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COI QUERY

Country of Origin/Topic	Turkey
Question(s)	1. Information on the treatment by the Turkish authorities (including arrest, prosecution and/or conviction) of Turkish returnees, in connection with their activities on social media (2018-2019). Information on the grounds for such arrests, prosecution or convictions. 1.1 General treatment of returnees perceived as opponents to the government 1.2 Treatment of people expressing dissent or criticism via social media (2018-2019)
Date of completion	31 July 2019 – updated 26 August 2019
Query Code	Q16
Contributing EU+ COI units (if applicable)	AT, DE, FR, LU, NL, RO, SK

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This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 31 July 2019. An update was finalised on 26 August 2019. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

1. Information on the treatment by the Turkish authorities (including arrest, prosecution and/or conviction) of Turkish returnees, in connection with their activities on social media (2018-2019). Information on the grounds for such arrests, prosecution or convictions.

Among all sources consulted within the time constraints, scarce information could be found regarding specifically the treatment of returnees in connection with their activities on social media.

In 2016 and later in 2018, several media outlets referred to cases of Turkish nationals from Germany and the Netherlands who posted or shared critical comments against the government on social media and faced arrest or house arrest when visiting Turkey.¹

The below information about the general treatment of returnees perceived as opponents by the Turkish authorities as well as information on treatment of citizens expressing dissent or criticism via social media could, however, be relevant for the purpose of this query.

1.1 General treatment of returnees perceived as opponents to the government

In its 2018 report on Turkey, the Australian Department of Foreign Affairs and Trade (DFAT) noted:

'DFAT understands it is not a crime for Turkish citizens to seek asylum elsewhere. There is limited information available on conditions for failed asylum seekers who have returned to Turkey. DFAT understands, however, no significant stigma has traditionally attached to this group. Turkey's sophisticated information databases mean that failed asylum seekers are likely to come to the attention of the government if they have a criminal record or are a member of a group of particular interest, including the Gülen movement, Kurdish or opposition political activist, a human rights activist, or a draft evader or deserter. Turkey does not have a double jeopardy law. It is unclear whether double jeopardy occurs in practice.'²

The Swiss Refugee Council (Schweizerische Flüchtlingshilfe, SFH) observed that travel controls have become stricter after the failed coup attempt, which occurred on 15 July 2016.³ The same source added that the authorities have various lists of wanted persons at their disposal, including 'persons with alleged links to the Gülen movement, the Kurdistan Workers' Party (PKK) or any other organization seen as terrorist by the authorities. These people would be subject to further controls.'

¹ Reuters, Germany warns citizens against online criticism of Erdogan in Turkey, 24 October 2018, [url](#); Dutch News.nl, Dutch MP's Facebook profile removed for several hours after Erdogan message, 10 May 2016, [url](#); Guardian (The), Dutch journalist arrested in Turkey for criticising Erdoğan, April 23, 2016, [url](#)

² DFAT, DFAT Country of Origin Information Turkey, 9 October 2018, [url](#) p. 51-52

³ SFH, Türkei: Gefährdung bei Rückkehr von kurdischstämmigen Personen mit oppositionspolitischen Engagement und möglichen Verbindungen zur PKK [Turkey: Endangerment on return of persons of Kurdish origin with opposition political commitment and possible connections to the PKK; unofficial translation], 7 July 2017, [url](#) p. 1

The source concluded that alleged support or connection to the PKK, opposition activities or connection to the opposition parties, as well as criticism of the government could lead to an arrest.⁴

According to the Turkish Foreign Ministry, there is a restriction to the entry in Turkey of 'individuals suspected of being members or sympathizers of terrorist organizations.' The source added that 'moreover, the Risk Analysis Groups located in various airports and bus terminals in Turkey scrutinize suspected individuals and prevent their entry when necessary.'⁵

A Turkish NGO worker, interviewed by the Swiss Refugee Council in September 2018 indicated that:

'A person who shares messages on social networks, such as a photo linked to the PKK, risks being arrested and prosecuted for "terrorist propaganda" on his return to Turkey. Nevertheless, these lawsuits are not systematic and largely depend on the content of the shared messages. According to this contact person, in the case of the PKK picture, if it was accompanied by a message of support for the PKK, then the perpetrator would likely be sentenced to jail. For "mere propaganda", the prison sentence would range from one to five years.'⁶

The same source, quoting various interviews with persons active in the field of human rights undergone during July 2018, stated that:

'A person who shares a picture related to the PKK on social networks will "probably" be stopped and continued on his return. These sources indicate that this risk is to be assessed in terms of "aggravating" factors, such as for example if this person's family is politically active or publicly criticizes the government, if that person belongs to a network considered by the government as subversive or critical of the regime, if the information published by that person has been relayed by the media or has been widely shared by other people'.⁷

Sources interviewed by the Swiss Refugee Council added:

'If none of these criteria is fulfilled, this person runs little risk of getting himself imprisoned or prosecuted. In case of arrest and prosecution, the sentence will depend on the content of the information, as it has been able to find on the social networks or in the media, but also to the identity of the network or group the accused is supposedly a member. The more this network or group is considered by the government to be subversive or dangerous, the more the sentence but also the procedure, will be heavy.'⁸

1.2 Treatment of people expressing dissent or criticism via social media (2018-2019)

⁴ SFH, Türkei: Gefährdung bei Rückkehr von kurdischstämmigen Personen mit oppositionspolitischem Engagement und möglichen Verbindungen zur PKK [Turkey: Endangerment on return of persons of Kurdish origin with opposition political commitment and possible connections to the PKK; unofficial translation], 7 July 2017, [url](#) p. 1-2

⁵ Turkey, Ministry of Foreign Affairs, Turkey's Contributions to International Community's Efforts to Fight Terrorism, n.d., [url](#)

⁶ SFH, Turquie: risques liés à la publication d'information «sensible» sur les réseaux sociaux [Unofficial translation by EASO], 5 December 2018, [url](#) pp. 8-9

⁷ SFH, Turquie: risques liés à la publication d'information «sensible» sur les réseaux sociaux [Unofficial translation by EASO], 5 December 2018, [url](#) pp. 8-9

⁸ SFH, Turquie: risques liés à la publication d'information «sensible» sur les réseaux sociaux [Unofficial translation by EASO], 5 December 2018, [url](#) pp. 8-9

Consulted sources indicate that activities on social media in Turkey led to arrests in 2018.⁹ According to the 'Freedom on the net' report by an international NGO Freedom House covering 2018, Turkish authorities prosecuted and detained citizens in connection with their online activities throughout 2018. Journalists, activists and ordinary citizens have been subjected to 'general crackdown in connection with independent reporting of the war in Syria, expressions of Kurdish identity, and nonviolent criticism of the government.'¹⁰

The Swiss Refugee Council, quoting Freedom House, indicates that 'although the messages posted on social media are not systematically punished, the arbitrary nature of the charges, which often result in preventive detention and the risk of long prison sentences, creates an atmosphere of self-censorship.'¹¹

Freedom on the net further added:

'In January 2018, a wave of arrests came in response to critiques of Operation Olive Branch, a Turkish military operation in Afrin, Syria. The Turkish police force has associated criticism of the operation with terrorism, relating it to association with the militant Kurdistan Workers' Party (PKK).'¹²

Freedom House's report also contains information on prosecution of 'those deemed to insult Erdoğan online' and on arbitrary detention of users of encrypted communications app called ByLock.¹³

In March 2018, Human Rights Watch released a report also referring to a crackdown on social media posts criticising Turkey's military operation in the northwest Syrian district of Afrin. According to this source, Turkish authorities detained and prosecuted 'large numbers of people' over social media posts. Mentioning data by the Turkish Interior Ministry, Human Rights Watch stated that authorities detained 648 people between 20 January and 26 February 2018, due to social media posts criticising Turkey's operations in Afrin. Another 197 people were also held for expressing criticism in other forms, such as street protests or expressing solidarity with protesters on social media. People targeted by such crackdown include journalists, human rights activists, politicians [including four members of parliament from the pro-Kurdish Peoples' Democratic Party (HDP) opposition party], NGOs staff, academics, construction workers, physicians, as well as high school and university students.¹⁴

In the same report, HRW also mentioned a list of names and cases of some activists who were prosecuted over social media posts. The NGO examined in details five cases of criminal investigations and prosecutions over tweets related to the events in Afrin, adding that:

'After examining the cases, Human Rights Watch believes that some of the police raids and criminal investigations are being used as a form of punishment rather than out of genuine belief that criminal behavior has occurred. Even if a case does not go to trial or ends in acquittal, people labeled as terrorism suspects face adverse consequences due to police

⁹ Freedom House, Freedom in the World 2019 - Turkey, 4 February 2019, [url](#); USDoS, Country Report on Human Rights Practices 2018 - Turkey, 13 March 2019, [url](#); Human Rights Watch, World Report 2019 - Turkey, 17 January 2019, [url](#)

¹⁰ Freedom House, Freedom on the Net 2018 - Turkey, 1 November 2018, [url](#)

¹¹ SFH, Turquie: risques liés à la publication d'information «sensible» sur les réseaux sociaux [Unofficial translation by EASO], 5 December 2018, [url](#) p. 8

¹² Freedom House, Freedom on the Net 2018 - Turkey, 1 November 2018, [url](#)

¹³ Freedom House, Freedom on the Net 2018 - Turkey, 1 November 2018, [url](#)

¹⁴ HRW, Turkey: Crackdown on Social Media Posts, 27 March 2018, [url](#)



investigations and criminal proceedings, including possible loss of employment and social exclusion.’¹⁵

An article by German news agency Deutsche Welle from October 2018 stated that 'Expressing support for the Gülen movement or the Kurdish militias, both classified as terror organizations in Turkey, could also be cause for arrest. If a person is found guilty of "insulting the president" or "propaganda for a terrorist organization," they could face years in prison.’¹⁶

In its update report from December 2018, the Swiss Refugee Council looked specifically at the risks related to the publication on social networks of information considered 'sensitive'. The report mentions various sources stating that the Turkish government uses its criminal justice system and anti-terrorism laws to silence critical voices, including those who use social media for that purpose. The same source noted that the crackdown on social network users began in February 2014 with the adoption of a second more restrictive Internet law, following the 2013 Gezi protest movement and corruption scandal involving the Turkish government. Information from 2017 and 2018 indicates that tens of thousands of people are under investigation by the cyber-police, thousands of people have been arrested, and an increasing number of social networks users are being accused of being members of a terrorist organisation.¹⁷

Interviewed by Human Rights Watch, Turkish lawyers suggested that people who make critical statements on social media are increasingly being investigated for an alleged 'membership of an armed terrorist organization', rather than association or propaganda offenses. Evidence cited against those individuals consists 'of nothing but their opinions expressed on social media, their shared use of hashtags, or the fact that they are part of the same civil society group. Suspects under investigation on charges of membership in armed organizations are more frequently placed in pretrial detention, due to the gravity of the charge, and face longer sentences if found guilty.’¹⁸

According to the London-based NGO International Observatory of Human Rights:

‘A majority of the over 20,000 court cases initiated in 2017 with charges of insulting the president of the country concerned social media messages. On orders from Minister of Interior Suleyman Soyly, the police department's cybercrimes section has formed a special social media screening unit in 2018 and Turkey has outpaced the whole of Europe in the number of social media accounts investigated. [...]When Turkey invaded Afrin, in the Democratic Federation of Northern Syria, just one year ago now, this situation became even more pronounced... "one month after the start of the Afrin Operation on 20 January 2018, 845 people were detained because of their social media messages. Of these, 127 were arrested.’¹⁹

¹⁵ HRW, Turkey: Crackdown on Social Media Posts, 27 March 2018, [url](#)

¹⁶ DW, Germany warns citizens to be careful on social media when in Turkey, 25 October 2018, [url](#)

¹⁷ SFH, Turquie: risques liés à la publication d'information «sensible» sur les réseaux sociaux [Unofficial translation by EASO], 5 December 2018, [url](#) pp. 3-10

¹⁸ HRW, Turkey: Crackdown on Social Media Posts, 27 March 2018, [url](#)

¹⁹ International Observatory Human Rights, 2018 in Review: Human Rights Violations in Turkey #TurkeyHumanRights, 4 February 2019, [url](#)



The same source noted that in 2018, 110 000 social media accounts were investigated, 7 109 of the users were detained, and 2 754 persons were arrested.²⁰

²⁰ International Observatory Human Rights, 2018 in Review: Human Rights Violations in Turkey #TurkeyHumanRights, 4 February 2019, [url](#)

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