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Executive summary

The Turkish government has a legitimate right to act against terrorism – including acts committed by the PKK and its affiliates – and to use all lawful and proportionate means to do so. This includes seeking to prosecute those who belong to, or profess to belong to, or invite support for, the organisation.

Members of, and those associated with, or suspected of being associated with, the PKK and its affiliates are likely to face prosecution, rather than persecution, on the grounds of membership of, or support for, an armed terrorist organisation. Therefore a person claiming on this basis would unlikely to be granted asylum. Exclusion from protection may also be a relevant factor for those involved in the PKK.

However, whilst those fleeing prosecution or punishment for a criminal offence are not normally refugees, prosecution may amount to persecution if it involves victimisation in its application by the authorities; for example, if it is the vehicle or excuse or if only certain groups are prosecuted for a particular offence and the consequences of that discrimination are sufficiently severe. Punishment which is cruel, inhuman or degrading (and/or which is out of all proportion to the offence committed) may also amount to persecution. A person who can demonstrate a real risk of a flagrant violation of Article 6 of the European Convention on Human Rights (right to a fair trial) could therefore qualify for leave to remain on that basis.

In the Country Guidance case of IA and others CG [2003] UKIAT 00034, the Upper Tribunal (UT) set out 15 (non-exhaustive) factors to consider when assessing claims based on political or 'separatist' beliefs and activity (which must not be used as a 'checklist'). Whilst the caselaw is 20 years old, the broad principles it sets out on how to consider risk remain relevant (against the backdrop of the most up-to-date information).

Sources continue to vary considerably on the level of activity required to attract the attention of the Turkish state, the numbers affected and the 'profiles' of persons who may be affected. The starting point should be the person's claimed involvement and, applying the relevant burden and standard of proof, how credible and plausible the claimed reaction from the Turkish state to that would be. In doing so, decision makers must also bear in mind that many of the actions – e.g. investigating terrorism – are proportionate, necessary and reasonable and/or do not amount to a well-founded fear of persecution or real risk of serious harm.

Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities, nor likely to be able to relocate to escape that risk.

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

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Assessment

About the assessment

This section considers the evidence relevant to this note – that is information in the country information, refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person is reasonably likely to face a real risk of persecution/serious harm by the state because of the person's actual or perceived membership of, or association with, the Partiya Karkerên Kurdistanê (Kurdistan Workers' Party) (PKK) and/or its actual or perceived affiliates.
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a grant of asylum, humanitarian protection or other form of leave is likely, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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

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1. Material facts, credibility and other checks/referrals

1.1 Credibility

1.1.1 For information on assessing credibility, see the instruction on Assessing Credibility and Refugee Status.

1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

1.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the Asylum Instruction on Language Analysis).

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1.2 Exclusion

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

1.2.2 If the person has been involved with the PKK and/or an affiliated group, decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

1.2.3 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

1.2.4 For guidance on exclusion and restricted leave, see the Asylum Instruction on Exclusion under Articles 1F and 33(2) of the Refugee Convention, Humanitarian Protection and the instruction on Restricted Leave.

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2. Convention reason(s)

2.1.1 Actual or imputed political opinion.

2.1.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.

2.1.3 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, Assessing Credibility and Refugee Status.

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3. Risk

3.1.1 The Turkish government has a legitimate right to act against terrorism – including acts committed by the PKK and its affiliates – and to use all lawful and proportionate means to do so. This includes seeking to prosecute those who belong to, or profess to belong to, or invite support for, the organisation.

3.1.2 In general, members of, and those associated with, or suspected of being associated with, the PKK and its affiliates are likely to face prosecution, rather than persecution, on the grounds of membership of, or support for, an armed terrorist organisation.

3.1.3 Those fleeing prosecution or punishment for a criminal offence are not normally refugees. However, prosecution may amount to persecution if it

involves victimisation in its application by the authorities; for example, if it is the vehicle or excuse for or if only certain groups are prosecuted for a particular offence and the consequences of that discrimination are sufficiently severe. Punishment which is cruel, inhuman or degrading (including punishment which is out of all proportion to the offence committed) may also amount to persecution.

3.1.4 In order to qualify on the basis of a breach of Article 6 of the European Convention on Human Rights (right to a fair trial), the person must demonstrate a real risk of a flagrant violation of that right. The onus is on the person to do this. For further information, see the Asylum Instruction on Considering human rights claims.

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

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

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

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

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

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

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

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

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

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

'i) Kurdish ethnicity.

'j) Alevi faith.

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

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

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

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

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

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

3.1.6 While the Upper Tribunal's findings were based on evidence which is now over 20 years old, the factors it identified as relevant to assessing risk remain relevant in the current country context.

3.1.7 Sources continue to vary considerably on the level of activity required to attract the attention of the Turkish state, the numbers affected and the 'profiles' of persons who may be affected. The starting point should be the person's claimed involvement and, applying the relevant burden and standard of proof, how credible and plausible the claimed reaction from the Turkish state to that would be. In doing so, decision makers must also bear in mind that many of the actions – e.g. investigating terrorism – are proportionate, necessary and reasonable and/or do not amount to a well-founded fear of persecution or real risk of serious harm.

3.1.8 The PKK was founded in 1978 and began an armed struggle against the Turkish government in 1984. The aims of the PKK have evolved over time; initially their goal was to create a Kurdish state on Turkish territory but during the 1990s they became focussed on ensuring that Kurdish people have the same rights as other ethnicities in the region (see Origins of the PKK and Aims and tactics of the PKK).

3.1.9 In the early 1990s, the PKK moved away from rural-based insurgency and began engaging in urban terrorism. Clashes between the Turkish government and the PKK continued until a ceasefire was agreed in 2013, by which point an estimated 40,000 people had been killed. In July 2015, the 2-and-a-half-year ceasefire broke down, resulting in an escalation of violence

between the Turkish authorities and the PKK. The violence affected communities in several of Turkey's majority-Kurdish south-east urban areas between about 2015 and 2017, and at times struck the country's largest metropolitan areas. From 2017 onwards, the majority of the violence took place in rural areas of south-east Turkey, before the Turkish military began targeting PKK militants in northern Iraq and northern Syria in 2019 (see 1984 to 2019).

3.1.10 Between 2020 and the end of 2022, the vast majority of conflict has taken place outside of Turkey, particularly in the Iraqi Kurdistan Region (IKR), via Turkish air and drone strikes. The PKK continued its campaign of attacks which often resulted in civilian casualties, although the PKK denies targeting civilians (see 2020, 2021, 2022).

3.1.11 Following a deadly earthquake in February 2023, the PKK declared a unilateral ceasefire. However, data provided by the Armed Conflict Location & Event Data Project (ACLED) indicated that security events between the Turkish security forces and the PKK continued to take place in Turkey and the IKR. In June 2023, the PKK officially ended the ceasefire (see 2023).

3.1.12 As of 6 July 2023, International Crisis Group (ICG) stated that at least 6,677 people had been killed in clashes or terror attacks since the collapse of the ceasefire in July 2015. The majority of those killed were PKK militants (4,409), followed by state security force members (1,428), civilians (614) and individuals of unknown affiliation (226) (see Casualties).

3.1.13 Following the failed coup attempt in July 2016, the government introduced new counter-terrorism legislation which contains many measures similar to those in place during the state of emergency, de facto integrating state of emergency measures into the legal system despite it ending in July 2018. The European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations reported that these measures will be in place until at least July 2024 (see Legal Context).

3.1.14 There were reports that the counter-terrorism arrest laws were widely used to limit free expression on grounds of national security. Alongside persons who are suspected of belonging to or carrying out activities on behalf of the PKK, other groups most at risk of being targeted include journalists criticising the government and/or reporting on efforts against the PKK and the Gulen movement; lawyers, particularly those acting on behalf of individuals accused of PKK involvement, and human rights defenders who have released statements relating to the PKK or that are critical of the government. Those arrested are most often charged with 'membership of a terrorist organisation' or insulting the Turkish state (see State treatment of individuals suspected of PKK membership/affiliation).

3.1.15 The law prohibits arbitrary arrest and detention. There are reports that authorities do not always adhere to the law – however, this does not appear to reflect the situation in general.

3.1.16 The law also provides for an independent judiciary and for the right to a fair public trial. However, lawyers and human rights groups reported irregular implementation of laws in relation to the right to a fair trial, particularly with regard to access to lawyers, and there were reports of government

intimidation and arrest of lawyers working on terrorism cases. Lawyers may have limited access to their clients, thus hampering their ability to defend them, and terrorism trials may lack compelling evidence of criminal activity and rely instead on secret testimony or guilt by association (see Scale and extent of the use of anti-terror law(s), Lawyers and human rights defenders, Pretrial detention and Due process and fair trial).

3.1.17 Several sources who met with the HO FFT in June 2019 suggested that Kurdish people, in general, may be treated worse than Turks in prison. This was corroborated by the Danish Immigration Service (DIS) who stated that Kurdish prisoners were stigmatised and faced negative treatment when they spoke Kurdish or read pro-Kurdish newspapers. There were also reports of Kurdish prisoners being denied medical treatment as a result of being sentenced for PKK membership, being subjected to insults by prison wardens over their ethnicity, not being allowed to send or receive letters written in Kurdish and having Kurdish books, newspapers and any other media that is deemed to obstruct a prisoner's rehabilitation confiscated. Sources who met with the HO FFT noted that prisoners with the same ethnicity are not specifically kept in the same prison wings, but prisoners from the same group or party are allowed to stay together in the same prison wing if they wished to do so (see Treatment of different groups in detention and Segregation in detention)

3.1.18 Numerous sources indicated that over-crowding in prisons is a significant issue in Turkey. According to official data published by the Turkish Ministry of Justice in December 2022, the country had 396 prisons with a capacity for 286,797 inmates but was over capacity by 49,518 prisoners, resulting in an estimated total inmate population of 336,315 (see Ill-treatment in detention).

3.1.19 The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, however numerous sources reported that these occur in custody detention centres and prisons. Some sources, including those who spoke to the HO FFT, reported that individuals who are jailed on terrorism-related charges are more likely to be at risk of torture and ill-treatment. However, two human rights organisations interviewed by the DIS deemed it difficult to define a specific group of prisoners as typical victims of torture and ill-treatment but added that they often saw complaints of such treatment from political prisoners as they are more likely to use complaint mechanisms (see Ill-treatment in detention).

3.1.20 It is acknowledged that some inmates may not have the means and opportunity to report cases of torture and ill-treatment or may be averse to doing so for fear of reprisal. However, whilst recognising that torture and ill-treatment does take place in Turkish detention facilities, it is not considered to be systematic and does not take in every prison, nor is every inmate subjected to it.

3.1.21 Prosecutors are required by law to investigate all allegations of ill-treatment and the Public Prosecutor must follow up all complaints received. Complaints may be brought by victims, their family, a lawyer, a civil society organisation or by a monitoring institution. However, numerous sources reported that there is a lack of effective investigations into allegations of torture and ill treatment, and prosecutions were very rare, which gave the

impression of impunity. The European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations reported that the Human Rights and Equality Institution (HREI) and the Ombudsman are the main human rights institutions in Turkey, however the effectiveness of both institutions is very limited. The government did not release details on its investigations into alleged torture (see Avenues of redress in cases of torture).

3.1.22 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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4. Protection

4.1.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.

4.1.2 For further guidance on assessing state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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5. Internal relocation

5.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.

5.1.2 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on Assessing Credibility and Refugee Status.

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6. Certification

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

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

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Country information

About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the research methodology. It provides the evidence base for the assessment.

The structure and content of this section follow a terms of reference which sets out the general and specific topics relevant to the scope of this note.

Decision makers must use relevant country information as the evidential basis for decisions.

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section updated: 3 August 2023

7. About the PKK

7.1 Origins of the PKK

7.1.1 In November 2016, the European Asylum Support Office (EASO), now the European Union Agency for Asylum (EUAA), published a report entitled 'Turkey – Country Focus', citing various sources, which stated:

'Founded by Abdullah Öcalan in 1978 as a Marxist-Leninist separatist organisation, the Kurdistan Workers' Party (Partiya Karkerên Kurdistanê, PKK), primarily composed of Turkish Kurds, launched an armed struggle against the Turkish Government in 1984 in order to create a Kurdish state on Turkish territory. In the 1990s, the PKK changed its goal into gaining autonomy for Kurds. Since the start of the conflict in 1984, over 40,000 people were killed.

'The PKK leader, Abdullah Öcalan, has been imprisoned since 1999.'[1]

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7.2 Proscription of the PKK and affiliated groups

7.2.1 The PKK is considered a terrorist organisation by Turkey[2] and an illegal organisation under Turkish law[3].

7.2.2 It is also designated as a Foreign Terrorist Organisation by the United States of America, as well as being on the European Union's list of persons, groups and entities involved in terrorist acts and subject to restrictive measures.[4]

7.2.3 The UK proscribed the PKK in March 2001; the Home Office publication of proscribed terrorist organisations includes information about what proscription involves and stated the following regarding the PKK and its affiliates:

'PKK/KADEK/KG is primarily a separatist movement that seeks an independent Kurdish state in southeast Turkey. The PKK changed its name

[1] EUAA, 'Turkey – Country Focus' (page 63), November 2016
[2] EUAA, 'Turkey; Treatment of former PKK and YPG members' (page 2), 1 December 2021
[3] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 22), October 2019
[4] EUAA, 'Turkey; Treatment of former PKK and YPG members' (page 2), 1 December 2021

to KADEK and then to Kongra Gele Kurdistan, although the PKK acronym is still used by parts of the movement.

'The government laid an Order in 2006 which provides that "KADEK" and "Kongra Gele Kurdistan" should be treated as alternative names for the organisation which is already proscribed as PKK.

'The UK government proscribed "Teyre Azadiye Kurdistan (TAK)" in 2006, subsequently an Order was laid in February 2020 which provides that "Teyre Azadiye Kurdistan" (TAK) and "Hezen Parastina Gel (HPG)" should be treated as alternative names for the organisation which is already proscribed as PKK.' [5]

7.2.4 For more information see Affiliates of the PKK.

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7.3 Aims and tactics of the PKK

7.3.1 The EUAA report published in November 2016 stated that: 'The PKK's original goal was to establish an independent Kurdish state in south-eastern Turkey, but in recent years it has spoken more often about autonomy within a Turkish state that guarantees Kurdish cultural and linguistic rights.'[6]

7.3.2 In June 2019, the Home Office undertook a fact-finding mission to Turkey to explore issues concerning Kurds, Kurdish politics and the PKK. The Home Office fact-finding team (HO FFT) met Estella Schmid, a co-founder of Peace in Kurdistan, who stated, 'The PKK want a peaceful and democratic autonomous region for Kurds; one of their main aims is for Kurdish people to have the same rights as other ethnicities in the region.'[7]

7.3.3 The HO FFT also met the Director of a Turkish organisation in the UK, who stated, 'The aims of the PKK have varied over the years. The PKK have previously desired an autonomous region for the Kurds but are now focussing on obtaining equal rights for Kurds.'[8]

7.3.4 The United States National Counterterrorism Center (USNCTC) stated the following in a PKK profile on its website, last updated in October 2022:

'The group aims to gain control of Kurdish areas of Iran, Iraq, Syria, and Turkey to advance Kurdish rights and recognition. The group's stated goal is to establish a confederation of semiautonomous Kurdish regions.

'The PKK has historically maintained its headquarters in Iraq and largely focused on attacking Turkish targets in the Kurdish-dominant region of southeast Turkey. The PKK and the Turkish Government maintained a cease-fire from 2013 to 2015. Since then, Turkish security forces in southeast Turkey have pushed most of the PKK's operations into Iraq and Syria.

'… The PKK uses a mix of guerrilla warfare and terrorist tactics. The group uses IEDs, car bombs, grenades, small arms, mortars, suicide bombings, kidnapping operations, unmanned aerial vehicles, and man-portable air

[5] Home Office, 'Proscribed terrorist groups or organisations', last updated 26 November 2021
[6] EUAA, 'Turkey – Country Focus' (page 63), November 2016
[7] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 20-21), October 2019
[8] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 21), October 2019

defense systems in attacks primarily against Turkish and Turkish-supported forces in northern Iraq and Syria as well as Turkish personnel and infrastructure in southeastern Turkey. The PKK has also attacked Turkish Government personnel and security forces in Ankara and Istanbul.'[9]

7.3.5 On 20 March 2023, the USSD published its annual report on human rights practices, covering events in 2022. The report stated: 'PKK tactics included targeted killings and assault with conventional weapons, vehicle-borne bombs, and improvised explosive devices (IEDs). At times, IEDs or unexploded ordnance, usually attributed to the PKK, killed or maimed civilians and security forces.'[10]

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7.4 Membership, recruitment and funding

7.4.1 The Australian National Security (ANS) website, last updated on 17 January 2022 stated:

'The precise strength of the Kurdistan Workers' Party is unknown. The majority of the Kurdistan Workers' Party militants are based in northern Iraq.

'Most Kurdistan Workers' Party members are recruited from Kurdish areas in south-east Turkey. The group also recruits from the Kurdish population in Iraq, Syria, Iran, and the Kurdish diaspora in Europe. The group recruits both men and women for all its activities, and recent recruiting strategies have focused on youth. In urban areas and in Europe, a network of Kurdistan Workers' Party members and sympathisers reportedly manage financing, propaganda and recruitment processes.

'Financing for the group has historically been obtained through fundraising among Kurds in Turkey and the European Kurdish diaspora. Additional sources of funding include criminal activity, such as narcotics smuggling and extortion.'[11]

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7.5 Identification of PKK members

7.5.1 During the Home Office fact-finding mission (HO FFM), one source noted that the PKK does not issue identity documents as it would be dangerous to be caught by the authorities carrying such a document[12]. The Director of a Turkish organisation in the UK also noted that the PKK has no membership card or membership list, which could be checked[13].

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7.6 Returnees to Turkey

7.6.1 An executive from the Human Rights Association told the HO FFT that 'If a person is wanted by the police or an intelligence agency in Turkey or is blacklisted by the police, these pieces of information flag up on the screen

[9] USNCTC, 'Kurdistan Workers' Party (PKK)', last updated October 2022
[10] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 31), 20 March 2023
[11] ANS, 'Kurdistan Workers' Party (PKK)', last updated 17 January 2022
[12] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 21), October 2019
[13] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 21), October 2019

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.'[14]

7.6.2 The same interlocutor explained there are several types of (blacklist) records used by the police when a person enters Turkey:

1- 'Extended Background Search (Genişletilmiş Bilgi Tarama-GBT) reveals whether the person has any criminal records.

2- Law Enforcement Procedures Project (Emniyet Kolluk İşlemleri Projesi, Polnet4 EKİP) reveals whether the person has any criminal records.

3- National Judicial Network Project (Ulusal Yargı Ağı Projesi, UYAP) reveals whether the person has any legal investigations or prosecutions against her/him.

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.'[15]

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7.7 Relationship with the HDP

7.7.1 For further information please see the country policy and information note on Turkey: Peoples' Democratic Party (HDP).

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section updated: 3 August 2023

8. Affiliates of the PKK

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

8.1.1 The EUAA report published in November 2016 stated: 'The PKK, with other political and armed groups, belongs to a Kurdish umbrella organisation, the Kurdistan Communities Union (Koma Civakên Kurdistan – KCK). KCK is considered the political branch of the Kurdish movement which claims autonomy for the Kurds. It has five subdivisions: the ideological, the social, the political, the military and the women's division.'[16]

8.1.2 In March 2018, Global Rights published an article which stated:

'Although the Turkish media widely identified the KCK as the "PKK's urban organization" and continues to do so, this is not exactly what the KCK stands for. The KCK is the acronym for the Koma Civakên Kurdistan, meaning the Union of Kurdistan Communities. The KCK was established through the reorganization of the PKK within the framework of the principle of

[14] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 49), October 2019
[15] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 50), October 2019
[16] EUAA, 'Turkey – Country Focus' (page 63), November 2016

"democratic confederalism" suggested by Abdullah Öcalan in his 2004 book "Bir Halkı Savunmak" (Defending A Nation). The concept was suggested as an alternative to the nation-state and as a model to solve the problems in the Middle East. In this framework, the KCK is like an executive organ coordinating the PKK and all the parties and organizations operating in the other Kurdish regions as an extension of the PKK.'[17]

8.1.3 During 2023, Nationalia, 'an online news site specializing in news and commentary on stateless people, languages, diversity, and secessionism'[18], and Rudaw, an independent Kurdish media establishment[19], published articles which stated 'The KCK is an umbrella organisation made up of several Kurdish groups, including the PKK.'[20,21]

8.1.4 The undated webpage entitled 'Our Idea' on the KCK website stated:

'The KCK was founded in 2005 as an umbrella organization. Our communities consider the three-fold paradigm of grassroots democracy, women's liberation and ecology the most realistic and peaceful path to a world worth living in. We are convinced that a different world is possible. Organized in different areas of life – economy, culture, self-defense, justice, social life, diplomacy, politics – the KCK's mission is to support and build structures of self-administration.

'Through its hundreds of member organizations the KCK represents millions of people and counts tens of thousands of active members engaged in all domains of work. Its supporters and members come from all walks of life and are comprised of millions of Kurds and an ever-growing number of Arabs, Turks, Persians, Assyrians and other people. The influence of the KCK goes far beyond its immediate member organizations.

'Acknowledging the deep crisis the Middle East finds itself in today, the KCK has proposed the system of Democratic Confederalism as a solution for the region´s problems thus inspiring parties, organizations, institutions and people all over the Middle East and beyond. As a result, the KCK entertains relations with a broad variety of political, social and cultural forces both regionally and internationally.

'Our aims go far beyond the discourse of "individual and cultural rights" so often voiced by Western powers. The basic, most important part of our structure are the local communes build and run by the people in a village or a city neighborhood. All communes, parties, organizations and initiatives find together under the roof of the "People's Congress" (Kongra-Gel) which constitutes our highest decision-making institution. Thus, even under the hardships of war and colonial state policies we work everyday to put our vision of a self-governed, just and sustainable society into practice.'[22]

8.1.5 Further information about the KCK, see the Kurdish Issue website[23].

[17] Global Rights, 'Kurdistan Communities Union calls for a boycott…', 11 March 2018
[18] Nationalia, 'About us', undated
[19] Rudaw, 'About Us', undated
[20] Nationalia, 'PKK declares ceasefire in Turkey…' ,10 February 2023
[21] Rudaw, 'PKK ends unilateral truce with Turkey: KCK', 13 June 2023
[22] KCK, 'Our idea', undated
[23] Kurdish Issue, 'Backgrounder on the Union of Communities in Kurdistan, KCK', 29 November 2011

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8.2 Halkların Birleşik Devrim Hareketi (People's United Revolutionary Movement) (HBDH)

8.2.1 The EUAA report published in November 2016 stated:

'On 12 March 2016, a PKK-led umbrella organisation, the People's United Revolutionary Movement (Halkların Birleşik Devrim Hareketi/HBDH), comprising nine illegal leftist and pro-Kurdish extremist groups was established, led by senior PKK leader Duran Kalkan. The HBDH was created to represent extreme leftist militancy, opposing the Turkish state and the AKP [Adalet ve Kalkınma Partisi/Justice and Development Party]. Its mission is "to unite and strengthen Turkey's revolutionary forces and promote armed struggle against the Turkish government". Its means are said to be propaganda and terrorist attacks through unified efforts of different groups. Its focus is on Turkey, but it could also participate in the fighting in Syria. The HBDH held its first meeting in February 2016 in Latakia, Syria.'[24]

8.2.2 In August 2019, the Firat News Agency (also known as ANF News), a source described as 'close to the PKK'[25] and 'pro-PKK'[26] by Reuters and the BBC respectively, published an article entitled 'HBDH claims the action against factory in Alaplı, northern Turkey' which stated:

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

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

'HBDH stated that the action was carried out "in memory of internationalist comrade Nubar Ozanyan who joined the fight for the freedom of Rojava peoples, trained hundreds of fighters, participated in the founding efforts of HBDH and fell a martyr for the cause of the brotherhood and freedom of all oppressed peoples on August 14 2017."'[27]

8.2.3 On 22 May 2022, ANF News published an article which stated:

'The Peoples' United Revolutionary Movement (HBDH) Abdullah Ece Militia said in a statement that it carried out an action on the ISMEK building, which is stated to be used by religious sects, at around 10 pm on the night of 19 May.

'The statement said: "These reactionary fascist organizations carry out activities in the neighbourhoods where poor workers live. They are working both to expand the mass base of the fascist government and to make society reactionary. They try to recruit people for the intelligence network of the fascist state. For these reasons, they are one of the natural targets of our revolutionary actions."

[24] EUAA, 'Turkey – Country Focus' (page 63), November 2016
[25] Reuters, 'Kurdish militant PKK group withdrawing from Iraq's Sinjar…', 23 March 2018
[26] BBC, 'Turkish troops killed in "Kurdish PKK suicide blast"', 2 August 2015
[27] ANF News, 'HBDH claims the action against factory in Alapli, northern Turkey', 12 August 2019

'The statement added: "Working as an intelligence network, these institutions target people in poor neighbourhoods, revolutionaries and anyone who hates fascism. The HBDH militia reminds the fascist government of the action it carried out against the guards in Bursa, and we announce that we carried out this action in memory of Abdullah Ece, who lost his life in prison recently."'[28]

8.2.4 CPIT was unable to find any further information on what this reported 'action on the ISMEK building' consisted of in the sources consulted (see Bibliography).

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

8.3.1 The EUAA report published in November 2016 stated:

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

'According to the mission conducted by EuroMed Rights and FIDH in January 2016, since the resurgence of the conflict (July 2015), "the strategy of the PKK and its affiliated forces, in particular the Patriotic Revolutionary Youth Movement (YDG-H, the youth branch of PKK), has been to occupy all or parts of cities and to 'remove' them from civil government rule by isolating them through trenches and barricades". This strategy has had severe consequences for the population which has served as a de facto shield for Kurdish fighters.'[29]

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8.4 Kurdistan Freedom Falcons or Teyrenbazen Azadiya Kuridstan (TAK)

8.4.1 The EUAA report published in November 2016 stated:

'The Kurdistan Freedom Falcons (Teyrênbazê Azadiya Kurdistan, TAK) is a very secretive Kurdish separatist organisation… The TAK's goal is an independent Kurdish state in eastern and south-eastern Turkey. According to some Turkish security analysts, Bahoz Erdal is the TAK's leader, although this is not verified.

'The group started its public operations in 2005 when it exploded a bomb in a tourist location, in Kuşadası. From 2005 onwards TAK launched more deadly attacks. 'Although acknowledging that little is known about TAK, the Jamestown Foundation indicated, in 2006, that there are important ideological differences between the PKK and the TAK. While the PKK has mainly attacked military and government targets, TAK has spread its attacks wider, claiming responsibility for strikes on civilian, police and military

[28] ANF News, 'The Peoples' United Revolutionary Movement claims responsibility…', 22 May 2022
[29] EUAA, 'Turkey – Country Focus' (page 63-64), November 2016

targets. According to the Jamestown Foundation, “the geographical spread of TAK attacks also suggests that its members live in Kurdish migrant communities in western Turkey and in Istanbul, rather than in the Kurdish heartlands of the southeast that were the focus of PKK actions”. It added that the PKK statements, striving for negotiations, are now more carefully chosen whereas the TAK’s statements are “deliberately uncompromising”.’[30]

8.4.2 In March 2017, a blog post entitled ‘What do we know about the Kurdistan Freedom Falcons (TAK)?’ was published by the London School of Economics and Political Science (LSE) which stated:

‘Since the summer of 2015, Turkey has been the victim of a wave of violent attacks perpetrated by both Islamists and separatist Kurdish groups. The beginning of this period of violence coincided with the collapse of the peace process between Ankara and the Kurdistan Workers’ Party (PKK) and the resumption of their 30-year-old conflict. Within this context of violence and creeping civil war, another Kurdish faction, the Kurdistan Freedom Falcons (TAK), has made its comeback. The TAK claimed responsibility for a series of major attacks against Turkish civilians and security forces throughout 2016, attracting the attention of the media and generating a great deal of confusion on the nature of its relationship with the PKK. International media outlets have been so far unable to distinguish between the two groups, which reinforces Ankara’s position that the TAK is a mere extension of the PKK.

‘The TAK emerged in 2005 when the PKK had withdrawn from Turkey and was licking its wounds in sanctuaries in Northern Iraq, while its leader Öcalan was calling for a political solution to the Kurdish conflict. The TAK took advantage of the PKK’s troubles, offering an alternative, more violent platform to the most radicalised fringe of the Kurdish youth. Between 2005 and 2011 the TAK was actively involved in attacks against Turkish civilians and security forces, with a significant preference for the non-Kurdish West of the country. This inclination led some to regard the TAK as an urban and youth branch of the PKK. However, the two organisations deny these ties and the TAK has criticised the “soft line” of the PKK, rejecting any peaceful solution of the Kurdish issue in Turkey.

‘Since the TAK re-emerged in 2015, the pro-government press in Turkey has blamed the PKK for all attacks claimed by the TAK, refusing to distinguish between the two organisations. After the Ankara bombing of February 2016, the government described the TAK’s claim as a way to “shift the blame” and accused PKK-affiliated Syrian Kurds. The TAK’s bombings in Istanbul and Kayseri in December 2016 became a new opportunity to arrest hundreds of Kurdish activists and politicians, accusing them of ties to the terrorists. The ease with which Ankara has been putting militant groups of very different kinds in the same ‘terrorist basket’ makes it an unreliable source of information for those interested in the issue. The international media keeps reproducing this ambiguity, with some calling the TAK an affiliate or proxy and some others a splinter of the PKK. This confusion is the result of the

[30] EUAA, ‘Turkey – Country Focus’ (page 64-65), November 2016

lack of clear information on the real nature of this relationship, over which experts and analysts are divided and generally very cautious.'[31]

8.4.3 The same source additionally stated:

'Given the secretive nature and the very limited size of the TAK, information on the internal and external dynamics of the group is not readily available. The PKK has denied any relationship with the TAK on several occasions and the senior PKK commander, Cemal Bayık, has accused the Turkish state of manipulating the TAK in order to delegitimise the PKK. Beyond allegations of Turkish complicity, this argument does stress an important point that the international image of the PKK has been heavily damaged by the TAK's indiscriminate attacks.

'… With the limited information available, only careful observations can be made by looking at the behaviours and tactics employed by the two groups. Direct negotiations between the PKK and the Turkish government in 2012 brought about a ceasefire that lasted for two and a half years. Conversely, the TAK has never shown any interest in a political solution. Its actions have only raised the level of tension, radicalised the conflict and widened the division within Turkish society. Their indiscriminate violence has helped gather popular support for the government's crackdown against Kurdish organisations and politicians accused of terrorist activities. It is hard to see how the PKK could benefit from actions that are tearing off its roots within Turkish society and tarnishing its image abroad. Regardless the existence of ties between the two groups, the Kurdish national movement in Turkey is now a much wider and diverse universe than it was in the 1990s. Distinguishing among its various components – and especially their strategies and tactics – is not only a matter of intellectual honesty for analysts and journalists but also the only way to keep the door open to a future political solution.'[32]

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section updated: 3 August 2023

9. Government/PKK conflict and associated violence

9.1 1984 to 2019

9.1.1 On 27 February 2023, the United States Department of State (USSD) published its annual report on terrorism in Turkey, covering events in 2021. Regarding the PKK, the report stated:

'The group [the PKK], composed primarily of Turkish Kurds, launched a campaign of violence in 1984. The PKK's original goal was to establish an independent Kurdish state in southeastern Türkiye.

'… In the early 1990s, the PKK moved beyond rural-based insurgent activities to engage in urban terrorism. Anatolia became the scene of significant violence, with some estimates suggesting at least 40,000 casualties. The PKK foreswore violence from 1999 until 2004, when its hardline militant wing took control and renounced the self-imposed cease-

[31] LSE, 'What do we know about the Kurdistan Freedom Falcons (TAK)?', 8 March 2017
[32] LSE, 'What do we know about the Kurdistan Freedom Falcons (TAK)?', 8 March 2017

fire. In 2009 the Turkish government and the PKK resumed peace negotiations, but talks broke down after the PKK carried out an attack in 2011 that killed 13 Turkish soldiers. Between 2012 and midyear 2015, the Turkish government and the PKK resumed peace negotiations, but the negotiations ultimately broke down - owing partly to domestic political pressures and the conflict in Syria.

'In 2016 the group claimed a VBIED [Vehicle-Borne Improved Explosive Device] strike against Şırnak Province police headquarters, which killed 11 people and wounded more than 70 others. In 2017, Turkish officials blamed the PKK for a car bomb and shooting outside of a courthouse that killed two persons and an attack on a military convoy that killed more than 20 soldiers.

'In 2018, numerous attacks by the PKK were reported against Türkiye's security forces, including an attack claimed by the PKK against a Turkish Army base, which resulted in dozens of causalities. Also in 2018, a roadside bomb struck a bus carrying workers from the Ministry of Agriculture and Forestry, killing 7 persons and wounding 13 in Diyarbakir Province's Kulp district. The government blamed the PKK for the attack.

'In 2019 the PKK was accused of assassinating a senior Turkish diplomat in Erbil, Iraq. Later that year, the PKK attacked a Turkish military vehicle in Hakkâri province, killing two soldiers and wounding another.'[33]

9.1.2 International Crisis Group (ICG) published a visual explainer on Türkiye's PKK Conflict (last updated on 6 July 2023) which stated:

'In July 2015, a two-and-a-half year long ceasefire broke down, and the conflict between Turkish security forces and militants of the Kurdistan Workers' Party (PKK)…

'Since that date, the conflict has progressed through several phases. Between roughly 2015-2017 the violence devastated communities in some urban centres of Türkiye's majority-Kurdish southeast and – at times – struck into the heart of the country's largest metropolitan centres. From 2017 onward, the fighting moved into rural areas of Türkiye's southeast. As the Turkish military pushed more militants out of Türkiye, by 2019 the conflict's concentration shifted to northern Iraq and northern Syria.'[34]

9.1.3 For more historical information regarding conflict between the Turkish Government and the PKK between 1984 and 2019, see sections 5.1–5.3 in the archived Country Policy and Information Note Turkey: Kurdistan Workers' Party (PKK).

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9.2 2020

9.2.1 In March 2021, the Armed Conflict Location & Event Data Project (ACLED) noted that 'Turkey launched the largest offensive against the Kurdistan Workers' Party (PKK) to date in 2020, resulting in a spike in political violence in Iraqi Kurdistan.'[35]

[33] USSD, 'Country Report on Terrorism 2021' (page 299-300), 27 February 2023
[34] ICG, 'Türkiye's PKK Conflict: A Visual Explainer', last updated 6 July 2023
[35] ACLED, 'ACLED 2020: The Year in Review' (page 13), March 2021

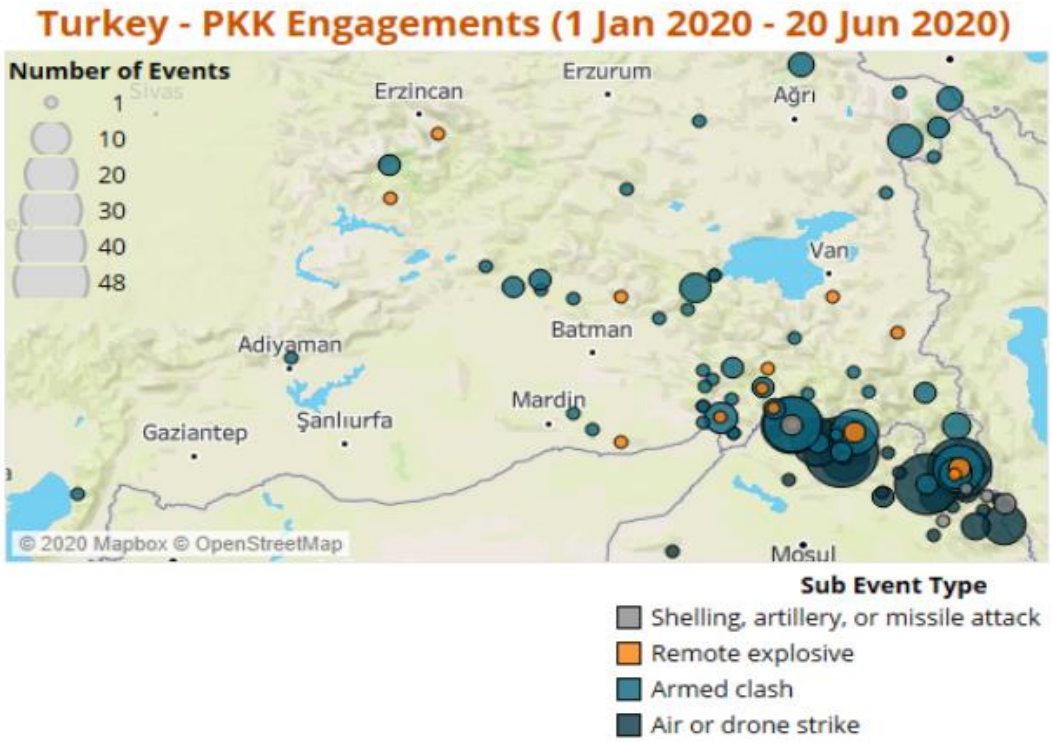
9.2.2 On 26 June 2020, ACLED published an infographic which looked at the Turkey – PKK conflict as Turkish forces launched new operations in the Iraqi Kurdistan Region (IKR). The infographic stated:

'Turkey recently launched its major operations against the Kurdistan Workers' Party (PKK) in Iraqi Kurdistan. The air operation, Operation Claw-Eagle, started overnight on 14 June [2020], while the ground operation, Operation Claw-Tiger, began just days later on 17 June [2020].

'During its first week, Operation Claw-Eagle reportedly hit 81 PKK targets with airstrikes spanning Iraqi Kurdistan from the western Yazidi-majority area of Mount Sinjar to the eastern Qandil Mountains on the Iraq-Iran border. Operation Claw-Tiger reportedly targeted 150 suspected PKK positions using Turkish special forces supported by air power. By 20 June [2020], the Turkish defense minister announced that over 700 PKK targets were hit in northern Iraq.

'Over the last three years, ACLED data show two major trends: 1) intensification of the conflict in Iraqi Kurdistan and fewer events in Turkey, and 2) increased use of air and drone strikes by Turkish forces against the PKK. These trends are expected to continue through the 2020 summer engagements.'[36]

9.2.3 The same source additionally provided the following image[37] indicating the numbers and types of engagements across Turkey and the IKR between 1 January 2020 and 20 June 2020:



9.2.4 On 16 December 2021, the USSD published its annual report on terrorism covering events in 2020. The report stated:

[36] ACLED, 'Turkey – PKK Conflict: Summer 2020', 26 June 2020
[37] ACLED, 'Turkey – PKK Conflict: Summer 2020', 26 June 2020

'The PKK continues to conduct terrorist attacks in Turkey and against Turkish interests outside of Turkey including by taking hostages. Turkey's security forces conducted operations domestically along with military operations in northern Iraq and northern Syria. The International Crisis Group, an NGO, assessed that, at year's end, 35 civilians, 41 security force members, and 265 PKK militants had been killed in eastern and southeastern provinces in PKK-related clashes. Politically motivated detentions and arrests of individuals - including journalists, human rights activists, lawyers, and politicians accused of supporting or aiding the PKK - continued in 2020…

'2020 Terrorist Incidents

'• On February 28 a rocket attack on the Gurbulak customs gate with Iran killed two Turkish Customs officials. The PKK claimed responsibility for the attack.

'• On March 31 a suicide bomber struck a natural gas pipeline near the Turkish-Iranian border, taking the pipeline offline for months. A PKK affiliate claimed responsibility for the attack.

'• On October 28 a bombing in Mardin province temporarily disabled an oil pipeline running from Iraq to Turkey. The PKK claimed responsibility for the attack.'[38]

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9.3 2021

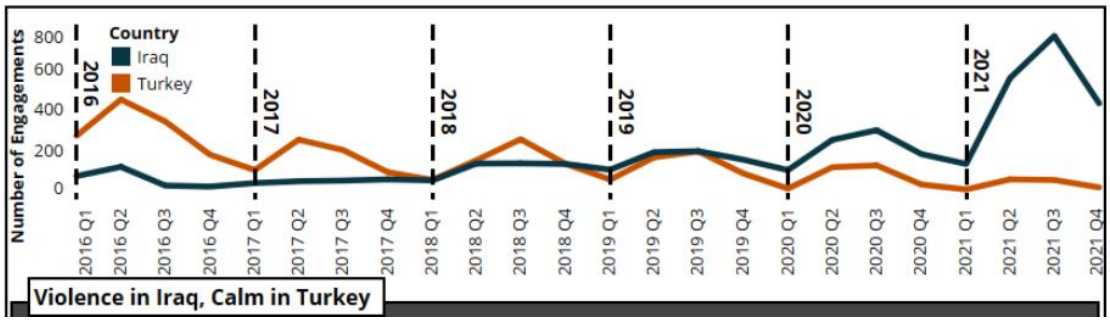
9.3.1 On 3 February 2022, the Armed Conflict Location & Event Data Project (ACLED) published a report entitled 'Turkey – PKK Conflict: Rising Violence in Northern Iraq' which stated:

'Turkish forces intensified operations against Kurdistan Workers' Party (PKK) positions in northern Iraq in 2021. The rise in activity in northern Iraq is part of the conflict's long-term transition out of Turkey, driven by an increased Turkish ground presence in northern Iraq. This trend is likely to continue, with the Turkish parliament having granted a two-year extension in October 2021 to the military's mandate to launch cross-border operations.

'… In 2021, Turkey – PKK engagements in Iraq reached their highest levels since ACLED coverage began in 2016…The dramatic increase in violent engagements between PKK and Turkish forces began in April 2021 when Turkey launched two major cross-border operations – "Claw-Lightning" and "Claw-Thunderbolt" – against the PKK in Iraq. Violence continued to increase in the third quarter of 2021 due to an escalation of Turkish air and drone strikes in Ninewa province, before the typical winter decrease. Turkey has launched cross-border operations into northern Iraq each year since the start of Operation "Tigris Shield" in March 2018, with engagements in Turkey continuing to decrease year-on-year.'[39]

[38] USSD, 'Country Reports on Terrorism 2020: Turkey' (Chapter 1), 16 December 2021
[39] ACLED, 'Turkey-PKK Conflict: Rising Violence in Northern Iraq', 3 February 2022

9.3.2 The same source additionally provided the below line graph[40] which highlights the conflict between the Turkish military and the PKK gradually transitioning from Turkey into northern Iraq between 2016 and 2021:



9.3.3 The report published by the USSD on 27 February 2023 stated:

'Türkiye experienced a significant decrease in terrorist incidents within its borders in 2021, compared with prior years. However, it has expanded its counterterrorism operations in Iraq and Syria and provided counterterrorism support to Somalia. Media reported that Turkish airstrikes against the Kurdistan Workers' Party (PKK) in northern Iraq resulted in civilian casualties, including children…

'Terrorist incidents [in 2021] included the following:

'• In February, the PKK killed 13 Turkish soldiers and police officers (originally kidnapped in Türkiye) during a botched hostage rescue attempt by Turkish military forces in Gara, northern Iraq. In retaliation, Türkiye launched Operation Tiger Claw 2 in northern Iraq, killing 48 alleged PKK members.

'• In April, a PKK attack killed one Turkish soldier involved in a counter-PKK operation in Türkiye's eastern Siirt Province.

'• In October, a PKK-planted roadside IED exploded, killing two electricity company workers in Türkiye's eastern Bingöl Province.

'• In December, a PKK attack killed three Turkish soldiers during operations close to Türkiye's border in northern Iraq.'[41]

9.3.4 The same source additionally stated:

'In 2021, Turkish security forces prevented a total of 101 terrorist attacks - 97 by the PKK…according to Türkiye's Ministry of Interior.

'…Türkiye's security forces conducted multiple operations domestically along with counter-PKK military operations in northern Iraq and northern Syria. According to Ministry of Interior reports, in 2021 a total of 197 PKK members surrendered to Turkish authorities, including several on Türkiye's top wanted list, and security forces detained 7,607 individuals suspected of PKK affiliation.'[42]

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[40] ACLED, 'Turkey-PKK Conflict: Rising Violence in Northern Iraq', 3 February 2022
[41] USSD, 'Country Report on Terrorism 2021' (page 119-120), 27 February 2023
[42] USSD, 'Country Report on Terrorism 2021' (page 120), 27 February 2023

9.4 2022

9.4.1 On 14 November 2022, Reuters published an article entitled 'Turkey blames deadly bomb on Kurdish militants; PKK denies involvement' which stated:

'Turkey blamed Kurdish militants on Monday [14 November 2022] for an explosion that killed six people in Istanbul and police detained 47 people including a Syrian woman suspected of planting the bomb.

'No group has claimed responsibility so far for Sunday's [13 November 2022] blast on the busy pedestrian Istiklal Avenue, and the Kurdistan Workers Party (PKK) and Kurdish-led Syrian Democratic Forces (SDF) denied involvement in it.

'The explosion wounded 81 people, sending debris flying into the air and hundreds of shoppers, tourists and families fleeing from the scene.

'Interior Minister Suleyman Soylu said the PKK and the Syrian Kurdish YPG militia were responsible for the blast, an incident that recalled for Turks similar attacks in years past.

'… In a statement on its website, the PKK denied involvement and said it would not attack civilians.'[43]

9.4.2 On 20 November 2022 Reuters published an article detailing the Turkish response to the Istanbul bombing mentioned above which stated:

'Turkish warplanes carried out air strikes on Kurdish militant bases in northern Syria and northern Iraq on Sunday, destroying 89 targets, Turkey's defence ministry said, in retaliation for a bomb attack in Istanbul that killed six people one week ago.

'The strikes targeted bases of the outlawed Kurdistan Workers Party (PKK) and the Syrian Kurdish YPG militia, which Turkey says is a wing of the PKK, the ministry added in a statement.

'…The Turkish air strikes were carried out in Qandil, Asos and Hakurk in Iraq and Kobani, Tal Rifat, Cizire and Derik in Syria, the ministry said.

'The 89 targets destroyed included shelters, tunnels and ammunition depots, it said, adding that "many terrorists were neutralised" including "so-called directors of the terrorist organisation."

'…Turkey's Defence Minister Hulusi Akar said in a statement Sunday morning that all necessary measures were taken to avoid damage to innocent people and the surroundings, adding that "only and only terrorists and structures belonging to terrorists were targeted."

"The claw of our Turkish Armed Forces was once again on top of terrorists," he added, dubbing the operation "Claw Sword."'[44]

9.4.3 On 31 January 2023, ACLED published a report entitled 'ACLED Year in Review: Global Disorder in 2022' which stated:

'Turkish operations against Kurdish armed groups, namely the Kurdistan Workers' Party (PKK) and the Syrian Democratic Forces (QSD), in northern

[43] Reuters, 'Turkey blames deadly bomb on Kurdish militants…', 14 November 2022
[44] Reuters, 'Turkish air strikes target Kurdish militants in Syria…', 20 November 2022

Iraq and Syria fuelled large increases in political violence for the second consecutive year. Turkey launched Operation Claw-Lock in April 2022, yielding levels of political violence in Iraq that exceeded previously high levels associated with operations Claw-Lightning and Claw-Thunderbolt in 2021. In November [2022], Turkey launched Operation Claw-Sword, extending these heightened levels of activity well beyond the traditional fighting season associated with the warmer months. Operation Claw-Sword came in response to a bomb attack in Istanbul on 13 November [2022], which the Turkish government blamed on the PKK.'[45]

9.4.4 The USSD report published in March 2023, covering events in 2022 stated:

'The PKK continued to target civilians in its attacks; the government continued to work to block such attacks. According to the Human Rights Association (HRA) 2022 report, 96 individuals in the country lost their lives due to armed conflict in the first 11 months of the year, including five civilians and 21 security force members; 70 PKK militants were killed in the country and surrounding regions in PKK-related clashes. Human rights groups stated the government took insufficient measures to protect civilian lives in its fight with the PKK.

'The PKK continued its campaign of attacks on government security forces, resulting in civilian deaths. PKK attacks focused particularly on southeastern provinces. In June, one person was injured as a result of a handmade explosive the PKK set along a road in the Pervari district of Siirt. The device was detonated as a minibus passed by. In September one police officer was killed and another seriously injured in an attack on a police guesthouse in Mersin, for which the PKK claimed responsibility. In April a remote-controlled handmade explosive detonated in Bursa's Osmangazi district as a bus transporting guards to a prison passed by, killing a prison guard and wounding several others. According to media reports, the PKK-affiliated Peoples' United Revolutionary Movement claimed it carried out the attack.

'On October 15, the PKK's armed wing, the People's Defense Forces, announced it killed a civilian named Ozan Ciftci, whom they refer to as "an agent of the Turkish intelligence service National Intelligence Organization (MIT)," blaming him for the deaths of PKK members inside the country. The People's Defense Forces did not disclose the exact time and the location of the death. Press outlets later announced that Ciftci was a former People's Democratic Party (HDP) delegate. Neither the government nor the HDP issued a statement on the incident.

'On November 13, a bomb exploded on Istanbul's Istiklal Avenue killing six persons and injuring 81 others. No group claimed responsibility, but government authorities attributed the attack to the PKK and arrested the alleged bomber and dozens more. Following the attack, Turkish forces bombed nearly 500 targets in Syria and Iraq, killing at least 10 civilians.'[46]

9.4.5 The same source additionally stated:

'Occasional clashes between Turkish security forces and the PKK and its affiliates in the country continued throughout the year and resulted in the

[45] ACLED, 'ACLED Year in Review: Global Disorder in 2022' (page 10), 31 January 2023
[46] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 3-4), 20 March 2023

injury or deaths of security forces, PKK terrorists, and civilians. Turkish airstrikes reportedly aimed at fighting the PKK in Syria and Iraq have also resulted in civilian casualties. The government continued security operations against the PKK and its affiliates in various areas of the east and southeast. Authorities issued curfews of varying duration in certain urban and rural areas and decreed "special security zones" in some areas to facilitate counter-PKK operations, which restricted access of visitors and, in some cases, residents. Portions of Hakkari Province and rural portions of Tunceli Province remained "special security zones" most of the year. PKK attacks claimed the lives of civilians, as did kidnappings. Residents of these areas reported they occasionally had very little time to leave their homes prior to the launch of counter-PKK security operations.'[47]

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9.5 2023

9.5.1 On 10 February 2023, Nationalia, 'an online news site specializing in news and commentary on stateless people, languages, diversity, and secessionism'[48], published an article entitled 'PKK declares ceasefire in Turkey "until pain" of earthquake Kurdish victims "is relieved"' which stated:

'The co-chairman of the Executive Council of the Kurdistan Communities Union (KCK), Cemil Bayik, has announced that the PKK is declaring a unilateral ceasefire in Turkey "until the pain of our people is relieved and their wounds are healed." […]

'In a televised message, Bayik said that the extent of the destruction and the high number of casualties were the results of the Turkish state's lack of preparedness for earthquakes. The Kurdish leader accused Turkish President Recep Tayyip Erdoğan's Islamoconservative AKP and its partner, far-right MHP, of squandering money in wars instead of spending it on preparing for possible earthquakes.

'Bayik warned that the PKK reserves the option to retaliate if Turkish security forces attack PKK members.'[49]

9.5.2 On 13 June 2023, Rudaw, an independent Kurdish media establishment[50], published an article entitled 'PKK ends unilateral truce with Turkey: KCK' which stated:

'The Kurdistan Workers' Party (PKK) is ending the unilateral ceasefire it had implemented in the wake of the devastating earthquake in Turkey, the Kurdistan Community Union (KCK) said in a statement on Tuesday.

'The PKK had announced a unilateral truce on February 10, days after strong twin earthquake struck the southern provinces in Turkey. The purpose of the ceasefire, according to the group, was to allow all resources to be focused on rescue efforts. The truce was extended in March to include the Turkish elections period.

[47] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 29), 20 March 2023
[48] Nationalia, 'About us', undated
[49] Nationalia, 'PKK declares ceasefire in Turkey…' ,10 February 2023
[50] Rudaw, 'About Us', undated

…

'It added that Turkish authorities continued anti-PKK operations despite the truce they had announced, mentioning the killing of Huseyin Arasan who was killed in Sulaimani on Friday as an example. The "resumption of active struggle" is inevitable, the statement added.'[51]

9.5.3 Despite the PKK stating there would be a ceasefire between February 2023 and June 2023, security events between the Turkish authorities and the PKK still took place. The below graph was compiled by CPIT and shows the number of events that took place in Turkey between 1 January 2023 and 21 July 2023. The table was produced using information obtained from ACLED's data export tool[52].

9.5.4 Of the 32 security events that took place between the Turkish authorities and the PKK, 28 were defined as 'Battles', 2 as 'Explosions/Remote violence' (both which took place in July 2023) and 2 as 'Violence against civilians' (1 event in April 2023 and 1 event in June 2023).

9.5.5 ALCED provided the following definitions:

'**Battles**: Violent interactions between two organized armed groups;

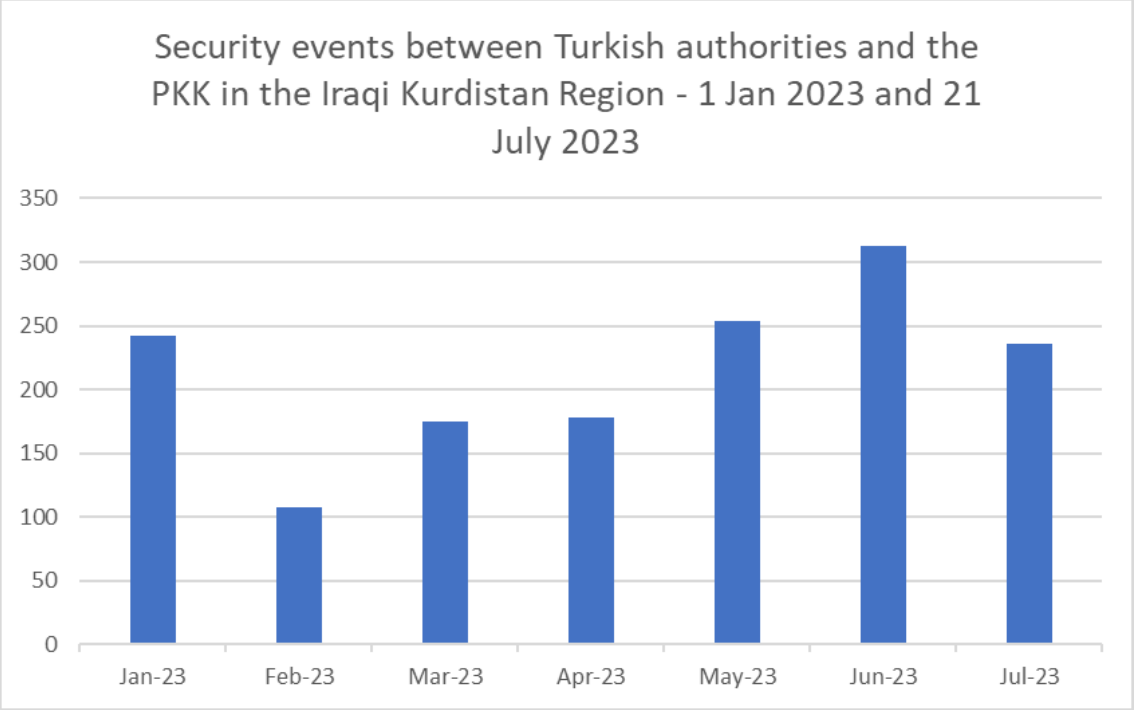
'**Explosions/Remote violence**: An event involving one side using remote weapons (e.g. artillery). These events can be against other armed actors, or used against civilians;

'**Violence against civilians**: Violent events where an organized armed group deliberately inflicts violence upon unarmed non-combatants;'[53]

9.5.6 However, as mentioned in previous paragraphs, the vast majority of recent conflict between the Turkish authorities and the PKK has taken place in the

[51] Rudaw, 'PKK ends unilateral truce with Turkey: KCK', 13 June 2023
[52] ACLED, 'Data Export Tool – Turkey: 1 January 2023 – 21 July 2023', 26 July 2023
[53] ACLED, 'Quick Guide to ACLED Data', last updated March 2023

Iraqi Kurdistan Region. The below graph was compiled by CPIT and shows the number of events that took place in the Iraqi Kurdistan Region between 1 January 2023 and 21 July 2023. The table was produced using information obtained from ACLED's data export tool[54].



[55]

9.5.7 Of the 1506 security events that took place between the Turkish authorities and the PKK in the Iraqi Kurdistan Region, 241 were defined as 'Battles' and 1265 as 'Explosions/Remote violence'.

9.5.8 For information on ACLED's methodology, see the ACLED resource library.

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9.6 Casualties

9.6.1 The ICG visual explainer, last updated on 6 July 2023, stated that at least 6,677 people have been killed in clashes or terror attacks since 20 July 2015[56]. This figure was broken down as follows:

'614 civilians: Confirmed by Crisis Group as non-combatants, the overwhelming majority of these individuals have been killed in urban clashes in the southeast or in PKK bomb attacks in metropolitan centres…

'1428 state security force members: Fatalities include soldiers, police officers and village guards (paramilitary groups comprised of ethnic Kurds, armed and paid by the Turkish state)…

'226 of individuals of unknown affiliation: individuals aged sixteen-35 killed in areas of clashes, overwhelmingly in urban zones who cannot be confirmed as either civilians or combatants. These individuals cannot be positively

[54] ACLED, 'Data Export Tool – Turkey: 1 January 2023 – 21 July 2023', 26 July 2023
[55] ACLED, 'Data Export Tool – Iraq: 1 January 2023 – 21 July 2023', 26 July 2023
[56] ICG, 'Türkiye's PKK Conflict: A Visual Explainer', last updated 6 July 2023

identified as civilians or members of plainclothes PKK youth militias due to the blurred line between civilian and militant in urban conflict setting.

'4,409 PKK militants: Members of the PKK and affiliates active in Türkiye. Crisis Group assumes that total PKK fatalities are higher than this public tally. As of mid-2023, Ankara claimed that nearly 40,000 militants have been "neutralised" (either killed, captured or surrendered) since the resumption of hostilities in July 2015, including in northern Syria.'[57]

9.6.2 The same source additionally stated that: 'The fatality rate in Türkiye's PKK conflict peaked in the winter of 2015-2016. At this time, the conflict was concentrated in a number of majority-Kurdish urban districts in Türkiye's southeast. In these districts, PKK-linked youth militias had erected barricades and trenches to claim control of territory. Turkish security forces re-established control in these urban centres around June 2016. Since then, the rate of fatalities has gradually been decreasing.'[58]

9.6.3 For more information on casualties during the conflict see the full ICG visual explainer.

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section updated: 3 August 2023

10. Legal Context

10.1 Counter-Terrorism Law: Law No. 3713 of 1991

10.1.1 On 10 September 2020 the Australian Government Department of Foreign Affairs and Trade (DFAT) published its Turkey country report which stated:

'The Law on the Fight against Terrorism (the Counter-Terrorism Law 1991, last amended 2019) and relevant articles of the Criminal Code are the main domestic legislation relating to terrorism and terrorist offences. Critics of the Counter-Terrorism Law note its definitions of "terrorism" (Article 1) and "terrorist offender" (Article 2) are broad and vague. Before the failed coup of July 2016, human rights groups raised concerns that the Counter-Terrorism Law could be used against political opponents, human rights defenders, and journalists, in particular for alleged "membership of a terrorist organisation".'[59]

10.1.2 In June 2021, Amnesty International published an article entitled 'Turkey: Weaponizing Counterterrorism' which stated:

'The constellation of counterterrorism laws currently in force in Turkey includes unacceptably broad definitions of "terrorism" and "terrorist offender." As UN Special Rapporteurs noted in a 26 August 2020 communication to the government, Turkish law defines "terrorism" in terms of an organization's political aims rather than by the specific conduct of an offender, i.e. encompassing specific intent to cause death or serious bodily harm. Similarly, there is no requirement that a person must have committed a serious crime against the state that has caused specific, clearly enumerated

[57] ICG, 'Türkiye's PKK Conflict: A Visual Explainer', last updated 6 July 2023
[58] ICG, 'Türkiye's PKK Conflict: A Visual Explainer', last updated 6 July 2023
[59] DFAT, 'DFAT Country Information Report Turkey' (page 18), 10 September 2020

harms, for an individual to be deemed a “terrorist offender” under Article 2 of the Anti-Terrorism Law (Law No. 3713.)

‘Articles 3 and 4 of Law No. 3713 list vague terrorist offences that are punishable under relevant articles of the Turkish Penal Code.’[60]

10.1.3 On 13 June 2022 the World Organisation Against Torture (WOAT) published an article which argued:

‘Since 2016, Turkey has been governed by a State of Emergency regime. Although officially abolished on 19 July 2018, this regime was in fact made permanent via a raft of regulations. Key to the government’s strategy is Anti-Terrorism Law No. 3713, which is used to fully restrict rights and freedoms and silence the voices of human rights defenders. The excessively vague and broad definition of terrorism in the law allows to label peaceful human rights defenders as "terrorist offenders".’[61]

10.1.4 For more information, Law No. 3717 of 1991[62]. CPIT was unable to find any amended iterations of the law in the sources consulted (see Bibliography).

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10.2 Turkish Penal Code

10.2.1 Amnesty’s June 2021 article continued by highlighting what certain Articles of the Turkish Penal Code criminalise:

- Article 7/2 – “making propaganda for a terrorist organization”, is also applicable to associations or foundations if they are found to be “making propaganda” for or assisting an armed organization within an association’s premises. The commission of the offence of propaganda-making can lead to the closure of an association or foundation.
- Article 314 (membership of a terrorist organization),
- 220/6 (committing a crime in the name of a terrorist organization without being its member) and
- 220/7 (assisting a terrorist organization without being its member)[63].

10.2.2 For more information, see the Turkish Penal Code[64].

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10.3 Anti-terror Law No. 7145

10.3.1 The International Center for Not-for-Profit Law (ICNL), an organisation that ‘works to improve the legal environment for civil society, philanthropy, and public participation around the world’[65], published a country profile on legal issues affecting NGOs in Turkey entitled ‘Civil Freedom Monitor: Turkey’. The profile, last updated on 24 June 2023, stated ‘… On July 24, 2018, Parliament passed the new Anti-terror Law No. 7145, which amended existing laws to effectively deal with the fight against terror after the state of

[60] Amnesty International, ‘Turkey: Weaponizing Counterterrorism’ (page 11), June 2021
[61] WOAT, ‘How Turkey weaponizes counter-terrorism legislation…’, 13 June 2022
[62] Republic of Turkey, ‘Law No. 3713 of 1991, Law to Fight Terrorism’, 12 April 1991
[63] Amnesty International, ‘Turkey: Weaponizing Counterterrorism’ (page 11), June 2021
[64] Republic of Turkey, ‘Law No. 5237, Criminal Code’, 26 September 2004
[65] INCL, ‘About Us’, undated

emergency ended by strengthening the authorities' powers to detain suspects and impose public order.'[66]

10.3.2 On 17 September 2020 the Stockholm Center for Freedom (SCF), a 'non-profit advocacy organization that promotes the rule of law, democracy and human rights with a special focus on Turkey'[67], published a report which stated:

'… Law No. 7145, adopted on July 31, 2018, has preserved many of the abusive powers granted to President Erdoğan and the executive under the country's two-year state of emergency, which was imposed following the coup attempt.

'The Law 7145 extends the power of governors to restrict movement, bans public assemblies within the boundaries of the province they govern, allows police to hold some suspects for up to 12 days without charge and gives the government the authority to dismiss any public official, judge or prosecutor.'[68]

10.3.3 On 12 October 2022 the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations (EU DGNEN) published a report on Turkey which stated:

'The implementation of a 2018 law amending several provisions which restrict fundamental freedoms, including in the Code on Criminal Procedures and anti-terror law, was extended until July 2024. However, the extension of the maximum pre-trial detention period for up to 12 days in certain terrorism-related investigations, which was in contradiction with the ECtHR [European Court of Human Rights] standard stipulating a maximum of 4 days ended on 31 July 2022. As of that date, pre-trial detention periods cannot exceed a maximum of 4 days.'[69]

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10.4 Law No. 6722 of 2016

10.4.1 DFAT's 2020 Turkey Report also noted

'The December 2017 report by the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment expressed concern over a new counter-terrorism law (Law No. 6722 of 2016). Under that law, which applies retrospectively, executive authorities' permission is required to prosecute any soldiers or civilians taking part in counter-terrorism operations for any offences committed while carrying out their duties. According to the Special Rapporteur, the law grants counter-terrorism forces effective immunity from prosecution, and renders investigations into allegations of torture or ill-treatment committed by them difficult, if not impossible.'[70]

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[66] INCL, 'Civil Freedom Monitor: Turkey', (Introduction, Legal Snapshot), last updated 24 June 2023
[67] SCF, 'About Us', undated
[68] SCF, 'UN says Turkey's anti-terror provisions violate international law: report', 17 September 2020
[69] EU DGNEN, 'Türkiye Report 2022' (page 43), 12 October 2022
[70] DFAT, 'DFAT Country Information Report Turkey' (page 18), 10 September 2020

11. State treatment of persons suspected of PKK membership/affiliation

11.1 Use of Counter-Terrorism Law(s)

11.1.1 The USSD report published in March 2023 stated 'Authorities regularly used the counterterrorism law and the penal code to limit free expression on grounds of national security.'[71]

11.1.2 The same report also added

'The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements. … Domestic and international legal and human rights groups criticized the judicial process in [terrorism-related] cases, asserting the judiciary lacked impartiality and defendants were sometimes denied access to the evidence underlying the accusations against them.'[72]

11.1.3 In June 2019, the HO FFT met with Andrew Gardner of Amnesty International, who argued that '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.'[73]

11.1.4 The Amnesty International report published in June 2021 claimed that:

'Prosecutors typically fail to apply clear criteria indicating what specific acts of alleged "assistance" to an armed group constitute criminal offences, including clearly indicating when such assistance is, in and of itself, a recognizable criminal offence or when it must be directly linked to the planning or commission of a recognizable criminal offence. In most cases, prosecutors do not provide evidence demonstrating any link to a terrorist organization, nor do they attempt to prove that the accused has committed a criminal offence constituting assistance to a terrorist organization. In the last five years… it has become a routine judicial practice to prosecute and convict people for broad and undefined terrorism-related offences without credible and sufficient evidence and on the sole basis of their real or perceived political opinions.'[74]

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11.2 Scale and extent of the use of anti-terror law(s)

11.2.1 The HO FFT met with Andrew Gardner of Amnesty International in June 2019, who put the number of persons having been investigated on terror-related crimes since 2015 at tens of thousands of people, describing a 'surge in people being arrested and charged with terrorist propaganda' when the Turkish-Kurdish peace process broke down in 2015[75].

11.2.2 Murat Celikkan, Director of Hafiza Merkezi, told the HO FFT, '500,000 people last year [2018] were investigated for being a member of a terrorist

[71] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 44), 20 March 2023
[72] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 11), 20 March 2023
[73] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 12), October 2019
[74] Amnesty International, 'Turkey: Weaponizing Counterterrorism' (page 10-11), June 2021
[75] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 32), October 2019

organisation. It is easy to assume/suspect that they are members/supportive of terrorist organisations under the anti-terror law.'[76]

11.2.3 On 13 June 2022 the World Organisation Against Torture reported 'Official data show that in 2020, 6551 people were prosecuted under the anti-terrorism law, while a staggering 208,833 were investigated for "membership in an armed organisation", including thousands of human rights defenders.'[77]

11.2.4 The USSD report published in March 2023 stated 'Human rights groups noted authorities continued to detain, arrest, and try hundreds of thousands of individuals with alleged ties to the Gulen movement or the PKK under terrorism-related charges, often applying questionable evidentiary standards and without the full due process provided under the law.'[78]

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11.3 Profiles of those affected by anti-terrorism measures

11.3.1 A wide range of sources give different views on the profiles of persons who could be affected and those who are affected in practice.

11.3.2 In June 2019, the HO FFT met with:

a. Andrew Gardner of Amnesty International, who opined 'anyone who speaks out against the government on issues of Kurdish rights could be argued in the current context to be supporting the PKK, or anyone criticizing the post-coup cases, to be supporting FETO [the Gulen movement].'[79]

b. 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.'[80] And when asked what would bring a suspected PKK member/supporter to the attention of the authorities, 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.'[81]

He also noted 'The PKK has no membership card or membership list, which could be checked. Therefore, arrests are based purely on suspicion of PKK membership/activity.'[82]

c. a representative of the Ombudsman Institution (the purpose of the Institution is to establish an independent and efficient complaint mechanism regarding the delivery of public services and investigate,

[76] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 38), October 2019
[77] WOAT, 'How Turkey weaponizes counter-terrorism legislation…', 13 June 2022
[78] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 11), 20 March 2023
[79] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 12), October 2019
[80] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 13), October 2019
[81] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 22), October 2019
[82] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 22), October 2019

research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviours of the administration with law and fairness under the respect for human rights) in June 2019. He clarified 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 crime[83].

d. Murat Celikkan, Director of Hafiza Merkezi, who said '…it is not easy to be a member of [the PKK]. You can be arrested for supporting the PKK[84].'

e. Sebnem Financi of the Human Rights Foundation of Turkey (HRFT), who told the HO FFT, 'Shepherds and ordinary Kurdish people from Kurdish villages are in jail for allegedly supporting the PKK or have given shelter and food to PKK. They arrest a few prominent people from a village as an intimidation tactic.'[85]

f. One source, who told the HO FFT that, following the killing of 34 Kurdish people from a village called Roboski by the Turkish military, who had mistaken them for PKK operatives, one of the relatives pursuing justice for those killed had been arrested; the source believed that this family member had been targeted by the authorities in order to send a warning to the rest of the family. He stated that individuals are targeted by the authorities, especially if they are well-known, in order to intimidate others[86].

11.3.3 On 15 February 2021 Reuters published an article entitled 'Kurdish opposition swept up in Turkish arrests after Iraq killings' which stated:

'Turkish police detained more than 700 people, including members of a pro-Kurdish political party, in operations against the PKK militia following the killing of 13 Turkish captives in northern Iraq, the Interior Ministry said on Monday.

'The Turkish government said on Sunday that fighters from the outlawed Kurdistan Workers Party (PKK) had executed police and military personnel who had mostly been seized in 2015 and 2016. The killings took place during a military operation.

'The 718 people detained on Monday in 40 provinces across the country included provincial and district chairs from the pro-Kurdish opposition Peoples' Democratic Party (HDP), parliament's third-largest, the ministry said.'[87]

11.3.4 In another article published on 15 February 2021, Rudaw published an article, citing 'state media reporting', which explained

[83] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 15), October 2019
[84] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 22), October 2019
[85] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 22-23), October 2019
[86] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 23), October 2019
[87] Reuters, 'Kurdish opposition swept up in Turkish arrests after Iraq killings', 15 February 2021

'Van's counter-terrorism directorate arrested 27 people allegedly linked to the PKK's militant youth branch, the Patriotic Revolutionary Youth Movement (YDG-H), the state-owned Anadolu Agency (AA) reported.

'According to a police statement shared by state media, the group was expected to demonstrate with "stones, molotovs and fireworks" on Monday, marking the anniversary of the arrest of PKK leader Abdullah Ocalan on February 15, 1999, the pro-government IHA reported.

'The PKK-linked Firat News Agency reported at least 71 people detained in different operations in the span of 24 hours.

'…Fifteen suspected members of the Civil Protection Units (YPS) … were arrested late January [2021]. Van governor's office said that the raids were carried out in the cities of Van, Sirnak, Ankara and Istanbul, according to AA.'[88]

See also Affiliates of the PKK.

11.3.5 On 15 September 2022 Rudaw published an article entitled 'Turkey arrests suspected PKK members in Mersin: State media' which stated:

'Turkey said it had arrested Wednesday at least eight suspects of the Kurdistan Workers' Party (PKK) in the southern city of Mersin after they had allegedly "made propaganda" for the group.

'"Eight suspects were caught in the operations organized at the addresses with the support of the special operations police," Turkey's state-owned Anadolu Agency reported, adding that the arrestees were working in Mersin's municipality.

'Anadolu described the suspects as "first-degree" relatives of PKK members killed during operations in the country's rural areas.

'The PKK confirmed that ten workers in Mersin's municipality were arrested on Thursday, saying Turkish police arrested them after far-right opposition Nationalist Movement Party (MHP) MP Olcay Kilavuz filed a lawsuit against the workers for carrying out "propaganda for the organization," according to PKK-affiliated Rojnews.'[89]

11.3.6 On 6 December 2022 the German Federal Office for Migration and Refugees (GFOMR) published a briefing note which stated:

'Security forces arrested 19 women on 29.11.22 in raids carried out in 14 provinces in connection with investigations into the PKK. According to information in the media, the investigations, which have been launched by the public prosecutor's office in Ankara, are based on witnesses' statements, photographs and findings by the investigation unit for financial crime. The suspects are accused of having carried out activities for the women's units of the PKK in Syria, Iraq, Iran and Türkiye since 2014. The activities concerned are said to include funding terrorism, spreading terrorist propaganda and meeting with suspected terrorists. The security forces were searching for 50 suspects in all. These include the HDP mayor of the district of Diyadin in Ağrı

[88] Rudaw, '27 people arrested in Turkey for suspected links to PKK youth branch', 15 February 2021
[89] Rudaw, 'Turkey arrests suspected PKK members in Mersin: State media', 15 September 2022

province as well as other members of the HDP and BDP and people with links to such members.'[90]

11.3.7 The same source additionally stated that on 1 January 2023, 16 individuals accused of being members of the PKK were arrested during raids carried out in the Hatay province in the south-east of Turkey[91]. In a briefing dated 9 January 2023, the GFOMR stated that according to the Turkish Ministry of National Defence, 289 people were arrested by the Turkish Border Guard on suspicion of PKK membership in Edirne province[92].

11.3.8 On 25 April 2023, the BBC published an article which stated:

'Turkish police have detained at least 126 people suspected of links to a banned Kurdish militant group...

'Turkish reports said those held across 21 provinces were suspected of financing and helping to recruit for the outlawed PKK.

'The suspects included lawyers, journalists and politicians.

'The main pro-Kurdish party said the arrests were timed to affect the vote.

'Nineteen days before Turks vote in presidential and parliamentary elections, the HDP said those detained included lawyers who could scrutinise election security, independent journalists, who could cover potential voter fraud, and party campaign managers.

'Turkey's state news agency Anadolu said some of those held in Tuesday's raids were linked to 60 street protests as well as child abductions, and were led by public prosecutors in the predominantly Kurdish city of Diyarbakir.'[93]

11.3.9 The Freedom House report published in March 2023 stated: 'Academic freedom, never well respected in Turkey, was weakened further by the AKP's [Adalet ve Kalkınma Partisi/Justice and Development Party] purge of government and civil society workers after the 2016 coup attempt. The government has since dismissed thousands of academics and educators for their perceived leftist, Gülenist, or PKK sympathies. More than a thousand scholars have been investigated and hundreds prosecuted for declaring their support for peace between the government and the PKK.'[94]

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11.4 Journalists

11.4.1 The USSD report published in March 2023 stated 'The government routinely filed terrorism-related charges against individuals or publications in response to reporting on sensitive topics, particularly government efforts against PKK terrorism and the Gulen movement... Human rights groups and journalists asserted the government did this to target and intimidate journalists and the public for speech critical of the state. '[95]

[90] GFOMR, 'Briefing Notes' (page 9), 6 December 2022
[91] GFOMR, 'Briefing Notes' (page 13), 2 January 2023
[92] GFOMR, 'Briefing Notes' (page 10), 9 January 2023
[93] BBC, 'Turkish mass arrests target Kurdish areas ahead of election', 25 April 2023
[94] Freedom House, 'Freedom in the World 2023 – Turkey' (section D3), 9 March 2023
[95] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 44), 20 March 2023

11.4.2 It added that 'Organizations, including the Committee to Protect Journalists and Freedom House, reported that authorities used the counterterrorism law and criminal code to prosecute journalists, writers, editors, publishers, filmmakers, translators, rights activists, lawyers, elected officials, and students accused of supporting a terrorist organization, generally either the PKK or the Gulen movement.'[96]

11.4.3 On 12 January 2023, Human Rights Watch (HRW) published its annual report on human rights conditions in Turkey, covering events in 2022. The report stated: 'Independent media in Turkey operate mainly via online platforms, with authorities regularly ordering removal of critical content and prosecuting journalists, most severely under Turkey's Anti-Terror Law. At time of writing, at least 65 journalists and media workers were in pretrial detention or serving prison sentences for terrorism offenses because of their journalistic work or association with media.'[97]

11.4.4 The USSD stated 'Estimates of the number of imprisoned journalists varied, but according to the Media and Law Studies Association there were 59 as of December 1 [2022]. The Committee to Protect Journalists reported 40 reporters and journalists were in government custody as of December 1 [2022]. The majority faced charges related to antigovernment reporting or alleged ties to the PKK or Gulen movement.'[98]. It also gave some specific examples.

11.4.5 On 9 March 2023, Freedom House published its annual report on political rights and civil liberties, covering events in 2022. The report, entitled 'Freedom in the World 2023 – Turkey' stated: 'According to the Committee to Protect Journalists (CPJ), Turkey was the world's fourth-largest jailer of journalists in 2022, with 40 journalists in prison at the year's end; the group noted that Turkish authorities had arrested 25 Kurdish journalists in the second half of 2022, all of whom were jailed and charged with terrorism over alleged links to the PKK. Reporters have faced physical attacks, notably those who cover politics, corruption, or crime.'[99]

11.4.6 On 17 April 2023, the GFOMR published a briefing note which stated: 'On 12.04.23, the 4th Heavy Penal Court in the south-eastern city of Diyarbakır brought charges against 17 Kurdish media workers for membership of the PKK. The defendants had been arrested in June 2022, with 15 of them remanded in in pre-trial detention without charge since then. If found guilty under Türkiye's anti-terror laws, the defendants face up to 15 years in prison. The defendants are expected back in court on 11.07.23.'[100]

11.4.7 On 15 May 2023 Reporters Without Borders (RWB), also known as Reporters Sans Frontières (RSF), published an article entitled 'Turkiye to try 11 Kurdish journalists for "PKK membership"' which stated:

'Eleven journalists with pro-Kurdish media, accused of belonging to the Kurdistan Workers' Party (PKK), are due to go on trial in Ankara on 16 May. Reporters Without Borders (RSF), which will attend the opening of the trial,

[96] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 44), 20 March 2023
[97] HRW, 'World Report 2023 – Turkey' (Freedom of Expression), 12 January 2023
[98] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 44), 20 March 2023
[99] Freedom House, 'Freedom in the World 2023 – Turkey' (section D1), 9 March 2023
[100] GFOMR, 'Briefing Notes' (page 14), 17 April 2023

calls on the Turkish authorities to stop using the courts to muzzle opposition media outlets.

'Although the 11 journalists – nine with the Mesopotamia Agency (MA) and two with the Jin News ("Women's News") website – are officially charged with being members of the PKK, which both Türkiye and the European Union regard as a terrorist organisation, the 210-page indictment accuses them more specifically of being part of the "media committee" of the KCK, a community organisation that supports the PKK.

'In fact, the 11 journalists were not questioned about the PKK during their interrogation, but about their membership of Dicle Firat ("Tigris and Euphrates"), a pro-Kurdish association of journalists based in Diyarbakir also known as DFG, as well as about their reporting, their relationships with the media for which they work, their social media posts and their movements. Their interrogators also wanted to know who sent them out to do their reporting.

'…Nine of the 11 journalists have been held since their arrest more than six months ago, on 29 October 2022… In all, 32 pro-Kurdish journalists have been jailed by the Turkish authorities since June 2022 and are still being held in Diyarbakir or Ankara.'[101]

11.4.8 On 27 June 2023 the Stockholm Center for Freedom published an article which stated:

'A Turkish court on Tuesday ruled to arrest a journalist on charges of disseminating terrorism propaganda due to his televised remarks about Abdullah Öcalan, the jailed leader of the outlawed Kurdistan Workers' Party (PKK), Turkish Minute reported, citing the state-run Anadolu news agency.

'Journalist Merdan Yanardağ, editor-in-chief of the Tele 1 TV station, who was detained on Monday as part of an investigation launched into him by the İstanbul Chief Public Prosecutor's Office for his statements regarding Öcalan's "isolation" during a program on Tele 1 over the weekend, was sent to jail on Tuesday.

'The "isolation" of Öcalan, who has been jailed in a high-security prison on İmralı Island in the Sea of Marmara since 1999, refers to his inability to speak with his lawyers for years.

'"The isolation imposed on Abdullah Öcalan has no place in the law. It should be lifted. He is unable to even meet with his family [members] and lawyer. … Öcalan is an extremely intelligent person who reads a lot of books and correctly understands … politics," Yanardağ had said.

'The investigation was launched after Mehmet Ali Çelebi, a lawmaker from the ruling Justice and Development Party (AKP), pointed to Yanardağ as a target by sharing a video on social media that was a compilation of what the journalist said in the program.

[101] RWB, 'Türkiye to try 11 Kurdish journalists for "PKK membership"', 15 May 2023

'Yanardağ was taken into custody by the counterterrorism police at the Tele 1 headquarters in Istanbul on charges of "praising crime and criminals" and "disseminating propaganda for a terrorist organization."'[102]

11.4.9 On 11 July 2023, Rudaw published an article entitled 'Trial of 18 Kurdish journalists begin in Diyarbakir court' which stated:

'A Turkish court in Diyarbakir (Amed) province on Tuesday held the first hearing of the trial of 18 Kurdish journalists, most of whom have been in jail for more than a year accused of having links with the Kurdistan Workers' Party (PKK). The defendants argue that they have been targeted as part of state efforts to suppress Kurdish media.

'In June last year, Turkish police raided several Kurdish news outlets and detained 22 journalists, the majority of whom were remanded into custody and accused of having ties with PKK-affiliated media, state media reported at the time. Mezopotamya news agency, whose journalists were among those targeted, reported on Tuesday [11 July 2023] that the trial of 18 journalists, three of whom have not been detained yet, began in Diyarbakir.'[103]

11.4.10 On 12 July 2023, Rudaw published an article entitled 'Diyarbakir court orders release of 15 Kurdish journalists' which stated:

'A Turkish court on Wednesday ordered the release of 15 Kurdish journalists who have been jailed in Diyarbakir (Amed) province for more than a year on terror-related charges, reported a pro-Kurdish media outlet.

'The 15 were among 18 journalists whose trial began on Tuesday and was continued on Wednesday when the court found them not guilty and ordered their release after more than 13 months in jail, reported Mezopotamya Agency, the employer of some of the journalists. It is unclear if the judgement also applies to the three journalists who were on trial but not imprisoned.

'…The journalists, who work at several different Kurdish media outlets, were accused of having ties with media affiliated with the [PKK].'[104]

11.4.11 On 19 July 2023, SCF published an article which stated:

'An Istanbul prosecutor in a new indictment has demanded another prison sentence for Merdan Yanardağ, the editor-in-chief of Turkish broadcaster TELE1, who was arrested in June for remarks on air about a terrorist leader, the Birgün daily reported.

'Yanardağ appeared on Tuesday [18 July 2023] before the Istanbul 2nd Criminal Court of First Instance on charges of insulting President Recep Tayyip Erdoğan in seven opinion pieces titled "Fascism and Islamist fascism" and published by Birgün between April 10 and May 29 [2023].

'Yanardağ was arrested on June 27 [2023] over televised remarks regarding Abdullah Öcalan, the imprisoned leader of the outlawed Kurdistan Workers' Party (PKK). He is currently held in Silivri Prison, near İstanbul.

[102] SCF, 'Turkey arrests journalist for remarks on jailed PKK leader', June 27 2023
[103] Rudaw, 'Trial of 18 Kurdish journalists begin in Diyarbakir court', 11 July 2023
[104] Rudaw, 'Diyarbakir court orders release of 15 Kurdish journalists', 12 July 2023

'The journalist has been charged with "praising crime and a criminal" as well as "disseminating propaganda for a terrorist organization." The İstanbul 30th High Criminal Court earlier accepted an indictment against the journalist that seeks a prison sentence ranging from one and a half to 10 and a half years.

'The prosecutor demanded a prison sentence ranging from one and a half to eight years, according to Birgün. The next hearing will be held on November 14 [2023].'[105]

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11.5 Lawyers and human rights defenders

11.5.1 The HRW report published in January 2023, covering events in 2022, stated:

'The authorities continued to use terrorism and defamation charges to harass rights defenders, and to violate their right to assembly. In October, an Ankara court placed Şebnem Korur Fincancı, the head of Turkey's Medical Association and a rights defender, in pretrial detention pending investigation on suspicion of spreading terrorist propaganda for comments she made in a TV broadcast calling for an investigation into allegations that the Turkish military had used chemical weapons against the armed [PKK]'[106]

11.5.2 The USSD report published in March 2023 stated:

'Some lawyers stated they were hesitant to take cases, particularly those of suspects accused of PKK or Gulen movement ties, for fear of government reprisal, including prosecution. Many lawyers defending persons accused of terrorism have faced criminal charges themselves. This practice disproportionately affected access to legal representation in the southeast, where accusations of affiliation with the PKK were frequent and the ratio of lawyers to citizens was low. Government intimidation of defense lawyers also at times involved nonterror cases, including freedom of expression cases.'[107]

11.5.3 The same source additionally stated:

'The HRA (Human Rights Association) reported that its members have collectively faced more than 5,000 legal suits since the group's establishment, of which more than 129 were active at year's end. These cases were mostly related to terror and insult charges…

'In January [2022], a cochair of the HRA, Ozturk Turkdogan, was charged with "membership in a terrorist organization" (the PKK), insulting the Turkish state, and insulting Minister of Interior Soylu. In a January 20 [2022] press release, the HRA reported that Turkdogan's statements calling for PKK leader Abdullah Ocalan to be granted access to lawyers and family visitors were cited as evidence for the terrorism charge. The insult charges stem from the association's statements recognizing the Armenian genocide ("insulting the state") and accusing Minister Soylu of mishandling the Gara hostage rescue incident in February 2021.

[105] SCF, 'Prosecutor demands additional prison sentence for jailed journalist…', 19 July 2023
[106] HRW, 'World Report 2023 – Turkey' (Human Rights Defenders), 12 January 2023
[107] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 13), 20 March 2023

'…Other members of the association also face various charges. Turkdogan himself previously faced prosecution in relation to his work during the peace process with the PKK from 2013-2015. As part of the investigation that formed the basis for these new charges, police detained Turkdogan in March 2021 but released him on the same day. On February 3 [2022], police raided the Diyarbakir branch of the HRA in the early morning hours, detained the branch secretary, and seized various documents and personal belongings.'[108]

11.5.4 On 21 July 2023 the International Federation for Human Rights (IFHR), an 'an international human rights NGO… defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights'[109], published an article entitled 'Turkey: Wave of detentions and arrests against human rights lawyers' which stated:

'Over 25 lawyers, all of them members of Lawyers for Freedom Association (Özgürlük için Hukukçular Derneği – ÖHD), were judicially harassed in Turkey over the past two months due to their professional activities…

'In the early hours of 25 April 2023, as part of an operation involving 3500 police officers directed by the Diyarbakır Chief Public Prosecutor's Office, a total of 191 people, including lawyers, artists and journalists, were detained across 21 cities in Turkey, the majority of them Kurdish cities. On the same day, the Minister of Interior Süleyman Soylu published a video production on his Twitter account showing footages of police operations the dates of which are unknown, alongside a caption stating that those detained were "financing the terrorist organisation, acting as lawyers on behalf of the terrorist organisation and supplying members to the organisation".

'…The 17 lawyers detained following the raids were barred from meeting with their own lawyers for 24 hours, as per the Diyarbakır 3 Peace Criminal Judgeship's decision. Those detained and their lawyers were also prevented from reviewing the case file due to a confidentiality order on the investigation decided by the same Judgeship. Lawyers' objections to both decisions were denied without any reason, leaving those detained not knowing what they were being charged with.

'The lawyers of the detainees were only able to meet with their clients on 26 April 2023. The detained lawyers were charged with "membership to an armed organisation" under Article 314/2 of the Turkish Penal Code and were interrogated over several days by the law enforcement and the prosecution. They were asked if they represent clients "under the orders of the terrorist organisation" and whether "ÖHD operates as a shadow bar association".

'On 27 April 2023, a total of 48 people were arrested, including four ÖHD members, Özüm Vurgun, Burhan Arta, Serhat Hezer and Şerzan Yelboğa. The other detained lawyers were released under judicial control. On 25 May 2023, the four arrested lawyers were also released under judicial control measures.

'… On 9 June 2023, ÖHD members Gülhan Kaya and Mustafa Taylan Savran were detained. Savran was released after two days of questioning

[108] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 77-78), 20 March 2023
[109] IFHR, 'International Federation for Human Rights', undated

whereas Kaya was arrested on 12 June 2023, under charges of "membership to an armed organisation". The Peace Criminal Judgeship referred to Kaya's meetings with her clients as part of her professional duties in the arrest order. Other ÖHD members are also being investigated: Kader Tonç was released after providing a statement to the prosecution whereas there are detention orders against Sezin Uçar and Özlem Gümüştaş, both lawyers of the Law Office for the Oppressed (Ezilenlerin Hukuk Bürosu – EHB).'[110]

11.5.5 The same source additionally stated: On 21 May 2023, Süleyman Soylu stated that "Whenever PKK (Kurdistan Workers' Party)'s lawyers are locked up, then there will be no PKK in Turkey. They are the target. It's as clear as day" and that "PKK is poisoning Turkey via lawyers". The Diyarbakır Bar Association condemned Mr Soylu's comments criminalising and targeting the legal profession, and underlined that this declaration constitutes a threat of a new investigation.'[111]

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section updated: 3 August 2023

12. Detention and judicial processes

12.1 Pretrial detention

12.1.1 The USSD report published in March 2023 stated:

'Prolonged pretrial detentions continued, particularly in politically motivated cases…For terrorism-related cases, the maximum period of pretrial detention during the investigation phase is 18 months, with the possibility of a six-month extension.

'Rule of law advocates noted that broad use of pretrial detention had become a form of summary punishment, particularly in cases that involved politically motivated terrorism charges.

'The trial system does not provide for a speedy trial, and trial hearings were often several months apart, despite provisions in the code of criminal procedure for continuous trial. Trials sometimes began years after indictment, and appeals could take years more to reach conclusion.

'According to September statistics from the Ministry of Justice, 38,537 persons were held in pretrial detention, accounting for approximately 12 percent of the overall prison population.

'… NGOs estimated that at least 8,500 individuals were held in pretrial detention or were imprisoned following conviction for alleged links with the PKK.'[112]

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12.2 Treatment of different groups in detention

12.2.1 Suleyman Arslan of the National Human Rights and Equality Institution of Turkey (NHREIT) reported to the HO FFM team in June 2019, 'There is no

[110] IFHR, 'Turkey: Wave of detentions and arrests against human rights lawyers', 21 July 2023
[111] IFHR, 'Turkey: Wave of detentions and arrests against human rights lawyers', 21 July 2023
[112] USSD, '2022 Country Report on Human Rights Practices: Turkey' (p15-16, 20), 20 March 2023

different treatment between different terrorist organizations. PKK, Daesh, FETO are legally recognised terrorist groups….'[113]

12.2.2 A human rights lawyer told the HO FFM team, 'If you are charged with organised crime/terrorist crime, your rights are taken away, you cannot access the news, including no books, nothing from the outside.'[114]

12.2.3 An anonymous source informed the HO FFM team that prison officers in the west of Turkey will recognise Kurdish prisoners through accent and language, and they will be aware that they are likely to be charged with terrorism[115].

12.2.4 Several sources who met the HO FFM team suggested that Kurds are treated worse than Turks in detention[116].

12.2.5 On 31 March 2021 the Danish Immigration Service (DIS) published a report entitled 'Turkey: Prison conditions'. The report, 'based on a virtual interview with a Turkish human rights organisation, Civil Society in the Penal System (CISST), and written answers from another Turkish human rights organisation, Human Rights Association (HRA)'[117] as well as 'written reports by international organisations, NGOs, and news articles'[118], stated:

'According to CISST and HRA, discrimination among and against prisoners take place.

'Kurdish prisoners are stigmatised and face negative treatment when they speak Kurdish or when they read pro-Kurdish newspapers. There have been cases of political prisoners who were denied medical treatment by small town doctors because their medical files stated that they were sentenced for membership in PKK. Kurdish prisoners have complained over wardens who have insulted them based on their ethnicity, and they have not been allowed to send or receive letters written in Kurdish under the pretext that the prison staff could not translate the letters.

'… There have been similar complaints from Van T-type prison [a high-security prison with dormitory style cells accommodating up to 8 or more prisoners[119]], where 13 female prisoners complained that the prison administration confiscated their notebooks written in Kurdish because there was no translator, and that they were not allowed to have Kurdish books that were otherwise not on the list of banned books. Family members to a prisoner in Sirnak T-type prison has also recently claimed that the prison administration seized Kurdish books. A recent amendment to the prison law also prohibited prisoners from receiving media that will obstruct their rehabilitation. According to HRA, this led to many prisons deciding to prohibit handing out the Yeni Yaşam newspaper and Kurdish media products to prisoners.'[120]

[113] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 40), October 2019
[114] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 40), October 2019
[115] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 40), October 2019
[116] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 40), October 2019
[117] DIS, 'Turkey: Prison conditions' (page 4), 31 March 2021
[118] DIS, 'Turkey: Prison conditions' (page 4), 31 March 2021
[119] DIS, 'Turkey: Prison conditions' (page 12, 14), 31 March 2021
[120] DIS, 'Turkey: Prison conditions' (page 30), 31 March 2021

12.2.6 The USSD report published in March 2023 stated that 'The government did not consider those in custody for alleged PKK or Gulen movement ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.'[121]

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12.3 Segregation in detention

12.3.1 Suleyman Arslan of the National Human Rights and Equality Institution of Turkey (NHREIT) told the HO FFT, 'there is no such thing that people with the same ethnicity are kept in the same prison wings.'[122]

12.3.2 Mr Arslan further stated:

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

'Also, others do not want to be kept with rapists so sometimes criminal convicts are kept separately due to security and safety reasons.'[123]

12.3.3 The HO FFT also met with Sebnem Financi of the HRFT, who stated, 'There are PKK prison wings, politically mixed wings and Party Frontier (Party Cephe) wings. There are separate prisons for men and women or different buildings within the same prison.'[124]

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12.4 Ill-treatment in detention

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

- people detained and accused of supporting the PKK or another proscribed organization – this would include people who violated the curfews put in place in areas in the southeast where the fighting was occurring (which would cause the authorities to believe they were PKK)[125].
- Murat Celikkan, Director of Hafiza Merkezi, and founder of Amnesty International Turkey and Human Rights Association in Turkey, believed that Gulenists, PKK members or members of left-wing organisations are 'very likely' to be tortured in detention[126].
- The Director of a Turkish organisation in the UK opined that, 'Torture is not used as widely as in the past…HDP or PKK supporters will be tortured. However, this is not the norm for Turkish people, unless they are linked to Gulenism.'[127]

[121] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 23), 20 March 2023
[122] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 39), October 2019
[123] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 39), October 2019
[124] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 39), October 2019
[125] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 41), October 2019
[126] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 41), October 2019
[127] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 41), October 2019

- The executive from the Human Rights Association stated:

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

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

12.4.3 Two sources who met the HO FFT agreed that torture is not used in every prison or with every prisoner[132].

12.4.4 The DIS report published in January 2021 stated:

'In a one-year period from March 2020 through March 2021, CISST had been in contact with 1381 prisoners and identified 1,398 cases of human rights infringements. 162 (11.5%) of the cases were related to solitary confinement. In 2020, HRA received 450 complaints solely from prisons in the Marmara region in north-western Turkey. 49 (10.9%) of these complaints were related to solitary confinement.

'According to CISST, there are cases where solitary confinement has exceeded 20 days… Both CISST and HRA stressed that the imposition of solitary confinement is not proportionate in many cases. CISST further notes that there are cases where it has been imposed regardless of a doctor's recommendation, and that solitary confinement is also often imposed on non-political prisoners unofficially as a quick fix to resolve unrest of any kind because they are less likely to make use of complaint mechanisms as a consequence of poor education.

'… The Turkish Anti-Terror Code determines that a prisoner, who is convicted for or charged with crimes committed within the scope of the Anti-Terror Code and punished three times with solitary confinement, will not be able to benefit from conditional release regardless of whether the disciplinary punishment may possibly be annulled.

[128] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 41), October 2019
[129] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 42), October 2019
[130] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 42), October 2019
[131] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 42), October 2019
[132] HO FFM Report, 'Turkey: Kurds, the HDP and the PKK' (page 42), October 2019

'As of 1 January 2021, a newly implemented regulation has introduced a point system relating to the evaluation of the good conduct of a prisoner. Accordingly, disciplinary punishments, such as solitary confinement, result in negative points, but the regulation, like the Anti-Terror Code, does not take in consideration a possible annulment of the punishment. As such, the negative points will not be erased from the prisoner's record. CISST notes that this can have serious effects on the evaluation of good conduct and the eligibility for conditional release in cases where prisoners have been unfairly punished.'[133]

12.4.5 The same source stated:

'As previously mentioned, CISST had been in contact with 1,381 prisoners over the past year and identified 1,398 cases of human rights infringements. 114 (8.2%) of the cases were related to torture and ill-treatment. However, CISST emphasises that there are no mechanisms to detect and designate processes of psychological violence and notes that many prisoners internalise the social dynamics of such processes.

'Reported patterns of torture and ill-treatment include among others, beatings, isolation, strip search, death threats, insults, and military style roll calls. In prisoner' complaints to CISST, they also described a practice of searches conducted during the night during which the cells or dormitories are ransacked. Another situation described is the prison counts during which prison officers force prisoners to line up although they are not required to by law. As an example, a prisoner was beaten for not complying with the orders of a prison officer who had lined up three prisoners in a cell in which they were otherwise clearly visible for a count. This is not only a practice in closed but also in open penal institutions, and it is seen across several institutions among several different officers. Hence, CISST characterises this as a systematised practice and defines this as degrading treatment.

'…Both CISST and HRA deemed it difficult to define a specific group of prisoners as typical victims of torture and ill-treatment. CISST most often sees cases from political prisoners, because they more often make use of complaint mechanisms, and imprisonment and disobedience become a matter of opposition from the moment they are admitted.'[134]

12.4.6 On 6 October 2022, the Turkish HRA published a report entitled '2021 Human Rights Violations Report' which stated:

'According to data collected by İHD's Documentation Center, the number of individuals alleging they were subjected to torture and other forms of ill-treatment in custody in 2021 was 531 including 12 children. The number of persons who were allegedly subjected to torture and ill-treatment in extra-custodial places was 704 including 25 children. In addition, the number of individuals alleging that they were subjected to torture and other forms of ill-treatment in prisons was 1,414. The number of individuals who alleged that they were subjected to torture and other forms of ill-treatment by village guards staff was 4.'[135]

[133] DIS, 'Turkey: Prison conditions' (page 26-27), 31 March 2021
[134] DIS, 'Turkey: Prison conditions' (page 28-29), 31 March 2021
[135] HRA, '2021 Human Rights Violations Report', (page 11), 6 October 2022

12.4.7 The EU DGNEN report published in October 2022 stated:

'Credible and grave allegations of torture and ill-treatment increased. According to available reports, torture and ill-treatment occurred in detention centres, prisons, in informal places of detention, transportation vehicles and on the streets, mostly during demonstrations.

'…The overcrowding of the prison system is a serious concern. As of August 2022, the prison population exceeded 320,000 and is the largest in Europe. Türkiye continues to be the Council of Europe Member State with the highest overcrowding rate…[A]llegations of human rights violations including arbitrary restrictions on the rights of detainees, denial of access to medical care, mistreatment, limitation on open visits and solitary confinement continued to be reported. Investigations into allegations of suicides, strip search and discriminatory behaviour by prison guards, remained limited'[136]

12.4.8 The HRW report published in January 2023, covering events in 2022, stated:

'There are also regular reports of ill-treatment, including severe beatings and cruel, inhuman, and degrading treatment, and over-crowding in removal centers where foreign nationals including asylum seekers and migrants are subject to administrative detention pending deportation procedures.

'…Following a visit to Turkey, the UN Sub-Committee on the Prevention of Torture in September flagged concerns about the exercise of fundamental rights and guarantees during the first hours of detention, which are of paramount importance for the prevention of torture and ill-treatment, and on the situation of migrants in removal centers.'[137]

12.4.9 The USSD report published in March 2023 stated:

'Prison overcrowding remained a significant problem. According to the Ministry of Justice, as of December [2022] the country had 396 prisons with a capacity for 286,797 inmates and was over capacity by 49,518 prisoners (an estimated total inmate population of 336,315).

'…The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but domestic and international rights groups reported that some police officers, prison authorities, and military and intelligence units employed these practices. Domestic human rights organizations, bar associations, political opposition figures, international human rights groups, and others reported that government agents engaged in threats, mistreatment, and possible torture of some persons while in custody. Individuals with alleged affiliation with the PKK or the Gulen movement were more likely to be subjected to mistreatment, abuse, or possible torture.'[138]

12.4.10 The same source additionally stated:

'There were credible reports that authorities subjected persons jailed on terrorism-related charges to abuses, including long solitary confinement, unnecessary strip and cavity searches, severe limitations on outdoor exercise and out-of-cell activity, denial of access to prison library and media,

[136] EU DGNEN, 'Türkiye Report 2022' (page 34), 12 October 2022
[137] HRW, 'World Report 2023 – Turkey' (Torture and Ill-Treatment in Custody), 12 January 2023
[138] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 5), 20 March 2023

slow medical attention, and in some cases the denial of medical treatment. Reports also alleged authorities subjected visitors of prisoners accused of terrorism-related crimes to abuse, including limiting access to family and degrading treatment by prison guards, including strip searches.'[139]

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12.5 Medical care in detention

12.5.1 The DIS report published in March 2021 stated:

'According to CPTs [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment] standards, prisoners should be able to have access to a doctor at any time, irrespective of their detention regime. In addition, CPT standards require that a newly arrived prisoner should be examined on the day of admission. HRA noted that prisoners are not given medical checks within 24 hours of admittance to a prison. Nor are they regularly checked for transmittable diseases.

'…In cases of disease, prisoners are initially treated in prison infirmaries, and if a prisoner's health condition deteriorates or the prisoner needs more advanced treatment, the prisoner is referred to a city or university hospital. Relating to this, CISST points out that the infirmaries are not manned with health staff on a regular basis, which limits prisoners' access to first responders in case of emergencies, and that shuttles transporting the prisoners are not suitable for medical transportation. Both CISST and HRA emphasized that referral processes to hospitals can take a long time or that they are elongated, which hinders treatment, deteriorates the prisoner's health condition, and adds to the risk of death by disease.'[140]

12.5.2 The EU DGNEN report published in October 2022 stated:

'There are concerns related to the independence of the Forensic Medicine Institute as it operates under the Ministry of Justice and often ignores medical reports. Decisions requiring access to medical care for sick inmates are often delayed or denied, causing death in prison or soon after release. The HREI [Human Rights and Equality Institution], known as TIHEK in Turkish, which should act as the national preventive mechanism, and the prison monitoring boards do not provide an effective driving force to improve the situation. The work of these boards is not transparent and it is not supervised by relevant NGOs and bar associations.'[141]

12.5.3 The USSD report published in March 2023 stated:

'According to Ministry of Justice's prison and correctional facilities statistics, as of September, there were seven medical doctors, 195 dentists, 129 nurses, 895 psychologists, and 457 other health workers serving the prison population. Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. NGOs reported that prison wardens

[139] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 9, 23), 20 March 2023
[140] DIS, 'Turkey: Prison conditions' (page 18-19), 31 March 2021
[141] EU DGNEN, 'Türkiye Report 2022' (page 34), 12 October 2022

rather than health-care officials often decided whether to allow a prisoner's transfer to a hospital.

'According to the Human Rights Association, there were 1,517 ill prisoners across the country, with 651 seriously ill as of December. Reports by human rights organizations suggested some doctors refused to issue medical reports alleging torture due to fear of reprisal. As a result, victims were often unable to get medical documentation of their abuse.

'Chief prosecutors have discretion, particularly under the wide-ranging counterterrorism law, to keep prisoners they deem dangerous to public security in pretrial detention, regardless of medical reports documenting serious illness.'[142]

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12.6 Avenues of redress in cases of torture

12.6.1 The DFAT report published in September 2020 stated:

'In principle, prosecutors can and must investigate all allegations of torture and ill-treatment ex officio, regardless of an individual complaint, and the Public Prosecutor must follow up all complaints received. Complaints may be brought by victims themselves, by their family or lawyer, by civil society organisations, or by a monitoring mechanism such as the Ombudsman Institution. Authorities have also established a hotline to enable families to lodge complaints. Human rights groups claim most victims of torture or other ill-treatment do not file complaints with authorities for fear of retaliation against them or their families, and due to low levels of trust in the independence of the prosecution and the judiciary, and their willingness or ability to investigate and adjudicate claims. The Special Rapporteur reported formal investigations and prosecutions were extremely rare, indicating insufficient determination on the part of responsible authorities to take cases forward, and thus creating a strong perception of de facto impunity.

'Turkey's Forensic Medicine Institute, part of the Justice Ministry, conducted an investigation into allegations 54 prisoners in the southeastern province of Urfa were tortured in 2019 after photos of a group of prisoners lying naked on the ground were published. The Institute acknowledged the prisoners had scratches, but noted they were 'not deadly'. Members of the group claimed to have been subjected to eight different methods of torture for 12 days, including being hooded and having their genitals electrocuted. The local Bar Association said torture had been systematic in the province since 2015, and the Institute's report had not been prepared in an objective manner. Authorities have taken no further action.

'Since 2012, the Constitutional Court has been able to receive direct complaints from individuals about violations of their rights under the Constitution and the ECHR and its Protocols, provided no effective remedy has been given by lower courts. Individuals can lodge complaints of torture directly with the Constitutional Court if the prosecutor fails to initiate an investigation into torture allegations.'[143]

[142] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 10), 20 March 2023
[143] DFAT, 'DFAT Country Information Report Turkey' (page 42-43), 10 September 2020

12.6.2 The HRA report published in October 2022 stated:

'Impunity still proves to be the most significant obstacle before attempts to end torture. Impunity is still witnessed as one of the most basic elements that make torture possible because of such reasons as the failure to initiate investigations into perpetrators, the fact that initiated investigations do not lead to criminal proceedings, indictments based on charges that require lesser sentences instead of torture in cases where lawsuits were brought against suspects, failure to sentence suspects or sentencing them for offenses other than torture and deferring their sentences.'[144]

12.6.3 The EU DGNEN report published in October 2022 stated:

'The Human Rights and Equality Institution of Türkiye (HREI) and the Ombudsman are the main human rights institutions. The Ombudsman only processes complaints against the actions of the public administration and has no ex-officio powers while the HREI only accepts cases which fall outside the Ombudsman's remit.

'…The effectiveness of both institutions remains very limited. In 2021, the HREI received 1,185 applications (compared to 1,363 in 2020), visited 56 institutions including prisons and adopted 23 reports prepared within the scope of visits. However, in general, the HREI refrains from visiting the prisons where most torture and ill treatment allegations are reported. The new chairperson of the HREI has brought some dynamism to the institution in tackling human rights issues and in engaging in constructive dialogue with the civil society. However, the HREI is not effectively carrying out its mandate due to legislative and structural restrictions, including by not accepting applications filed by civil society organisations and by being cautious in tackling cases of torture and ill treatment. A total of 4,464 individual and 1,697 collective applications were filed with Parliament's Human Rights Inquiry Committee in 2021 out of which 2,669 were not admitted.

'…The Human Rights and Equality Institution of Türkiye (HREI), whose role is to act as the National Preventive Mechanism (NPM), does not meet the key requirements under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and is not yet effectively processing cases referred to it… There continued to be a lack of effective investigations into allegations of torture and ill treatment. Complaints, reports and any indications of torture or ill-treatment need to be investigated swiftly, effectively and impartially; perpetrators must be prosecuted and convicted in line with Türkiye's international obligations, in particular with the ECHR [European Convention on Human Rights] and the OPCAT.'[145]

12.6.4 The HRW report published in January 2023, covering events in 2022, stated:

'Allegations of torture and ill-treatment in police custody and prison over the past six years have rarely been subject to effective investigations or the prosecution of perpetrators.

[144] HRA, '2021 Human Rights Violations Report', (page 12), 6 October 2022
[145] EU DGNEN, 'Türkiye Report 2022' (page 32-34), 12 October 2022

'…There was no indication that authorities had opened any investigation into military personnel for the torture of Osman Şiban and Servet Turgut, two Kurdish men detained by the army in their village in the southeast in September 2020, taken away in a helicopter, and later found by their families seriously injured in hospital. Turgut died of his injuries. Şiban is facing trial on charges of "membership of a terrorist organization" for allegedly aiding members of the PKK in his village. Four journalists in the southeastern city of Van who were themselves arrested after reporting on the men's arrest and torture were, in January 2022, acquitted of "membership of a terrorist organization" having spent six months in pretrial detention.'[146]

12.6.5 The USSD report published in March 2023 stated:

'The government asserted it followed a "zero tolerance" policy for torture and has abolished the statute of limitations for cases of torture…According to Ministry of Justice statistics from September, the government opened 2,190 investigations into allegations of torture and mistreatment. Of those, 953 resulted in no action being taken by prosecutors, 866 resulted in criminal cases, and 317 in other decisions, with the remaining still under investigation.

'The government did not release details on its investigations into alleged torture. According to World Organisation Against Torture Secretary General Gerald Staberock, "Dismal conditions of detention have been the norm in Turkey for many years. With imprisonment rates skyrocketing over the past decade, torture, ill-treatment, and medical neglect are reaching crisis levels."'[147]

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12.7 Due process and fair trial

12.7.1 The USSD report published in March 2023 stated:

'The law provides for an independent judiciary, but the judiciary remained subject to influence, particularly from the executive branch…

'Observers raised concerns that the outcome of some trials appeared predetermined or pointed to judicial interference. Human rights groups and trial monitoring organizations reported that in politically sensitive cases, judges frequently barred journalists and observers from the courtroom, interrupted defendants' statements, did not allow them to speak, rejected defense requests without explanation, handed down a decision without listening to the defendant's statement, among other procedural irregularities.

'…The constitution provides for the right to a fair public trial, although bar associations and rights groups asserted that executive interference with the judiciary and actions taken by the government jeopardized this right.

'…Observers noted prosecutors and courts often failed to establish sufficient evidence to sustain indictments and convictions in cases related to supporting terrorism, highlighting concerns regarding respect for due process and adherence to credible evidentiary thresholds. In numerous

[146] HRW, 'World Report 2023 – Turkey' (Torture and Ill-Treatment in Custody), 12 January 2023
[147] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 7-8), 20 March 2023

cases, authorities used secret evidence or witnesses to which defense attorneys and the accused had no access or ability to cross-examine and challenge in court, particularly in cases related to national security. The government occasionally refused to acknowledge the use of evidence from, release testimony of, or allow defendants or their attorneys to hear the testimony of, secret witnesses during court proceedings.'[148]

12.7.2 The same source additionally stated:

'According to defense lawyers and opposition groups, there was a trend of prosecutors using what appeared to be legally questionable evidence to file criminal charges against and prosecute a broad range of individuals, including media workers, human rights activists, opposition politicians… suspected PKK sympathizers, alleged Gulen movement members or affiliates, and others critical of the government. According to the NGO Article 19, the country's antiterrorism law "allows an overly broad interpretation of the term 'terrorism', leading to the prosecution of journalists and others on the basis of their expression alone, which did not incite violence or hatred."'[149]

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[148] USSD, '2022 Country Report on Human Rights Practices: Turkey' (p16-17,19-20), 20 March 2023
[149] USSD, '2022 Country Report on Human Rights Practices: Turkey' (page 21), 20 March 2023

Research methodology

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

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

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

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

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

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Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the country information.

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

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

- Partiya Karkerên Kurdistanê (PKK)
    - History, aims and tactics
    - Affiliates
- Conflict between Turkish government and the PKK
- Legal context
    - Counter-terrorism law
    - Application of Counter-terrorism law
- State treatment of individuals suspected of PKK involvement/affiliation
    - Affected groups
    - Treatment in detention
    - Due process

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Version control and feedback

Clearance

Below is information on when this note was cleared:

- version **5.0**
- valid from **17 October 2023**

Official – sensitive: Not for disclosure – Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: Not for disclosure – End of section

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Changes from last version of this note

Updated COI and assessment.

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Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

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Independent Advisory Group on Country Information

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

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

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

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