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TÜRKIYE

Republic of Türkiye

The executive's interference with the judiciary deepened. Binding Constitutional Court rulings were ignored despite jurisprudence, and European Court of Human Rights judgments were not implemented in several emblematic cases. Baseless investigations, prosecutions and convictions of human rights defenders, journalists, opposition politicians and others persisted. The rights to freedom of peaceful assembly and association were unlawfully restricted. Violence against women and girls remained widespread. The country continued to host large numbers of refugees and migrants; some remained at risk of unlawful return. Victims of human rights violations by state officials continued to face a culture of impunity. Türkiye's overall climate policies were assessed as "critically insufficient".

BACKGROUND

Türkiye faced a growing cost of living crisis with general inflation running at over 44% and food inflation over 43% by the end of year.

Local elections saw the main opposition party achieving significant gains while in some districts the official election results were flouted by officials, resulting in mass protests. Similar widespread demonstrations were sparked when the Ministry of Interior dismissed elected mayors in a number of provinces and districts, on terrorism-related charges, and appointed trustees from the ruling party in their place.

Several attacks by armed groups took place, in which a total of seven people and four attackers were killed at Santa Maria Church, outside the Istanbul Justice Palace in Istanbul province, and at the Kahramankazan facilities of Turkish Aerospace Industries in Ankara province.

RIGHT TO A FAIR TRIAL

The authorities continued to ignore binding court rulings on fair trial issues.

In January, imprisoned human rights defender Osman Kavala submitted a new application to the European Court of Human Rights (ECtHR) concerning continuing and fresh violations of the European Convention on Human Rights since the Court's 2019 ruling to release him. This ruling remained unimplemented despite infringement proceedings against Türkiye initiated by the Council of Europe in 2022. Two Constitutional Court applications challenging Osman Kavala's 2022 conviction, and the Court of Cassation's 2023 decision upholding his conviction, remained pending.

Selahattin Demirtaş and Figen Yüksekdağ, the former leaders of the People's Democratic Party, also remained in prison.

Lawyer and prisoner of conscience Can Atalay remained in prison with his status as an MP revoked despite three consecutive Constitutional Court decisions to release him.

New legislation commonly known as the "8th Judicial Package" adopted in March failed to adequately implement the Constitutional Court ruling on Article 220/6 of the Turkish Penal Code ("committing a crime in the name of an organization"). This ruling found the provision unconstitutional as it violated the principle of legality to prevent arbitrary applications by the authorities.¹

In September, Yüksel Yalçınkaya, a teacher who had first been found guilty of "membership of an armed terrorist organization" in the aftermath of the 2016 coup attempt, was retried and again convicted. The retrial failed to consider the 2023 ECtHR judgment that found violations of the rights to a fair trial, no punishment without law, and freedom of assembly and association. Yüksel Yalçınkaya's appeal against the decision was pending at year's end.

ARBITRARY DETENTION AND UNFAIR TRIALS

In response to the armed attack outside the Istanbul Justice Palace in February, the authorities carried out raids in which 96

people, including four lawyers from the People's Law Bureau, were arbitrarily detained in Istanbul.² Three of the four lawyers, Didem Baydar Ünsal, Seda Şaraldı and Betül Vangölü Kozağaçlı, were indicted for alleged “membership of an armed terrorist organization” without any evidence of their involvement in that crime. Didem Baydar Ünsal was released in June pending trial, while the other two lawyers remained in prison at year's end.

In May, 24 Kurdish politicians were sentenced to between nine and 42 years' imprisonment on politically trumped-up charges, including “membership of an armed terrorist organization”, in the so-called Kobani trial. This centred on social media posts and speeches by the politicians calling on their supporters to protest the siege of Kobani by the Islamic State in Syria in October 2014. Twelve others were acquitted.

FREEDOM OF EXPRESSION

In July the Beyoğlu district governorate banned an exhibition entitled “Turn and Look Back: Revisiting Trans Revolutions in Turkey”, organized by the 10th Trans Pride Week Exhibition Collective. Depo, the venue where the exhibition was held, launched a legal challenge to overturn the ban.

In October the Turkish Radio and Television Supreme Council (RTÜK) cancelled the terrestrial broadcast licence of Açık Radyo, an independent radio station based in Istanbul. RTÜK had previously issued an administrative fine and ordered the station to suspend its morning news programme for five days because of a guest's comments referring to the “Armenian Genocide” during the show aired on 24 April, the date the 1915 massacres of Armenians is marked each year. Açık Radyo had paid the fine but had not adhered to the five-day broadcast suspension. At year's end, the station's legal challenge to the decision was pending.

FREEDOM OF PEACEFUL ASSEMBLY

In January the Istanbul regional appeals court overturned a decision by the Istanbul and Beyoğlu district governorates to ban the

8 March 2022 Feminist Night March. It ruled that the ban violated the right to peaceful assembly, which includes the right of the organizers to choose the location that best serves the purpose of the protest.

Authorities announced a two-week blanket ban on protests in the cities of Van and Bitlis after the decision to overturn the election of the Peoples' Equality and Democracy Party candidate for Mayor of the Metropolitan Municipality of Van in April. In Van, 264 people, including 10 lawyers and 15 children were detained, and 27 people were arbitrarily remanded in pretrial detention, on charges including “membership of an armed terrorist organization”.

Authorities banned the May Day solidarity demonstration in Istanbul's Taksim Square, preventing people from gathering and detaining at least 82 people. This was despite the 2023 Constitutional Court ruling that the bans and forceful dispersals of protesters by law enforcement officials during the 2014 and 2015 May Day celebrations had violated the right to peaceful assembly of the Confederation of Revolutionary Workers' Trade Unions.³

The Saturday Mothers/People, a group of human rights defenders including relatives of victims of enforced disappearances, continued to face restrictions on their weekly vigils. These included limiting the number of participants to 10. The restrictions were lifted only for the group's 1,000th vigil in May. In October a first instance court acquitted 20 members of the group who had been arbitrarily detained and prosecuted for “violating the Law on Meetings and Demonstrations” during the 950th vigil.

Türkiye continued to unlawfully ban LGBTI pride marches and law enforcement officials used excessive force against protesters. A total of 27 people were arbitrarily detained during the pride marches in Istanbul, Antalya and Eskişehir.⁴

Mass protests in solidarity with Palestinians took place across the country, largely free of undue restrictions. However, law enforcement officials prevented protests calling on the Turkish authorities to end trade with Israel. On 6 April, law enforcement

officials used unlawful force and arbitrarily detained 43 members of the Youth Movement for Free Palestine, which had organized a protest in front of the Provincial Directorate of Trade in Istanbul, for “violating the Law on Meetings and Demonstrations”. On 29 November, nine people were arbitrarily detained and held in pretrial detention for 10 days on the same charge, as well as for allegedly “insulting the president”. They were detained after a peaceful protest during the TRT World Forum where President Recep Tayyip Erdoğan spoke at the Istanbul Congress Center.

The Istanbul governorship banned a night march to commemorate the 25 November International Day for the Elimination of Violence against Women. Law enforcement officials used unnecessary force against those who gathered despite the ban, and arbitrarily detained at least 169 people, including two protest observers, three foreign citizens and bystanders.

On 21 December, authorities prevented journalists and others from reading out a press statement in Istanbul after the reports of a drone strike attack killing two Kurdish journalists from Türkiye in north-east Syria. Nine people including seven journalists were remanded in pretrial detention for allegedly “making propaganda for a terrorist organization.”⁵

FREEDOM OF ASSOCIATION

In June the intergovernmental Financial Action Task Force (FATF) removed Türkiye from the “grey list” for being largely compliant with its recommendations to combat terrorism financing and money laundering. However, non-profit organizations continued to face disproportionate sanctions and intensified audits under Law no.7262 adopted in 2020 to comply with FATF recommendations.

In February Istanbul Heavy Penal Court No. 26 acquitted 24 members of the Migration Monitoring Association, prosecuted for “membership of an armed terrorist organization”. In December, Bakırköy Civil Court of First Instance No. 15 ruled to close the organization for allegedly “operating in

line with the goals and objectives of an armed terrorist organization”. The decision by the Minister of Treasury and Finance and the Minister of Interior to freeze the association’s assets for alleged connections to the Kurdistan Workers’ Party (PKK), under the Prevention of the Financing of Terrorism Law (Law No. 6415), was published in the Official Gazette in August. The organization appealed both decisions.

In October the Beyoğlu district governorate sealed the office of the Tarlaşa Community Center (TTM), a civil society organization supporting marginalized people in the neighbourhood for “operating without a licence”. Separate administrative proceedings to close the TTM continued. However, the Istanbul Civil Court of Peace No. 8 ruled in favour of the TTM in a case initiated by the Governorate of Istanbul which sought to have the organization declared defunct.

A new penalty under the espionage laws, criminalizing acts that are “against the security or domestic or foreign political interests of the State in line with the strategic interests or instructions of a foreign state or organization”, was included in a legislative package in October but subsequently withdrawn because of widespread opposition. The proposed law was overly broad and vague and would have undermined civil society.

HUMAN RIGHTS DEFENDERS

The retrial of Hakan Altınay, Yiğit Ekmekçi and Mücella Yapıcı on charges under the Law on Meetings and Demonstrations continued. This followed a ruling in 2023 by the Court of Cassation which overturned their 2022 convictions for “assisting in the attempted overthrow of the government” in connection with the Gezi Park protests of 2013.

In October, Hatice Onaran, a member of Istanbul Human Rights Association’s Prison Commission, was sentenced to four years and two months’ imprisonment under Law No. 6415 for transferring small amounts of money for their expenses to eight prisoners convicted for “terrorism” related charges.

In October a first instance civil court in Ankara ruled in favour of a moral compensation claim brought by the Ministry of National Defence against Professor Şebnem Korur Fincancı. She was ordered to pay TRY 50,000 (approximately EUR 1,350) for her 2022 broadcast comments in which she called for an independent investigation into allegations that the Turkish army used chemical weapons in the Kurdistan region of Iraq. Professor Fincancı had also been convicted in 2023 of “making propaganda for a terrorist organization” in a criminal trial and sentenced to two years, eight months and 15 days’ imprisonment, for the same comments. Her conviction and sentence were pending appeal at the Court of Cassation at year’s end.

Human rights defender Nimet Tanrıkulu was detained on 26 November, remanded in prison and indicted in December for “membership of a terrorist organization”. The charge was based on historic travel, participation in civil society events relating to Kurdish human rights issues, mobile phone signals from the same base station as other individuals and witness statements.⁶

VIOLENCE AGAINST WOMEN AND GIRLS

According to the We Will Stop Femicides Platform, in 2024 men killed 394 women and 259 women were found dead in suspicious circumstances.

REFUGEES’ AND MIGRANTS’ RIGHTS

Refugees and migrants continued to be unlawfully returned to Syria and Afghanistan where they would be at real risk of serious human rights violations. As of September, it was reported that around 300 Eritreans detained without adequate access to communication or legal support were deported to Eritrea, while more were at risk of return.⁷

TORTURE AND OTHER ILL-TREATMENT

In August the UN Committee Against Torture raised concerns about increased allegations of torture and other ill-treatment since the attempted coup in 2016, in the aftermath of the earthquakes in the south-east of the

country in February 2023, and in the context of counterterrorism operations.

IMPUNITY

In May a regional appeals court upheld the acquittal of army officials and village guards in the Mardin Dargeçit JITEM (Gendarmerie Intelligence and Counter Terrorism) prosecution regarding the 1995-1996 enforced disappearances of eight people, including three children. The decision was pending appeal at the Court of Cassation at year’s end.

In June the Diyarbakır Heavy Penal Court No. 10 acquitted three police officers accused of “causing death by culpable negligence” in the killing of human rights lawyer Tahir Elçi in 2015. The court ruled that it had not been established that they committed the offence.⁸

In October the Court of Cassation upheld the acquittal of 16 people, including former state officials, for “intentional killing as part of the activities of an armed organization established for the purpose of committing a crime” in the Ankara JITEM case. This was related to enforced disappearances or extrajudicial executions conducted between 1993 and 1996.

RIGHT TO A HEALTHY ENVIRONMENT

The Climate Action Tracker rated Türkiye’s overall climate policies and targets as “critically insufficient” to meet the Paris Agreement’s 1.5°C temperature goal.

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1. “Türkiye: New judicial package leaves people at continued risk of human rights violations”, 29 February †
 2. “Türkiye: Uphold human rights in responding to the armed attack outside Istanbul’s courthouse”, 14 February †
 3. “Türkiye: Unlawful ban on May Day celebrations in Istanbul must be lifted”, 30 April †
 4. “Türkiye: Activists remain defiant despite chilling effect of unlawful bans of Prides”, 19 December †
 5. “Türkiye: Stop the crackdown on peaceful dissent”, 26 December †
 6. “Türkiye: Human rights defender imprisoned: Nimet Tanrıkulu”, 18 December †
 7. “Türkiye: Eritreans at imminent risk of forced return”, 6 September †