted; they criminalise your activities.’⁷⁴

⁶⁹ [Turkish Ombudsman's Office, 20 June 2019](#)

⁷⁰ [Ministry of Foreign Affairs, 20 June 2019](#)

⁷¹ [Human Rights Association of Turkey, 21 June 2019](#)

⁷² [Human rights lawyer, 17 June 2019](#)

⁷³ [Human rights lawyer, 17 June 2019](#)

⁷⁴ [Human rights lawyer, 17 June 2019](#)

1.11.13 An HDP MP stated that any HDP sympathiser, member or attendee at an HDP event can be threatened⁷⁵.

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1.12 Relatives of HDP members/supporters

1.12.1 The Turkish Ombudsman stated:

‘There is [a] global principle that every country is following, if you do the crime it is your crime, not the crime of your family members. For example, Ocalan in prison but we do not investigate his sister and brother and they are free to arrange meetings.

‘In family, there is psychological fear, but it is not true, we do not open investigations against them for the crime of a family member. The police will be after the criminal, not the family. Turkey is no different from any country, the police will go to the home of the criminal and ask where they are, but no detention or arrest of the family members will take place.’⁷⁶

1.12.2 One source stated that he could not say for sure whether relatives of HDP members/supporters would be targeted by the authorities, but would understand if he were told that this were happening⁷⁷.

1.12.3 When asked whether family members of HDP activists or supporters could be at risk of being targeted by the authorities, the Director of a Turkish organisation in the UK stated:

‘Relatives of HDP members are at risk if they show interest in their relative’s court case or make political statements on social media or attend political rallies. If the HDP member is high-profile, the authorities will target the weakest member of the family first, such as a brother or cousin, and threaten them, and then move on to another member of the family if deemed necessary. If the HDP member is low-profile, they may try to force a relative to become an informant for the authorities; if they refuse, they may be imprisoned and beaten.’⁷⁸

1.12.4 A human rights lawyer stated, ‘Members of families of people who are critical of the government will be targeted; if the police cannot find the person they are looking for, they will take another family member. This was very common during the emergency. Families were threatened by phone and their houses were raided.’⁷⁹

See also [Conditions of release from detention](#).

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10. PKK (Partiya Karkerên Kurdistanê, or Kurdistan Worker’s Party)

1.13 Aims of the PKK

1.13.1 Estella Schmid, a co-founder of Peace in Kurdistan, stated, ‘The PKK want a peaceful and democratic autonomous region for Kurds; one of their main

⁷⁵ [HDP, 20 June 2019](#)

⁷⁶ [Turkish Ombudsman's Office, 20 June 2019](#)

⁷⁷ [Anonymous source, 19 June 2019](#)

⁷⁸ [Turkish organisation based in the UK, 7 May 2019](#)

⁷⁹ [Human rights lawyer, 17 June 2019](#)

aims is for Kurdish people to have the same rights as other ethnicities in the region.’⁸⁰

- 1.13.2 The Director of a Turkish organisation in the UK stated, ‘The aims of the PKK have varied over the years. The PKK have previously desired an autonomous region for the Kurds but are now focussing on obtaining equal rights for Kurds.’⁸¹
- 1.13.3 Murat Celikkan, Director of Hafiza Merkezi, stated, ‘The PKK has been in armed struggle since the 80’s, one of the longest armed civil wars around the world.’ However, the same source stated that ‘From time to time, they have used terrorist measures, especially in the past. I can’t say it is a terrorist group, to me it is an armed political group.’⁸² Given the PKK’s proscription/designation as a terrorist organisation in Turkey, the UK, the US, Canada, Australia and the EU – amongst others – it is difficult to assess the statements about the PKK as truly objective or impartial from this source (see [Source assessment and commentary](#)).

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1.14 Community organisations

- 1.14.1 The Director of a Turkish organisation in the UK stated that there are community and cultural organisations associated with the PKK in Europe, as well as in Turkey [who] also focus on Kurdish language rights⁸³.

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1.15 Identification of PKK members

- 1.15.1 One source noted that the PKK does not issue identity documents, as it would be dangerous to be caught by the authorities carrying such a document⁸⁴. The Director of a Turkish organisation in the UK also noted that The PKK has no membership card or membership list, which could be checked⁸⁵.
- 1.15.2 A human rights lawyer stated, ‘Some traditional clothes are worn by men along the Turkey/Iraq border, but you cannot wear traditional clothes away from the border because they look very similar to the PKK uniform [and this has been used by the authorities as evidence to arrest people].’⁸⁶

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11.State action(s) against PKK members/supporters

1.16 Proscription/designation as a terrorist organisation

- 1.16.1 The PKK is an illegal organisation under Turkish law^{87,88,89,90}.

⁸⁰ [Peace in Kurdistan, 11 June 2019](#)

⁸¹ [Turkish organisation based in the UK, 7 May 2019](#)

⁸² [Truth, Justice and Memory Centre, 18 June 2019](#)

⁸³ [Turkish organisation based in the UK, 7 May 2019](#)

⁸⁴ [Anonymous source, 19 June 2019](#)

⁸⁵ [Turkish organisation based in the UK, 7 May 2019](#)

⁸⁶ [Human rights lawyer, 17 June 2019](#)

⁸⁷ [Human rights lawyer, 17 June 2019](#)

⁸⁸ [Truth, Justice and Memory Centre, 18 June 2019](#)

⁸⁹ [Turkish organisation based in the UK, 7 May 2019](#)

- 1.16.2 A representative of the Turkish Ministry of Justice stated that anyone who commits crime in the name of the PKK or any other terrorist organisation will be prosecuted and convicted if there is evidence, whether they are Turkish, Kurdish or Syrian. Prosecutors will focus on activities, not ethnicity⁹¹.
- 1.16.3 Murat Celikkan, Director of Hafiza Merkezi, stated, '...it is not easy to be a member of [the PKK]. You can be arrested for supporting the PKK.'⁹²
- 1.16.4 When asked what would bring a suspected PKK member/supporter to the attention of the authorities, the Director of a Turkish organisation in the UK opined:
- 'Any political activity would attract the attention of the authorities.
 - 'Kurds are assumed to be PKK members/supporters.
 - 'Even low-level activities, such as leafleting, rallies, and use of social media to make political statements could attract the attention of the authorities, as would any criticism of the government.'⁹³
- 1.16.5 When the same interlocutor was asked what would lead to the arrest of a suspected PKK member/supporter, he responded:
- 'The PKK has no membership card or membership list, which could be checked. Therefore, arrests are based purely on suspicion of PKK membership/activity.
- 'Trying to organise a PKK rally or meeting would attract the attention of the authorities.
- '[...] The PKK has recently carried out relatively fewer attacks in Turkey as manpower and resources are focused on their Syrian affiliate, the People's Protection Units (YPG). However, persons affiliated with the PKK continue to be arrested and detained.'⁹⁴
- 1.16.6 The same contact stated that the detention of a suspected PKK member or supporter, '[...] would generally be based on suspicion of PKK support or activity.'⁹⁵
- 1.16.7 Sebnem Financi of the HRFT stated, 'Shepherds and ordinary Kurdish people from Kurdish villages are in jail for allegedly supporting the PKK or have given shelter and food to PKK. They arrest a few prominent people from a village as an intimidation tactic.'⁹⁶
- 1.16.8 One source noted that, following the killing of 34 Kurdish people from a village called Roboski by the Turkish military, who had mistaken them for PKK operatives, one of the relatives pursuing justice for those killed had been arrested; the source believed that this family member had been targeted by the authorities in order to send a warning to the rest of the

⁹⁰ [Turkish Ombudsman's Office, 20 June 2019](#)

⁹¹ [Ministry Of Justice, 21 June 2019](#)

⁹² [Truth, Justice and Memory Centre, 18 June 2019](#)

⁹³ [Turkish organisation based in the UK, 7 May 2019](#)

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

⁹⁵ [Turkish organisation based in the UK, 7 May 2019](#)

⁹⁶ [HRFT, 17 June 2019](#)

family. He stated that individuals are targeted by the authorities, especially if they are well-known, in order to intimidate others⁹⁷.

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1.17 Family members of PKK members/supporters

- 1.17.1 One source stated that it could be difficult for family members of PKK members/supporters to get a job or even a passport⁹⁸.
- 1.17.2 The Director of a Turkish organisation in the UK stated, 'Family members will inevitably be affected, especially if the suspected PKK supporter is a guerrilla fighter.'⁹⁹
- 1.17.3 Speaking about people critical of the government in general, a human rights lawyer stated, 'Members of families of people who are critical of the government will be targeted; if the police cannot find the person they are looking for, they will take another family member. This was very common during the emergency. Families were threatened by phone and their houses were raided.'¹⁰⁰

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12. Kurdish population

1.18 Likelihood of being recognised as a Kurdish person

- 1.18.1 More than one source stated that there is a tendency for people to think of Kurdish people as dark-skinned and with facial hair and one source stated that persons who meet this description are more likely to be stopped, checked and questioned by the police^{101,102}. However, other sources suggested it was difficult¹⁰³ or very difficult¹⁰⁴ to distinguish between a Turk and a Kurd, but was sometimes possible.
- 1.18.2 A human rights lawyer stated that Kurdish names will be recognisable to the authorities, as will different accents¹⁰⁵. The Director of a Turkish organisation in Turkey believed that a Kurdish person could be recognisable by their name, accent or appearance¹⁰⁶.

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1.19 Kurdish communities

- 1.19.1 The representative from the Ministry of Foreign Affairs stated that Kurdish people prefer to live close together, but they are not told to do so. They noted that there is a large Kurdish population in Istanbul, although Kurds live all over Turkey¹⁰⁷.

⁹⁷ [Anonymous source, 19 June 2019](#)

⁹⁸ [Anonymous source, 19 June 2019](#)

⁹⁹ [Turkish organisation based in the UK, 7 May 2019](#)

¹⁰⁰ [Human rights lawyer, 17 June 2019](#)

¹⁰¹ [Anonymous source, 19 June 2019](#)

¹⁰² [Human rights lawyer, 17 June 2019](#)

¹⁰³ [Peace in Kurdistan, 11 June 2019](#)

¹⁰⁴ [Peace in Kurdistan, 11 June 2019](#)

¹⁰⁵ [Human rights lawyer, 17 June 2019](#)

¹⁰⁶ [Turkish organisation based in the UK, 7 May 2019](#)

¹⁰⁷ [Ministry of Foreign Affairs, 20 June 2019](#)

- 1.19.2 The Director of a Turkish organisation in the UK stated, 'Kurdish people will tend to live in particular neighbourhoods in cities, and all the more so now, due to the presence of armed militia in big cities, known as the "night watchmen" or "night eagles".¹⁰⁸
- 1.19.3 The Director of a Turkish organisation in the UK added that 'Approximately 4 million Kurds live in Istanbul, which is more than the number in Ankara.'¹⁰⁹
- 1.19.4 A representative from a confederation of trade unions stated that '[Kurds] are mainly residing in south eastern and eastern parts of Turkey. In those parts which are mainly populated by Kurds, economic and social issues are problematic; eastern and south eastern areas are less developed than western parts of Turkey, such as Istanbul and the Black Sea area of Turkey; life is harder.' He referred to government practices in the 1990s which led to '[...] a huge population movement to central Anatolia and to the west. Mersin and Adana are 2 cities which received the IDPs from the Kurdish populated areas.'¹¹⁰
- 1.19.5 The HDP MP pointed to places in the the south east or Kurdish populated cities, where the security is very high – in particular pointing to a barrier at the entrance to the city in Şırnak district¹¹¹.

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1.20 Kurdish language

- 1.20.1 The representative from the Ministry of Foreign Affairs stated that the Kurdish language can be heard in Anatolia and all over Turkey¹¹².
- 1.20.2 The Director of a Turkish organisation in Turkey also believed that a Kurdish person could be recognisable by the language spoken¹¹³.
- 1.20.3 The Ombudsman stated:

'[...] the ban on the Kurdish language has been lifted, now they can play music, publish magazines, offer school classes (in private schools) in Kurdish, have radio and TV broadcasting in the Kurdish language. By the way, our current president who was prime minister at the stage, did not deny in the past there have been pressure on Kurds relevant to language, but this targeting of Kurdish people has ended. He acknowledged that in the past there was pressure on Kurds to speak Turkish, but this has now ended. Such big steps have been taken, e.g., 2 days ago I was invited to take part in a TV interview by a state-owned programme, I myself spoke in Kurdish.

'You can go to university and be taught in Kurdish, these terrorist organisations and the political party connected to it will claim that the Kurds are being discriminated against, all these claims are in vain because we have solved them. For instance, let's suppose that HDP claimed that in the past there were 20 different thematic areas where Kurdish people experienced discrimination, we can say that 19 of them have already been

¹⁰⁸ [Turkish organisation based in the UK, 7 May 2019](#)

¹⁰⁹ [Turkish organisation based in the UK, 7 May 2019](#)

¹¹⁰ [Confederation of trade unions, 21 June 2019](#)

¹¹¹ [HDP, 20 June 2019](#)

¹¹² [Ministry of Foreign Affairs, 20 June 2019](#)

¹¹³ [Turkish organisation based in the UK, 7 May 2019](#)

solved [it should be understood that the number 20 mentioned is just an example to show that nearly all of them have been solved/addressed]. In comparison to the past, Kurdish language is now recognised. For example, now they can speak Kurdish in prison, can be assigned translators in Kurdish in trials. It is now illegal/criminalised to discriminate based on ethnicities.

‘[...] If you compare 30 years ago to now, there have been big steps forward.’¹¹⁴

- 1.20.4 The representative from the Ministry of Foreign Affairs stated that, although Turkish is the official language, it is not true that Kurdish cannot be spoken in public, adding that state television, TRT, has been reporting in different dialects since 2004, as do private television channels¹¹⁵.
- 1.20.5 The HDP MP stated, ‘In some cities you can speak Kurdish but in some other cities you cannot, for example, in Kayseri, a central Anatolian city, you cannot speak Kurdish freely in public. In larger metropolitan cities you can, but it depends.’¹¹⁶ The MP commented that there is no official use of the Kurdish language; for example, it is not used on road signs¹¹⁷.

See also [Education](#).

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1.21 Newroz

- 1.21.1 The representative from the Ministry of Foreign Affairs stated that Kurdish people are free to celebrate Newroz and do not need permission to do so¹¹⁸.
- 1.21.2 The Director of a Turkish organisation in the UK stated, ‘Kurds were permitted to celebrate Newroz in 2002 for the first time. These celebrations attract a large number of people and so the authorities see them as a threat. In some cities celebrations are allowed, but the police will nevertheless attack attendees.’¹¹⁹
- 1.21.3 The HDP MP stated:

‘Newroz was banned in 2016 but it is not banned anymore. Under the law on assembly and demonstration, you need to apply to the local governors for permission. Newroz is held on 21 March and you need to apply in advance, get permission and then hold the celebration, you can only celebrate it on the 21 March, in general it is accepted. You cannot celebrate Newroz in a closed space because the celebration includes a fire, there are historical and social significance of this, and the right to celebrate this is at the discretion of government officials.’¹²⁰

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¹¹⁴ [Turkish Ombudsman's Office, 20 June 2019](#)

¹¹⁵ [Ministry of Foreign Affairs, 20 June 2019](#)

¹¹⁶ [HDP, 20 June 2019](#)

¹¹⁷ [HDP, 20 June 2019](#)

¹¹⁸ [Ministry of Foreign Affairs, 20 June 2019](#)

¹¹⁹ [Turkish organisation based in the UK, 7 May 2019](#)

¹²⁰ [HDP, 20 June 2019](#)

1.22 Education

1.22.1 The representative from the Ministry of Foreign Affairs reported that the government have initiated many projects to increase the enrolment of girls at school; this applies to all girls, not only Kurdish girls, but especially girls in rural areas. They are encouraged to complete their education¹²¹.

1.22.2 Estella Schmid, a co-founder of Peace in Kurdistan, stated:

‘Education is possible for Kurdish people; however, classes will be in Turkish, so they will have to learn to speak and live in Turkish to achieve an education. This becomes an issue for working-class or poor Kurdish people from the south east who do not know the Turkish language or use a Kurdish language as their first language; it immediately puts them at a disadvantage when it comes to gaining an education and employment. The closing of Kurdish schools throughout the years is an effort by the Turkish government to stop people continuing the Kurdish language; it makes it harder for Kurdish traditions to continue.’¹²²

See also [Kurdish language](#).

1.22.3 Both the HDP MP and the representative from a confederation of trade unions also noted the issue of a language barrier for Kurdish people in official services, such as education, and the latter stated:

‘Until now there have been serious issues in the Kurdish population in terms of education; good qualified teachers and schools in Kurdish regions were an issue, people didn’t receive the same level or quality of education as in the west. There is a general patriarchal issue and urbanisation issue as well, in comparison to other regions in the west. Due to these circumstances, it can be said that education is seen as less important in the south east than in other regions. [He later added the following notes: ‘[We] do not think that education is less important just because Kurdish people believe so. The reason, from [our] perspective, is that there are certain structural conditions that form their belief. Patriarchal issues affect parents’ attitude to education. Accordingly, they may not want to send their kids, particularly girls, to school. Similarly, urbanisation process is another factor that affects the parents’ behaviour/attitude to education. For example, they are forced to move to the city centre and have to change some habits. They have to adopt a new life in urban areas. Unlike rural areas, they (more family members) have to work more.’]’

1.22.4 This representative also referred to the case of the Turkish Education and Science Workers’ Union, Egitim Sen, which was forced to remove the clause from their constitution which advocated for education in a person’s mother tongue, especially in Kurdish areas, following pressure from the authorities¹²³.

1.22.5 The Director of a Turkish organisation in the UK stated, ‘There are generally no problems for Kurds in accessing schools, as the authorities are keen to

¹²¹ [Ministry of Foreign Affairs, 20 June 2019](#)

¹²² [Peace in Kurdistan, 11 June 2019](#)

¹²³ [Confederation of trade unions, 21 June 2019](#)

assimilate Kurds in Turkish society. However, continuing in education as a person gets older can depend on allegiance to the government.¹²⁴

See also [Women](#).

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1.23 Employment

- 1.23.1 The HDP MP stated that having a Kurdish name can make it more difficult for a person to find employment¹²⁵. However, the representative from the Ministry of Foreign Affairs stated that finding employment can be difficult at times, but this is the case for everyone, not only those of Kurdish origin¹²⁶.
- 1.23.2 The representative of a confederation of trade unions stated:
‘ILO [International Labour Organization] Convention 111 states you cannot discriminate in employment. A survey was given to employers; they were shown two pictures, one of a person from central Anatolia (western/central) which was not a smart-looking photo, and the second was of a Kurdish-looking person from eastern Turkey who looked a lot smarter. 80% chose their preferred photo based on where the person was born and not on other characteristics. This survey was done independently and conducted by academics last year.’¹²⁷
- 1.23.3 This representative further stated that of the confederation’s members who were dismissed from their jobs following the coup attempt of 2016, most were Kurdish, but they ‘[...] were not dismissed for being Kurdish only but because they are Kurdish public officers opposed to the government.’¹²⁸ He added, ‘It is not just Kurdish people, it is also people in opposition to the government who are dismissed or prevented from getting a job. The process now for public sector employment is that you need to be interviewed and have a security investigation which makes it impossible for someone of Kurdish ethnicity to get the job.
‘For example, you sit an exam for public service job, you get the highest score but because of your Kurdish identity you do not get the job, but someone with half your score who is pro-government and not Kurdish will get the job. It is the security investigation that stops you from getting the job, for example because you are Kurdish and may be a security risk.’¹²⁹
- 1.23.4 Murat Celikkan, Director of Hafiza Merkezi, stated:
‘Kurdish people face some discrimination; for example, the Bosphorus University is an English/American language school, it is one of the best universities in Turkey. Some of the students are Kurdish, when they go to apply for jobs employers are impressed at the person’s ability to speak English, however, when they speak Turkish and they do not have the Turkish dialect, they are then discriminated against because they have a

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

¹²⁵ [HDP, 20 June 2019](#)

¹²⁶ [Ministry of Foreign Affairs, 20 June 2019](#)

¹²⁷ [Confederation of trade unions, 21 June 2019](#)

¹²⁸ [Confederation of trade unions, 21 June 2019](#)

¹²⁹ [Confederation of trade unions, 21 June 2019](#)

Kurdish dialect and they do not get the job. This is discrimination not only by the state but in daily life. [...]

'The government discriminates against Kurds in respect to holding different government jobs, being MPs or prosecutors. You can be a lawyer, even a minister or a high-level social worker if you do not emphasise your Kurdish identity or openly say that you are a Kurd.'¹³⁰

1.23.5 Estella Schmid, a co-founder of Peace in Kurdistan, stated:

'If you are a middle-class Kurd, you will most likely have an "ok" job and an education which you can use to conceal your Kurdish ethnicity to some degree. However, having an "ok" job such as being a journalist or an academic, you will be a lot more politically aligned with the Turkish government and not aligned with Kurdish politics. In private a middle-class Kurdish person who lives in Istanbul or Ankara may give indirect support to the Kurdish cause, but not openly as this may hinder them in the future.'¹³¹

1.23.6 The Director of a Turkish organisation in the UK stated:

'There can be discrimination in regard to accessing employment; as explained above, Kurds work mainly in construction and other heavy work. They also work on farms, as fruit pickers and in tourist resorts. It would be hard for a Kurd to become a Judge or prosecutor, for example. Some Kurds are teachers, but in more basic jobs. Some Kurds run businesses, but they must show that they are very loyal to the government. The private sector in Turkey is small, and it generally excludes Kurds. If a Kurd is considered well-off or successful, they are more likely to be targeted by the state, and most Kurds who reach higher positions will say that they are Turkish and loyal to the government.'¹³²

1.23.7 A representative from a confederation of trade unions said:

'There is such oppression in private sector for Kurdish people, they cannot identify as a Kurdish person, and they cannot speak Kurdish. No law bans this or the use of Kurdish languages, but this is the practice. For example, A Kurdish seasonal agricultural worker was attacked and lynched for trying to sing a song in Kurdish language. The attack took place in an area where nationalist feeling is strong. It was done by the local people, this is societal discrimination, it was triggered by government policies. This happened last year (2018).'¹³³

1.23.8 The same representative stated, 'We can say Kurdish people are not well educated, that is why they hold the worst jobs in the civil service and private sector, there is no equality in this regard, they receive very little economic welfare in the country. There are now about four million Syrian refugees that are worse off, before this the Kurds were the worst off in terms of jobs.'¹³⁴

See also [Kurds in public life](#).

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¹³⁰ [Truth, Justice and Memory Centre, 18 June 2019](#)

¹³¹ [Peace in Kurdistan, 11 June 2019](#)

¹³² [Turkish organisation based in the UK, 7 May 2019](#)

¹³³ [Confederation of trade unions, 21 June 2019](#)

¹³⁴ [Confederation of trade unions, 21 June 2019](#)

1.24 Accommodation

- 1.24.1 The Director of a Turkish organisation in the UK thought that, 'It can be hard to find accommodation and difficulties can arise when Turkish neighbours ask questions about where a Kurdish family is from.' However, the same source noted that approximately 4 million Kurds lived in Istanbul¹³⁵.

See also [Societal treatment](#).

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1.25 Women

- 1.25.1 When asked whether any societal discrimination against Kurds might have a particular impact on Kurdish women and girls, the Director of a Turkish organisation in the UK stated, 'Women are generally treated less favourably than men throughout Turkish society.'¹³⁶

- 1.25.2 Canan Gullu, President of the Federation of Womens' Associations of Turkey stated:

'Kurdish women are the same as Turkish women in terms of reporting domestic abuse to the police. Kurdish people live all over Turkey and face the same issues as Turkish women when reporting violence. Living in a patriarchal system makes it harder to resist violence.

'There have been changes in attitude after a domestic abuse hotline was announced on television and women started to call the hotline. Over the last two years there has been an increase in the number of complaints registered. Due to the patriarchal structure of the Kurdish society, male relatives, such as uncles and fathers, also call the helpline, saying daughters or female relatives are in a violent house.'¹³⁷

- 1.25.3 When asked whether less educated women and girls may call the helpline, Ms Gullu answered, 'The Federation of Womens' Associations put advertisements on television, and they can be seen by everyone, old and young. Even old women call the helpline, it is available in Kurdish and Arabic and in the future we may make it available in English. In the police stations and courts, if there is a Kurdish girl who does not speak Turkish, they can have access to a translator.'¹³⁸

- 1.25.4 On the subject of education, Ms Gullu stated, 'There is no distinction between Kurdish or Turkish women. However, because of the Kurdish traditional lifestyle structure, most of the time Kurdish women are deprived of education which in turn makes them more prone to violence. [...] Kurdish women are less educated, but this is not just a Kurdish problem; it is a problem for all girls, including those in the Black Sea and Central regions and those in underage marriages.

'There has been a change of legislation in the education system to break it down into a 4+4+4 years system. A child starts school at 6 and education until 10 is mandatory. However before the next stage (10-14), some will be

¹³⁵ [Turkish organisation based in the UK, 7 May 2019](#)

¹³⁶ [Turkish organisation based in the UK, 7 May 2019](#)

¹³⁷ [Federation of Womens' Associations, 18 June 2019](#)

¹³⁸ [Federation of Womens' Associations, 18 June 2019](#)

married. Some women are happy about this, they enjoy it. However, this is not strictly a Kurdish issue but an issue across Turkey.¹³⁹

See also [Education](#).

- 1.25.5 When asked about arranged marriage, Ms Gullu replied, 'Underage marriage is an issue in the whole of Turkey, not just in the Kurdish regions. When mayors were dismissed in Kurdish areas and "legal" guardians were put in place, shelters which had previously provided support to women in Kurdish areas were closed. [...]

'In Kurdish areas, arranged marriage is common but it is happening less and less as women are becoming better educated.'¹⁴⁰

- 1.25.6 When asked whether a Kurdish woman or girls might marry without parental approval, the Director of a Turkish organisation in the UK stated, 'It is less common now for family approval to be sought, but more so in the more religious sector of Kurdish society.'¹⁴¹

- 1.25.7 When asked whether a Kurdish woman may be recognised by her appearance, Ms Gullu stated, 'No. You cannot identify Kurdish and Turkish women apart in Istanbul.'¹⁴² A human rights lawyer stated, 'Women dress the same in Istanbul, whether Turkish or Kurdish, but Kurdish women are more noticeable in the east as they wear traditional clothes.'¹⁴³

See also [Likelihood of being recognised as a Kurdish person](#).

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1.26 Medical care

- 1.26.1 The representative from the Ministry of Foreign Affairs stated that Kurds may not always be able to access medical treatment from a doctor speaking a Kurdish language as all medical personnel are rotated around the country, so not everyone posted to the south-east will be able to speak a Kurdish language¹⁴⁴. The HDP MP affirmed that Kurdish people cannot always access official services, such as healthcare, in their mother tongue¹⁴⁵.

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1.27 Societal treatment

- 1.27.1 The representative from the Ministry of the Foreign Affairs stated that there is no societal discrimination¹⁴⁶.
- 1.27.2 One source stated that persons who have previously lived in the east of Turkey may experience some discrimination with regard to education, employment and accommodation, although discrimination with regard to accommodation is not much. The source stated that there is discrimination against Kurds in Ankara. Kurdish people may send their children to private

¹³⁹ [Federation of Womens' Associations, 18 June 2019](#)

¹⁴⁰ [Federation of Womens' Associations, 18 June 2019](#)

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

¹⁴² [Federation of Womens' Associations, 18 June 2019](#)

¹⁴³ [Human rights lawyer, 17 June 2019](#)

¹⁴⁴ [Ministry of Foreign Affairs, 20 June 2019](#)

¹⁴⁵ [HDP, 20 June 2019](#)

¹⁴⁶ [Ministry of Foreign Affairs, 20 June 2019](#)

schools because they are more likely to be accepted there. The same person further stated that there is no discrimination towards Kurds from the state and there is no direct discrimination in law, but discrimination can happen at a societal level¹⁴⁷.

- 1.27.3 A representative from a confederation of trade unions stated, 'if you are in a small town that is very pro-government and very nationalist, you may face discrimination for being a Kurd.'¹⁴⁸ He felt that society is following the direction of the government by exploiting and oppressing Kurdish people¹⁴⁹.
- 1.27.4 The HDP MP stated that Kurds do not feel safe in Turkey, adding that a nationalism in Turkey is increasing¹⁵⁰.

See also [Education](#), [Employment](#) and [Accommodation](#).

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1.28 Military service

- 1.28.1 Murat Celikkan, Director of Hafiza Merkezi, stated that 'military service is not nice in general, but it is harder for Kurds.'¹⁵¹

- 1.28.2 The human rights lawyer stated:

'Military service is humiliation for Kurdish people, they have a lot of incidences on a regular basis with the military or police, they do not have good memories with police and military. Military service is for the Turkish people, it doesn't serve the Kurdish people. One of the reasons is that they are fighting against Kurds. The Kurdish people are not proud of the military or Turkey, because they believe it is a country that doesn't consider them as citizens but rather traitors, this is the general feeling in the east.'¹⁵²

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1.29 Kurds in public life

- 1.29.1 A representative from the Ministry of Justice stated that there are many Kurdish MPs in parliament, in the ruling and opposition party, and in the Court of Cassation, and who are judges¹⁵³.
- 1.29.2 The Turkish Ombudsman, a man of Kurdish origin, stated that he has been in the position of Ombudsman for two and a half years. Furthermore, he has been a Member of Parliament for four terms and head of the parliamentary Petition Committee, which oversees allegations of human rights conditions in Turkey, for the last seven years¹⁵⁴.
- 1.29.3 Canan Gullu, President of the Federation of Womens' Associations, stated, 'An ex-Minister of Interior has Kurdish origin and the current Minister of Justice has Kurdish descent. In Turkey, to enjoy civil rights you do not have to be a Turkish person but you do have to be born in Turkey and to live in

¹⁴⁷ [Anonymous source, 19 June 2019](#)

¹⁴⁸ [Confederation of trade unions, 21 June 2019](#)

¹⁴⁹ [Confederation of trade unions, 21 June 2019](#)

¹⁵⁰ [HDP, 20 June 2019](#)

¹⁵¹ [Truth, Justice and Memory Centre, 18 June 2019](#)

¹⁵² [Human rights lawyer, 17 June 2019](#)

¹⁵³ [Ministry Of Justice, 21 June 2019](#)

¹⁵⁴ [Turkish Ombudsman's Office, 20 June 2019](#)

the country. There is nothing to say that if you are Kurdish you cannot be a judge or a doctor; people of Kurdish origin are not prevented from being part of anything.¹⁵⁵

- 1.29.4 A representative of a confederation of trade unions stated, 'The government have Kurds who are pro-government, who support the AKP. Kurdish ministers and civil servants are not discriminated against if they are pro-government. If you empathise with Kurdish ethnicities and identity, then you are discriminated against.'¹⁵⁶

See also [Employment](#).

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13. Arrest and detention

1.30 Law

- 1.30.1 A representative from the Ministry of Justice provided information concerning Article 19 of the Turkish Constitution (re: personal liberty and security) as well as relevant articles of the Code of Criminal Procedure dealing with legal rights following arrest. They also explained about paragraph 3 of Article 17 of the Constitution which governs the prohibition of torture and ill-treatment (see [the notes of the meeting with the Department of Human Rights in the Turkish Ministry of Justice](#)).
- 1.30.2 The interlocutor from the Ministry of Justice explained:
'Within the scope of suspected persons' right to receive the assistance of a lawyer and right to defence in general, there is no impediment to the right of suspects and their legal representatives, if any, to receive the assistance of one or more lawyers of their own choosing at all stages of the investigation and proceedings pursuant to Article 149 of the CCP. Besides, in consideration of the severity of the offences imputed to suspects, appointment of a defence counsel by the authorities in charge of investigation and prosecution was made mandatory regardless of the suspect's request pursuant to Article 150 of the CCP.'¹⁵⁷
- 1.30.3 The human rights lawyer stated that '[...] if you use your right to silence they assume you have something to hide, for example being a terrorist. If a lawyer advises a client to remain silent, the lawyer is accused of a crime.'¹⁵⁸
- 1.30.4 Sebnem Financi of HRFT declared, 'Lawyers do not wish to represent people from Gulenist movement and some nationalist Bar Associations of the western cities had problems with Kurds as well.'¹⁵⁹ Ms Financi further stated that not all Kurdish people have sufficient funds or are fully aware of legal processes, but there are lawyers, such as Ozgurlukcu Hukukcular Dernegi, who offer their services to the Kurdish people. She added that

¹⁵⁵ [Federation of Womens' Associations, 18 June 2019](#)

¹⁵⁶ [Confederation of trade unions, 21 June 2019](#)

¹⁵⁷ [Ministry Of Justice, 21 June 2019](#)

¹⁵⁸ [Human rights lawyer, 17 June 2019](#)

¹⁵⁹ [HRFT, 17 June 2019](#)

political prisoners have contacts for lawyers, and most people have access to lawyers through friends who would make arrangements outside prison¹⁶⁰.

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1.31 Pre-trial detention

1.31.1 Prior to the coup attempt of 2016, people could be held for four days before being brought before a judge¹⁶¹. Likewise, Andrew Gardner of Amnesty International stated 'In 2014/2015 there was a change in law about pretrial detention to make it easier for judges to release people on bail with reporting requirements rather than remand them in prison. As a result, in 2015 the number of people in pretrial detention was decreasing sharply.'¹⁶²

1.31.2 However, during the state of emergency following the coup attempt, they could be held for 30 days (or one month¹⁶³) before being brought before a judge^{164,165}. Sebnem Financi of the HRFT added that they could be unable to meet with a lawyer for five days¹⁶⁶. Andrew Gardner of Amnesty International added that:

'after the 2016 attempted coup, the discourse changed. Security became a major issue for the Turkish state. [...] The practice of releasing people became stricter; for example, judges and prosecutors preferred to put someone in pretrial detention rather than release them because it was dangerous not to be strict. The number of people in pre-trial detention shot up massively. This is an example of policies and practices changing as a result of political circumstances, even though the law had not changed.'¹⁶⁷

1.31.3 However, the human rights lawyer stated, 'People are not detained without being charged any more; this was the case during the state of emergency.'¹⁶⁸ He added, 'After you have finished with the police process, you will go to the prosecutor, who will then ask you questions again. He/she will either release you or give your terms of detention to the "peace judge" (at the Court of Peace). The judge will either release you on bail or detain you (pretrial detention). The prosecutor will draft the indictment which has been known to take 1-2 years; you are either held in pretrial detentions or on bail during this time.'¹⁶⁹

1.31.4 The interlocutor from the Ministry of Justice also provided the following information about custody arrangements:

'If the individual, who has been arrested, is not released by the public prosecutor, then it may be ordered that he be taken into custody with the aim of completing the related investigation. The duration of the custody shall not exceed 24 hours, beginning from the moment of the arrest; the necessary

¹⁶⁰ [HRFT, 17 June 2019](#)

¹⁶¹ [Anonymous source, 19 June 2019](#)

¹⁶² [Amnesty International, 18 June 2019](#)

¹⁶³ [Human rights lawyer, 17 June 2019](#)

¹⁶⁴ [Anonymous source, 19 June 2019](#)

¹⁶⁵ [HRFT, 17 June 2019](#)

¹⁶⁶ [HRFT, 17 June 2019](#)

¹⁶⁷ [Amnesty International, 18 June 2019](#)

¹⁶⁸ [Human rights lawyer, 17 June 2019](#)

¹⁶⁹ [Human rights lawyer, 17 June 2019](#)

time for transporting the suspect to the nearest judge or court of the place where the arrest had occurred, shall not be included. The necessary time for transportation to the nearest judge or court where the arrest had occurred, shall not exceed 12 hours.

‘Taking an individual into custody requires that this measure is necessary in respect to the investigation and that evidence exists, which indicates the belief that the individual has committed an offense. If the crime has been committed collectively (crimes committed by 3 or more persons) and if there are difficulties in collecting evidence of the crime, or there are a large number of suspects, the public prosecutor may order in writing an extension of the custody period for 3 more days, not exceeding one day at a time. The order of extension shall immediately be notified to the individual who has been taken into the custody. [...]

‘If there is one or two suspect charged with terror related crimes, the custody period will be 48 hours. If there are difficulties in collection of the evidence or the case file is very extensive, this period could be extended for two times by the Magistrate Judge upon the request of the public prosecutor. Before the extension decision, the Magistrate Judge has to hear the suspect in person. As a result the whole period could not exceed 6 days (2+2+2).

‘If there is [sic] 3 or more persons charged with terror related crimes, the custody period will be 4 days. If there are difficulties in collection of the evidence or the case file is very extensive, this period could be extended for two times by the Magistrate Judge upon the request of the public prosecutor. Before the extension decision, the Magistrate Judge has to hear the suspect in person. As a result the whole period could not exceed 12 days (4+4+4).¹⁷⁰ However, Sebnem Financi of the HRFT stated that this period could, in fact, exceed 12 days¹⁷¹.

- 1.31.5 When the Director of a Turkish organisation in the UK was asked how long political opponents are detained, he said, ‘A person can be detained for anything up to about five years with no trial or evidence. The usual period of detention is about six months. This can also be the case for non-Turkish nationals, including those with dual British-Turkish citizenship.’¹⁷² He further stated that pre-trial detention can last for years, even without evidence¹⁷³. Sebnem Financi of the HRFT also stated that opposition persons have been arrested and detained for long periods of pre-trial detention¹⁷⁴.
- 1.31.6 Similarly, Andrew Gardner of Amnesty International stated, ‘People arrested can spend years in pretrial detention’ and he gave the example of Osman Kavala – accused of leading, running and financing the Gezi Park protests in 2013 – who has been in pretrial detention for one to one and a half years¹⁷⁵.

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¹⁷⁰ [Ministry Of Justice, 21 June 2019](#)

¹⁷¹ [HRFT, 17 June 2019](#)

¹⁷² [Turkish organisation based in the UK, 7 May 2019](#)

¹⁷³ [Turkish organisation based in the UK, 7 May 2019](#)

¹⁷⁴ [HRFT, 17 June 2019](#)

¹⁷⁵ [Amnesty International, 18 June 2018](#)

1.32 Judicial process

- 1.32.1 The representative from the Turkish Ministry of Justice stated that the right of suspects and accused persons to use their own language is protected. A public prosecutor or judge must provide a translator if the person cannot speak Turkish and the State will pay for this. If the person can speak Turkish but states that they would prefer to make their defence or submission in Kurdish, for example, they are allowed to do so, but in this case, the person must pay for the translator¹⁷⁶. The representative from the Ministry of Justice confirmed that translators are provided if parties to the trial case require them¹⁷⁷.
- 1.32.2 Andrew Gardner stated that 'Amnesty International does not know the exact number of people subjected to unfair prosecutions but given the current situation in the judiciary and the post-coup cases that it has examined, believes it to be in the tens of thousands. Amnesty International has not been able to look at all the cases brought following the coup attempt, but had focused on those brought against human right defenders, activists and journalists.'¹⁷⁸
- 1.32.3 Mr Gardner continued, 'After the attempted coup there was a mass purge of people from the judiciary including judges and prosecutors. They would either be fired or transferred to another district. New officials who were loyal to the government were put into positions of power.'¹⁷⁹
- 1.32.4 The human rights lawyer stated, 'The judicial process is not a fair process, it is impossible, in my opinion we do not have judges or prosecutors any more, they are acting on behalf of the government, most are not even hiding their opinions. They post on social media and act supportive of the government; it is a way to gain "promotion".
- 'Delegations from abroad are monitoring the judicial process and judicial cases in Turkey.
- 'Fair trial is no longer anyone's main concern; since the coup it has got worse.'¹⁸⁰
- 1.32.5 The lawyer further stated, 'Judges on the CHD [Progressive Lawyers' Association] case were sent away by the authorities to a lower competent Court or even another province. This happens quite often when they release someone because the authorities were not pleased with them.'¹⁸¹

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1.33 Appeals process

- 1.33.1 The Director of a Turkish organisation in the UK suggested that 'All judges have been replaced by people loyal to the President so the appeals process is meaningless' and that 'There is no rule of law in Turkey. Proper judicial

¹⁷⁶ [Ministry Of Justice, 21 June 2019](#)

¹⁷⁷ [Ministry of Foreign Affairs, 20 June 2019](#)

¹⁷⁸ [Amnesty International, 18 June 2019](#)

¹⁷⁹ [Amnesty International, 18 July 2019](#)

¹⁸⁰ [Human rights lawyer, 17 June 2019](#)

¹⁸¹ [Human rights lawyer, 17 June 2019](#)

and appeal processes are not followed.¹⁸² (see also [Source assessment and commentary](#).)

- 1.33.2 The human rights lawyer stated that a person may be arrested for criticising Erdogan and that, as such cases do not have a legal justification, they are difficult to appeal because they do not have a basis in law¹⁸³.
- 1.33.3 Andrew Gardner of Amnesty International said, 'There is a huge number of cases going to the ECtHR; the process is that someone will need to exhaust the domestic legal process of appeals and trials and in Turkey this can take ten years or more. The ECtHR is not meant to be an appeal court; it is supposed to act as a remedy for what a national government cannot deal with, [...]'.¹⁸⁴

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1.34 Process of detention

- 1.34.1 The interlocutor from the Ministry of Justice explained that

'If there are concrete evidence that tend to show the existence of a strong suspicion of a crime and an existing "ground for detention", the suspect or accused may be put in detention. The suspect or accused person cannot be detained if detention is not proportionate to the importance of the case, expected punishment or security measure (Article 100 § 1 of the CCP). [...]

'[...] following the custody period, if there is concrete evidence and a ground for detention, the suspect could be detained only by the decision of the Magistrate Judgeship upon the request of the public prosecutor. With the decision of the Magistrate Judgeship, the detention period will start. During this period, the public prosecutor will continue to collect the evidence such as criminal reports, victim and witness statements, DNA examination, on-site inspection etc. At the end of the every 30 days period, whether the detention of the suspect will continue must be reviewed by the Magistrate Judgeship. As a result, during the investigation period, the necessity of the detention of the suspect is examined in every 30 days by the Magistrate Judge. During this review the Magistrate Judge has to hear the detainee or his/her lawyer.'¹⁸⁵

See the [note of the meeting with the Ministry Of Justice](#).

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1.35 Prisons and detention centres

- 1.35.1 Several sources claimed that prisons in Turkey are overcrowded^{186,187,188}. Andrew Gardner stated that some prisons can be at over 200% capacity¹⁸⁹.

¹⁸² [Turkish organisation based in the UK, 7 May 2019](#)

¹⁸³ [Human rights lawyer, 17 June 2019](#)

¹⁸⁴ [Amnesty International, 18 June 2019](#)

¹⁸⁵ [Ministry Of Justice, 21 June 2019](#)

¹⁸⁶ [Anonymous source, 19 June 2019](#)

¹⁸⁷ [HRFT, 17 June 2019](#)

¹⁸⁸ [Amnesty International, 18 June 2019](#)

¹⁸⁹ [Amnesty International, 18 June 2019](#)

- 1.35.2 The Director of a Turkish organisation in the UK stated, 'Prison conditions are terrible for all prisoners, as they have no proper rights and anything can be done to them, whether they are criminal or not.'¹⁹⁰ The human rights lawyer stated, 'Prison conditions are better than most in Europe but detention conditions are crowded.'¹⁹¹ Sebnem Financi of HRFT stated that there are no proper beds, water or food¹⁹².
- 1.35.3 The Turkish Ombudsman stated:
 'We receive (in relation to prison complaints), a lot of applications but they are not about discrimination, they are about the conditions of prisons or the trial process of a prisoner. We try to find solutions, advise prison management to solve issues. We advise them to move the prisons if it was due to overcrowding or conditions within the prison or refer them to healthcare advisors if they have health issues etc.'¹⁹³
- 1.35.4 One source stated that many HDP or high-ranking people are in 'F'-type prisons in Turkey, where people are held either in isolation or with up to just two others. They are only allowed to see other HDP members/supporters. They have access to a lawyer¹⁹⁴. Sebnem Financi of the HRFT stated, 'In 2000, in F-type prisons [where isolation is the main issue], they went on hunger strike to be allowed to be socialised together with wards [...]. Two years ago, they took this right away in general. Kurdish and leftist people are affected, and they are not allowed to read. A lot of Kurdish people in jail are intellectual.'¹⁹⁵
- See also [Segregation](#), [Arrest, detention and sentencing of HDP and PKK members/supporters](#) and [Treatment of different groups in detention](#).
- 1.35.5 Andrew Gardner of Amnesty International stated, 'After the attempted coup, detention and unofficial detention centres, such as football stadiums and stables, were used, and this was acknowledged by the authorities. Black sites and secret detention centres have been alleged but Amnesty has not investigated this and has no information on their existence, location or conditions.'¹⁹⁶

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1.36 Numbers detained

- 1.36.1 The representative from the Ministry of Justice stated that there are currently 250,000 people in prison in Turkey; of these, 42,000 are linked to groups considered as terrorist, such as Daesh, PKK and Gulen¹⁹⁷.
- 1.36.2 An HDP MP stated, '7,000 people are in prison for political reasons but not all are HDP members; they are people who have supported, sympathised or had a political or Kurdish opinion.'¹⁹⁸

¹⁹⁰ [Turkish organisation based in the UK, 7 May 2019](#)

¹⁹¹ [Human rights lawyer, 17 June 2019](#)

¹⁹² [HRFT, 17 June 2019](#)

¹⁹³ [Turkish Ombudsman's Office, 20 June 2019](#)

¹⁹⁴ [Anonymous source, 19 June 2019](#)

¹⁹⁵ [HRFT, 17 June 2019](#)

¹⁹⁶ [Amnesty International, 18 June 2019](#)

¹⁹⁷ [Ministry Of Justice, 21 June 2019](#)

- 1.36.3 Andrew Gardner of Amnesty International put the figure at tens of thousands of people having been under investigation on terror-related crimes since 2015, describing a 'surge in people being arrested and charged with terrorist propaganda' when the Turkish-Kurdish peace process broke down in 2015¹⁹⁹.
- 1.36.4 Murat Celikkan, Director of Hafiza Merkezi, stated, '500,000 people last year [2018] were investigated for being a member of a terrorist organisation. It is easy to assume/suspect that they are members/supportive of terrorist organisations under the anti-terror law.'²⁰⁰

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1.37 Mothers with children

1.37.1 Sebnem Financi of HRFT stated:

'There are children in with women in prisons. Prisoners under the Gulenist movement have a higher rate of children, due to being pregnant when arrested or arrested after birth in prison wing. There is an upper age limit for all children to how long they can be in jail with their mothers if they want to keep the child (7 years).

'If the mother wants to keep the child, they have access to education outside of the prison, only primary education. If it was a campus prison they have pastoral care units where the children go during the day.'²⁰¹

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1.38 Solitary confinement

1.38.1 Suleyman Arslan of the NHREIT told the HO FFT that solitary confinement is not used²⁰².

1.38.2 However, Sebnem Financi of the HRFT stated that when a person is held in police custody, 'You will be in solitary confinement or incommunicado, within the isolation period it is a very dangerous time as no one has access to you besides police (no access to lawyers). Usually solitary confinement or incommunicado is 2-3 days. During this period, intimidation and interrogation are used. In some places, they do not take people to their medical examinations.'²⁰³

See also [Pre-trial detention](#) and [Medical care](#).

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1.39 Segregation

1.39.1 Suleyman Arslan of the NHREIT stated that, 'there is no such thing that people with the same ethnicity are kept in the same prison wings.'²⁰⁴

1.39.2 Mr Arslan further stated:

¹⁹⁸ [HDP, 20 June 2019](#)

¹⁹⁹ [Amnesty International, 18 June 2019](#)

²⁰⁰ [Truth, Justice and Memory Centre, 18 June 2019](#)

²⁰¹ [HRFT, 17 June 2019](#)

²⁰² [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

²⁰³ [HRFT, 17 June 2019](#)

²⁰⁴ [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

'In prison we have observed that when members of the same terrorist organisation come to prison they want to stay together, this is personal choice. For example, we observed five PKK members wanted to stay together, and the management of prison allowed that. It was the same with the FETO (Gulenists). It is a personal decision.

'Also, others do not want to be kept with rapists so sometimes criminal convicts are kept separately due to security and safety reasons.'²⁰⁵

- 1.39.3 Sebnem Financi of the HRFT stated, 'There are PKK prison wings, politically mixed wings and Party Frontier (Party Cephe) wings. There are separate prisons for men and women or different buildings within the same prison.'²⁰⁶

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1.40 Arrest, detention and sentencing of HDP and PKK members/supporters

- 1.40.1 Murat Celikkan, Director of Hafiza Merkezi, stated, 'The HDP are a legal Kurdish party, with around 10,000 members imprisoned. In the past, for example in 2018 there were 80 elected mayors and 11 former MPs who have been imprisoned.'²⁰⁷ The HDP MP stated that, following the coup attempt of 2016, 15 of her colleagues were arrested; of these, six were acquitted and nine HDP former MPs remain in jail. The same MP mentioned that an MP can have legal cases against them and will face trial for these if they lose their position as an MP and thus lose their parliamentary immunity²⁰⁸.

- 1.40.2 Referring to HDP supporters, the human rights lawyer stated, 'If they do not find anything on you during interrogation, if you are a low-level supporter, such as someone who has carried out leafletting, they beat you, insult you and then release you.'²⁰⁹

- 1.40.3 The Director of a Turkish organisation in the UK stated that PKK members/supporters are deliberately detained far from where their families live in order to make it difficult for family to visit. He further stated that a suspected supporter may be held in pre-trial detention for three to five years before sentencing, adding that Selahattin Demirtas, former co-Chair of the HDP, was in pre-trial detention for almost two years. He stated that PKK members are charged with terrorism and can spend 15 to 20 years in prison²¹⁰.

See also [Pre-trial detention](#).

- 1.40.4 The human rights lawyer felt that HDP members get longer sentences than members of the PKK²¹¹. However, they cited one example of a PKK member (who was open about being a member of the PKK) who got six years in prison while an HDP member got ten years under the same Article (314) (see [Source assessment and commentary](#)).

²⁰⁵ [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

²⁰⁶ [HRFT, 17 June 2019](#)

²⁰⁷ [Truth, Justice and Memory Centre, 18 June 2019](#)

²⁰⁸ [HDP, 20 June 2019](#)

²⁰⁹ [Human rights lawyer, 17 June 2019](#)

²¹⁰ [Turkish organisation based in the UK, 7 May 2019](#)

²¹¹ [Human rights lawyer, 17 June 2019](#)

1.41 Treatment of different groups in detention

- 1.41.1 Suleyman Arslan of NHREIT stated, 'There is no different treatment between different terrorist organizations. PKK, Daesh, FETO are legally recognised terrorist groups [...].'²¹²
- 1.41.2 The human rights lawyer stated, 'If you are charged with organised crime/terrorist crime, your rights are taken away, you cannot access the news, including no books, nothing from the outside.'²¹³
- 1.41.3 Prison officers in the west of Turkey will recognise Kurdish prisoners through accent and language, and they will be aware that they are likely to be charged with terrorism²¹⁴.
- 1.41.4 Several sources suggested that Kurds are treated worse than Turks in detention^{215,216,217}

1.42 Torture and ill-treatment

- 1.42.1 The Human Rights Association explained 'Articles 94 and 95 of the Turkish Penal Code prohibit torture.'²¹⁸ The interlocutor at the Ministry of Justice outlined that Turkey's policy of zero tolerance for any kinds of ill-treatment continues all the time²¹⁹. Andrew Gardner of Amnesty International also noted Turkey's "zero tolerance for torture" policy, but also claimed that 'after the coup attitudes changed and it seems that in the months that followed authorities decided to revert to "any means necessary." He described a 'surge in the number of torture allegations [after the coup attempt], especially coming from perceived supporters of the Gulen movement'. However, Mr Gardner also noted that 'Torture isn't as bad as it was in the 90's and early 00's, but after a steep decline, cases are being reported again at a higher level than they were before the coup attempt.'²²⁰ The Director of a Turkish organisation in the UK also believed 'Torture takes place but not as widely as in the past.'²²¹
- 1.42.2 Sources gave differing opinions on who may have been subjected to torture or other ill-treatment:
- people detained and accused of supporting the PKK or another proscribed organization^{222,223} – this would include people who violated the curfews put in place in areas in the south east where the fighting was

²¹² [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

²¹³ [Human rights lawyer, 17 June 2019](#)

²¹⁴ [Anonymous source, 19 June 2019](#)

²¹⁵ [HDP, 20 June 2019](#)

²¹⁶ [Turkish organisation based in the UK, 7 May 2019](#)

²¹⁷ [HRFT, 17 June 2019](#)

²¹⁸ [Human Rights Association of Turkey, 21 June 2019](#)

²¹⁹ [Ministry Of Justice, 21 June 2019](#)

²²⁰ [Amnesty International, 18 June 2019](#)

²²¹ [Turkish organisation based in the UK, 7 May 2019](#)

²²² [Amnesty International, 18 June 2019](#)

²²³ [Turkish organisation based in the UK, 7 May 2019](#)

occurring (which would cause the authorities to believe they were PKK)²²⁴.

- Murat Celikkan, Director of Hafiza Merkezi, believed that Gulenists, PKK members or members of left-wing organisations are ‘very likely’ to be tortured in detention²²⁵.
- The Director of a Turkish organisation in the UK opined that, ‘[...] HDP or PKK supporters will be tortured. However, this is not the norm for Turkish people, unless they are linked to Gulenism.’ And that ‘... Gulenists are tortured very badly, more so than Kurds at present, it seems.’²²⁶
- The executive from the Human Rights Association stated:
‘[...] torture is done to both members of the Fethullah Gülen Organization and Kurdish people, but it is different. Members of the Fethullah Gülen Organization disappear and will be tortured in detention for long hours/months at a time and then released. They are taken away to detention places. There are six people whose whereabouts and fates are still unknown. There is no fear for the government of retaliation. But this is not the case for Kurdish people as the PKK will retaliate.’²²⁷
- One source noted that the Ankara Bar Association had produced a report about torture, which stated that the government denies the torture of Gulenists, but admits that Gulenists were in police custody at the time of the allegations. Two of the eleven Gulenists who claim to have been tortured have applied to the ECtHR²²⁸.

1.42.3 Despite these claims, the situation is not clear or suggestive of a general approach to torture or ill-treatment. Referring to torture in police custody, the executive from the Human Rights Association stated, ‘First and foremost, it depends on the province or region and the reason why the person was detained’ and that they ‘cannot say that one person from HDP will be tortured and another HDP member will not be tortured; this depends on the person, so there can be no such presupposition.’²²⁹ They also gave some specific examples of situations (see [notes of meeting with the Human Rights Association of Turkey, 21 June 2019](#)). Andrew Gardner of Amnesty International acknowledged that torture is not used in every prison or with every prisoner. Mr Gardner also described how ‘ill-treatment and systematic torture in Turkey is complicated.’²³⁰

1.42.4 The Human Rights Association explained, ‘Some practices of the police do not go as far as torture but can be called ill-treatment, such as rear-handcuffing, cursing, insulting, keep you in a standing position or not allowing you to change position.’²³¹

²²⁴ [Amnesty International, 18 June 2019](#)

²²⁵ [Truth, Justice and Memory Centre, 18 June 2019](#)

²²⁶ [Turkish organisation based in the UK, 7 May 2019](#)

²²⁷ [Human Rights Association of Turkey, 21 June 2019](#)

²²⁸ [Anonymous source, 19 June 2019](#)

²²⁹ [Human Rights Association of Turkey, 21 June 2019](#)

²³⁰ [Turkish organisation based in the UK, 7 May 2019](#)

²³¹ [Human Rights Association of Turkey, 21 June 2019](#)

- 1.42.5 In terms of where and when torture/ill-treatment may have taken place, Mr Celikkan believed that torture will happen in police custody²³². Another source stated that people were more likely to be ill-treated in police custody than in prison²³³.
- 1.42.6 Mr Celikkan added that 'a new trend in Turkey is that the police take the prisoner to cars/buses to intimidate and interrogate them because there are cameras in the police station and around Istanbul or else they take them to clandestine places for interrogation. [...] The intimidation and beatings start on the way to the police station in the car/buses/vans. Torture happens during interrogation, in interrogation beatings regularly take place.'²³⁴ The Human Rights Association explained, '... torture takes place in different places (from the detention centre) where no cameras are present.'²³⁵
- 1.42.7 The human rights lawyer said that 'During the emergency, you were taken to Belgrad forest, just outside Istanbul, and tortured there, where there are no cameras.'²³⁶

See also [Complaints, investigations and convictions](#).

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1.43 Medical care

- 1.43.1 One source stated that sick people are not always treated appropriately in prison, such as those who were wounded following fighting in 2015. During the recent Kurdish hunger strikes, there was insufficient medical care²³⁷.
- 1.43.2 The interlocutor from the Ministry of Justice also provided information about measures taken with respect to prevention of torture under custody. See [Notes of the meeting with the Ministry of Justice of Turkey, 21 June 2019](#).
- 1.43.3 The executive from the Human Rights Association stated, 'If you get sick you may need to be hospitalised, you are handcuffed and taken to the hospital and the handcuffs stay on when you are examined; this is when you are ill, but when you are beaten you are never taken to hospital. If you are sick, you are first taken to the prison doctor and only if he/she refers you to a hospital are you taken there. In most cases they make you wait for some time; you are not taken to a hospital immediately.'²³⁸
- 1.43.4 The human rights lawyer stated that doctors have been known to stand at a distance from the detainee and sign them off as fine; 'they are not keen to take a closer look.'²³⁹
- 1.43.5 With reference to medical examinations for persons held in police custody, Sebnem Financi of the HRFT stated:
- 'In some places, they do not take people to their medical examinations. A lot of the time the medical examination is done in the police station in front of

²³² [Truth, Justice and Memory Centre, 18 June 2019](#)

²³³ [Anonymous source, 19 June 2019](#)

²³⁴ [Truth, Justice and Memory Centre, 18 June 2019](#)

²³⁵ [Human Rights Association of Turkey, 21 June 2019](#)

²³⁶ [Human rights lawyer, 17 June 2019](#)

²³⁷ [Anonymous source, 19 June 2019](#)

²³⁸ [Human Rights Association of Turkey, 21 June 2019](#)

²³⁹ [Human rights lawyer, 17 June 2019](#)

police, so it is not a fair examination, a lot of the cases come back as no injuries. Doctors know it is unethical, but they can't refuse, it will be damaging towards their jobs.

'Some medical examinations take place in sport halls, they just walk in front of the medical examiner. Sports halls are used for police custody, particularly in Ankara. Some examination is done in hospital; however, many prisoners will remain hand cuffed and police are present due to security reasons.'²⁴⁰

1.43.6 Ms Financi added that:

'After [detainees are released] and they come for an examination at the HRFT, they are examined for psychological and physical conditions. People who come in for examination sometimes do not accept the psychological examination, especially the political prisoners, because they believe they are not affected, they are too proud to admit that they have been mentally affected. However, this is also because they are aware of the situation and know what to expect in police custody, more so than a regular person. However, PTSD and trauma are sometimes evident from those who get examined.'²⁴¹

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1.44 Monitoring

1.44.1 Suleyman Arslan of the NHREIT explained that they monitor prisons:

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

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

'We have the authority to talk to prisoners alone or sometimes we talk to them in front of people; it is a personal choice. Detainees can hand-write a complaint. They have the option to speak in confidentiality. A prisoner can give us a piece of paper with their concern on it, straight from the prisoner to the hand of the man visiting, it is private. [...]'²⁴² (See [Notes of the meeting with the National Human Rights and Equality Institution of Turkey \(NHREIT\), 21 June 2019.](#))

1.44.2 Mr Arslan added, 'The capacity of us as organisation against the number of prisons in 80 provinces may be considered a limitation, only urgent cases we visit for a second time in a year, sometimes we intervene by letters in cases where we may not need to go to the prison.'²⁴³

1.44.3 Sebnem Financi of the HRFT stated:

'No NGOS can enter prisons and monitor the situation, it is impossible. CISST (Ceza Infaz Sisteminde Sivil Toplum/Civil Society in the Penal

²⁴⁰ [HRFT, 17 June 2019](#)

²⁴¹ [HRFT, 17 June 2019](#)

²⁴² [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

²⁴³ [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

System www.tcps.org.tr) is an organisation that were once allowed to enter the prisons to have social work with the prisoners. So-called National Human Rights and Equality Association might go in, but they do not publish the reports.

‘Lawyers are allowed into the prison, they share information with Human Rights Association and Human Rights Foundation pass information on to prisoners.’²⁴⁴

- 1.44.4 The interlocutor from the Ministry of Justice also explained, in addition to the guarantees of medical examination and legal assistance, a large majority of the custody centres in the country are equipped with cameras and video surveillance systems²⁴⁵.

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1.45 Complaints, investigations and convictions

- 1.45.1 In terms of investigations, the interlocutor at the Ministry of Justice explained that ‘... all kinds of allegations in this respect are investigated and where the truth of such allegations is established, necessary actions are taken.’²⁴⁶

- 1.45.2 The Director of a Turkish organisation in the UK opined that officers receive accolades for torture²⁴⁷. However, no other sources corroborated this and it would appear to directly contradict the Government’s position regarding a ‘zero tolerance’ approach (see [Source assessment and commentary](#)).

- 1.45.3 More likely is references from other sources that few complaints were made about torture and/or a limited number of cases were investigated. For example, Mr Gardner added that perpetrators acting on behalf of the government wouldn’t be prosecuted, there were not many investigations opened. People were afraid to make complaints about torture, especially after the authorities claimed making such complaints to be a tactic of FETO²⁴⁸. Another source stated that not many complaints have been made about ill-treatment in prison²⁴⁹. The Human Rights Association opined that ‘because of impunity very few people are put on trial for torture’²⁵⁰. Ms Financi stated, ‘The Kurdish people and leftist people are aware of their rights. With the Gulenist movement, they are not so aware. They are also worried about stigmatisation or are not aware. Sexual harassment is very usual for Gulenists. Usually for Gulenists, HRFT must approach them [to offer help].’²⁵¹

- 1.45.4 Sebnem Financi of the HRFT stated:

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

²⁴⁴ [HRFT, 17 June 2019](#)

²⁴⁵ [Ministry Of Justice, 21 June 2019](#)

²⁴⁶ [Ministry Of Justice, 21 June 2019](#)

²⁴⁷ [Turkish organisation based in the UK, 7 May 2019](#)

²⁴⁸ [Amnesty International, 18 June 2019](#)

²⁴⁹ [Anonymous source, 19 June 2019](#)

²⁵⁰ [Human Rights Association of Turkey, 21 June 2019](#)

²⁵¹ [HRFT, 17 June 2019](#)

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

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

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

'Ten police have been convicted for excessive force, seven police for torture.'²⁵²

1.45.5 Mr Arslan mentioned the kinds of complaints received by the NHREIT in connection with prisons:

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

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

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

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

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

'We did not observe that there is an discrimination on the grounds of ethnicity [...].'²⁵³

1.45.6 Mr Arslan further stated:

'[...] we are a young institution; our number [of complaints received] will go up over the years. But 598 applications last year, but not all of these are about torture, it can be about the centres, for example it could be wanting to be moved from one centre to another when a prisoner wants to be closer to his family. We recommend this to be put into practice and most of the time, these are put into practice.

'Some of the complaints are about healthcare services, many detention/prison centres have healthcare centres, but sometimes when a prisoner needs to be taken to a hospital outside of the detention centre, they

²⁵² [HRFT, 17 June 2019](#)

²⁵³ [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

will have to wait to be seen, however even the normal citizen in Turkey must wait at the hospital, sometimes complaints like these are sent in.’²⁵⁴

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

- 1.45.7 When asked whether victims of torture have made formal complaints, the Director of a Turkish organisation in the UK opined that ‘no-one would dare make a complaint [about treatment by the police]’ and that ‘If they complain about torture they would probably be tortured again.’ However, the same source noted that Some torture victims have complained to Amnesty International (AI), but members of AI in Turkey have themselves been arrested and detained.’²⁵⁵ Other sources also pointed to examples of complaints, including up to the ECtHR (see [Source assessment and commentary](#)).

See also [Torture and ill-treatment](#) and [Medical care](#).

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1.46 Training of prison staff

- 1.46.1 Sulayman Arslan of the NHREIT explained how, in 2018, the introduced training to managers of prisons to help raise awareness of human rights issues which was contributing to a feeling that they were not being monitored by the NHREIT²⁵⁶.

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1.47 Conditions of release from detention

- 1.47.1 The Director of a Turkish organisation in the UK stated, ‘Sabri Ok is one example of a Kurdish prisoner suspected of PKK involvement; as a condition of release from prison, he was forced to do military service for Turkey as a way of humiliating him and sending a warning to others.’²⁵⁷ However, it is difficult to assess whether this is true or whether, simply, military service is compulsory for Turkish nationals (see [Source assessment and commentary](#)).
- 1.47.2 Sebnem Financi of the HRFT stated, ‘In police custody there is sometimes conditions to the release, signing a blank document, but can be arrested a couple of days later again. The blank document could be a range of things, but it would be a confession of something. Sometimes they do not need to go back to prison if they have already served enough time.’²⁵⁸
- 1.47.3 Andrew Gardner of Amnesty International stated, ‘There are many reports on people being released after arrest and detention on the condition of being an informant for the police.’²⁵⁹ An executive from the Human Rights Association pointed to [their report on the subject](#). They suggested that Kurdish university students and journalists are the main targets to be forced to become

²⁵⁴ [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

²⁵⁵ [Turkish organisation based in the UK, 7 May 2019](#)

²⁵⁶ [National Human Rights and Equality Institution of Turkey, 21 June 2019](#)

²⁵⁷ [Turkish organisation based in the UK, 7 May 2019](#)

²⁵⁸ [HRFT, 17 June 2019](#)

²⁵⁹ [Amnesty International, 18 June 2019](#)

informants²⁶⁰. The Director of a Turkish organisation in the UK also believed the authorities attempt to recruit Kurds as informants, especially if the family is involved in politics²⁶¹.

- 1.47.4 The representative from the Ministry of Justice stated that a person is not monitored on release from detention unless there is a reasonable suspicion against them, in which case, law enforcement officers will monitor or investigate in line with the rule of law. A person may be given parole on certain conditions, but if they commit a further crime, they must serve the remainder of the sentence²⁶².
- 1.47.5 The Director of a Turkish organisation in the UK stated, 'The authorities continue to watch a person once they have been released as they are likely to become more politicised in prison, and to be angered by being imprisoned, and quite possibly been treated badly whilst there. A person may be imprisoned multiple times.'²⁶³ The same person stated that a person may be required to report regularly to the police, whether they are high-profile or not²⁶⁴.
- 1.47.6 The human rights lawyer said:
'When people are arrested on charges of terrorism, the authorities still track people after they have been released from prison and by the time they get to the prison gate, they are arrested again on different charges. Prosecutors can object to your release. HDP MPs were being released in 2017, and the prosecutor would object, but this is illegal. There was not a legal ground for that, however they brought an amendment with state of emergency decrees for such legal grounds. They do this to anyone they do not like.'²⁶⁵
- 1.47.7 Sebnem Financi of HRFT stated, 'After detention, you have your passport taken away from you, they are on probation, they can't travel, academics have been dismissed from jobs.'²⁶⁶

See also [Arrest and detention of HDP and PKK members/supporters](#).

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1.48 Abduction

- 1.48.1 One source noted that the Ankara Bar Association are currently dealing with the abduction of six people in February 2019²⁶⁷. Murat Celikkan, Director of Hafiza Merkezi, stated that there are 22 new claims of enforced disappearance at present²⁶⁸.
- 1.48.2 An executive from the Human Rights Association believed that police intelligence officials target those students at university who have better social relations and approach them to cooperate. If they do not, they are

²⁶⁰ [Human Rights Association of Turkey, 21 June 2019](#)

²⁶¹ [Turkish organisation based in the UK, 7 May 2019](#)

²⁶² [Ministry Of Justice, 21 June 2019](#)

²⁶³ [Turkish organisation based in the UK, 7 May 2019](#)

²⁶⁴ [Turkish organisation based in the UK, 7 May 2019](#)

²⁶⁵ [Human rights lawyer, 17 June 2019](#)

²⁶⁶ [HRFT, 17 June 2019](#)

²⁶⁷ [Anonymous source, 19 June 2019](#)

²⁶⁸ [Truth, Justice and Memory Centre, 18 June 2019](#)

threatened or coerced. They pointed to their [2018 findings](#) in which they concluded 160 people were threatened to be a spy. 28 people of 160 were abducted and kept in a place against their will over the course of the day²⁶⁹.

- 1.48.3 However, the anonymous source stated that almost all cases of abduction are of Gulenists, rather than Kurds or HDP members, although one left-wing militant had also been abducted. The source stated that abducted persons were held illegally in police custody²⁷⁰. An executive from the Human Rights Association also stated, 'When it comes to members of the Fethullah Gülen Organization they are forced to disappear [...]'.²⁷¹

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14. Human rights bodies

1.49 State organisations

- 1.49.1 The Department of Human Rights in the Turkish Ministry of Justice explained their role as well as others, including the Ombudsman and the Human Rights and Equality Commission (see [notes of meeting with the Ministry of Foreign Affairs of Turkey, 20 June 2019](#)).
- 1.49.2 The HO FFT met a representative Human Rights Department from the Ministry of Foreign Affairs, who explained their role and remit (see [notes of meeting with the Human Rights Department, Ministry of Foreign Affairs](#)).
- 1.49.3 Suleyman Arslan of the National Human Rights and Equality Institution of Turkey explained the work of the NHREIT (see [notes of meeting with the National Human Rights and Equality Institution of Turkey](#)).
- 1.49.4 The HO FFT met with the Turkish Ombudsman, who stated that in 2018 they received over 18,000 applications. Any person, whether Turkish or a foreign citizen, can complain to the Ombudsman about any action of the state against themselves. Issues about which a person can contact the Ombudsman include violations in the justice system, particularly the prison system (besides many others). Any violations by the Ministry of the Interior fall under their remit²⁷².
- 1.49.5 The Ombudsman further stated 'You can think of us as an NGO, not as representing the government. We are elected by parliament and we receive a lot of applications and complaints, but we do not have to follow government's perspective.'²⁷³

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1.50 Non-state organisations

- 1.50.1 The Hakikat Adalet Hafıza Merkezi (Hafıza Merkezi, engl. Truth Justice Memory Center) [website](#) explains the organisation's aim, which is 'an independent human rights organization set up by a group of lawyers, journalists and human rights activists in November 2011 in Istanbul, Turkey. Hafıza Merkezi aims to uncover the truth concerning past violations of

²⁶⁹ [Human Rights Association of Turkey, 21 June 2019](#)

²⁷⁰ [Anonymous source, 19 June 2019](#)

²⁷¹ [Human Rights Association, 21 June 2019](#)

²⁷² [Turkish Ombudsman's Office, 20 June 2019](#)

²⁷³ [Turkish Ombudsman's Office, 20 June 2019](#)

human rights, strengthen the collective memory about those violations, and support survivors in their pursuit of justice.²⁷⁴

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1.51 Human Rights Association of Turkey

- 1.51.1 The HO FFT met an executive from the Human Rights Association of Turkey, who explained the work of the Association (see [notes of meeting with the Human Rights Association of Turkey, 21 June 2019](#)).
- 1.51.2 The Director of a Turkish organisation in the UK stated that, although a person could complain to the Human Rights Association about police violence, for example, the government considers the Association to be a terrorist organisation, and would not therefore take them seriously²⁷⁵.
- 1.51.3 The HO FFT met with Sebnem Korur Financi, chairperson of the Human Rights Foundation of Turkey (HRFT). Ms Financi explained that the purpose of the HRFT is to raise awareness of human rights violations in Turkey. The HRFT has three offices in the south east: in Cizre, Van and Urfa²⁷⁶.
- 1.51.4 Further information about the HRFT is available on their [website](#).
- 1.51.5 The HO FFT met with a representative from a confederation of trade unions who explained their role (see [notes of meeting with the Confederation of trade unions, 21 June 2019](#)).

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15. Returnees to Turkey

- 1.51.6 An executive from the Human Rights Association stated ‘If a person is wanted by the police or an intelligence agency in Turkey or is blacklisted by the police, these pieces of information flag up on the screen seen by the police when s/he enters Turkey. Legal procedures are then initiated against this person; that is, s/he is taken into police custody and interrogated, the public prosecutor’s office is notified, then the office undertakes the necessary legal process.’²⁷⁷
- 1.51.7 The same interlocutor explained there are several types of (blacklist) records used by the police when a person enters Turkey:
 - 1- ‘Extended Background Search (Genişletilmiş Bilgi Tarama-GBT) reveals whether the person has any criminal records.
 - 2- Law Enforcement Procedures Project (Emniyet Kolluk İşlemleri Projesi, Polnet4 EKİP) reveals whether the person has any criminal records.
 - 3- National Judicial Network Project (Ulusal Yargı Ağı Projesi, UYAP) reveals whether the person has any legal investigations or prosecutions against her/him.

²⁷⁴ Hafiza Merkezi, ‘About Hafiza Merkezi,’ undated, <https://hakikatadalethafiza.org/en/about-hafiza-merkezi/>, last accessed: 25 July 2019

²⁷⁵ [Turkish organisation based in the UK, 7 May 2019](#)

²⁷⁶ [HRFT, 17 June 2019](#)

²⁷⁷ [Human Rights Association, 21 June 2019](#)

- 4- Guidelines for Collecting Intelligence, Operations and Information against Smuggling (Kaçakçılık İstihbarat Harekat ve Bilgi Toplama Yönergesi – KİHBİ) reveals whether the person has any records.
- 5- KOMBS - reveals whether the person has any records in the search screen updated by the intelligence services referred to as the FETÖ/PDY (Fethullah Gulen Organization, a.k.a. the Parallel State Structure) New Bylock Search.²⁷⁸

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

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²⁷⁸ [Human Rights Association, 21 June 2019](#)

Annex A: Terms of reference (TOR)

HDP (AND PRECURSORS)

Treatment by the authorities

- What attracts attention of the authorities, what causes suspicion of support of PKK
- Harassment: what, who, where, impact of situation with PKK
- Arrest: what leads to arrest, formal charges, sentencing, due process in judicial procedures
- Detention: where, how long, conditions of detention, whether conditions are attached to release from detention, whether interest from the authorities ceases on release
- Whether/how family members are affected

Societal discrimination

- Societal violence: where, what, by whom
- Police response: whether adequate, and if not, whether complaints are made and the outcome of these
- Arrest, detention and sentencing of those perpetrating violence against HDP

PKK (AND ASSOCIATED FACTIONS)

Aims

- Current aims of the PKK, any political or social movements
- Any other, currently active, Kurdish political groups, terrorist groups or organisations

Treatment by the authorities

- What attracts the attention of the authorities, what causes suspicion of a person supporting the PKK, even if this isn't the case
- Arrest: What would lead to arrest, charges, sentencing, due process in judicial procedures
- Detention: what would lead to detention, where, how long, conditions of detention, conditions attached to a release from detention, whether interest from the authorities ends on release
- Treatment in detention: what, by whom, evidence, medical attention, whether complaints made, outcome of complaints
- Impact on family members
- Any difference in state treatment between illegal/terrorist groups and legal parties

KURDISH ETHNICITY

Societal discrimination

- Whether a Kurdish person can be recognised from: name/ appearance/ accent
- Extent to which Kurds living outside the south-east of the country can: speak Kurdish freely in public/ make their Kurdish identity known/ live in any part of a town or city/ celebrate Newroz without fear of repercussions
- Societal discrimination: accessing education/ gaining employment/ obtaining accommodation/ particular towns, cities or areas of the country/ impact on women and girls/ variation according to the political situation/ impact of coup attempt
- Police response: whether adequate, whether complaints made, outcome of complaints

Treatment by the authorities

- Harassment: what, by whom, where
- Treatment: Police, judicial system, in detention
- Impact according to gender
- Avenues of redress: outcome of complaints made
- Impact of coup attempt

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Annex B: List of sources

1. Amnesty International
2. Anonymous source
3. Turkish organisation in the UK
4. Confederation of trade unions
5. Federation of Womens' Associations of Turkey
6. Ombudsman Institution of Turkey
7. Peoples' Democratic Party (HDP)
8. Human Rights Association of Turkey
9. Human Rights Foundation of Turkey
10. Ministry of Foreign Affairs of Turkey
11. Ministry of Justice of Turkey
12. National Human Rights and Equality Institution of Turkey
13. Peace in Kurdistan
14. Hafiza Merkezi (Truth, Justice and Memory Centre)
15. Turkish human rights lawyer

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Annex C: FFM background explained to sources

Home Office fact finding mission: background

Officials from the United Kingdom (UK) are undertaking a fact-finding mission (FFM) to Turkey. The team will be interviewing different people to obtain information about life for Kurdish people in Turkey, and also Kurdish politics in Turkey.

The information you give to us may be quoted in a report which will be placed on the Home Office's website and made available to the public. It will be used to assist UK immigration officials and judges involved in the asylum and human rights decision making process. However, we will only publish information you provide with your consent. We will also give you an opportunity to review the notes of the interview to ensure they are an accurate reflection of the conversation and ask if you are willing to be identified as the source of the information.

You may not wish to be publicly identified. If so, we will ask if you are willing to be identified in more general terms – for example, by the name of your organisation, or as 'an official of a Turkish NGO,' for example. Alternatively, we could simply refer to you as 'a source'.

We would also find it helpful if you could provide some background to your organisation (where appropriate) and your role in the organisation. This will help us to understand the context of the information you provide.

The fact-finding team (FFT) consists of three officials from the Home Office, the government department responsible for immigration and asylum.

More information about the Home Office can be found on our website:

<https://www.gov.uk/government/organisations/home-office>

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Annex D: Notes from sources

16. Turkish organisation based in the UK, 7 May 2019

At present, the Turkish government hates Gulenists more than Kurds.

[...]

Are the HDP able to hold meetings and rallies and canvass prior to elections?

It is difficult to hold meetings but HDP members persist. Most meetings are banned or raided by police and this is routine for HDP activists in Turkey. Advertised meetings, often in the south east, are frequently raided by police. Prior to 2010 it was easier to hold meetings, but in 2010 there was a series of suicide attacks against rallies/meetings organised by the HDP and other progressive forces, such as trade unions, and thereafter there was a prohibition on large rallies. These attacks are viewed by some as deep-state tactics.

What would bring an HDP member or supporter to the attention of the authorities?

Any of the following may attract the attention of the authorities:

- Elected HDP officials or persons on a regional board
- Management committee members
- Election organisers
- Talking to people
- Canvassers (knocking on doors, leafletting)
- Being a Mayor or a Councillor; local officials can be more influential than elected officials and many Mayors are in prison. The HDP is the third-largest political party with thousands of activists, and so they are seen by the authorities as a threat.

Is it only Kurdish members/supporters of the HDP who are targeted by the authorities?

It is not only Kurdish members/supporters who are targeted. Armenian and Assyrian Christians have been elected to parliament as HDP candidates. An LGBT HDP candidate also stood for parliament but was not elected. These events have broken taboos. The HDP brings marginalised communities together. However, the HDP are sometimes portrayed by their adversaries as attempting to get rid of the Islamic religion.

Are male members/supporters of the HDP more likely to be targeted by the authorities than female members/supporters?

There are many female HDP activists in prison but high-profile campaigners are mainly male. It is HDP policy that each city must have 2 co-mayors, one of whom must be female. There are 100 mayoralities but 200 mayors. The HDP has more female activists than any other party.

What would cause the authorities to suspect an HDP member/supporter of supporting the PKK?

The following could cause suspicion:

- Being ethnically Kurdish and outspoken politically
- A person can be in prison for 6 months or so for sending a political tweet; they are accused of having links with the PKK, and a person does not have to be well-known to receive such treatment. Dual nationals are often reluctant for their arrests to be covered by the British press, fearing media attention would augment their importance in the eyes of Turkish authorities, potentially seeing them used for political leverage, leading to longer detentions.
- The Government assume that the HDP and PKK are both terrorist organisations and they do not differentiate between the two; Selahattin Demirtas, former co-leader of the HDP, is currently in prison, accused of a number of charges related to supporting and working on behalf of the PKK.
- The government attempts to discredit political opponents by suggesting that they are affiliated with terrorists; even the main opposition party (CHP) has been accused of supporting terrorism because HDP leaders tactically chose not to field candidates in Istanbul and other western cities, instead telling their supporters to vote against Erdogan's ruling party and for the CHP.
- However, although both the HDP and the PKK want equal rights and freedoms for Kurdish people, it cannot be assumed that a person who supports the HDP will also sympathise with the PKK, while others may support both organisations.

Additional questions: Kurdish press

90% of the press is owned or controlled by the President/his supporters.

Kurdish media outlets are regularly shut down. They reopen with a new name before being closed once again.

There is less and less opposition media, meaning that government messages are the main messages that are heard. The Doğan media group was the closest to being an independent media group but this was taken over by the state approximately 18 months ago, following an orchestrated tax scandal. Can Dündar, whose son sought asylum in the UK, is now in exile in Germany. Dündar has been targeted by Turkish authorities since publishing photos depicting the transfer of weapons to Syria by the National Intelligence Organisation (MIT). Dündar has been sentenced to 5 years and 10 months in absentia for leaking state secrets. Journalists pay a heavy price for the work they do in terms of harassment by the authorities.

[The interlocutor] mentioned the following sources in particular:

- 'Zaman' has been confiscated, accused of Gulenism.
- Hurriyet and Daily Sabah support the President.
- Rudaw is an Iraqi Kurdish news outlet, linked to the Kurdistan Democratic Party and its leading Barzani family.
- The Stockholm Freedom Centre is Gulenist.
- Sozcu is an example of opposition media.

- Ahval is a reliable source. The Turkish state has suggested it is linked to Gulenism, but this is unfounded.
- The journalist Cengiz Çandar is very honest and reliable.

Are HDP members/supporters harassed by the authorities, and if so, is this particularly likely when there are increased Turkish-PKK tensions?

An escalation in tensions with the PKK does indeed lead to an increase in harassment of HDP supporters, particularly when there are waves of activism and protests in the aftermath of anti-PKK/anti-Kurdish events.

What would lead to the arrest of an HDP member/supporter?

[The interlocutor] mentioned the following points:

- Attendance at a demonstration or community event.
- It is common for phones to be tapped and emails monitored by the authorities and there are government spies within the HDP structures (within society in general), meaning that supporters' houses can be raided before a planned event takes place.
- People are often arrested for having spoken at rallies years earlier as records are kept by the government, and they will find ways to arrest people if they wish to do so.
- Arrests and detentions are used to spread fear in the Turkish and Kurdish communities of Europe, as well as in Turkey.
- [The interlocutor] himself goes back to Turkey, [...], but [has taken steps] to reduce the likelihood of being detained.

Are family members of HDP activists/supporters at risk?

Relatives of HDP members are at risk if they show interest in their relative's court case or make political statements on social media or attend political rallies. If the HDP member is high-profile, the authorities will target the weakest member of the family first, such as a brother or cousin, and threaten them, and then move on to another member of the family if deemed necessary. If the HDP member is low-profile, they may try to force a relative to become an informant for the authorities; if they refuse, they may be imprisoned and beaten.

As someone who is politically active, are you (...) concerned about personal safety?

[The interlocutor] stated that he is indeed concerned. [...] he doesn't return to Turkey unless he has to do so.

For how long are political opponents detained?

A person can be detained for anything up to about five years with no trial or evidence. The usual period of detention is about six months. This can also be the case for non-Turkish nationals, including those with dual British-Turkish citizenship.

What charges are made against HDP members/supporters?

Little evidence is needed for a charge to be brought. HDP members are accused of supporting 'terrorists,' such as the PKK, even if they were speaking/acting on behalf of the HDP. They are treated as guilty unless they can prove themselves innocent.

Kamuran Yuksek was a promoter of Kurdish rights and co-chair of the DBP who is now in exile in Belgium after being given a 15-year prison sentence in Turkey. The state targeted him after media coverage of his activities, including in the UK.

Are HDP members/supporters tortured in prison?

Torture takes place but not as widely as in the past. However, Gulenists are tortured very badly, more so than Kurds at present, it seems. Torture is carried out in anger and as revenge for a perceived betrayal of Erdogan.

Torture against Kurds is often used to encourage them to relinquish their Kurdish identity. [The interlocutor] mentioned the case of a Kurdish man who was tortured because he insisted on referring to the Kurdish province of Van as 'Kurdistan' and refused to read the national anthem.

Torture is also used to spread fear over the wider community. It is a way to achieve auto-censorship, intimidating people so that they do not dare to criticise the government.

Is there an appeal process against charges brought?

All judges have been replaced by people loyal to the President so the appeals process is meaningless.

Once a person has been released from detention, does interest from the authorities cease?

The authorities continue to watch a person once they have been released as they are likely to become more politicised in prison, and to be angered by being imprisoned, and quite possibly been treated badly whilst there. A person may be imprisoned multiple times.

Is there societal violence against HDP members/supporters?

Yes. There are armed militia groups, such as Osmanli Ocaklari, which are pro-Erdogan and formed of Turkish nationalists, and which arrange violent attacks against Kurdish groups. Some militia groups carry weapons. They are to be found all over the country, but particularly in the west and in major cities such as Istanbul and Ankara. They are very unlikely to face arrest or sentencing as their actions are helpful to the state, and also, the AKP is currently in coalition with the MHP, an ultra-nationalist party. The MHP has a paramilitary youth wing, the 'Grey Wolves,' who are ultra-right wing and who have been known to carry out attacks against Kurds. Similarly, there is a gang loyal to Erdogan in Germany which organises attacks against Kurds and the HDP and disrupt their rallies.

There are rumours that the President has an organisation rather like a private security firm for protection.

In 2016, a law was passed which granted immunity from prosecution to members of the armed forces who carried out counter-terrorism operations against Kurds. Such a law is wide open to abuse.

What is the Police response to societal violence?

A large proportion of state funding goes to the police; for example, far more is spent on the recruitment of police than teachers or other types of civil servant. The police are concerned with protecting the state, rather than the public, as police priorities/policy come directly from Erdogan via the Home Secretary. Generally,

police officers are nationalists and they are selective about what they investigate and when they intervene. Violent attacks which are instigated by minority groups are far more likely to be investigated than those which are aimed at minority groups. Kurds are more likely to be beaten by the police than Turks.

Some individual examples of police brutality, such as the death of a child or young person, will cause public outrage, but otherwise, police violence seems to be expected and seen as the norm.

No one would dare to complain about harsh treatment by the Police. A person could make a complaint with the Human Rights Association but the government considers them to be a terrorist organisation and so they wouldn't attach much importance to what they may say.

PKK

What are the current aims of the PKK?

The aims of the PKK have varied over the years. The PKK have previously desired an autonomous region for the Kurds but are now focussing on obtaining equal rights for Kurds.

The PKK is influential. Despite being a proscribed terrorist group, it retains influence in Turkey, Syria, Iran and the Kurdistan region. Despite having been in prison for 20 years and never having been in power himself, Ocalan retains influence over Kurdish politics. Ocalan himself was the one who initiated the formation of the HDP.

On 2 May 2019 Ocalan was allowed to see his lawyers for the first time since April 2015. Assumptions about the reasoning behind this are that the authorities are keen to put an end to the hunger strikes which are being held over the issue of his being kept in isolation and the conflict in Syria.

Does the PKK run social movements?

There are pockets of PKK activists everywhere across Turkey and associated groups in the Syrian, Iranian and Iraqi Kurdish regions. There are organisations associated with the PKK in Europe, as well as within Turkey. These are community and cultural organisations which also focus on Kurdish language rights.

What would bring a suspected PKK member/supporter to the attention of the authorities?

- Any political activity would attract the attention of the authorities.
- Kurds are assumed to be PKK members/supporters.
- Even low-level activities, such as leafleting, rallies, and use of social media to make political statements could attract the attention of the authorities, as would any criticism of the government.

What would lead to the arrest of a suspected PKK member/supporter?

The PKK has no membership card or membership list, which could be checked. Therefore, arrests are based purely on suspicion of PKK membership/activity.

Trying to organise a PKK rally or meeting would attract the attention of the authorities.

The HDP form the operational side of Kurdish politics by being an official political party. The PKK has recently carried out relatively fewer attacks in Turkey as

manpower and resources are focused on their Syrian affiliate, the People's Protection Units (YPG). However, persons affiliated with the PKK continue to be arrested and detained.

What would lead to the detention of a suspected PKK member/supporter?

As stated above, detention would generally be based on suspicion of PKK support or activity. Pre-trial detention can last for years, even without evidence. Sabri Ok is one example of a Kurdish prisoner suspected of PKK involvement; as a condition of release from prison, he was forced to do military service for Turkey as a way of humiliating him and sending a warning to others.

Where are those suspected of supporting the PKK detained?

They are deliberately detained far from where their families live, in order to make it difficult for family to visit.

How long is a suspected PKK supporter detained?

A suspected supporter may be held in pre-trial detention for 3 to 5 years before sentencing. Demirtas was in pre-trial detention for almost two years.

What are the conditions of detention for a suspected PKK supporter?

Prison conditions are terrible for all prisoners, as they have no proper rights and anything can be done to them, whether they are criminal or not.

A suspected PKK supporter is likely to be tortured. Torture is instigated by police and special forces and it is carried out in such a way as to make it known to other prisoners; they will hear and be aware of what is taking place. Officers receive accolades for torture.

A torture victim is generally prevented from dying, so if necessary, a doctor may be brought in or the person may be taken to hospital. However, if death is not preventable, it will be explained as an accident or suicide.

Are conditions attached to release from detention?

A person may be required to report regularly to the police after being released, whether they are high-profile or not.

Have torture victims made formal complaints, and if so, what was the outcome?

If they complain about torture they would probably be tortured again. Some torture victims have complained to Amnesty International (AI), but members of AI in Turkey have themselves been arrested and detained.

Are formal charges made against suspected PKK members?

They are charged with terrorism and can spend 15 to 20 years in prison.

Is there an appeal process?

There is no rule of law in Turkey. Proper judicial and appeal processes are not followed.

Are family members of suspected PKK supporters targeted?

Family members will inevitably be affected, especially if the suspected PKK supporter is a guerrilla fighter. Most Kurdish people are subject to state attention,

especially in the south east.

KURDISH ETHNICITY

Is it possible to recognise a Kurdish person in Turkey by their name, appearance or accent?

Yes, it can be possible to recognise a Kurdish person by their accent. Older people who grew up in the south east may be less likely to speak Turkish and are more recognisable by their accent when speaking Turkish. Younger people who grew up in the west may be less likely to speak a Kurdish language and more likely to speak Turkish only. If a person speaks a Kurdish language in a public place in the west, it can cause difficulties for them, such as being thrown off a bus or beaten.

It is possible to tell if a person is a Turkish Kurd as opposed to an Iraqi kurd, for example, by the language spoken.

It is common in Turkey to ask where a person's family is from, and the answer will indicate whether a person is Kurdish. A Kurdish person will often simply say that they are from the 'east,' in order to avoid making it known that they are Kurdish. However, an ID card will give the person's place of birth.

It can also be possible to recognise from a person's appearance whether they are Kurdish. Some names are recognisable as Kurdish, but not all names, which can simply be Islamic.

The job a person does can also indicate whether they are Kurdish, as Kurdish people are more likely to do manual, construction and other heavy work.

In general, those who are Kurdish, LGBT, Alevi or Christian are seen as less acceptable to the authorities than those who are Turkish, sunni Muslim and loyal to Erdogan.

When a Kurdish person lives outside the south east, do they live in particular neighbourhoods?

Yes, Kurdish people will tend to live in particular neighbourhoods in cities, and all the more so now, due to the presence of armed militia in big cities, known as the 'night watchmen' or 'night eagles'.

Approximately four million Kurds live in Istanbul, which is more than the number in Ankara.

Can Kurdish people celebrate Kurdish festivals without fear of repercussions?

Kurds were permitted to celebrate Newroz in 2002 for the first time. These celebrations attract a large number of people and so the authorities see them as a threat. In some cities celebrations are allowed, but the police will nevertheless attack attendees.

With regard to societal discrimination, do Kurds experience difficulties in accessing education, employment and accommodation?

There are generally no problems for Kurds in accessing schools, as the authorities are keen to assimilate Kurds in Turkish society. However, continuing in education as a person gets older can depend on allegiance to the government.

There can be discrimination in regard to accessing employment; as explained above, Kurds work mainly in construction and other heavy work. They also work on farms,

as fruit pickers and in tourist resorts. It would be hard for a Kurd to become a Judge or prosecutor, for example. Some Kurds are teachers, but in more basic jobs. Some Kurds run businesses, but they must show that they are very loyal to the government. The private sector in Turkey is small, and it generally excludes Kurds. If a Kurd is considered well-off or successful, they are more likely to be targeted by the state, and most Kurds who reach higher positions will say that they are Turkish and loyal to the government.

It can be hard to find accommodation and difficulties can arise when Turkish neighbours ask questions about where a Kurdish family is from.

Does societal discrimination have a particular impact on Kurdish women and girls?

Women are generally treated less favourably than men throughout Turkish society.

Is it possible for a Kurdish woman or girl to marry without parental approval?

It is less common now for family approval to be sought, but more so in the more religious sector of Kurdish society.

If police protection is required by Kurdish people, is it provided?

This depends on the incident. If the incident is political, they are less likely to intervene, but if it is non-political, they are more likely to intervene.

Is there state discrimination against Kurds?

There is institutional racism towards Kurds and other minorities but Kurds face the worst of it.

President Erdogan does not recognise a Kurdistan in Turkey.

Other minorities include:

- A small Yezidi community
- Roma
- Armenian Christians
- Assyrian Christians
- A small Jewish community

Are Kurdish people treated well in detention?

Kurds are treated worse than Turks in detention and are bound to be mistreated and beaten, even if they have no political allegiance, whereas HDP or PKK supporters will be tortured. However, this is not the norm for Turkish people, unless they are linked to Gulenism.

Do Turkish authorities attempt to recruit Kurds as informants?

Yes, the authorities will attempt to do this, especially if the family is involved in politics. They will use money or force or threaten family members. If a person is in detention, they will be forced into agreeing through torture.

If a person is targeted, they would have to leave their town in order to escape the threat, but this is not easy, as information about them will be shared with the authorities in their new place of residence.

ADDITIONAL DISCUSSION: GULENISM

Around 16,000 suspected Gulenists have been purged from the Turkish military in the last two years, plus hundreds of thousands of civil servants. The Gulen movement does not take part in elections/politics, but were vying for control and influence over the state.

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17. Peace in Kurdistan, 11 June 2019

General opening comments:

Peace in Kurdistan has been active since 1994 and has been addressing the Kurdish question since then.

Background to Peace in Kurdistan

Estella is a co-founder of Peace in Kurdistan and was introduced to the Kurdish question in 1986 and helped set up the organisation in 1994, after meeting with Ocalan in 1991 in Syria. Peace in Kurdistan is a political group who support Kurdish migrants. Peace in Kurdistan works with a network of lawyers, academics and trade unionists who help research how to politically and peacefully solve the Kurdish question in the Middle East (Syria, Iran, Iraq and Turkey).

As an organisation one of its aims and core beliefs is to create a peaceful democratic autonomous region for the Kurds that is known as democratic region of Kurdistan; however, Estella's personal belief is that one of the main obstacles to achieving this is the AKP government, who do not want to create an autonomous region for Kurds.

Another belief of Peace in Kurdistan is that the PKK should not be a proscribed terrorist group and that Turkish AKP government should be held accountable for their attacks, i.e. war crimes against Kurds. The UK government should review its policy of proscription of the PKK and its foreign policy relations with the Turkish government following the the AKP governments continuing military and political repression of the Kurds and its supporters for the past three years.

How would you like to be referred to?

Estella Schmid, political activist, co-founder of Peace in Kurdistan. Has personally met Abdullah Ocalan in 1991 and discussed the Kurdish question and how to create a peaceful resolution to the Kurdish region with Ocalan.

HDP (and precursors)

HDP are considered more inclusive of other ethnic and religious groups in Turkey in comparison to the AKP and other Turkish parties, therefore they are called Peoples' Democratic Party because they represent different groups. For example, women, LGBT, Kurdish and Turkish people. The HDP want to create a more democratic Turkey that is representative of all peoples living in Turkey. The HDP's aims and objectives are built from Ocalan's idea for the future of a democratic Turkey, including equal rights for Kurdish people.

PKK (and associated factions)

The PKK want a peaceful and democratic autonomous region for Kurds; one of their main aims is for Kurdish people to have the same rights as other ethnicities in the region.

Kurdish ethnicity

- Is it possible to recognise a Kurdish person?
 - from their name?
 - from their appearance?
 - from their accent?

It can sometimes be very difficult to recognise a Kurdish person; this is because the Kurdish people are not just one ethnic group. You have different ethnicities within the Kurdish population. Many Kurdish people are Sunni Muslim, however you have small minorities that are not Sunni Muslim, for example the Alevi Kurds, the traditional Kurds, the Yezidi Kurds, the Christian Kurds. Kurdish people have been around for thousands of years, they are ethnically diverse, which sometimes makes it hard to say, you are a Kurd. In Europe, it would be difficult to tell the difference between a Turk and a Kurd, however in Turkey, there are some differences.

Alevi Kurds in the past have been more accepted in Turkey because they accepted the 'one language, one country' policy. This caused divisions within the Kurdish community in Turkey.

- When a Kurdish person lives outside the south-east of the country:
 - can they speak Kurdish freely in public without fear of repercussions?
 - Can they make their Kurdish identity known without fear of repercussions?
 - Do they live in particular neighbourhoods, or can they live in any part of a town or city without fear of repercussions?
 - Can they celebrate Newroz without fear of repercussions?

This depends on the social class of the Kurd. If you are a middle-class Kurd, you will most likely have an 'ok' job and an education which you can use to conceal your Kurdish ethnicity to some degree. However, having an 'ok' job, such as being a journalist or an academic, you will be a lot more politically aligned with the Turkish government and not aligned with Kurdish politics. In private a middle-class Kurdish person who lives in Istanbul or Ankara may give indirect support to the Kurdish cause, but not openly as this may hinder them in the future.

- Regarding societal discrimination:
 - Are there difficulties in accessing education?
 - Are there difficulties in gaining employment?
 - Are there difficulties in obtaining accommodation?
 - Is societal discrimination more likely to take place towns, cities or other areas of the country?
 - Do levels of societal discrimination vary according to the political situation?
 - Does societal discrimination have an impact on Kurdish women and girls?

Education is possible for Kurdish people; however, classes will be in Turkish, so they will have to learn to speak and live in Turkish to achieve an education. This becomes an issue for working-class or poor Kurdish people from the south east who do not know the Turkish language or use a Kurdish language as their first language; it

immediately puts them at a disadvantage when it comes to gaining an education and employment. The closing of Kurdish schools throughout the years is an effort by the Turkish government to stop people continuing the Kurdish language; it makes it harder for Kurdish traditions to continue. In the south east, Kurds are poorer, so you can tell the difference between a Kurd from the south east and a Kurd from a city in the west.

- Is there any discrimination by the state?

Kurdish people have faced a lot of discrimination throughout history; the Turkish government does not want a Kurdish region and has tried to diminish this through policies, such as only being able to use the Turkish language to access education and jobs.

- Do Kurdish people experience adverse interest from the authorities?
 - If so, what is the nature of this?
 - Is it true that the authorities may spy on Kurdish people?
 - Are Kurdish people treated fairly by the Police? If not, in what way?
 - Are Kurdish people treated fairly by the judicial system? If not, in what way?
 - Are Kurdish people treated well in detention? If not, in what way? If they are tortured, by whom? (prison staff/military staff/police?)
 - Is there an impact on men or women?
 - If avenues of redress are followed, what is the outcome?

If you are a Kurd, you are a suspect in the eyes of the authorities in Turkey. When an ethnic Turk has a security check, a Kurd will have double checks. This is the case in buildings, airports. There is a difference if you are a Kurd in the south east and a Kurd in a city.

- Is there anything else to add about the impact of the coup attempt on societal or official treatment of Kurds?

The 2016 coup attempt has stopped the peace process with Ocalan. The Turkish government have implied that the PKK worked with the Gulenists to overthrow the AKP.

Kurds did not support the Gulen movement and the coup attempt, but this has not changed the impact it has had on Kurds. Because of the attempted coup, the Kurdish question, which was being discussed by Erdogan and the PKK, stopped; it broke down the democratic process to a peaceful solution. The state of emergency Erdogan imposed in the aftermath of the coup attempt has allowed any one to be discriminated against and has set a new standard of arrest and detention conditions.

Since the coup attempt, Turkey has entered a different time and different climate compared with before the coup. People in general cannot be linked directly or seen to be sympathetic (journalists, academics) to the PKK after the attempted coup as they risk being arrested and persecuted.

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18. Human Rights Foundation of Turkey, 17 June 2019.

Human Rights Foundation of Turkey wants to raise awareness of the human rights violations in Turkey.

If HDP are alone in the rallies/meeting they are banned. Law enforcement officials interfere with the meetings/rallies. If with CHP for example, it is harder for the authorities to single out HDP members, because there are numerous political parties.

All opposition have been arrested and detained for long periods of pretrial detention. Parliament members of HDP are still in pretrial detention. Suspected members/supporters such as farmers/shepherds can be targeted.

After the coup attempt, detainees could spend 30 days in police custody, and they could not meet with a lawyer for five days. After a year, police custody was limited to 14 days, and after the end of the state of emergency, it is now 4+4+4, but it could exceed 12 days in total.

You will be in solitary confinement or incommunicado, within the isolation period it is a very dangerous time as no one has access to you besides police (no access to lawyers). Usually solitary confinement or incommunicado is two to three days. During this period, intimidation and interrogation are used. In some places, they do not take people to their medical examinations. A lot of the time the medical examination is done in the police station in front of police, so it is not a fair examination, a lot of the cases come back as no injuries. Doctors know it is unethical, but they can't refuse, it will be damaging towards their jobs.

Some medical examinations take place in sport halls, they just walk in front of the medical examiner. Sports halls are used for police custody, particularly in Ankara. Some examination is done in hospital; however, many prisoners will remain hand cuffed and police are present due to security reasons.

Physical injuries can be shown. When released they apply to the branches of the Human Rights Foundation where it shows most of them are or have been beaten or subjected to humiliation, threats of sexual assault etc. Intimidation, insults, threatening are the norm. Besides these, in some regions (Sanliurfa) allegedly electrocuted, subjected to positional torture and sexual torture in the police station. In the last two years, about 27 people have been kidnapped and have been kept in unofficial detention centres. However, Sebnem did not know whether the 27 people who had been kidnapped were Kurdish, however some were allegedly Gulenists or far-leftist people, for example Party Cephe [Party Front, a far-left political organisation].

Methods of torture are suspension, electrocution, beating of the soles (falaka), (old torture methods), sexual harassment, they are a mixture. For Gulenists, sexual harassment is alleged to be common as well. Kurdish people will go through this kind of torture for many years.

There is no difference between how Kurds and other people are treated in detention.

The Kurdish people and leftist people are aware of their rights. With the Gulenist movement, they are not so aware. They are also worried about stigmatisation or are not aware. Sexual harassment is very usual for Gulenists. Usually for Gulenists, HRFT must approach them.

HRFT, they have 3 offices in the Kurdish region, Cizre, Van, Urfa.

If they are not released, they go to jail. There is a new way of the court system, the criminal Courts of Peace, these courts are where you get sent to jail. Too many people without any indictments are in jail now, or the indictments are too late. People must apply to the constitution court, they must exhaust the Turkish legal process before they apply to the European court. It is the standard legal process.

Not every Kurdish person has the money or knows of this method of appeal. Pro freedom jurist, contemporary lawyer's platforms, lawyers for freedom (Ozgurlukcu Hukukcular Dernegi offer their services to the Kurdish people).

Lawyers do not wish to represent people from Gulenist movement and some nationalist Bar Associations of the western cities had problems with Kurds as well.

The prison system itself is a problem, it is beyond capacity and very crowded, 200,000 capacity, but over 260,000 in prison. After the peace process in 2015 broke down, they started arresting more Kurdish activists. No proper beds, water, food. It is very difficult, it is problematic.

In 2015: 8,000 Kurds were directly arrested and jailed without indictments after the peace process broke down.

Kurdish people suffer more in prison than other people in prison, for example: Adnan Oktar (leader of a Turkish religious cult) in Kandira prison are mixed with Kurdish people.

Gultan Kisanak ex-mayor of Diyarbakir and Figen Yuksekdog former HDP president, they have different conditions, the Kurds have worse conditions. Kurds are not allowed to have family and friends to visit them but members of the Adnan Oktar sect can. Prohibited conditions, intimidation of family members also take place.

Kurdish people could be in prison in a city and then can be moved to another city without notice and out of reach of the family due to location and costs. Only Kurds or leftist groups are moved around, sometimes Gulenists, but not always.

After the release and they come for an examination at the HRFT, they are examined for psychological and physical conditions. People who come in for examination sometimes do not accept the psychological examination, especially the political prisoners, because they believe they are not affected, they are too proud to admit that they have been mentally affected. However, this is also because they are aware of the situation and know what to expect in police custody, more so than a regular person. However, PTSD and trauma are sometimes evident from those who get examined.

In prison: prisoners are beaten, insulted, threatened.

In 2000, in F-type prisons [where isolation is the main issue; inmates are either alone in a cell or up to 3 together at most], they went on hunger strike to be allowed to be socialised together with wards, then they could have 8 hours a week outside mixing and socialising. 2 years ago, they took this right away in general. Kurdish and leftist people are affected, and they are not allowed to read. A lot of Kurdish people in jail are intellectual.

Shepherds and ordinary Kurdish people from Kurdish villages are in jail for allegedly supporting the PKK or have given shelter and food to PKK.

They arrest a few prominent people from a village as an intimidation tactic.

The Kurdish political prisoners are more intellectual in comparison to Turkish political prisoners. The Kurdish political movement over the years has become more inclusive with women and other social issues.

There are PKK prison wings, politically mixed wings and Party frontier (Party Cephe) wings. There are separate prisons for men and women or different buildings within the same prison. There are children in with women in prisons. Prisoners under the Gulenist movement have a higher rate of children, due to being pregnant when arrested or arrested after birth in prison wing. There is an upper age limit for all children to how long they can be in jail with their mothers if they want to keep the child (7 years).

If the mother wants to keep the child, they have access to education outside of the prison, only primary education. If it was a campus prison they have pastoral care units where the children go during the day.

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

In 2017 for Article 94: 85 indictments against the security for torture, only 7 were convicted for torture.

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

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

10 police have been convicted for excessive force, 7 police for torture.

After detention, you have your passport taken away from you, they are on probation, they can't travel, academics have been dismissed from jobs.

In police custody there is sometimes conditions to the release, signing a blank document, but can be arrested a couple of days later again. The blank document could be a range of things, but it would be a confession of something. Sometimes they do not need to go back to prison if they have already served enough time.

1990, woman was arrested due to her husband, watched her son being tortured, had to sign a document without understanding it and is still in prison today. She signed with her thumb print and can't speak Turkish, she is Kurdish.

This can happen to anyone, it is the system.

Since the coup, the number of allegations of arresting and torture of Kurds is the same. It is a steady trend. Arrested, sent to prison, released and then arrested again.

The PKK members in prison, may not be members, it is alleged members/supporters. The prison conditions have gotten worse over the last 2 years. With the Kurdish and leftist political prisoners, it is worse than other prisoners, particularly Islamic movement.

Being a Kurd is a reason for persecution, politically Kurdish people are also persecuted. However, Gulenists are the terrorists now.

In the PKK prison wing, there is a mixture of people, fighting PKK and politically

Kurdish people (HDP) together. Unsure on whether the sentences were different.

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

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

With political prisoners they have existing or know of contacts for lawyers, there is obligation from state to give them legal representation. Less educated Kurdish people will find it difficult, it is possible through avenues. Most people have access to lawyers through friends or relatives who would sort this out on the outside, however this is irrelevant because the court is controlled by the government.

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19. Human rights lawyer, 17 June 2019

Currently, except for the AKP no political party can hold meetings, they don't have the capability to hold them. If they do, and when they do, they are harassed by the authorities. Police will come and take down pictures of other political parties. For the HDP it is impossible. For having/hosting pictures/ brochures of the opposition party you can be charged under Article 216 of Penal Code 'Praising an Offence and Offender'. HDP runner Cengiz Cicek was in pretrial detention for 5 months, after being arrested during a meeting, he was arrested with 15 other people before the election and was released after the election. This meant that Cicek couldn't run. During TV debates, Erdogan gets a lot of air time in comparison, for example sometimes 5 hours' difference. Half of the time goes to the main opposition but none to the HDP. When HDP is mentioned on TV it is in relation to criminality or the PKK. Other political parties get mentioned in passing.

All members of all political parties have to be registered at the Court of Cassation, which is the equivalent of the Supreme Court. Board members of the HDP have therefore been registered at the Court of Cassation. You can access information online to see who is an HDP member, however this is not an accurate number as the number of members can be manipulated. There is a process where political parties must inform the state about the members of your political party, whether you are high-ranking or low-ranking, for example leafleteers; however, supporters are not registered.

You can be a supporter and not a member, but you could also be targeted; for example, if you are involved in a march or meeting, or if you post on social media, it will draw attention to you. 60/70% support the HDP party through social media. When the police conduct random checks, they may ask for your phone to check it. If you have posted online showing support, there will be accusations made against you.

There is not an advanced process of stopping/searching; if you have darker skin (from the east of turkey), they will check Twitter, Instagram, Facebook.

You would be arrested if you have posted online showing support. When the peace process was ongoing before it broke down in 2015, this was not happening. Article 7/2 of the Anti-Terror Law regarding propaganda for terrorist groups was not

enforced. When the peace process ended, no one was being arrested for posting online. On 7 June 2015, HDP gained 13% of the vote in elections, which meant that Erdogan couldn't become president without a coalition, in turn the peace process collapsed, and there was an increase in charges for people posting on social media.

For example, LGBT members and women can be targeted by the authorities. An example of this is Gulsum Agaoglu, who was a board member of HDP and member of HDP's Women Commission. Just because of her critique of Erdogan and her relation to the HDP she was in detention for 9 months.

ESP (Socialist Party of the Oppressed) is a democratic partner of HDP and they collaborate together during elections. They are being judicially harassed on grounds that they support a 'terrorist' party by running with HDP, but there is no evidence that 'if you support HDP you are member of terrorism'.

MHP (the Nationalist Movement Party, which is in a coalition with the ruling AKP party) MP for Ordu in Turkey stated on TV that each member or supporter of HDP is a terrorist. If 6 million people vote for HDP then they are all terrorists. Most people do not draw a distinction between HDP/PKK.

On 1st May there was a peaceful march that was not related to HDP, people were arrested and detained and during investigation they will find you have HDP connections/support.

Also, if HDP call for a peaceful march which is unrelated to politics and you attend you will be targeted. Your house may be raided.

Police in the south east will video people coming in and out of HDP buildings and rallies, and the authorities will use this as evidence against you for supporting HDP. This happens regularly and is considered normal. Mayors who come from the BDP and HDP have been targeted; they criminalise your activities.

In some incidents, you could be arrested just by having bad luck. But if you show any kind of interest in public you will be arrested. If you are overheard criticising Erdogan, you will be turned in to the police. Cases in court do not have a legal justification so it is difficult to appeal because the case is not based in law.

You can be targeted by government supporters, for example, the police; all communication is monitored. Special groups in the police office are hired just to monitor social media; if you post anything to do with government buildings or departments you can be arrested. Police or hardcore AKP supporters will pick up on tweets. Cem Kucuk [a journalist] targets people who do not support the AKP; they will be arrested. These people are called 'trolls'. The government pay hundreds of people to check social media to find people who tweet or use hashtags criticising the government.

During the military coup, you could be in police custody for 1 month at the police station without being accused of any offence. People are not detained without being charged any more; this was the case during the state of emergency.

If you commit an ordinary crime, you can spend up to 48 hours in custody at the police station. If it is an organised crime you can spend 2 weeks in custody. During the first 24 hours, a lawyer cannot contact or see you. Police interrogate and intimidate detainees to get information. After the first 24 hours, lawyers can access the person. Anyone who is arrested must be taken to the doctor every 12 hours. When you are arrested you are taken to the doctor for a check, then after 12 hours

you will go again.

Methods of torture: mental torture, no scars are left. They have special tactics, they can beat you but leave no marks, the doctors are not very ethical and will not check you properly, even if you say you are not ok. For example: lawyers were arrested for marching on the hunger strike (alongside with women), they were monitored by the doctor who stood 2 metres away from the lawyers and signed them off as ok. They are not keen to take a closer look.

Depending how long you are staying in custody, if you use your right to silence they assume you have something to hide, for example being a terrorist. If a lawyer advises a client to remain silent, the lawyer is accused of a crime.

If they do not find anything on you during interrogation, if you are a low-level supporter, such as someone who has carried out leafletting, they beat you, insult you and then release you. People can be arrested in Taksim Square for handing out leaflets.

Torture is happening, people know about it, there was an incident where 25 people were arrested, including women and children. They were sexually tortured. They were beaten/insulted in the police custody van between the arrest and police station. In the police station it is harder to carry out torture because there are cameras.

During the emergency, you were taken to Belgrad forest, just outside Istanbul, and tortured there, where there are no cameras.

After you have finished with the police process, you will go to the prosecutor, who will then ask you questions again. He/she will either release you or give your terms of detention to the 'peace judge' (at the Court of Peace). The judge will either release you on bail or detain you (pretrial detention). The prosecutor will draft the indictment which has been known to take 1-2 years; you are either held in pretrial detentions or on bail during this time.

Prison conditions are better than most in Europe but detention conditions are crowded. If you are charged with organised crime/terrorist crime, your rights are taken away, you cannot access the news, including no books, nothing from the outside.

The judicial process is not a fair process, it is impossible, in my opinion we do not have judges or prosecutors any more, they are acting on behalf of the government, most are not even hiding their opinions. They post on social media and act supportive of the government; it is a way to gain 'promotion'.

Delegations from abroad are monitoring the judicial process and judicial cases in Turkey.

Fair trial is no longer anyone's main concern; since the coup it has got worse.

When people are arrested on charges of terrorism, the authorities still track people after they have been released from prison and by the time they get to the prison gate, they are arrested again on different charges. Prosecutors can object to your release. HDP MPs were being released in 2017, and the prosecutor would object, but this is illegal. There was not a legal ground for that, however they brought an amendment with state of emergency decrees for such legal grounds. They do this to anyone they do not like.

Judges on the CHD [Progressive Lawyers' Association] case were sent away by the

authorities to a lower competent Court or even another province. This happens quite often when they release someone because the authorities were not pleased with them.

Members of families of people who are critical of the government will be targeted; if the police cannot find the person they are looking for, they will take another family member. This was very common during the emergency. Families were threatened by phone and their houses were raided.

HDP is an officially legal registered party. PKK is an illegal organisation under the Turkish law. This is the main difference between them and the PKK. The PKK is popular in the east of Turkey, where it has a lot of support. Supporters of the HDP will have sympathy towards the PKK because of the fight in the east.

Article 314 of the Criminal Code is being interpreted very widely. [A lawyer may be] accused of having links to terrorists for offering legal support to students, academics, civil society members, MPs.

[The interlocutor's] opinion is that HDP members get longer sentences than members of the PKK; for example, a PKK member (who was open about being a member of the PKK) got 6 years in prison and an HDP member got 10 years in prison under the same Article (314). This is because the HDP are a registered political party and it is revenge from the Government towards the HDP. In the Demirtas case, judges at the ECtHR stated that Demirtas' pretrial detention was politically motivated under Article 18 of ECHR.

It is possible to recognise someone as Kurdish if you have Kurdish names, which the officers will know, you can use Turkish letters for your name, but the name will be Kurdish.

Kurdish people are noticeable from dark skin and being hairy. Women dress the same in Istanbul, whether Turkish or Kurdish, but Kurdish women are more noticeable in the east as they wear traditional clothes. Some traditional clothes are worn by men along the Turkey/Irak border, but you cannot wear traditional clothes away from the border because they look very similar to the PKK uniform [and this has been used as evidence to arrest people].

Accent: there are different accents. It is noticeable, but not to a foreigner. Turkish Kurdish people have family across borders. At one time there was no border in the Kurdish region.

In Marmaris last week, two guys on the bus were talking in Kurdish and someone on the bus warned them against talking Kurdish in Marmaris. A lot of Kurdish people work in the tourist sector. There is a fear of speaking Kurdish. In the cities, they would want to speak Kurdish but will speak Turkish because they want to fit in.

Military service is humiliation for Kurdish people, they have a lot of incidences on a regular basis with the military or police, they do not have good memories with police and military. Military service is for the Turkish people, it doesn't serve the Kurdish people. One of the reasons is that they are fighting against Kurds. The Kurdish people are not proud of the military or Turkey, because they believe it is a country that doesn't consider them as citizens but rather traitors, this is the general feeling in the east.

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20. Amnesty International, 18 June 2019

There are lots of human right concerns in Turkey, it is not always possible for Amnesty International to cover all abuses in Turkey.

There is state oppression on many different groups of people, for example, people with political opinions to political opposition and the LGBTI community.

After the coup attempt state officials and civil servants were dismissed from their jobs. Detention, the treatment of people, judiciary process and government administration changed under the state of emergency. Organisations were shut down, human right defenders, political activists were prosecuted under criminal law.

Amnesty International does not know the exact number of people subjected to unfair prosecutions but given the current situation in the judiciary and the post-coup cases that it has examined, believes it to be in the tens of thousands. Amnesty International has not been able to look at all the cases brought following the coup attempt, but had focused on those brought against human right defenders, activists and journalists.

In 2015 and 2016, there were areas in Turkey that were under a 24-hour curfew, for example Diyarbakir's Sur district and Cizre. This was common in urban areas where there was fighting between people, youths with allegiances to the PKK and the security forces.

The Turkish state regards people who are pro-autonomy or who are seen as against the government or defending Kurdish rights as within the political influence of the PKK; the Turkish state criminalises these people.

The definition of terrorism in Turkey has gone beyond what it is, it defines it as being within political aims/scope rather than violent methods, for example, anyone who speaks out against the government on issues of Kurdish rights could be argued in the current context to be supporting the PKK, or anyone criticizing the post-coup cases, to be supporting FETO.

After the attempted coup there was a mass purge of people from the judiciary including judges and prosecutors. They would either be fired or transferred to another district. New officials who were loyal to the government were put into positions of power.

The former chair and director of Amnesty International Turkey have both been charged with terrorism-related offences. Charging someone with terrorism is now a tool to attack people who don't support the government.

The legal provisions under which dissenting people are charged have changed over the years. Article 301 addresses insulting the Turkish nation. An Armenian journalist was killed by an ultranationalist years ago for insulting Turkey. Since the coup, people who criticize the government have been charged under articles that carry much harsher sentences. Under Article 314 of the penal code someone charged with membership of a terrorist group can be charged with a sentence of up to 15 years. Sentences and charges have become more serious; those brought against people for involvement in the coup, including unfair prosecutions against journalists, based on their writings, carry sentences of life imprisonment without parole.

People arrested can spend years in pretrial detention. For example, Osman Kavala has been in pretrial detention for one to one and a half years; he is accused of leading, running and financing the Gezi Park protests in 2013. The Gezi Park protest

is considered a peaceful protest which was attended by millions of people. The government defined the protest as an attempt to overthrow the government by force. Although there was no evidence presented that Osman or any of the 15 others used violence, they will be prosecuted with a sentence of life imprisonment with no parole.

The laws and legislation have not changed a lot, but the practice has changed.

In 2014/2015 there was a change in law about pretrial detention to make it easier for judges to release people on bail with reporting requirements rather than remand them in prison. As a result, in 2015 the number of people in pretrial detention was decreasing sharply; however, after the 2016 attempted coup, the discourse changed. Security became a major issue for the Turkish state. [...] The practice of releasing people became stricter; for example, judges and prosecutors preferred to put someone in pretrial detention rather than release them because it was dangerous not to be strict. The number of people in pre-trial detention shot up massively. This is an example of policies and practices changing as a result of political circumstances, even though the law had not changed.

In 2013, Turkey brought the law on terrorist propaganda to a higher standard that is vague but broadly in line with international standards which require prohibited speech to include incitement to violence rather than simply criticism. This legal change was not reversed. However, when the Turkish-Kurdish peace process broke down in 2015, there was a surge in people being arrested and charged with terrorist propaganda. This is another example of prosecutions resulting from judges and prosecutors following political direction rather than applying the law. Since 2015, tens of thousands of people have been under investigation on terror-related crimes. An example of this is the Turkish Medical Council who stated that they opposed the fighting in Afrin, Syria in 2018. All the members of the Council's central committee were arrested and charged with making terrorist propaganda. They were convicted, with the highest sentence being 3 years and 3 months. The conviction is currently pending on appeal, but the regional appeals courts have no record of overturning unfair judgments such as these.

Criticism of the government in relation to the Kurdish issues can be used to charge people with terrorist propaganda. Continuously criticising the government, you could be charged with not only propaganda for a terrorist group but also being a member of a terrorist organisation.

Ill-treatment and systematic torture in Turkey is complicated. Reported cases of torture in Turkey went down after 2000, however after the breakdown of the peace process in 2015, allegations of torture increased, especially in an area in the south east where the fighting was occurring. For example, in the areas where there was fighting between the government forces and youth affiliated to the PKK there were 24-hour indefinite curfews put in place. If someone didn't leave the area under curfew it would be assumed that they were a part of the fighting and PKK or assisting them. This would result in them being treated unfairly or even subjected to torture or other prohibited ill-treatment.

Within Kurdish civil society, there are a lot of organisations working on various things, such as women's rights, displacement, or prisoners' rights. However, if you engage with these groups or have an anti-government rhetoric you will be seen as pro-PKK.

The government sees people who are members, activists, or supporters of the HDP

to be pro-PKK, but many HDP members and supporters are critical of the PKK and their methods. Activism on behalf of the HDP has become de facto criminalized as support for terrorism with many unfair cases brought where there is no attempt to link people to violent acts or any other internationally recognisable offences.

After the coup attempt, there has been a surge in the number of torture allegations, especially coming from perceived supporters of the Gulen movement. The state of emergency allowed for more abuses to take place. Perpetrators acting on behalf of the government wouldn't be prosecuted, there were not many investigations opened. People were afraid to make complaints about torture, especially after the authorities claimed making such complaints to be a tactic of FETO.

In the early 2000's torture cases were reduced because there was political will to put an end to torture under the 'zero tolerance for torture' policy. However, after the coup attitudes changed and it seems that in the months that followed authorities decided to revert to 'any means necessary.' Not only people suspected or arrested on terror charges were at risk but people who had been arrested on non-political offences were also at risk, if not greater risk. They were more likely to be tortured after the coup attempt than before because police officers and prison guards were even more confident that they wouldn't be brought to account for any abuses that they committed.

Torture isn't as bad as it was in the 90's and early 00's, but after a steep decline, cases are being reported again at a higher level than they were before the coup attempt.

The likelihood of the torture increases during political detention. For example, 40 people were detained and severely beaten and electrocuted; this very severe and documented torture took place in Urfa province in May 2019. This happened during a time of political tension following an armed clash between between the PKK and the police, which resulted in a police officer being killed.

If you were detained and accused of supporting the PKK or another proscribed organization, there is a real risk of being tortured.

After the attempted coup in 2016 many HDP MPs, local officials and elected mayors were detained and prosecuted or spent time in pretrial detention.

In Diyarbakir, where, like many HDP controlled councils, the elected mayor was replaced with a state administrator, people who held official positions were arrested and detained, such as people in high places, activists or officials of the HDP. Anyone who was considered high-ranking, elected, member, mayor and official was at risk.

During the 2018 election and referendum people who were for the HDP, such as HDP members, were arrested and detained.

The HDP and other smaller opposition political parties try to have demonstrations all the time, not just during an election, but they are at risk.

The process of holding a rally or meetings internationally is you notify the authorities who then start the logistics, such as time and place, where security will be set up. However, this does not happen in Turkey, where the notification requirements in the law are abused so as to impose a de facto blanket ban on demonstrations whose message is not favourable to the government. This isn't just restricted to political parties; for example, all Pride demonstrations across Turkey were banned by local MOI officials, including in Izmir, where they have never been banned before this

year. Istanbul Pride has been banned since 2015 on the same vague security grounds.

In Turkey, someone can try to gain authorisation and be told 'no' by the authorities and then turn up to hold the meeting, rally or march and find that police are there. Here you will have a choice to either go home or go ahead with the meeting, rally, or march. However, if you stay you are committing a criminal offence. Article: 2911, which is the law on assembly and demonstrations, allows someone to be charged for unlawful assembly and demonstrations. This law is applied routinely to any demonstration on Kurdish rights or by pro-Kurdish groups, including demonstrations by HDP members and supporters. Government officials will not agree for you to hold a demonstration if you are HDP.

There is a huge number of cases going to the ECtHR; the process is that someone will need to exhaust the domestic legal process of appeals and trials and in Turkey this can take ten years or more. The ECtHR is not meant to be an appeal court; it is supposed to act as a remedy for what a national government cannot deal with, for example the Ataman cases.

There are many reports on people being released after arrest and detention on the condition of being an informant for the police.

After being charged and sent to prison, people are split up in prison into political and non-political wings. Some do not have access to certain rights in comparison to non-political criminals such as rapists etc; for example, this happens in certain prisons where people have been convicted on political charges. Being convicted and charged on certain terrorist charges can mean you will be given life imprisonment with no parole or can be placed in solitary confinement or with a small group of people. For example, the sentence for being a member of the PKK is 15 years. Some prisons have used torture and this has been reported but it doesn't happen in every prison or to everyone. Prisons and detention centres tend to be overcrowded; some over 200% capacity.

After the attempted coup, detention and unofficial detention centres, such as football stadiums and stables, were used, and this was acknowledged by the authorities. Black sites and secret detention centres have been alleged but Amnesty has not investigated this and has no information on their existence, location or conditions.

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21. Federation of Womens' Associations of Turkey, 18 June 2019

The Women's Federation of Turkey is an umbrella organisation, established in 1976, and it is operational in many fields. For example, as an organisation we want women to have better representation in decision-making and make education more available for women. We are also fighting against underage marriage and violence against women and trying to provide legal advice to women in Turkey.

There are around 55,000 members of this organisation, both men and women. Everyone who is active wants to eradicate gender inequality and to end violence against women. Due to the wide range of members, we can provide solutions and deal with regional problems too.

In the last 10 -12 years, the efforts have concentrated mainly on preventing domestic violence and sexual abuse and making sure the legal process is put into practice in Turkey properly. These are our most recent efforts.

Q. Is domestic violence reported to the police?

A. The legislation in Turkey for domestic violence has become better after the Istanbul Protocol. Legislation is quite sophisticated, police are responsive and well trained and there is good cooperation. However, the police are not specialised and protection measures are not always taken. The problem starts with women not knowing where or who to call. We are coordinating with the Bar Association, trying to make sure judges and prosecutors are better aware of legislation as it is not used in practice and we have provided 40 training sessions in the last few months.

Generally, the police are well trained and know what to do, but there are problems when cases reach the judiciary. During the last 3 years, the Federation of Womens' Associations of Turkey has practised at provincial levels to better inform local people on the legislation and how to report violence and to help judges understand and use the legislation properly.

The police are handling the complaints, they try to follow up with all the procedures, but they are extremely understaffed. The police officers are not specialised in the protection of women, they deal with a lot of other issues. This is not the police's fault, this is a government issue for not having enough police officers.

Q. Are there protection measures?

A. When a woman calls the authorities, she is taken by the police to the police station. She may be placed in a shelter, but if she wishes and it is possible, the police will be able to move the perpetrator. If this is not possible they will offer protection, but 24-hour protection is not available, it is not the same as in the UK. In Turkey, a woman would be handed a piece of paper with an emergency contact number to Police and will be told to call it if the perpetrator comes back.

Q. Is there stigma attached to reporting domestic violence?

A. No, but often the woman will have to go back to the house where the violence has taken place, where it is likely more violence will follow.

Q. Are there shelters for victims of domestic violence?

A. There are not enough shelters for women in Turkey. The ones that exist are not providing the appropriate things or do not offer the right protection. Recently some have been closed and turned into care homes for the elderly. The NGOs do not have enough funds to operate shelters, and the municipalities are discouraged because it is seen as a waste of money, particularly by conservative municipalities. However, more liberal municipalities will want shelters and will want to have resources spent on this.

Q. Are there different attitudes across the country?

A. Attitudes change from one municipality to another. We are developing womens' policies for municipalities and encouraging them to sign the European charter on women's equality.

In the Şişli municipality and Kadıköy municipality in Istanbul they have shelters. The other municipalities in Istanbul are not interested in having shelters; for example, a population of 20 million does not always have a shelter.

Q. What about Kurdish women?

A. In our Organization we have no particular specific focus of Kurdish people but all

women living in Turkey.

There is no distinction between Kurdish or Turkish women. However, because of the Kurdish traditional lifestyle structure, most of the time Kurdish women are deprived of education which in turns makes them more prone to violence.

Underage marriage is an issue in the whole of Turkey, not just in the Kurdish regions. When mayors were dismissed in Kurdish areas and 'legal' guardians were put in place, shelters which had previously provided support to women in Kurdish areas were closed.

Kurdish women are the same as Turkish women in terms of reporting domestic abuse to the police. Kurdish people live all over Turkey and face the same issues as Turkish women when reporting violence. Living in a patriarchal system makes it harder to resist violence.

There have been changes in attitude after a domestic abuse hotline was announced on television and women started to call the hotline. Over the last two years there has been an increase in the number of complaints registered. Due to the patriarchal structure of the Kurdish society, male relatives, such as uncles and fathers, also call the helpline, saying daughters or female relatives are in a violent house.

Q. Are Kurdish women living in all areas across the country also receiving less education?

A. Kurdish women are less educated, but this is not just a Kurdish problem; it is a problem for all girls, including those in the Black Sea and Central regions and those in underage marriages.

There has been a change of legislation in the education system to break it down into a 4+4+4 years system. A child starts school at 6 and education until 10 is mandatory. However before the next stage (10-14), some will be married. Some women are happy about this, they enjoy it. However, this is not strictly a Kurdish issue but an issue across Turkey. Turkey is broken into 81 cities and we have visited them all 7 times.

Q. When does underage marriage take place?

A. The earliest age for underage marriage is 10, because Article 103 amendments allow a religious marriage without a government marriage certificate. The religious men officiating at these marriages are not punished or prosecuted.

Q. Is this common?

A. There is no databank. In Istanbul it is common for underage marriage to take place and there is no documentation of the marriages. Even if the girl has a child after the religious marriage, she cannot register her name as the mother, there are no official documents. In 2017 the religious men ruling certain municipalities were given the authority to marry people. These seem backward steps in a secular state.

Q. If girls are married between 10 and 14 does it mean they have to stop attending school?

A. Yes. If they are married between the ages 10-14 they must stop going to school but there is an open school system where you can follow courses from home and you do not have to go to school to learn.

Media sources reported that in 2018 118 underage girls gave birth in hospitals but

the police were not notified at the time of birth. The Minister of Health said such notification of giving birth is obligatory, and tried to change the law so that underage births in hospital must be notified to the police, but he was not able to amend it. The age for being classified as underage is under 18 years old, not under 15 years old.

In 2018, the number of births to girls between 15-17 years of age was 11,500 (stats from Turkish Statistical Institute). The legal age of marriage in civil law is over 18, but if the family and judge give permission, a girl can be married at 16 in certain circumstances.

Sexuality is still a taboo, although aged 14/15/16 you may flirt; some will argue that if you are old enough to flirt, you are old enough to marry. However, we say that the age difference is too big, with girls sometimes as young as 10 marrying men aged 25-30.

Q. Are there many arranged marriages in Kurdish areas?

A. Yes. In Kurdish areas, arranged marriage is common but it is happening less and less as women are becoming better educated.

Q. Can women go into unapproved marriages?

A. The world has changed a lot due to technology, for example, social media. Now Kurdish and Turkish people are well integrated together, the government regard the PKK as a terrorist group, but at the societal level there is not an issue between Turks and Kurds.

When girls have access to schools and are educated, a lot of womens' issues can be solved, both Kurdish and Turkish issues. Education is the answer.

In Turkey if you are over 18 you can start a relationship with anyone. However there are legal processes that can offer you protection if your family disagrees with the relationship. For example, you can change your name or have your I.D. made anonymous and the authorities can tell your family that they cannot hurt you. All this is in the Istanbul Protocol.

There is detailed legislation in Turkey that prevents this kind of violence against women, it is not always enforced or followed properly but the legislation is in place and is followed in some areas and in some respects.

There is a hotline that women can call if they want help or assistance. People living in Turkey may not know the phone number but if they call, they can receive legal advice.

Q. Can you recognise a Kurdish woman by her appearance?

A. No. You cannot identify Kurdish and Turkish women apart in Istanbul.

Q. Do girls who are not well educated know how to access the helpline?

A. The Federation of Womens' Associations put advertisements on television, and they can be seen by everyone, old and young. Even old women call the helpline, it is available in Kurdish and Arabic and in the future we may make it available in English.

In the police stations and courts, if there is a Kurdish girl who does not speak Turkish, they can have access to a translator.

Q. Is education the same for boys?

A. Education is free of charge, but families must pay some costs. After the first 4

years (first phase), some boys disappear from education as Turkey has an issue with child labour. This is obvious because they do not turn up to go to school during the second phase. However, Turkey has signed and ratified the UN Convention on Children and The Convention on the Elimination of all Forms of Discrimination Against Women. Turkey signed these Conventions with no reservation.

Q. What is the role of Kurds in public life?

A. An ex-Minister of Interior has Kurdish origin and the current Minister of Justice has Kurdish descent. In Turkey, to enjoy civil rights you do not have to be a Turkish person but you do have to be born in Turkey and to live in the country. There is nothing to say that if you are Kurdish you cannot be a judge or a doctor; people of Kurdish origin are not prevented from being part of anything.

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22. Hafiza Merkezi, or Truth, Justice and Memory Centre, 18 June 2019

In the 21st century there has been a choking of democracy in elected leaders. You can do anything in Turkey, you can be a member of the HDP and write against the president here, but the price is very high here.

The HDP are a legal Kurdish party, with around 10,000 members imprisoned. In the past, for example in 2018 there were 80 elected mayors and 11 former MPs who have been imprisoned.

The PKK has been in armed struggle since the 80's, one of the longest armed civil wars around the world. From time to time, they have used terrorist measures, especially in the past. I can't say it is a terrorist group, to me it is an armed political group.

There has always been discrimination against Kurds. If you are in Taksim Square where there is naturally a heavy police presence, and you get stopped and if you show that you are from a Kurdish town they will probably treat you like a criminal. They will check your ID and find out who you are. It is regular; it does not just happen to Kurds, it is the way of the regime. For the last 3 years it has been used as a tactic to induce fear; on the other hand there have been bombs by ISIS and other groups in Turkey, so they have an excuse to do these checks.

The registration plate on a car will show which municipality/town you are from, and if it comes from a Kurdish town you are a terrorism suspect.

HDP have thousands of members and in the run-up to the elections this week they will probably be out working on the streets; however, HDP buildings will probably be raided by the police, people will be targeted, arrested and released. In local and general elections, hundreds of offices and buildings have been raided. This is the way it happens in Turkey.

There are 67 HDP MPs in the parliament, but it is hard to know the roles of MPs due to the transition into the presidential system; there is not a lot of information about this transition, such as information on presidential decrees or the role of MPs, so it is unclear for ordinary citizens.

Low-level HDP members are targeted. Before the coup attempt there was a difference between eastern and western parts of Turkey; in the east where the Kurds are located there were a lot of human rights abuses.

Now you have a range of abuses, against journalists, Gulenists, academics; anyone who criticises the president is likely to be arrested, detained, imprisoned, criminalised.

Over the last 5-6 years there have been social workers in the presidency whose job it is to go through social media. There is most likely another group employed by the Minister of Interior to also monitor peoples' accounts. Certain words will be picked up by these people and they will track you this way.

For example, the head of the Human Rights Foundation, who is a signatory to the Peace Petition, and a member of the Executive Committee of the Turkish Medical Association, who made a declaration for peace

[\[https://www.frontlinedefenders.org/en/case/eleven-council-members-turkish-medical-association-sentenced-prison\]](https://www.frontlinedefenders.org/en/case/eleven-council-members-turkish-medical-association-sentenced-prison), were given longer prison sentences than their colleagues due to their personal tweets and press conferences, although they were not tried for their tweets and press conferences.

Someone who worked in the Truth, Justice and Memory Centre was also convicted to 18 months' imprisonment - but the execution of the sentence was suspended - for tweeting about the work. The investigation started for his sharings about Hafıza Merkezi but he was convicted for his personal sharings in the end.

There are 22 new claims of enforced disappearance at present.

If you are suspected of being a Gulenist or a PKK member or a member of a leftist organisation you will be very likely to be tortured when you are detained.

Torture will happen in police custody; however, a new trend in Turkey is that the police take the prisoner to cars/buses to intimidate and interrogate them because there are cameras in the police station and around Istanbul or else they take them to clandestine places for interrogation.

HDP do hold rallies, and people in attendance are watching and dancing and participating. However, the police do not automatically come and round you up. You can only hold rallies during election times because it is a 'right'. However, they will use something to arrest you, for example, chanting an illegal chant is an excuse to go in and arrest people. During non-election time you cannot go to the marches and rallies although it is a right according to the Constitution too. If you are arrested, you may be released after hours or days.

The intimidation and beatings start on the way to the police station in the car/buses/vans. Torture happens during interrogation, in interrogation beatings regularly take place. The UN's definition of torture and harassment has changed over the years.

The PKK is an armed illegal organisation, it is not easy to be a member of that group. You can be arrested for supporting the PKK. It is likely that members of the HDP are supportive or sympathetic towards the PKK, because they have friends/family/relatives fighting for the PKK. They have family members that were killed fighting for the PKK.

It is true if you support the HDP or if you have family members in the PKK you will be suspected of being supportive of the PKK.

Since 2015, the government have not left any ground for a democratic process, they arrest MPs, and prevent the democratic process. Which means they want you to go

to the mountains with the PKK.

500,000 people last year were investigated for being a member of a terrorist organisation. It is easy to assume/suspect that they are members/supportive of terrorist organisations under the anti-terror law.

For example, out of 100 people who showed solidarity for the Kurdish daily newspaper Ozgur Gundem by being acting editor-in-chief for one day, 39 were indicted. My conviction and a female journalist's conviction were not suspended on the basis that we did not show enough remorse during the trials. Both of us spent 3 months in prison and spent the rest of the time on probation.

For example, Osman Kavala has 675 pages of indictment and thousands of supportive pages. He and the 15 other civil society representatives are being tried for organising and advertising and financing the Gezi protest in 2013, for attempted coup d'états. The Gezi Park protests were peaceful apart from the police brutality. There are no arms or weapons as evidence in the Gezi Park trial; it is not even clear how the suspects are related to the Gezi Park protest. It is very hard to defend yourself in court because the evidence used is very poor and illogical, so that it isn't clear legally why you are in court.

Up until the end of the peace process Turkey was considered to be progressive on the basis of pro-democracy reforms, there was no state of emergency, and there was a balance of powers to a degree.

Kurdish people face some discrimination, for example, the Bosphorus university is an English/American language school, it is one of the best universities in Turkey. Some of the students are Kurdish, when they go to apply for jobs employers are impressed at the person's ability to speak English, however, when they speak Turkish and they do not have the Turkish dialect, they are then discriminated against because they have a Kurdish dialect and they do not get the job. This is discrimination not only by the state but in daily life.

The general ideology, even for progressive people, is that Turkey is for Turkish people, not for other minorities and not for Kurds.

The government discriminates against Kurds in respect to holding different government jobs, being MPs or prosecutors. You can be a lawyer, even a minister or a high-level social worker if you do not emphasise your Kurdish identity or openly say that you are a Kurd. You have to be devoted to Turkishness in order to be seen by the authorities as an acceptable Kurd.

After the attempted coup, internet freedom decreased. Previously, Turkey was number two in the publication of humour magazines in the world, but because of convictions and fines you can hardly find any political humor magazine anymore.

Military service is not nice in general, but harder for Kurds. When Murat was in prison he was with 7 Kurdish people; one was in prison for desertion because of the harassment he was subjected to during his service.

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23. Anonymous source, 19 June 2019

The terrorist law is very complex now, you can be arrested for just meeting with officials.

[The interlocutor] has no connection with the PKK and only a limited connection with the HDP, but this is growing since leaving university last October 2018.

The Parliament amended the Constitution and lifted the immunity of MPs in 2016 temporarily. As no individual applications could be made against constitutional amendments, a direct application to the ECtHR could be lodged. 51 HDP MPs lodged applications. The ECtHR communicated Ms. Filiz Kerestecioğlu's application to the government. [Communication of the applications is a step in the ECHR procedure. Although it does not mean that the application will not be held inadmissible, when an application is communicated to the government it means that the case was given a kind a priority and will be examined seriously by the Court. Kerestecioğlu was one of the 51 applicants whose immunity had been lifted. Her case was chosen and communicated to the government to have its observations. Following the government's observation, the applicant submits her observations and the Court decides whether the government has breached the Convention.]

[...]

During local elections the HDP can hold meetings, mostly in south eastern and eastern parts of Turkey. There were some restrictions during the elections and there was some persecution of HDP members. This was not directly related to the election work they did, but for crimes committed in earlier times. The aim was to put pressure on the HDP during the election campaign.

For HDP members on the political front, those working on human rights will be arrested for terrorist or criminal acts or aiding and abetting terrorist organisations. Persons sharing official HDP activities will draw attention to the authorities, for example HDP asked people to go to the streets after the fight with ISIL in 2014. Being a member of the HDP doesn't make you a terrorist automatically but it does make police suspect you. A single action may not make you a criminal but if you commit a few it will give them more reason to arrest you.

For example: [...] the Roboski case, which is a place in Turkey. It is famous for massacre of a family in 2011, Turkish military bombed and killed 34 Kurdish people including women and children. It wasn't investigated fully, and no one was held responsible. Few people in the family can speak Turkish, and Ferhat Encu, a member of the family, became an HDP MP and Veli Encu, his brother, was arrested a couple of weeks ago. He wanted to bring more information to the ECHR. They are being accused of being members of a terrorist organisation or hosting a member of a terrorist organisation. The authorities picked Veli Encu to send a message to the rest of the family.

In most cases people are picked by the authorities to send a message to wider society and if they pick someone who is well-known it'll be more successful. You will be picked to send the message to other people, that if you do what this person has done we will arrest you.

Whether you are a Turkish or Kurdish bridge to the Kurdish issue, you will be targeted, for example:

The peace protesters who signed the peace treaty, one of the signatories was Sebnem Fincanci Korur (who is Turkish), she was sentenced to 30 months because she is a symbol for the cause and is Turkish, whereas a lot of other signatories had the case suspended. It is a way of targeting someone.

If a Turkish person is interested in the Kurdish issue or HDP party, they are more in danger of persecution. Sebnem is an example of this, an intellectual who is Turkish. Another example of this is Eren Kesksin, deputy head of the Human Rights Association, who is up against 100 years' worth of charges for writing and engaging in the Kurdish and the HDP issue. She is also Turkish.

LGBT persons are targeted without needing to be attached to the HDP. Women's groups are more likely to be charged for fighting for women's rights than for membership of the HDP.

Linking the HDP to the PKK is inevitable. The PKK has been active in Turkey for 40 years and according to government figures over 30,000 have been killed by the PKK in this period. A lot of HDP members are getting support from PKK. There is a personal connection between the groups. If the HDP say something similar to the rhetoric of the PKK it is easy for the government to say that they are a member or supporter of the PKK.

Bese Hozat, a leading member and supporter of PKK, went on TV and said more academics and intellectuals should do more for human rights. A couple of months later academics and intellectuals signed a petition. They were linked to Bese Hozat and were charged with propaganda for a terrorist organisation. If you continue to promote these values (more than once) they will say you are a member. Denying a connection between HDP and PKK is not a possibility because in the eyes of the government there is a connection between PKK and HDP.

There are 93 criminal charges brought against Demirtas. Thirty-two of these criminal files were merged into one single case. They highlighted one or two times when he was directly referencing the PKK, but it was just in context. In the crowd of a march, HDP supporters held an Ocalan flag and this was enough to be linked to the PKK.

If you criticise the government or security forces, you will be seen to be supporting a terrorist organisation.

The Medical Union Association said war is a threat to public health in 2017/18 when Turkey invaded Afrin; this was enough to be charged with supporting or using propaganda for terrorism.

Before the state of emergency people were held for 4 days before being brought before a judge, but during the state of emergency they were held for 30 days before being brought before a judge.

Now after the state of emergency: when HDP are arrested they are arrested for being 'PKK', they are in custody for 12 days, and every 4 days during this time you go to a judge or prosecutor who will be deciding whether to charge or release you. This happens for up to 12 days. The peace judges will meet the detainees and sign for their release or for detention. The Criminal peace judge is the new mechanism in Turkey. Every 4 days during a 12 day detention, the suspect is brought before a criminal peace judge who approves everything proposed by the prosecutor. It follows then, that although on paper a judge is in control of detention, in practice the detention period in terror-related crimes is extended to 12 days.

Urfa Bar Association serious allegations of torture which was put into a report on ill treatment and torture. After 12 days you are taken to prison if charged, however prisons are overcrowded. According to reports by the Human Rights Association and the Human Rights Foundation the general problem with prisons is that they are

overcrowded. There may be the exception, but this is the general situation in Turkey.

[The interlocutor also mentioned cases of abduction.]

[The interlocutor] noted that the government denies torture against Gulenists but admits that Gulenists were in police custody at the time the alleged torture took place. Two of these Gulenists have applied to the ECtHR.

Almost all abduction cases were against Gulenists, not against Kurds or HDP members and supporters. One leftist militant has also been abducted. However it is known that people can be abducted and held in police custody illegally and it's treated as enforced disappearance. The most recent 6 abduction cases happened in February and are different to the other 11 Gulenists who claimed to be tortured, as previously mentioned.

[The interlocutor] cannot say for sure that a family member of an HDP supporter will be affected, but would say, if an HDP supporter told him a family member is worried he would understand and put some weight on this.

A human rights defender [...] has sympathy towards the HDP, has not been appointed a place at university for security reasons. They rejected his application. This could happen in the employment sector, or an application for a passport could be refused if you are an HDP member or supporter. If you have a family member who is associated with the PKK you may also be rejected.

There are isolated acts and systematic attacks on the HDP's buildings.

[The interlocutor] doesn't believe that the PKK have ID cards but think that they use names given by the organisation. [He] believes they are moving in and out and around Turkey so carrying ID would be dangerous.

The government claims that HDP members and supporters are PKK followers, but if this was the case the party would be closed, and the government haven't done that yet, they like having the HDP party so they can say they are members of PKK.

Ocalan to Kurdish people is like Mandela to black people. Ocalan is the founder of Kurdish identity separate from the state. A myth has been created around him, although he has made a lot of mistakes. In Kurdish politics he is a hero; Demirtas is not a fan of Ocalan but he cannot say that to the Kurdish people because the Kurds love him so much. What he means to the people is important. The young generation of Kurds have never seen him, but this is Ocalan's legacy, he holds a special place.

The government had to ease the communication between Ocalan and his people because it is believed that the government wants to control Ocalan, so they can end up controlling HDP/PKK. The government doesn't want there to be a separation between the HDP and the PKK because then there will be a new Kurdish party, now the HDP members can be linked to the PKK and be charged with terrorism.

During the peace process, the HDP acted as the messenger between the PKK and the government.

There are other Kurdish political groups, but they are small, and they are not noticeable, mainly because they have ties to the AKP, especially in their help to fight in Syria. During peace talks, a group called Kurdish Falcons (TAK) who committed small bombings was around, but these are not separate from the PKK. Not much has been heard about this group recently.

The Kurdish Hezbollah (Hudapar) political party also exists but not much is known about this.

The only political groups against the government are the HDP and PKK.

In prison sick people are not always treated, for example people who were wounded in 2015 from the fighting. There have been allegations of a lack of medical care/support still today, and during the hunger strikes they were not appropriately looked after.

Not much has been heard about ill-treatment or beatings during incarceration, and not many complaints have been made. People are more likely to be ill-treated during police custody than in prison.

Demirtas is well treated and well respected in detention, and other high-profile people are treated the same.

A lot of HDP or high-ranking people are in 'F'-type prisons and are in 'isolation' and they can only see other HDP members. They have access to a lawyer. (In F-type prisons, people are either kept alone or share a cell with two others.)

A prison officer will know if you are a Kurdish person in the western part of Turkey; you may be spotted through accent and language and prison officers will know that Kurdish people are charged with terrorism.

Police officers stop people on the street, there is a rumour that if you are dark skinned and have facial hair you are a Kurd, but they can tell if you are Kurdish by where you are from on your ID card.

Turks look like Kurds and vice versa. The 'dirty man look' [i.e. having dark skin and facial hair] would mean you may be stopped and checked. You may not be arrested but you will be questioned more.

There is some difficulty in obtaining accommodation if you have lived previously in the east. There is some discrimination towards those from the east in education, accommodation and employment. But it is not widespread in accommodation. There is discrimination against Kurdish people in Ankara.

Kurdish people are receiving education and medical treatment and there is no direct discrimination in law, but it can happen at a societal level. More Kurdish people will be sent to private schools because they are more likely to be accepted. There is no discrimination from the state, it is more societal discrimination.

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24. Ministry of Foreign Affairs of Turkey, 20 June 2019

[The Human Rights] Department deals with relations with international organizations in the field of human rights, the Council of Europe, the UN (Geneva and New York), and the OSCE human dimension and follows the development of human rights within Turkey.

There may be different reasons and drivers of Kurdish asylum claims.

Going back in time, since the early 2000's the government started to implement reforms on fundamental rights and freedoms. Turkey had a relatively good prospect of becoming a member of the EU at the time, and that is a good driving force for the reforms.

In each government programme, there is progress in legislation in many fields to advance accession to the EU.

In a relatively short period, Turkey had made progress in the human rights field. There was an unfortunate intervention, which is known as the terrorist coup attempt, which slowed down these developments.

Throughout the years, they have been fighting the PKK and then with the coup attempt they had to deal with the FETO terrorist organisation. This coup attempt has traumatised the whole community. After 3 years we are trying to leave behind effects of this coup and go back to normalisation.

Ministry of Foreign Affairs do not see it as a “Kurdish issue”, we have to deal with multiple terrorist organizations. It is those Turkish citizens of Kurdish origin applicants that are most affected in the south east by the PKK terrorism.

The official language in Turkey is Turkish. However, it is not true that Kurdish people cannot speak Kurdish in public. Since 2004 state television TRT started to report in different dialects and private TV broadcasting was allowed.

There is no restriction on the Kurdish language in private lives. There are private school classes in Kurdish and some universities (such as Mardin Artuklu University) have Kurdish and Syriac language and literature department.

In Turkey we do not keep statistics of people based on their ethnicity or other denominators. Traditionally and culturally Kurds tend to live in similar areas today, but they are absolutely not instructed to do so; they prefer to stay close together.

Probably the largest community of Kurdish population is in Istanbul. The jobs and everything are there. This has been the way for decades, it is crowded, you can hear people speaking Kurdish in Anatolia and all over Turkey. They live their lives in all of Turkey.

Nawrouz is a central Asian tradition, it is not banned. It is celebrated by certain Embassies in Ankara as well.

Kurds do not need to get permission to celebrate Nawrouz because it is not a demonstration. As part of the celebration is outside which doesn't fall under the demonstration. People are free to celebrate Nawrouz.

Education:

The Government have initiated many projects to increase enrolment of girls at school. This not only for Kurdish girls but for all girls especially in rural areas. They are encouraged to finish their education.

The Turkish philosophy is that there is no discrimination on any grounds, such as race, ethnicities, religions, age, gender. There are legal and administrative ways to complain about such discrimination. Discriminatory acts stemming from hate based on race, language, religion, sect, sex, political, philosophical belief or opinion are penalized under Article 122 of the Turkish Penal Code.

Finding employment in Turkey can be difficult at times. This is the case for everyone, not just citizens of Kurdish origin.

There isn't any societal discrimination.

It might be true in the east that Kurds may not be able to access medical treatment in Kurdish, because the doctors and all medical personnel are rotated around the

country, so a Kurdish doctor may know the Kurdish language but others who are posted to the southeast may not be able to speak Kurdish.

Since 2013 the Ministry of Justice has arranged for a new practice of introducing Kurdish translators in courts in case parties to the trial case request not to speak in Turkish.

Kurdish matters are not in our day to day work, but if complaints are lodged against Turkey by citizens, for example from the UN or the ECtHR, those complaints are made known to Turkey and responses are provided to these bodies in line with international obligations.

Are the HDP targeted for arrest?

If a person is going through a judicial process it is legal, it is not because you have links to a legal political party. The independent court have employed due process. People have not been prosecuted for being an HDP member but if there is strong evidence of criminal activities then the prosecutor will use legal ways to prosecute them. There may be different reasons why they are being investigated.

Again, we are fighting terrorist groups, not “kurds”.

What measures are put in place to deal with human rights?

In the aftermath of the coup attempt during the state of emergency period which has been lifted in July 2018, relations with international organizations have not been interrupted, on the contrary intensified. It was recommended by the Council of Europe to establish an Inquiry Commission on measures related to the state of emergency measures which is now processing the complaints from the citizens if they feel like they were affected by the state of emergency.

During the state of emergency, it was a special time, but now we are going back to normalization. Steps have been taken in fields of human rights, for example The Reform Action Group convened 3 times since the state of emergency was lifted. In its last meeting in May 2019, the plan for taking new measures of reforms was discussed, so it is at the level of political leaders, it is important group.

The Minister of Justice published a new Judicial Reform Strategy on 30 May 2019. The basic aim of this strategy is to enhance the judiciary, look at the different components to human rights and fundamental rights, freedom of expression, and the effect of the judiciary. These are signs that Turkey is trying to get back to the reforms before the trauma they have endured over the last 3 years. The political will is there.

This is the latest progress.

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25. Turkish Ombudsman's Office, 20 June 2019

We have no concerns with what should be in the report, we can reply to any question, no matter what we are open to any reply. I have been member of parliament for 4 terms and I myself am of Kurdish origin. I have been in the position of Ombudsman for 2.5 years. The office has conducted reports on the refugee situation in Turkey.

I have also been the head of the petition committee in the assembly in the parliament for the last 7 years, that commission oversees allegations of human rights conditions for Turkish citizens and foreign citizens in Turkey.

Last year we received over 18,000 applications for the whole organisation, any person, no matter if they are Turkish or any other foreign citizen can complain to the Ombudsman about any action of the state against themselves. Any violations in justice system, especially in the prison system, right to information, right to clean environment, right to health and agriculture falls under my own personal remit. All violations by the Ministry of the Interior falls under his remit.

There are almost 0 applications of violation of rights from Kurdish people or at least a very low number received at the Ombudsman.

We receive (in relation to prison complaints), a lot of applications but they are not about discrimination, they are about the conditions of prisons or the trial process of a prisoner. We try to find solutions, advise prison management to solve issues. We advise them to move the prisons if it was due to overcrowding or conditions within the prison or refer them to healthcare advisors if they have health issues etc.

If we had too many complaints, we could ask the question about Kurds but we are receiving nearly 0 applications of complaints from Kurdish people.

In Turkey there is a terrorist organisation for over 40 years, and they have a political ideology, these people are raising complaints, they want equal rights. But in the last 7 years a process has been started to grant these people the rights that they want.

For instance, as part of this process just mentioned, the ban on the Kurdish language has been lifted, now they can play music, publish magazines, offer school classes (in private schools) in Kurdish, have radio and TV broadcasting in the Kurdish language. By the way, our current president who was prime minister at the stage, did not deny in the past there have been pressure on Kurds relevant to language, but this targeting of Kurdish people has ended. He acknowledged that in the past there was pressure on Kurds to speak Turkish, but this has now ended. Such big steps have been taken, e.g., 2 days ago I was invited to take part in a TV interview by a state-owned programme, I myself spoke in Kurdish.

You can go to university and be taught in Kurdish, these terrorist organisations and the political party connected to it will claim that the Kurds are being discriminated against, all these claims are in vain because we have solved them. For instance, let's suppose that HDP claimed that in the past there were 20 different thematic areas where Kurdish people experienced discrimination, we can say that 19 of them have already been solved [it should be understood that the number 20 mentioned is just an example to show that nearly all of them have been solved/addressed]. In comparison to the past, Kurdish language is now recognised. For example, now they can speak Kurdish in prison, can be assigned translators in Kurdish in trials. It is now illegal/criminalised to discriminate based on ethnicities.

I am not defending government policy, I am describing facts. I was involved in big steps that were taken, societally it is hard to improve but we have made efforts.

The terrorist organisation PKK want to continue their activities, so they want to deny this and say that Kurds have no rights still, so they can continue.

If you compare 30 years ago to now, there have been big steps forward. There are only good intentions from the government but terrorist attacks have claimed many lives of police officers and officials; for example, 50/60 people were killed by a terror attack in Ankara a couple of years ago. So, the government must continue to be active against this terrorist organisation.

From the government's perspective, the discourse of HDP and the political aims of the HDP are very close to the PKK. It is natural for them to be the same. The government wants the HDP to be a party, would like to see the HDP as a democratic party, would like to see the HDP denounce any terrorist attack that happens in Turkey. But the HDP must put a clear distance between the terrorist attacks and themselves. And if such things happen, HDP would be able to increase their impact and become a more democratic political party. They are under the direct influence of the PKK. The PKK influences candidates for officials' positions within the HDP. Almost impossible for the HDP to distance themselves because they are under huge influence from the PKK.

Under normal conditions, members of parliament enjoy immunity, but there are exceptions, if there is direct communication and clear direction from an MP such as a phone call to a terrorist member this is regarded as a clear connection, if you go to a funeral and speak during the funeral of the terrorist, a speech from an MP that praises terrorist incidents or attacks or speaking highly of terrorists, this is all considered as a crime, and you will lose your immunity.

Supporting any political party or criticising them is not a crime in Turkey, you can. But if an ordinary person posts online praising the PKK attacks or joining protests organised by them, I am not referring to ordinary HDP rallies, but if the HDP organise some rallies which support the PKK or chants or have slogans and banners linked to the PKK or if there is enough support for PKK in these meetings, then police will intervene.

If you speak highly of terror attacks or organisations this is crime. Not everyone has to go to the mountains to get arrested, you can be arrested in the city if you are praising or at an event deemed to be supportive of terrorist groups.

Ten years ago, if you held a political rally and you spoke in Kurdish during it, it was a crime, now you can.

I myself spoke Kurdish at a rally which had thousands of people in attendance and it was not a crime, the same can be said for HDP in Kurdish, it becomes a crime if they support or praise PKK; this is a crime. Even if they speak in Turkish it is a crime to be supportive or praise the PKK.

There is global principle that every country is following, if you do the crime it is your crime, not the crime of your family members. For example, Ocalan in prison but we do not investigate his sister and brother and they are free to arrange meetings.

In family, there is psychological fear, but it is not true, we do not open investigations against them for the crime of a family member. The police will be after the criminal, not the family. Turkey is no different from any country, the police will go to the home of the criminal and ask where they are, but no detention or arrest of the family members will take place.

You can think of us as an NGO, not as representing the government. We are elected by parliament and we receive a lot of applications and complaints, but we do not have to follow government's perspective. Ombudsman had a difference of opinion with the Interior Minister regarding a barricade around the statue of freedom, which is usually used for speaking freely, the Ombudsman thought it was too heavily guarded and stated this to the Interior Minister, the Ombudsman has the freedom to advise government to change ways.

26. HDP MP, 20 June 2019

After the 7th June 2015 elections, Turkey became a state with no legal security. In Turkey there have been arbitrary arrests, detentions and trials. Especially during the emergency state, many decrees were adopted by the authorities, through such decrees many rights and liberties were restricted.

During the state of emergency certain rights were restricted, for example the right of expression, assembly, right to work. Many civil servants were purged during the state of emergency, the justification for this was an intelligence report, however there was no actual credible reason for the mass purging, for example there was no credible reason for people to be purged in municipalities where HDP officials were elected. There were legal guardians put in place by government. Please note this is in general to anyone who opposes the government, most see the main opposition as HDP.

HDP elected MPs/officials had passports taken away. There is a decree that states that civil servants purged and fired from jobs cannot hold a public position again, meaning they now cannot reapply or be elected again. Those who did not lose their passport, had warnings from the government stating that they couldn't use their passport because a case may be opened against them in the future. A party official/friend of the HDP has had this happen to them. There is an electronic watch list, for example on the border if you use your passport it will flag up on the system, the police or immigration official will stop you from leaving.

There are thousands of people who cannot travel and work in Turkey now because of this decree. They cannot leave the country, but they also cannot work, which means they cannot support themselves within the country. For example, it is hard for a teacher who now cannot be a teacher to do anything else or to get another job as a teacher, they will have to change career or sometimes work in a less professional role. There is some discrimination in the private sector.

There is no concrete reason for these dismissals, people who have had this decree used against them were once members of a legal party and everything they partake in was legal but this has now changed.

The number of people detained for political reasons is 7000, and 3500 of them were MPs/co-chairs/high ranking positions within the municipalities. There were ordinary HDP members as well as political/high ranking elected officials who were persecuted.

23 members of youth commission are in detention in police custody.

There are legal processes in Turkey to become a member of a political party, in HDP you make an application and if the party deems it right you become a member, as HDP they do not offer ID cards, membership card or document cards for members. You can apply at district/provincial levels and once you are accepted, the new member's name is in the system. The name of the members always appears in the Court of Cassation; therefore, they are known to the authorities. However, the government know the names of members and numbers of all political parties, not just HDP.

This process of putting all members of political parties into the Court of Cassation discourages people who want to join the parties. HDP members have at least one

trial against them which they can prove, and we know of. HDP are aware that people are making false asylum claims saying they are HDP. There are ways to check about a trial, there is documentation both at trial and detention level.

There is pressure on HDP members/officials/supporters which is known internationally, the HDP know that people are trying to get asylum by asserting they are HDP member because it is an easy route, but as the party we have declared that we do not issue documents corroborating that. However it is true, HDP members are probably scared that they will be arrested and detained because hundreds of our members are already in prison. Any sympathiser or supporter or attender of an event can be threatened, a Kurd expressing an opinion would also be persecuted. This is the way it is.

40,000/30,000 registered members of the HDP are registered in the Court of Cassation, but during election time 6 million people voted for the HDP. People supporting, going to events, listening to the conferences can be identified easily, but if you are just a voter (1 of the 6 million who voted) then you are not going to be identified easily. However due to the pressure and the nature of treatment against HDP, members are put at a disadvantage and this discourages supporters from becoming members.

There are currently 9 HDP ex MPs in jail and 67 in parliament.

The 9 ex-HDP MPs were put in jail because their immunity was lifted, and they were stripped of the parliament privileges (which means they can no longer be an MP also). This was only the case for HDP elected officials. [...] 15 of [the MP's] colleagues [were] arrested; 6 of them were acquitted and 9 people are in prison. There is a decree, that if any case is against you before you are elected it should be suspended and forgotten, but in this new term (re-elected HDP MPs), the case files open against them have continued if they are cases against the state, for example insulting the president or the state. So, the cases stay open.

67 HDP MPs are in parliament yet people of the same party are in prison, this is the way of Turkey. [An MP can have legal cases against them and will face trial for these if they lose their position as an MP and thus lose their parliamentary immunity.]

Regarding the MPs who were arrested and then charged, it happened on 1 November 2015, the HDP elected officials had their immunity lifted by the president, the number of cases against them increased and they were put in jail. This was before parliament had ended. The immunities lifted on 20 May 2016 and MPs were arrested on 4 November 2016.

[...]

An MP from Urfa called Ayse Surucu was elected in June 2018, there were 2 open cases against her, 1 for propaganda for PKK and the second for violating the law on assembly and demonstrations. Ayse had made a statement in a public space, and although she was not found guilty of propaganda for a terrorist organisation, she was found guilty of violating the law on assembly and demonstration. Ayse was charged and sentenced to 1 year 8 months in prison, although she was an MP at the time. She was not sent to prison, but she was sentenced to imprisonment. The point here is that the legal case against her still continued even after elected as an MP. HDP are trying to appeal this.

The level of evidence accepted to be arrested and charged under the propaganda

for a terrorist organisation is very low. You can be charged under the law without referencing a terrorist group, it could be anything interpreted as against the government, for example I do not want my child to die in Turkey or I want peace in Turkey.

7,000 people are in prison for political reasons but not all are HDP members, they are people who have supported, sympathised or had a political or Kurdish opinion.

When you encounter people in Batman, Diyarbakir or a Kurdish populated area of Turkey almost 2/3 of people are suffering from a trial against them, or face judicial control, for example you need to go into the police station to sign in. If someone has taken part in the election campaign or gone to meetings or heard press releases or taken part in any HDP activities it is a reason for the police or security forces to target you. Not everyone of the 40,000 members may be detained but when they apply for certain things, their name is in the system and this will make it difficult to access jobs which is discrimination.

Last week, a group of members of the HDP youth commission wanted to hold an assembly about the construction of a dam which was being built. The police used pepper gas and plastic bullets against the people who were at the assembly. They were released after a couple of hours, but a trial will be started against them. This is different to the other youth commission group that was mentioned earlier.

First and foremost, Kurdish people cannot access official services such as health, education in their mother tongue. There is no use of the Kurdish language officially for example, in schools and road boards. If you apply for a job, your Kurdish name will put a question mark on your application. People of Kurdish origin do not feel safe in Turkey. If you are a member of the HDP, it is worse, it puts you at more of a disadvantage.

Polarisation is getting sharper and sharper and a nationalisation theme is rising and the first group to be targeted are Kurdish people.

The government are calling members of the HDP terrorist, and all Kurds are cast as HDP members.

If you're a pro government Kurdish person, you are not necessarily targeted. For example, there are Kurdish village members who are supposedly protecting the village against terrorists. Kurdish people's attitude is key to discrimination. If you say I am Kurdish but I support the government, you are ok. If you say I am Kurdish, I want to learn in Kurdish and I want equal rights, you will be targeted.

In the cities, for example in Istanbul and Ankara, it again depends on the attitude of the Kurdish person. There are thousands of Kurds in detention, if you are Kurdish you will be treated worse in detention.

Someone will know you are Kurdish by looking at your ID card. Even if you have moved from Diyarbakir to Istanbul it will still show on your ID where you were born or where your family comes from. The police are everywhere, and they just check people at random, they stop you and check your ID on their phones or will take you into the police station, however most checks are at random; [...].

There has been no documented case or experience that I am aware of where someone has been arrested by having their ID checked and being found to be Kurdish.

If you want to go into the south east or Kurdish populated cities the security is very high, it is like going into a different country. In Şırnak district for example, there was a barrier at the entrance to the city, unless the security lifts the barrier you cannot enter the city.

In some cities you can speak Kurdish but in some other cities you cannot, for example, in Kayseri, a central Anatolian city, you cannot speak Kurdish freely in public. In larger metropolitan cities you can, but it depends.

Newroz was banned in 2016 but it is not banned anymore. Under the law on assembly and demonstration, you need to apply to the local governors for permission. Newroz is held on 21 March and you need to apply in advance, get permission and then hold the celebration, you can only celebrate it on the 21 March, in general it is accepted. You cannot celebrate Newroz in a closed space because the celebration includes a fire, there are historical and social significance of this, and the right to celebrate this is at the discretion of government officials.

HDP must also apply to hold an assembly. For example, having a stall to sign a petition. The governor in Batman has not accepted or approved any events at all, both small and large events. Another example of this, is HDP members of parliament, wanted to organise a march in Istanbul but the Minister of Interior stated, 'if I let you march you cannot call me a man'. There was no official letter given to HDP for why they were banned from holding the march, and there was no justification apart from that the Minister of Interior said no and they were stopped.

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27. Confederation of trade unions, 21 June 2019

In Turkey, democracy has always been a problem, not just today but always. Unfortunately, under the government and AKP this problem of democracy has become aggravated.

As a confederation, the stance is to make sure democracy and union movement go hand-in-hand.

So, our main ideology is we need democracy for our existence; for any organisation, trade union, confederation, to survive democracy is a must. Democracy is very vital, we cannot exist without democracy; it is our basic need and right, like bread and water which every human person needs.

As part of our ideology, we also have a stance against fighting in any war. Labourers during war lose income, and in addition, those who suffer most are poor people, workers, unions and labourers. Unions cannot operate during war. We do not want to fight wars because democracy is lost in war. That is why we have a stance against war.

The last stance, we want to be independent and we want to be separate against the hegemony of the state, to be able to be provide help for those struggling to get better working conditions. We do not want to be influenced by government or state.

Kurdish discrimination in employment:

There are many groups and different people living in Turkey, and Kurdish people form one of the biggest minority populations in Turkey, though there are other ethnicities in addition to Kurdish people. The Kurdish issue emerged before the Republic of Turkey was founded and continued after the Republic was founded.

They are mainly residing in south eastern and eastern parts of Turkey. In those parts which are mainly populated by Kurds, economic and social issues are problematic; eastern and south eastern areas are less developed than western parts of Turkey, such as Istanbul and the Black Sea area of Turkey; life is harder.

For a long time, the Kurdish people have faced a lot of problems, and have struggled for their way of life where they couldn't live and talk in their own language, claim identity, play music, culture was put under pressure by the State. Because of these pressures organisations emerged, but instead of a democratic solution, violence was put in the centre of the efforts to change these pressures. There were murders, IDPs, villages burnt, people had to relocate, people were arrested, serious forms of human rights violations started to emerge, the government did this in the south eastern part of the country in the name of protecting and maintaining public order; this was routine in the 1990's, after the coup in 1980.

Because of these practices, there was a huge population movement to central Anatolia and to the west. Mersin and Adana are 2 cities which received the IDPs from the Kurdish populated areas.

When it comes to recruitment for our union, we have bylaws and general principles which dictate that anyone who adopts our principles and bylaws, regardless of ethnicities, language, gender, and political opinion can join as members of our confederation. For example [...] executive positions can be held by [Turks], Kurds, Arabs and various other ethnicities.

We have a strong stance in this regard: we want a country where all groups of this country, Turkish, Kurdish and different ethnicities have equal rights.

Because of our insistence for achieving this, we have always been a target. Our members and executives were put in exile, dismissed, jailed, tortured, killed. We paid a huge price for this confederation and our want for democracy. For example, one [...] member [...] [has now sought asylum elsewhere].

ILO Convention 111 states you cannot discriminate in employment. A survey was given to employers; they were shown 2 pictures, one of a person from central Anatolia (western/central) which was not a smart-looking photo, and the second was of a Kurdish-looking person from eastern Turkey who looked a lot smarter. 80% chose their preferred photo based on where the person was born and not on other characteristics. This survey was done independently and conducted by academics last year.

A lot of civil servants were purged in the public service after the coup attempt of 15 July 2016, they use this as a pretext to dismiss people from jobs.

Since our inception, our confederation has always defended a secular lifestyle and democracy. We have always been against extremist and fundamentalist parties, so we are always targeted because we want them to take a step back from being extremist and fundamentalist.

Hundreds have faced discrimination when trying to get jobs.

[...]

[Many people who were purged following the coup attempt] are Kurdish, but were not dismissed for being Kurdish only but because they are Kurdish public officers opposed to the government.

The government have Kurds who are pro-government, who support the AKP. Kurdish ministers and civil servants are not discriminated against if they are pro-government. If you empathise with Kurdish ethnicities and identity, then you are discriminated against.

Discrimination in the civil service:

It is not just Kurdish people, it is also people in opposition to the government who are dismissed or prevented from getting a job. The process now for public sector employment is that you need to be interviewed and have a security investigation which makes it impossible for someone of Kurdish ethnicity to get the job.

For example, you sit an exam for public service job, you get the highest score but because of your Kurdish identity you do not get the job, but someone with half your score who is pro-government and not Kurdish will get the job. It is the security investigation that stops you from getting the job, for example because you are Kurdish and may be a security risk.

Some people would like to create a group of Kurdish people who are pro-government to counter the claims that there is discrimination against Kurds. People internationally are ceasing to believe that the government discriminates against Kurds. It is the image that the Government tries to create.

Discrimination in private sector:

There is such oppression in private sector for Kurdish people, they cannot identify as a Kurdish person, and they cannot speak Kurdish. No law bans this or the use of Kurdish languages, but this is the practice.

For example:

A Kurdish seasonal agricultural worker was attacked and lynched for trying to sing a song in Kurdish language. The attack took place in an area where nationalist feeling is strong. It was done by the local people, this is societal discrimination, it was triggered by government policies. This happened last year (2018).

This happens all the time, the political ideology is that everyone living in Turkey is a Turkish person. That means being identified as different ethnicities is seen as being linked with terrorism or crime. That is why racism, nationalist views always win.

The reason is obvious, discrimination is there. The main problem, democracy doesn't exist, the current government have always put pressure on opposition people and that is why people are discriminated against, based on political stance.

Writers, journalists, leftist people, socialist people who are opposing the government policies, have always suffered from discrimination. Doesn't matter if you are Kurdish, if you are in the opposition you are likely to suffer. Kurdish people who are pro-government are not discriminated against.

I cannot say it is a common practice, that people in small shops hire Turks over Kurds, but if you are in a small town that is very pro-government and very nationalist, you may face discrimination for being a Kurd.

Democracy is lacking in this country. Before the 1980's there were 2 coups that took place in Turkey, those coups targeted leftist people, because they were well organised. In the 1980's mainly leftist people, rather than Kurdish people, were opposing Governmental policies.

The Kurdish movement is now the most organised group, the leftist people were replaced by Kurdish people, that is why we receive asylum, because the government want one single nation, belief, ideology, that is why they must divide country into pro- and anti-government groups. There is an order of exploiting people, oppressing people of order by government, based on ethnicities. That is why the Kurdish people are targeted right now, the whole society is following the direction of the government, hence why there is societal discrimination.

When the government is in distress in terms of external relations or economic issues, they use a nationalist theme and get nationalistic support as a backup for the government in terms of support. Orchestrating discrimination.

Four years ago, there was a series of attacks against Kurdish in Alanya in Antalya, shops were burnt down, number plates on cars which belonged to Kurdish people were also burnt. The local people didn't allow for Kurds to have a proper funeral or bury people properly. People of this confederation lost their lives in the suicidal bombing attack on 10 October 2015 in Ankara.

In Beypazarı in Ankara, there was lynching attempt against a Kurdish worker, 1800 agriculture workers had to leave the district and moved somewhere else at 3am out of fear.

We can say Kurdish people are not well educated, that is why they hold the worst jobs in the civil service and private sector, there is no equality in this regard, they receive very little economic welfare in the country. There are now about 4 million Syrian refugees that are worse off, before this the Kurds were the worst off in terms of jobs.

Until now there have been serious issues in the Kurdish population in terms of education; good qualified teachers and schools in Kurdish regions were an issue, people didn't receive the same level or quality of education as in the west. There is a general patriarchal issue and urbanisation issue as well, in comparison to other regions in the west. Due to these circumstances, it can be said that education is seen as less important in the south east than in other regions. [The interlocutor later added the following notes: 'Our confederation does not think that education is less important just because Kurdish people believe so. The reason, from our perspective, is that there are certain structural conditions that form their belief. Patriarchal issues affect parents' attitude to education. Accordingly, they may not want to send their kids, particularly girls, to school. Similarly, urbanisation process is another factor that affects the parents' behaviour/attitude to education. For example, they are forced to move to the city centre and have to change some habits. They have to adopt a new life in urban areas. Unlike rural areas, they (more family members) have to work more.']

In 2011, there was a Kurdology department in one university.

There is no instruction of courses in specific fields in Kurdish, for example, engineering.

The factor that their parents do not want to send child to school, there should be a government obligation to make sure parents send their child to school. When some communities do not want to send children to school, the government should reach communities and persuade people. There is also an issue of the Kurdish and Turkish language barrier, all the intellectual capacity up until 6 must be relearned, because school is in Turkish.

Discourse is one of the key components of the discrimination against Kurds in this country. If the Constitution of the Republic of Turkey states one language, one nation, you cannot expect different practices in social life.

This mother tongue policy was an issue, people were subjected to legal cases, we had provisions that we support mother tongue application. Egitimsen, a [union] in the education sector, was subjected to a judicial investigation and court case and had to remove a mother tongue requirement for their members in their statute. [The interlocutor later added the following notes: 'Egitimsen introduced an amendment to its statute to publicly show it is our policy on education in mother tongue. Yet, the Government applied to the court to dissolve it. The case was taken to the European Court of Human Rights. ECHR application no 20641/05. You can see the details here: <https://www.legal-tools.org/doc/8bcfbd/pdf/>']

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28. Human Rights Association of Turkey, 21 June 2019

We are the oldest human rights organisation in Turkey with the widest network. Created in 1986, we now have 28 branches and 5 representatives' offices. In representatives' offices we have only 3 authorised people in each office, whereas in each branch there are 14 executives, 7 of whom are full members and 7 are reserve members.

We currently have 7,945 members. Since our inception years it has been about 50,000.

The undemocratic process in Turkey is over 30 years, a lot of members of the Human Rights Association have had to leave and live in exile.

We are a member of FIDH (International Federation of Human Rights, which is an umbrella international organisation), as well as the Euro-Mediterranean Human Rights Network. Nationally, we are a part of the local Human Rights Joint Platform [IHOP] in Turkey; 6 national human rights organizations, including Amnesty International and Citizens' Assembly, are also members. So, we are a member of a lot of international and local organisations.

We publish reports every year on human rights violations in Turkey.

People or relatives of people who think they have a violation of rights apply to the Association for help. We draft shadow reports for international organisations and human rights bodies, including the Council of Europe, UN human rights bodies, etc. İHD also produces thematic and annual reports regularly. And we disseminate the reports to press agencies, mass media, and relevant organisations. Depending on the topic of the reports, they are shared with the Ministry of Justice, the Ministry of Interior and related public institutions, including the parliament.

We regularly exchange views with UN human rights bodies under the Human Rights Council (<https://www.ohchr.org/en/hrbodies/sp/pages/welcomepage.aspx>) and other EU organisations. We meet with them when they come to Turkey or when we go abroad.

We get applications from people and we try to defend the rights of these people, and try to resolve the allegations. We also produce thematic reports, for example, on the recent allegations of torture in Halfeti in Şanlıurfa; we sent a delegation there and produced a report, which was sent to the prosecutor's office and it was published

online on our English website (<https://ihd.org.tr/en/?p=2175>). The Halfeti torture allegations report by the Şanlıurfa Bar Association's Human Rights Centre has been drafted by attorneys who are also members of the Human Rights Association.

We are fighting and struggling for perpetrators to be punished for their actions, campaigning to put an end to impunity, working with the anti-impunity network. We follow up on important trials in Turkish courts. To summarise, our mission is improving the human rights context in Turkey and raising awareness of human rights in Turkey.

We also train people; we have a human rights academy, where we train human rights activists and advocates. We have commissions on the various dimensions of human rights, and specific human rights, for example child rights, prison conditions, etc.

We have a commission on peace, which is in charge of the democratic resolution of the Kurdish question; we have a lot of commissions. Because there are 25 different thematic issues which we focus on, our activities are widespread. But you can consider us as one of the main actors of the human rights field in Turkey.

When it comes to our search for justice, following up on trials we of course work with lawyers. [...] a lot of our managerial staff are lawyers. We corroborate with the Human Rights Foundation of Turkey when allegations of torture occur; we founded that organisation in 1990.

Most of our work is reliant on volunteers, but sometimes we get professional help.

Torture under police custody:

First and foremost, it depends on the province or region and the reason why the person was detained.

For example, in Halfeti, Şanlıurfa, there were allegations of torture. Two suspected PKK members were believed to be involved in the armed conflict, the incident was as follows, a Special Ops deputy police chief was killed, and 2 policemen were injured. An investigation was started, 51 people were taken into custody by police and gendarmerie for information on these PKK members. The scores of people arrested or rounded up have no connection to this situation but were accused of aiding the PKK, they were in police custody for 12 days, and, according to the statement of the victims, they were tortured.

The torture allegations were that in the backyard of police custody, the people were handcuffed, lying on the floor; a picture was taken by the police and posted by the press. This was because the police wanted to intimidate Kurdish people by saying if the PKK come into this district/area, we will arrest loads of people. It was sending a message of intimidation.

Another example is, in Muğla, in western Turkey in 2017, the PKK went and it is rare, the PKK are not usually seen in the western part of Turkey, 6 PKK were killed in armed conflict, 4 were arrested along with 4 other people who had supposedly helped the PKK, again they were kept waiting, lying on the floor with their hands handcuffed behind their backs. The police made the people take their clothes off, leaving their underpants on, and again this was sent to the press. This was another example of the government trying to intimidate Kurds for coming to the west of the country.

The government struggle with the PKK but there are legal boundaries that the government should not cross, and torture is beyond these boundaries; torture is illegal and should never be used in any circumstance. I described a position, but it doesn't end here, the people were also beaten and threatened to be raped and harassed. This is intimidation addressed to the Kurdish people.

Long-term, round-the-clock curfews have been imposed in the predominantly Kurdish eastern and southeastern Anatolia regions since 16 August 2015. These curfews have been imposed under the pretence of security operations. You can consult HRFT's updated report on curfews (<http://en.tihv.org.tr/curfews-in-turkey-between-the-dates-16-august-2015-1-july-2019/>). Especially, more than 300 civilians lost their lives in many places like Şırnak city center, Şırnak's Cizre and Silopi districts, Diyarbakır's Sur district, and Hakkari's Yüksekova district, where curfews were imposed between August 2015 and June 2016. No effective investigations, however, have been initiated into these incidents.

There are other people in police custody who are accused of membership of the Fethullah Gülen Organization. According to lawyers, at the beginning of June 2019, 100 people who were once employed by the Foreign Affairs Ministry were taken into custody into the financial crimes investigation department of Ankara police. They were put in a room with no cameras and according to lawyers they were tortured. This is intimidation aimed at members of the Fethullah Gülen Organization, that we (police) can put you in a room and torture you any way we like.

The report of this, with pictures, will be sent to the Home Office team in English when it is released [the report drafted by the Human Rights Centre at Ankara Bar Association has now been sent to the Home Office].

We have a report about ill-treatment/torture of those abducted and forced to become informants; Kurdish university students and journalists are the main targets to be abducted and forced to become informants by the Turkish state (see <https://ihd.org.tr/en/?p=2054>). They were asked to spy on everyone who is in opposition to the Government, and is therefore seen as 'dangerous' to the state, such as left-wing and Kurdish people.

The police intelligence officials are in all universities in Turkey, so they target those students at university who have better social relations, so they have a better network, so first they approach and ask them to cooperate. When they do not agree they push them into a car for a couple of hours, they give them a speech when they are in the car, which will include some threats, offer payment or they can finish university early if they become a spy. If they still do not agree, they are beaten, and they are threatened and their family members are threatened. If the student is female she will be threatened with rape.

For example, one student who agreed to be a spy then came to our Istanbul branch saying he was regretful and he apologised to all students and friends he spied on. According to our findings in 2018, 160 people were threatened to be a spy. 28 people of 160 were abducted and kept in a place against their will over the course of the day (<https://ihd.org.tr/en/?p=2109>).

There is an intelligence unit behind these abductions and threats to become spies, but the government hasn't been open about these agents. There is only one public agency in charge of inspecting such units, the security and intelligence commission agency of the parliament, they oversee all security and intelligence agencies. We

sent our report to this commission last year, asking to inspect such allegations and reports and we still haven't received a reply. We may be the only organisation coming up with these reports of complaints and sending them to the commission.

Intelligence agencies are very organised and in every corner, and they know which kind of student and journalist to threaten.

In 2016 intelligence agencies have investigative power on terrorist crimes and spy crimes and they act like they are the police. We used to have an undersecretary of public security and order but now that has been abolished, but now they have local provisional units that collect information from the desk not in the field, no one knows what these intelligence agencies are doing.

There is such an agency to investigate these intelligence agencies, but this agency is part of the parliament. Most of the parliament is in the AK Party, and if the president does not want an investigation then they will not have an investigation.

What would happen if a person wanted by the Turkish authorities is returned to Turkey?

Border crossing ports or posts are kept by the police. If someone seeks asylum in a country other than Turkey on the grounds that s/he is under risk because a search or arrest warrant has been issued for them, after refoulement there is the possibility that they could be subjected to torture or forced to become police informants. Even the activities under investigation can be mere legal activities. The police or intelligence agencies will have reports on them. As soon as they are returned to Turkey it will flag up. Such are the technological advances of this day and age. In Turkey, the police have a record on anyone, they will know.

If a person is wanted by the police or an intelligence agency in Turkey or is blacklisted by the police, these pieces of information flag up on the screen seen by the police when s/he enters Turkey. Legal procedures are then initiated against this person; that is, s/he is taken into police custody and interrogated, the public prosecutor's office is notified, then the office undertakes the necessary legal process.

There are several types of (blacklist) records used by the police when a person enters Turkey. These are:

- 1- Extended Background Search (Genişletilmiş Bilgi Tarama-GBT) reveals whether the person has any criminal records.
- 2- Law Enforcement Procedures Project (Emniyet Kolluk İşlemleri Projesi, Polnet4 EKİP) reveals whether the person has any criminal records.
- 3- National Judicial Network Project (Ulusal Yargı Ağı Projesi, UYAP) reveals whether the person has any legal investigations or prosecutions against her/him.
- 4- Guidelines for Collecting Intelligence, Operations and Information against Smuggling (Kaçakçılık İstihbarat Harekat ve Bilgi Toplama Yönergesi –KİHBİ) reveals whether the person has any records.
- 5- KOMBS - reveals whether the person has any records in the search screen updated by the intelligence services referred to as the FETÖ/PDY (Fethullah Gulen Organization, a.k.a. the Parallel State Structure) New Bylock Search.

Turkey has improved in keeping records of their citizens in recent years; for

example, if you are trying to get a job in the public sector, intelligence agents will investigate you.

If a person is Kurdish it is likely that they have a family member in the PKK or fighting for the PKK or in jail and all these connections will put you at a disadvantage. This is not what just the government thinks, this is the actual case, this war has been going on for many years, more than 50,000 people have lost lives to this civil war. Millions of people have a file against them. And hundreds of thousands of people have been kept in prison for some time. Every crime belongs to one specific person, not the family. But this rule, i.e. individual criminal responsibility, is not implemented in security background checks. If one of your relatives has committed an offense, you are treated as a criminal yourself.

When it comes to members of the Fethullah Gülen Organization they are forced to disappear; this is enforced disappearance. Members of the Fethullah Gülen Organization are subjected to long hours of torture. There are accounts that they have been abducted in this way and subjected to torture for months.

So torture is done to both members of the Fethullah Gülen Organization and Kurdish people, but it is different. Members of the Fethullah Gülen Organization disappear and will be tortured in detention for long hours/months at a time and then released. They are taken away to detention places. There are 6 people whose whereabouts and fates are still unknown. There is no fear for the government of retaliation. But this is not the case for Kurdish people as the PKK will retaliate.

Ayten Ozturk, a leftist/socialist woman, was tortured for 6 months and a Turkish journalist wrote about it on: gokcertahincioglu@t24.com.tr. The column can be found at: <https://t24.com.tr/yazarlar/gokcer-tahincioglu-yuzlesme/iki-ayten-tekk-devlet,22834>.

On 26 June it is UN International Day in Support of Victims of Torture; the press statement will be translated to English and will also be sent to the Home Office team.

I cannot say that one person from HDP will be tortured and another HDP member will not be tortured; this depends on the person, so there can be no such presupposition. But I can say, if you are an HDP member it is easy for the police to have or make a claim and start an investigation against you. An ordinary HDP member is not a potential criminal.

In the latest local election, the president openly accused all HDP members of being terrorists.

The Turkish government and public officers see HDP in this way: HDP was the political and legal extension of the PKK. To us, HDP is a legal and legitimate political party. It is Turkey's and the parliament's third-largest party.

Government methods and rhetoric are that they will not close down the HDP, but they can punish HDP members.

We may offer the following as instances of such practice: HDP's former co-chairpersons Selahattin Demirtaş and Figen Yüksekdağ's and many HDP deputies' parliamentary immunities were lifted and they were imprisoned. They are still imprisoned. 94 Kurdish municipalities were seized during the state of emergency and appointed state trustees replaced the elected mayors, most of whom were later imprisoned. Further, the ECtHR's judgment on Demirtaş has not been implemented. Scores of former HDP deputies, mayors and politicians had to leave Turkey and

seek asylum in other countries.

This year, they attempted to close down 4 political parties because they had 'Kurdistan' in their name. They have open investigations on them. The Chief Public Prosecutor of the Court of Cassation has filed an appeal before the Constitutional Court to close down the following parties, having been instructed by the government: Kürdistan Sosyalist Partisi (Kurdistan Socialist Party, PSK), Kürdistan Özgürlük Partisi (Kurdistan Freedom Party, PAK), Türkiye Kürdistan Demokrat Partisi (Turkey Kurdistan Democrat Party, TKDP), and Kürdistan Komünist Partisi (Kurdistan Communist Party, KKP).

Some practices of the police do not go as far as torture but can be called ill-treatment, such as rear-handcuffing, cursing, insulting, keep you in a standing position or not allowing you to change position. Some people call this ill-treatment; we call it torture in line with the definition put forth in the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Everyone must take their clothes off to be strip-searched on admission to prison; the law says you can take clothes off people only in exceptional cases but it has become a common practice. Some Kurdish people say, 'I am a political prisoner, not a terrorist,' but they are strip-searched anyway. When you show resistance to being strip-searched you are beaten. Then you are taken to a room, where for the first couple of days you are in isolation, then you are taken to a normal wing with other people. However, some people are never taken to these normal wings and every night you are forced to stand up and do a head count. When you say, 'no, I do not want to stand,' they beat you. If you get sick you may need to be hospitalised, you are handcuffed and taken to the hospital and the handcuffs stay on when you are examined; this is when you are ill, but when you are beaten you are never taken to hospital. If you are sick, you are first taken to the prison doctor and only if he/she refers you to a hospital are you taken there. In most cases they make you wait for some time; you are not taken to a hospital immediately.

Detention centres have standard procedures, the official line is no torture, but torture takes place in different places (from the detention centre) where no cameras are present.

How come the Human Rights Association hasn't been closed?

Currently, the Human Rights Association has an investigation against us; if it is turned into a prosecution we will be tried. We are a strong, old, well-organised organisation, and respected, so it is not easy for the government to close us down. The Human Rights Association is a decidedly independent organization. Indeed, they were not able to use their power to close us down even when they had such authority during the state of emergency.

Torture is forbidden in legislation and you are fined, but because of impunity very few people are put on trial for torture. Articles 94 and 95 of the Turkish Penal Code prohibit torture but in practice cases of torture mostly end up with impunity. As is seen in the latest incidents in Halfeti (Şanlıurfa) and Ankara, people are still subjected to torture in Turkey.

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29. Ministry of Justice of Turkey, 21 June 2019

The Role (Mission) of the Department of the Human Rights

The Republic of Turkey is a democratic State of law, which is one of the founding members of the Council of Europe and upholds the human rights, rule of law and democracy. The main principles of European Convention on Human Rights and other international treaties in the field of human rights are respected and secured in Turkey. Therefore it can definitely be said that Turkish standards provided by law and practice in the field of human rights are higher than international standards provided in international agreements.

In Turkey there are other human rights organisations such as Ombudsperson, and Human Rights and Equality Institution of Turkey. The role/mission of the Department of Human Rights may be summarised as follows:

- With respect to the applications lodged with the European Court of Human Rights against the Republic of Turkey except for those relating to the international relations and foreign policy of Turkey, to demand information, documents and observations from the relevant institutions and organizations, to prepare observations and if required, to assign representatives to the sessions.
- With regard to the individual applications lodged with the Constitutional Court, to submit the observations of the Ministry of Justice to the Constitutional Court if deemed necessary.
- To carry out activities for eliminating the human rights violations.
- To organize friendly settlement meetings and to follow-up and conclude the friendly settlement process.
- To take necessary measures concerning the execution of the judgments finding a violation, which are rendered by the European Court of Human Rights against our country; to circulate these judgments to the relevant authorities; and to follow-up the processes for elimination of the violations.
- To ensure translation of the decisions and judgments rendered by the European Court of Human Right in respect of our country, and of certain judgments which are rendered in respect of the other countries and translation of which is deemed necessary; to compile and archive these judgments; to follow-up scientific studies concerning the European Convention on Human Rights and its implementation; to carry out activities for ensuring the practitioners to get access to the books, articles and case-law; and to carry out statistical studies.
- To conduct projects in cooperation with the relevant public institutions and organizations in the field of human rights; and to organize national and international symposiums, seminars and training activities.

Having examined the draft note sent by e-mail, it is understood that the note covers mainly four key issues, namely Fundamental Rights of an Arrested/Accused Person, The Medical Examination of the Arrested/Detained Person, The Process of Custody and The Process of Detention. Therefore, it will be useful to summarise these issues with the relevant articles of the related legislations.

Fundamental Rights of an Arrested/Accused Person

Article 19 of the Constitution of the Republic of Turkey

Everyone has the right to personal liberty and security. No one shall be deprived of his/her liberty except in the following cases where procedure and conditions are prescribed by law: Execution of sentences restricting liberty and the implementation of security measures decided by courts; arrest or detention of an individual in line with a court ruling or an obligation upon him designated by law; execution of an order for the purpose of the educational supervision of a minor, or for bringing him/her before the competent authority; execution of measures taken in conformity with the relevant provisions of law for the treatment, education or rehabilitation of a person of unsound mind, an alcoholic, drug addict, vagrant, or a person spreading contagious diseases to be carried out in institutions when such persons constitute a danger to the public; arrest or detention of a person who enters or attempts to enter illegally into the country or for whom a deportation or extradition order has been issued.

Individuals against whom there is strong evidence of having committed an offence may be arrested by decision of a judge solely for the purposes of preventing escape, or preventing the destruction or alteration of evidence, as well as in other circumstances prescribed by law and necessitating detention. Arrest of a person without a decision by a judge may be executed only when a person is caught in flagrante delicto or in cases where delay is likely to thwart the course of justice; the conditions for such acts shall be defined by law. Individuals arrested or detained shall be promptly notified, in all cases in writing, or orally when the former is not possible, of the grounds for their arrest or detention and the charges against them; in cases of offences committed collectively this notification shall be made, at the latest, before the individual is brought before a judge.

(As amended on April 16, 2017; Act No. 6771) The person arrested or detained shall be brought before a judge within at latest forty-eight hours and in case of offences committed collectively within at most four days, excluding the time required to send the individual to the court nearest to the place of arrest. No one can be deprived of his/her liberty without the decision of a judge after the expiry of the 9 above specified periods. These periods may be extended during a state of emergency or in time of war.

(As amended on October 3, 2001; Act No. 4709) The next of kin shall be notified immediately when a person has been arrested or detained. Persons under detention shall have the right to request trial within a reasonable time and to be released during investigation or prosecution. Release may be conditioned by a guarantee as to ensure the presence of the person at the trial proceedings or the execution of the court sentence. Persons whose liberties are restricted for any reason are entitled to apply to the competent judicial authority for speedy conclusion of proceedings regarding their situation and for their immediate release if the restriction imposed upon them is not lawful.

(As amended on October 3, 2001; Act No. 4709) Damage suffered by persons subjected to treatment other than these provisions shall be compensated by the State in accordance with the general principles of the compensation law.

Relevant Articles of the Code of Criminal Procedure (CCP)

- The officers of the security forces shall inform the individual arrested promptly about his legal rights, after taking measures to prevent him from escaping, and harming himself and others (Article 90 § 4 of the CCP).
- The proceedings of an arrest without a warrant shall be recorded. In this record

there shall be a clear indication of the offense for which the suspect has been arrested, under what circumstances, where and at what time he had been apprehended, who made the arrest and by which member of the security force the suspect had been specified, a clear indication shall be included that the rights of the suspect have been explained to him in the full extent (Article 97 § 1 of the CCP).

- The status of an individual arrested, taken into custody, or ordered to have an extension of custody shall be notified to one of the relatives, or an individual designated by the arrestee or person taken into custody, by the order of the public prosecutor, without delay. In cases where the individual arrested or taken into custody is a foreigner, his status shall be notified to the consulate of the country of citizenship if he doesn't oppose the notification in writing (Article 95 of the CCP).
- In cases where a decision of arrest and the extension of the period of arrest has been rendered, each decision shall be notified to a relative or to an individual designated by the arrestee, only if the judge decides so, without any delay. Additionally, the arrestee himself shall also be permitted to notify his arrest to one of his relatives or an individual designated by him, only if this does not tamper with the aim of the pending investigation. In cases where the suspect or accused is a foreigner, the fact that he has been arrested shall be notified to the consulate of the country of citizenship, if he does not oppose it in writing (Article 107 of the CCP).
- Individuals who suffer losses during the investigation or prosecution and have been subject to the allegedly unlawful interactions, may claim their pecuniary and non-pecuniary losses from the State (Article 141 of the CCP).
- During the interview or interrogation of a suspect or an accused the following rules apply:
 - a. The identity of the suspect or accused shall be established. The suspect or accused is obliged to provide correct answers to the questions related to his identity.
 - b. The charges against him shall be explained.
 - c. He shall be notified of his right to appoint a defense counsel, and that he may utilize his legal help, and that the defense counsel shall be permitted to be present during the interview or interrogation. If he is not able to retain a defense counsel and he requests a defense counsel, a defense counsel shall be appointed on his behalf by the Bar Association.
 - d. The situation of arrest of an individual shall be immediately notified to one of the relatives of his choice, unless Article 95 provides otherwise.
 - e. He shall be told that he has the legal right to not give any explanation about the charged crime.
 - f. He shall be reminded that he may request the collection of exculpatory evidence and shall be given the opportunity to invalidate the existing grounds of suspicions against him and to put forward issues in his favour (...) (Article 147 of the CCP).
- The suspect or accused may benefit from advice of one or more defense

counsels at any stage during the investigation or prosecution; in cases where the suspect or accused has a legal representative, he may also choose a defense counsel on his behalf.

The suspect or the accused shall be asked to choose a defense counsel on his behalf. In cases where the suspect or accused declares that he is not able to choose a defense counsel, a defense counsel shall be appointed on his behalf, if he requests such. If the suspect or the accused who does not have a defense counsel is a child, or an individual, who is disabled to that extent that he cannot make his own defense, or deaf or mute, then a defense counsel shall be appointed without his request. During the investigation or prosecution for crimes that requires a punishment of imprisonment at the lower level of more than five years, the previous sentence shall be applied (Article 149 and 150 of the CCP).

Pursuant to Article 154/2 of the CCP, in respect of certain offences including terror related crimes and drug trafficking, the right of a suspect in custody to meet the defence counsel may be restricted, upon the request of the public prosecutor, for up to twenty-four (24) hours by the order of a judge; nevertheless, the suspect shall not on any account be questioned during this time period. This practice is also in parallel with the recent judgments delivered by the European Court of Human Rights (“the Court” or “the ECtHR”) (see *İbrahim and Others v. the United Kingdom* [GC], no. 50541/08, 50571/08, 50573/08 and 40351/09, 13 September 2016; *Simeonovi v. Bulgaria* [GC], no. 21980/04, 12 May 2017; *Beuze v. Belgium* [GC], no. 71409/10, 9 November 2018).

The Medical Examination of Arrested/Detained Persons:

It should be mentioned at the outset that Turkey’s policy of zero tolerance for any kinds of ill-treatment continues all the time; all kinds of allegations in this respect are investigated and where the truth of such allegations is established, necessary actions are taken.

In the Turkish law system, it was stipulated that “No one shall be subjected to torture or ill-treatment; no one shall be subjected to penalties or treatment incompatible with human dignity.” in paragraph 3 of Article 17 of the Constitution which governs the prohibition of torture and ill-treatment.

In addition, it is stipulated in Article 148/1 of the Code of Criminal Procedure (“the CCP”), which governs the prohibited procedures in statement-taking and questioning, that the suspect or accused shall not be subjected to physical or mental interventions such as maltreatment, torture, administration of drugs, exhaustion, deception, use of force or threat or use of certain tools in a manner preventing his submissions from being based on his own free will. Furthermore, in paragraphs 3 and 4 of the same article, it was prescribed that statements taken via prohibited procedures (including torture and ill-treatment), shall not be used as evidence even if they were given with consent, and that statements taken by the law enforcement officers in the absence of a lawyer shall not be taken as basis for judgment unless they are confirmed by the suspect or accused before a judge or court.

It is considered useful to point out the following points within the scope of the measures taken with respect to prevention of torture under custody:

- Medical Examination: Obtaining medical reports prior to placement into custody and during release from custody is one of the main preventive mechanisms employed within the framework of “the policy of zero tolerance for torture” (see

Article 99 of the Law no. 5271, and Article 9 of the Regulation on Arrest, Custody and Statement-Taking). Pursuant to these regulations, the health status of a person taken into custody shall be established by a doctor report before his location is changed for any reason, his custody period is extended or he is referred to judicial authorities. In addition, the law-enforcement officer who takes the statement of a person placed into custody, the officer who carries out the inquiry and the officer who takes the relevant person to medical examination must not be the same person. In addition to these points, it should also be emphasised that the reports drawn up by health institutions are communicated in the fastest way possible inside a closed and sealed envelope to the relevant Chief Public Prosecutor's Office. Moreover, the facts that during the medical examination, the doctor is alone with the person undergoing medical examination, that the examination is performed within the framework of doctor-patient relationship and that the medical reports issued are communicated to the relevant Public Prosecutor's Office without being read by the law-enforcement officers are also significant guarantees.

- **Legal Assistance:** Within the scope of suspected persons' right to receive the assistance of a lawyer and right to defence in general, there is no impediment to the right of suspects and their legal representatives, if any, to receive the assistance of one or more lawyers of their own choosing at all stages of the investigation and proceedings pursuant to Article 149 of the CCP. Besides, in consideration of the severity of the offences imputed to suspects, appointment of a defence counsel by the authorities in charge of investigation and prosecution was made mandatory regardless of the suspect's request pursuant to Article 150 of the CCP.
- **Video Surveillance at Custody Centres:** In addition to the guarantees of medical examination and legal assistance, it should be noted that a large majority of the custody centres in the country are equipped with cameras and video surveillance systems.

To summarise, everyone who is charged with any kind of crimes and thus arrested must attend a medical examination as a judicial guarantee. If someone will be taken into custody, they have to visit a medical doctor first. This medical examination cannot be performed in police stations, but it has to be done in forensic medicine centres or in the state hospitals where experienced doctors are employed. The suspects must be examined without police presence; the doctor will sign the medical report prepared in line with the Istanbul Protocol and send it directly to the public prosecutor; those reports cannot be sent to the police station or be seen by police. The suspects can only be handcuffed on assessment of the criminal and nature of the offences and whether the safety of doctors and other people are at risk. These guarantees are implemented for all crimes.

Another guarantee is that in every case of extension of custody period the suspects have to be examined by the doctor. For example, if someone gets arrested, they will have a medical examination just after the arrest and before taken into the custody. At the end of the custody period, if the suspect will be released, there has to be another medical examination. If public prosecutor extends the custody period, again the suspect is examined by doctor. In every extension process, this procedure has to be renewed. The judge will need to see medical report before deciding whether to extend police custody or not.

The Process of Custody

• Ordinary or Collectively Committed Crimes

If the individual, who has been arrested, is not released by the public prosecutor, then it may be ordered that he be taken into custody with the aim of completing the related investigation. The duration of the custody shall not exceed 24 hours, beginning from the moment of the arrest; the necessary time for transporting the suspect to the nearest judge or court of the place where the arrest had occurred, shall not be included. The necessary time for transportation to the nearest judge or court where the arrest had occurred, shall not exceed 12 hours.

Taking an individual into custody requires that this measure is necessary in respect to the investigation and that evidence exists, which indicates the belief that the individual has committed an offense. If the crime has been committed collectively (crimes committed by 3 or more persons) and if there are difficulties in collecting evidence of the crime, or there are a large number of suspects, the public prosecutor may order in writing an extension of the custody period for 3 more days, not exceeding one day at a time. The order of extension shall immediately be notified to the individual who has been taken into the custody.

The individual who has been arrested, his defense counsel or his legal representative, his or her spouse, or a blood relative of first or second degree may file a request with the Magistrate Judgeship against the interaction of arrest, or against the written order by the public prosecutor on taking the individual into custody or on the extension of the custody period, in order to achieve an immediate release from custody. The Magistrate Judge shall conduct an immediate inspection on the files and shall make a ruling before the period of 24 hours has expired.

After the individual arrested has been released, due to the expiration of the custody period, or upon the decision of the Magistrate Judgeship, the same individual shall not be arrested without a warrant for the same offense, unless new and sufficient evidence related to the conduct that was the ground of his previous arrest has been obtained, and the public prosecutor gives an order.

In cases where the individual who is taken into custody is not released, he shall be presented the latest at the end of these periods of time before the Magistrate Judgeship and interrogated. During the interrogation, his defense counsel shall also be present. (Article 91 of the CCP)

• Terror Related Crimes

If there is one or two suspect charged with terror related crimes, the custody period will be 48 hours. If there are difficulties in collection of the evidence or the case file is very extensive, this period could be extended for two times by the Magistrate Judge upon the request of the public prosecutor. Before the extension decision, the Magistrate Judge has to hear the suspect in person. As a result the whole period could not exceed 6 days (2+2+2).

If there is 3 or more persons charged with terror related crimes, the custody period will be 4 days. If there are difficulties in collection of the evidence or the case file is very extensive, this period could be extended for two times by the Magistrate Judge upon the request of the public prosecutor. Before the extension decision, the Magistrate Judge has to hear the suspect in person. As a result the whole period

could not exceed 12 days (4+4+4).

The Process of Detention

If there are concrete evidence that tend to show the existence of a strong suspicion of a crime and an existing “ground for detention”, the suspect or accused may be put in detention. The suspect or accused person cannot be detained if detention is not proportionate to the importance of the case, expected punishment or security measure (Article 100 § 1 of the CCP).

At the below mentioned instances, a “ground for detention” may be deemed as existing:

- a. If the suspect or accused had fled, eluded or if there are specific facts which justify the suspicion that he is going to flee,
- b. If the conduct of the suspect or the accused tend to show the existence of a strong suspicion that he is going to attempt; to destroy, hide or change the evidence or to put an unlawful pressure on witnesses, the victims or other individuals (Article 100 § 2 of the CCP).

In cases where the committed crime is punishable with judicial fine, or with imprisonment not more than two years at the upper level (except for the crimes committed against the physical integrity of a victim), the suspect or the accused person cannot be detained (Article 100 § 4 of the CCP).

During the investigation phase, upon the request of the public prosecutor, the Magistrate Judgeship shall decide the detention of the suspect, and during the prosecution phase the trial court shall decide the detention of the accused upon the request of the public prosecutor, or by its own motion (Article 101 § 1 of the CCP).

In cases where a request for detention has been submitted, the suspect or accused must have the legal help of a defense counsel chosen by him, or appointed by the bar association (Article 101 § 3 of the CCP).

In cases, where the detention of the suspect or accused has not been rendered, the suspect or the accused shall be released immediately.

Decisions rendered in the above-mentions situations may be subject to an appeal (Article 101 § 5 of the CCP).

Apart from Magistrate Judgeship, there two types of criminal courts. The Criminal Court of First Instance deals with the crimes that are punishable up to ten years. On the other hand, Assize Courts deal with the crimes that are punishable more than ten years. However, there are also some specific types of crimes, including terror related ones, which are tried before the Assize Courts, despite the fact that the prison term designated for them are lower than ten years.

Where the crime is not within the jurisdiction of the Assize Court, the maximum period of detention shall be one year. However, if necessary, this period may be extended, for six more months, by explaining the reasons (Article 102 § 1 of the CCP). Therefore the maximum period of detention for the crimes that are not within the jurisdiction of the Assize Court is one year and six months.

Where the crime is within the jurisdiction of the Assize Court, the maximum period of detention is two years. This period may be extended by explaining the reasons in

necessary cases, but the extension shall not exceed 3 years. In addition, for some heavy crimes and terror related crimes, the extension period could be up to five years (Article 102 § 2 of CCP) Therefore, the detention period for the crimes within the jurisdiction of the Assize Court is maximum five years, and for terror related crime it is seven years.

All the time spent in the custody and detention will be taken off the time of the prison sentence if the suspect is charged and convicted.

The decisions on the extension of the detention in the above-mentioned situations shall be rendered only after the opinions of the public prosecutor, the suspect or accused and their defense counsel have been obtained (Article 102 § 4 of the CCP).

The suspect or accused is entitled to file a request of release at any stage of the investigation and prosecution phases. The Magistrate judge or trial court shall decide on this request whether the detention period should continue, or the suspect or accused should be released. The decision that denies the request of release may be subject to appeal (Article 104 of the CCP).

In cases where a decision of detention or the extension of the period of detention has been rendered, each decision shall be notified to a relative or to an individual designated by the suspect, with the decision of the judge, without any delay. Additionally, the suspect himself shall also be permitted to notify his detention to one of his relatives or an individual designated by him, only if this does not tamper with the aim of the pending investigation. In cases where the suspect or accused is a foreigner, the fact that he has been detained shall be notified to the consulate of the country of citizenship, if he does not oppose it in writing (Article 107 of the CCP).

During the investigation phase while the suspect is in jail, and in time limits not exceeding 30 days each, a review on whether the continuation of the status of the detention is necessary or not, shall be conducted by the Magistrate Judgeship upon the request of the public prosecutor.

Within the time limit mentioned in the foregoing paragraph, the suspect may also file a request of review of the status of his detention.

The judge or court on their own motion shall review the status of the accused who is in jail on each trial day or, if the conditions make it necessary, between the trial days, or within the time limits foreseen in the above paragraph whether it is necessary that the detention period to continue (Article 108 of the CCP).

In conclusion, following the custody period, if there is concrete evidence and a ground for detention, the suspect could be detained only by the decision of the Magistrate Judgeship upon the request of the public prosecutor. With the decision of the Magistrate Judgeship, the detention period will start. During this period, the public prosecutor will continue to collect the evidence such as criminal reports, victim and witness statements, DNA examination, on-site inspection etc. At the end of the every 30 days period, whether the detention of the suspect will continue must be reviewed by the Magistrate Judgeship. As a result, during the investigation period, the necessity of the detention of the suspect is examined in every 30 days by the Magistrate Judge. During this review the Magistrate Judge has to hear the detainee or his/her lawyer.

According to international court and ECHR there is not an exact time limit for how long a suspect/accused could be put in pre-trial detention, it is up to independent

courts, it should be fair administrative justice. It depends on the severity of the imputed crime, yet, it cannot be a punishment. In the Turkish system, as mentioned above, the period of detention in total (investigation and trial process) is limited with respect to the crime imputed to the suspect/accused.

After completing the investigation, the public prosecutor conducting the investigation submits an indictment to the relevant court. The relevant trial court shall examine the whole document related to the investigation phase within fifteen days of the delivery of the indictment. In cases where some missing parts (for example important evidence) and errors are discovered, the trial court shall return the indictment with a decision thereof, describing them and returning it to the public prosecutors' office. During the assessment of the indictment, the criminal court in question will also decide whether the detention is to continue or not. If the indictment is not returned and accepted, then the trial will start. During the trial process the relevant court will continue ex officio to review the continuation of the detention. As a result, in every stage of the investigation and trial process, from police custody to the conviction of the accused, the necessity of the custody/detention has to be examined, and any decision in this regard can be subject to appeal.

Kurdish ethnicities:

Citizens from 100-200 different ethnicities live in Turkey, according to our (Turkish) constitutional and criminal law, any discrimination based on religion, ethnicities, gender and language is prohibited.

Daesh terrorism is religious related terrorism, they say that they are Muslims, however Turkey is a Muslim country, more than 1000 Daesh members are in prison in Turkey now. Any complaint from members of Daesh who say that they are discriminated is unfounded because we are Muslim ourselves. 99% of Turkey is Muslim.

Being Kurd is not a negative or positive thing, you can have Kurdish, Turkish English origin, and every citizen is equal before the law. There are many Kurdish origin MPs in parliament, in the ruling or opposition party, in the Court of Cassation, and judges. They are coming from south east Turkey. They are not a criminal person, they are normal person.

But if anyone commits a crime based on ethnicities, language, gender or religion, Turkey cannot tolerate them; any country will not accept this.

If anyone commits crimes in the name of PKK, whether they are Turkish, Kurdish or Syrian, they will be prosecuted and convicted if there is evidence.

There is no discrimination based on ethnicities. Some people claim this, but it is not true.

In Turkey like in UK and EU countries, separation of powers is constitutional. If anyone commits a terror crime, propaganda crime, not just for the PKK terror organisations, we have PKK, Daesh, Feto, more than 10 terror organisations in Turkey, Turkey must deal with all of these. Prosecutors when investigating will not look at ethnicities, they will look at their current activities, and focus on that.

Sometimes ethnicities come up. For example, take Daesh, they use religion for identity purposes, general members of Daesh claim to be Muslim, but this organisation misuses religion.

In Turkey, the rights of the suspects and accused person to use his/her own language is also protected. According to the CCP, if the suspect, accused person, victim or witness does not know Turkish enough, the public prosecutor or the judge in the relevant court has to assign a translator for them. In this situation, the State will make the payment for the translator.

In addition, if those persons know Turkish but if they state that they can better make their defense/submission in another language, they are allowed to do so. For example, if a Kurdish person can speak Turkish, but wants to make defence in Kurdish, he/she could do so by choosing a translator. In this situation, that person has to make the payment for the translator. Therefore, it is up to the defendant. In such a situation, the court must allow this.

Our problem in Turkey is clarifying the incident, whether the person committed the crime, we do not focus, and it does not matter what ethnicities, age, gender the person is, we are only dealing with the evidence. We focus how can we access the evidence, not the background information.

There will be no monitoring of a person after prison sentence, however if there is any reasonable suspicion against the person law enforcement will monitor or will invite someone to the police station or will investigate after being released if there is reasonable suspicion. It is in line with rule of law. Given parole on conditions.

If someone is convicted for 10 years for a terror related crime and when it is final, they may serve only 7.5 years as they will have parole rights but if they commit another crime, they will serve remaining time additionally.

During state of emergency there were exceptional circumstances for example the custody period was 30 days, but today it has been reduced (see above, the custody period).

Generally, there are more than 250,000 people now in prison, of which there are nearly 60,000 detainees and 190,000 convicts. All terror related groups together- Daesh, PKK, FETO amount to around 42,000.

More than 1000 Daesh members are in prison. No other country has more than 100 Daesh members. We are the security gate of Europe and no major terror attacks have taken place since 2016.

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30. National Human Rights and Equality Institution of Turkey (NHREIT), 21 June 2019

National Human Rights and Equality Institution of Turkey has been established in line with the UN Paris Principles (Principles Relating to the Status of National Institutions). There is a historical background to our organisation that predates 2016, but there is no time to talk about this in detail. What is important is we were redesigned after 2016, the organisation is the national mechanism for prevention of torture and ill-treatment (National Preventive Mechanism (NPM)). [NHREIT provided the following information later: 'National Preventive Mechanisms (NPMs) are the national component of the preventive system established by the Optional Protocol on the Convention Against Torture (OPCAT). NPMs are mandated to conduct regular visits to all types of places where persons are deprived of liberty. These visits should lead to recommendations to improve the protection of persons deprived of liberty. NPMs can also make comments on laws and regulations and propose reforms.']

Another field focused on is the struggle against discrimination and guaranteeing the right of equal treatment. To achieve these responsibilities, the Institution goes to detention centres, it may be prison or a custody house in police station, removal centre or psychiatric ward to access them.

Sometimes the Institution receives complaints from people in detention centres, prisons or a custody house in police stations, removal centres or psychiatric wards. We investigate these complaints and try to solve them.

Citizens can apply to us on 15 different grounds of discrimination, sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnic origin, wealth, birth, marital status, health status, disability and age. In case of violation of the non-discrimination principle, an administrative fine ranging from one thousand Turkish lira to fifteen thousand Turkish lira, depending on the gravity of the effects and consequences of such violation, financial situation of the perpetrator and aggravating effect of the multiple discrimination, shall be imposed on the relevant public institutions and agencies, professional organizations with public institution status, natural persons and legal persons established under private law responsible for the violation.

The Institution holds consultation meetings with NGOs, discussing human rights and discrimination in these meetings. In addition, we release reports on some thematic issues. Some public agencies approach the Institution to help train civil servants. The Institution is a young organisation; a lot of the approaches are yet to be implemented. For example, training of trainers.

Currently capacities are just training for civil society. One or two NGOs approached the Institution, and in the past, we have sent experts to the NGOs. The training of trainers is so that NGOs can train in human rights.

Last year the Institution organised training for the managers of detention centres on ill-treatment and how to prevent ill-treatment. The Institution visited 26 detention centres last year, as a result produced reports for these visits, putting recommendations in and following up to see if they are put into practice.

In the provinces and regions (sub-district) there are local human rights boards that report on the local human rights situation. This is the general framework.

The Institution provides a contribution to the educational curriculum and encourages universities to open human rights offices. Currently the Institution is in negotiation with these bodies.

The Institution's visit to prisons may be in 2 forms, visits with prior notice and visits with no notice. The Institution has the authority to talk to detainees, and no one legally can stop us from visiting any place and talking to detainees.

We have the authority to talk to prisoners alone or sometimes we talk to them in front of people; it is a personal choice. Detainees can hand-write a complaint. They have the option to speak in confidentiality. A prisoner can give us a piece of paper with their concern on it, straight from the prisoner to the hand of the man visiting, it is private.

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

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

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

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

We did not observe that there is an discrimination on the grounds of ethnicity and there is no such thing that people with the same ethnicity are kept in the same prison wings.

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

We are the national prevention mechanism in Turkey, our primary goal is to go to prison centres; by visiting we are trying to give the message that the prisons are transparent, and that ill-treatment will be investigated. When there is a hot topic we go directly to the prison and when a lot of complaints come from the same place, we go there. In any serious case we do not wait for more complaints; we go to visit the place in question. When there is an allegation of torture and ill-treatment we try to act on it quickly. For example, there was an allegation of ill-treatment once, we went to Antalya, I arrived at 7pm at the prison and finished at 2am. After our investigation we observed that there was no torture issue. A lot of cases go to court, after reaching the stage of getting to court we do not have more to do, we only conduct the visits. We are trained by the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), the member of this committee Mari Amos said primary remit is go to detention centres and monitor, not take application of complaints, but we still do both. We should abolish this process.

We take physicians and psychiatrists with us if we need to, however there have been no urgent cases yet. Taking different people depends on severity or technicality of complaint, we have the authority to get an outside expert to come and form an opinion when we do not have experience in it. So, any allegation of torture for example, when our capacities are not enough either in number or expertise, for example to ascertain if torture or ill-treatment has taken place, we can hire a torture expert to examine for us.

Statistics of complaints:

As I have mentioned, we are a young institution; our number will go up over the years. But 598 applications last year, but not all of these are about torture, it can be about the centres, for example it could be wanting to be moved from one centre to another when a prisoner wants to be closer to his family. We recommend this to be put into practice and most of the time, these are put into practice.

Some of the complaints are about healthcare services, many detention/prison centres have healthcare centres, but sometimes when a prisoner needs to be taken to a hospital outside of the detention centre, they will have to wait to be seen,

however even the normal citizen in Turkey must wait at the hospital, sometimes complaints like these are sent in.

The capacity of us as organisation against the number of prisons in 80 provinces may be considered a limitation, only urgent cases we visit for a second time in a year, sometimes we intervene by letters in cases where we may not need to go to the prison.

Last year, we implemented a new method, we thought we would train managers of prisons to help raise awareness of human rights issues and how to deal with them. They were delighted with this training. This training can provide direct dialogue between prison management.

Of course, when we meet with managerial staff in a training situation, it is more congenial, and we state that it does not come from a complaint or from allegation, they grasp what we are trying to do better, and not that they feel they are monitored by us.

There is no different treatment between different terrorist organizations. PKK, DAESH, FETO are legally recognised terrorist groups; intelligence units and Ministry of Interior may be able to list terrorist groups. In prison we have observed that when members of the same terrorist organisation come to prison they want to stay together, this is personal choice. For example, we observed 5 PKK members wanted to stay together, and the management of prison allowed that. It was the same with the FETO (Gulenists). It is a personal decision.

Also, others do not want to be kept with rapists so sometimes criminal convicts are kept separately due to security and safety reasons.

Other political/terrorist groups:

We have a rich group of terrorists that come from other countries and therefore we have issues.

Solitary confinement is not a practice that is used.

We do not want any citizen of our country to be illtreated or tortured. That is what we are here to prevent and deal with.

We established a mutual cooperation with UK HM's Inspectorate for Prisons (which is acting as National Preventive Mechanism for prevention of torture and ill-treatment) to accompany us for our visits to removal centres in Adana and Gaziantep. Then they invited us to visit a jail in UK and we produced a report of the visits together. We also have such exchange bilateral cooperation with Serbia, the National Preventive Mechanism (Serbian Ombudsman) national prevention centre that are deemed a good functioning one by the whole of Europe, and we are going to exchange visits with them also.

In terms of legislation and equality of the prisons, no ethnic group in Turkey have priority over another. You can be president, member of parliament if you are legally eligible and did not commit a crime etc.

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