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Deep flaws in the judicial system were not addressed. Opposition politicians, journalists, human rights defenders and others faced baseless investigations, prosecutions and convictions. Turkey withdrew from the Istanbul Convention. Government officials targeted LGBTI people with homophobic rhetoric. Freedom of peaceful assembly was severely curtailed. A new law unduly restricted freedom of association for civil society organizations. Serious and credible allegations of torture and other ill-treatment were made. Turkey hosted 5.2 million migrants and refugees, but thousands of asylum seekers were denied entry. Physical attacks against refugees and migrants increased in the context of rising anti-refugee rhetoric.

Background

The new Human Rights Action Plan and two Judicial Reform Packages prepared by the Ministry of Justice failed to address deep flaws in the judiciary.

In October, parliament extended the mandate for military operations in Syria and Iraq for another two years. A threat by the president to expel 10 Western ambassadors after they called for the immediate release of civil society leader Osman Kavala was withdrawn after several days.

State overreach

Judiciary and lawyers

In January, the Ministry of Justice granted permission to open an investigation against 12 executives of the Ankara Bar Association. They were accused of “insulting a public officer” for criticizing homophobic and discriminatory remarks made by the president of the Directorate for Religious Affairs during a Friday sermon in 2020. In April, the Ankara court accepted the indictment. In July, the same permission was granted for the investigation against members of the Istanbul and Izmir bar associations for “insulting religious values”. The investigations and prosecutions were ongoing at the end of the year.

In July, parliament approved an omnibus bill extending emergency powers for another year and allowing the dismissal of public servants, including judges and prosecutors, for having alleged links to “terrorist” organizations without the possibility of judicial review.

Repression of dissent

In January, the Ankara court accepted a 3,530-page indictment for the prosecution of 108 people, including former and present members of the People’s Democratic Party (HDP) and its former co-leader Selahattin Demirtaş. The indictment contained 29 separate charges including “intentional killing” and “disrupting the unity and territorial integrity of the state.” They were accused of mobilizing masses to commit violence during protests on 6-8 October 2014 under the instructions of the Kurdistan Workers Party (PKK). Dubbed the “Kobani trial”, proceedings were ongoing at the end of the year.

In March, human rights defender and opposition parliamentarian Ömer Faruk Gergerlioglu was stripped of his immunity and imprisoned after the Court of Cassation upheld his two-and-a-half-year prison sentence for sharing a tweet in 2016. He was released after almost three months in custody following a ruling in July by the Constitutional Court that his rights to liberty and to participate in political life had been violated.

In April, in another case against Selahattin Demirtaş, the Court of Cassation upheld his four years and eight months’ prison sentence for “making propaganda for a terrorist organization”. In September and December, the Council of Europe’s Committee of Ministers monitoring the implementation of the December 2020 *Demirtaş v Turkey* decision by the European Court of Human Rights (ECtHR), reiterated its call for his immediate release.

In September, the Erzurum Criminal Court of First Instance sentenced Zana Aksu, a conscientious objector and former director of the Human Rights Association's (IHD) Siirt branch, to 18 months' imprisonment and a fine of 10,000 TL (€700) for “desertion”. The case was pending before the Diyarbakır Regional Appeals Court at the end of the year. Zana Aksu had previously been convicted on the same charge in 2018 and acquitted in a separate case in 2020 on the grounds of double jeopardy.

Freedom of expression

In April, the ECtHR ruled that the rights to freedom of expression and to liberty and security of journalist Ahmet Altan had been violated. The following day, the Court of Cassation overturned the verdict but ordered his immediate release based on the excessive length of his imprisonment. The verdict for his co-defendant, Nazlı Ilıcak, was also overturned. Their case was returned to the lower court for retrial. In December, the ECtHR similarly found that Nazlı Ilıcak's rights to liberty and security and freedom of expression had been violated.

In September, a Diyarbakır court sentenced human rights lawyer Nurcan Kaya to a suspended sentence of one year and three months' imprisonment for “making propaganda for a terrorist organization” concerning a tweet about the Islamic State siege of Kobani in 2015.

In October, the Malatya court sentenced Kurdish writer and Kurdish Pen member Meral Şimşek to one year and three months' imprisonment for “making propaganda for a terrorist organization”, relating to her writings, the awards she received and the content of wiretapped conversations. In July, Meral Şimşek had been tortured and violently pushed back by Greek border forces.

In October, in the landmark decision *Vedat Şorli v Turkey*, the ECtHR found that Article 299 of the Criminal Code, which criminalizes insulting the president, was incompatible with the right to freedom of expression, and urged the government to align the legislation with Article 10 of the European Convention on Human Rights.

Human rights defenders

In January, the Istanbul Regional Appeals Court overturned the February 2020 acquittals of Osman Kavala and eight other civil society figures in the Gezi Park trial. In February, judicial authorities merged Osman Kavala's prosecution for “attempting to overthrow the constitutional order” and “espionage” with the Gezi Park prosecution for “attempting to overthrow the government”. In August, it was further decided to merge these combined prosecutions with the retrial in the unrelated Çarşı case, in which 35 football supporters were prosecuted for their alleged participation in the 2013 Gezi Park protests. Although all 35 had been acquitted in December 2015, in March the Court of Cassation overturned the acquittals, recommending the merger of the case with the Gezi Park trial. In December, the Council of Europe's Committee of Ministers formally notified Turkey of its intention to initiate infringement proceedings for its failure to comply with the ECtHR judgment to release Osman Kavala.

In February, human rights lawyer and defender Eren Keskin was sentenced to six years and three months' imprisonment for “membership of a terrorist organization” in the *Özgür Gündem* newspaper trial, for participating in a solidarity campaign. The case was pending appeal at the end of the year.

The retrial of Şebnem Korur Fincancı and Erol Önderoğlu for their one-day editorial support of *Özgür Gündem* restarted in February after their 2019 acquittals were overturned on appeal.

In March, Öztürk Türkdoğan, co-chair of the IHD, was arrested during a police raid in his home on suspicion of “membership of a terrorist organization”. He was released the same day with judicial control measures.

In March, the prosecutor at the Court of Cassation issued his opinion asking for the conviction of Taner Kılıç, the former Chair of Amnesty International Turkey, to be upheld without justification, while requesting that the convictions of Özlem Dalkıran, İdil Eser and Günel Kurşun be overturned. The case was pending before the Court of Cassation at the end of the year.

In September, Raci Bilici, former chair of the IHD's Diyarbakır branch, was retried after the Regional Appeals Court overturned his conviction in December 2020. The Diyarbakır court again sentenced Raci Bilici to six years and three months' imprisonment for membership of a terrorist organization. The case was pending on appeal at the end of the year.

In October, human rights defender Mehmet Selim Ölçer was sentenced to two years and one month's imprisonment for “supporting a terrorist organization” based on his membership of the Diyarbakır-based Sarmaşık Association, a civil society organization fighting against poverty which was closed down by executive decree in 2016.

The trial of three police officers and an alleged member of the armed PKK accused of killing human rights lawyer Tahir Elçi continued in Diyarbakır. The officers faced charges of gross negligence manslaughter.

Women's and girls' rights

On 20 March, by presidential decision, Turkey withdrew from the Council of Europe Convention on combating and preventing violence against women and domestic violence (Istanbul Convention), depriving women and girls of a vital instrument of protection from all forms of violence, without discrimination. The announcement coincided with a surge in domestic violence cases during the Covid-19 pandemic, and sparked countrywide protests. The withdrawal entered into force on 1 July. According to independent women’s rights organizations, 280 women were killed during the year as a result of gender-based violence and 217 women were found suspiciously dead.

LGBTI people’s rights

In a tweet in January, the minister of interior referred to four Boğaziçi University students as “LGBT perverts”. He was commenting on the students’ arrest in relation to a campus art exhibition depicting a religious site with symbols of the LGBTI community.

In March, the government attempted to justify the withdrawal from the Istanbul Convention by claiming that the Convention was instrumentalized to “normalize homosexuality” and that this was “incompatible with Turkey’s social and family values”.

Freedom of assembly

Police used unnecessary and excessive force while detaining hundreds of students during peaceful assemblies protesting at the presidential appointment of Professor Melih Bulu as rector of Boğaziçi University. At least 11 students were remanded in pretrial detention and 31 others put under house arrest, along with hundreds subjected to judicial controls and prosecutions for violating the Law on Meetings and Demonstrations. Seven students faced prosecution on charges of “inciting the public to enmity and hatred”, and prison sentences of up to three years in relation to the Boğaziçi campus exhibition. By the year’s end, two students had been remanded in pretrial detention for protesting against the new rector who replaced Melih Bulu in August.

In March, the trial began of 46 individuals, including human rights defenders, political activists, journalists, and relatives of victims of enforced disappearances dubbed the “Saturday Mothers/People.” The defendants faced charges under the Law on Meetings and Demonstrations for refusing to disperse during their 700th weekly vigil on 25 August 2018. The case remained pending.

Seventeen women participating in the Night March marking International Women’s Day on 8 March were detained and later released under judicial control measures for “insulting the president” and violating the Law on Meetings and Demonstrations. In August, an Istanbul court accepted the indictment requesting that each receive up to eight years’ imprisonment.

In April, the gendarmerie responded with tear gas to a protest by villagers in İkizdere, in the province of Rize, against the decision to open a stone mine in the village which they argued would destroy the environment and pollute drinking water. Some villagers were detained and later released. Protests continued despite banning orders by the Rize Governorship.

In June, the annual Istanbul Pride march was banned for the sixth consecutive year. Police used unnecessary and excessive force to disperse protesters and detained at least 47 people, including the journalist Bülent Kılıç. All were released later that day. The first hearing in the prosecution of eight protesters under the Law on Meetings and Demonstrations was held in November.

After two years on trial for taking part in a Pride march on campus, 18 students and one academic at the Middle East Technical University in Ankara were acquitted in October. The prosecutor appealed against the decision. The case was pending appeal at the end of the year.

Freedom of association

The new Law on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction negatively affected the work of civil society organizations. In October, the Financial Action Task Force added Turkey to its “grey list” for increased monitoring. It cited Turkey’s failure to address serious deficiencies in its efforts to combat money laundering and financing terrorism, including its failure to apply a risk-based approach to supervision of the not-for-profit sector.

In June, the Constitutional Court accepted the indictment by the Chief Prosecutor of the Court of Cassation requesting the closure of the HDP and a five-year political ban for its 451 executives and members. The HDP was accused of becoming the focus point of actions contrary to the state’s integrity, based on criminal prosecutions and convictions against 520 individuals under overly broad anti-terrorism laws.

Torture and other ill-treatment

In January, a Diyarbakır criminal peace judgeship rejected an appeal by Mehmet Sıddık Meşe against the decision not to prosecute allegations that he was severely beaten by guards in Diyarbakır T-type Prison No.3 in December 2020. The Diyarbakır Bar Association received similar torture allegations from inmates of the same prison throughout the year. The European Committee for the Prevention of Torture visited the prison in January; their report had not been published by the end of the year.

In December, a criminal prosecution was initiated against Osman Şiban for “membership of a terrorist organization”. He was allegedly tortured by soldiers in Van in 2020. The prosecution of four journalists who covered the torture case continued at the year’s end.

In December, Garibe Gezer, held on terrorism-related charges in Kandira prison, was found dead in an alleged suicide in her cell while in solitary confinement. She had reported being systematically tortured and sexually assaulted by prison guards prior to her death. The prosecutor’s office had dismissed an investigation into the allegations.

Enforced disappearances

Hüseyin Galip Küçüközyiğit, former legal adviser at the Prime Ministry accused of links with the Fethullah Gülen movement, reappeared in Ankara prison in September, nine months after he was forcibly disappeared. The authorities had denied that he was in official custody. Details of his fate and whereabouts during those months remained unknown at the end of the year.

The fate and whereabouts of Yusuf Bilge Tunç, missing since August 2019, remained unknown at the end of the year.

Refugees’ and migrants’ rights

According to Turkish immigration authorities, as of November Turkey hosted around 5.2 million refugees and migrants, including 3.7 million Syrians with temporary protection status.

In July, the authorities announced the extension of the existing wall at the border with Iran. In the same month, the Van Governorship announced that 34,308 people had been prevented from entering the country at that border since January. Reports emerged that Turkey continued to push back to Iran Afghans attempting to enter the country irregularly. In August, following the Taliban takeover of Afghanistan, the Turkish authorities declared they would not allow arrivals of large number of Afghans.

In August, 145 Afghans were rounded up in police raids and transferred to a return centre in the district of Tuzla in Istanbul. In the same period, 30 Afghans were arrested in Ankara and detained by immigration authorities pending deportation.

In September, immigration authorities terminated the registration of Syrians for temporary protection in Ankara and announced the deportation of irregular migrants without protection status or residence permits.

Violent attacks targeting Syrians increased. In August, a large crowd attacked the homes and properties of Syrians in the Altındağ district of Ankara following the fatal stabbing of a young Turkish national during a street fight between Turkish and Syrian youths.

In October and November, immigration authorities arrested and detained, for the purpose of deportation, 45 Syrian refugees for taking part in a social media trend involving sharing videos of themselves eating bananas. The trend, which emerged as a reaction to a viral video in which a Syrian woman was berated by locals claiming they could not afford bananas, was described by the authorities as being wilfully provocative. Syrian journalist Majed Shamaa was among those targeted for arrest.

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Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telefon) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
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