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Home Office

Country Policy and Information Note

Turkey: Peoples' Democratic Party (HDP)

Version 4.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- 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 claim is likely to justify granting asylum, humanitarian protection or other form of leave, 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.

Country of origin information

The country information 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 \(COI\)](#), dated 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.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

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

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. 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, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

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:

Independent Advisory Group on Country Information

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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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Assessment

Updated: 12 March 2020

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state due to the person's actual or perceived political opinion as a member or supporter of either:

- Halkların Demokratik Partisi (Peoples' Democratic Party) (HDP)
- Demokratik Bölgeler Partisi (Democratic Regions Party) (DBP)

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1.2 Points to note

1.2.1 The Barış ve Demokrasi Partisi (Peace and Democracy Party, BDP) merged with the HDP in April 2014 and no longer exists as a separate party (see [Peace and Democracy Party \(Barış ve Demokrasi Partisi \(BDP\)\)](#)).

1.2.2 When the BDP and HDP merged, the Democratic Regions Party (DBP) was formed to operate on behalf of the HDP at local level (see [Democratic Regions Party \(Demokratik Bölgeler Partisi \(DBP\)\)](#)).

1.2.3 For the purposes of this note, 'HDP' includes former members of the BDP as well as the DBP, unless otherwise stated.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 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](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

2.2.1 The HDP and the terrorist group Partiya Karkerên Kurdistanê (PKK) (Kurdistan Workers' Party) are separate organisations with different goals. The PKK has been responsible for numerous serious human rights abuses. It has been proscribed in the UK as a terrorist organisation under the Terrorism Act 2000 since March 2001 and is also on the EU list of terrorist organisations. However, some members of the HDP have been accused of links to the PKK (see Country Policy and Information Note on [Turkey: PKK](#)).

2.2.2 If there are valid reasons for considering that the person has been involved with the PKK or in activities that have led to serious human rights abuses

then decision makers must consider whether one (or more) of the exclusion clauses are applicable. Each case must nevertheless be considered on its individual facts and merits.

- 2.2.3 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.4 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Instruction on Restricted Leave](#).

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2.3 Refugee convention reason

- 2.3.1 The person's actual or imputed political opinion.
- 2.3.2 Establishing a Refugee Convention reason alone is not sufficient to be recognised as a refugee. The question is whether the particular person will face a well-founded fear of persecution on account of their actual or imputed convention reason.
- 2.3.3 For further guidance on the 5 Refugee Convention grounds, including particular social groups, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

- 2.4.1 In the Turkey Country Guidance case of IA and others (Risk-Guidelines-Separatist) [\[2003\] UKIAT 00034](#), heard 12 May 2003 and promulgated 28 July 2003, the Tribunal gave consideration of the potential risk to a person on return to Turkey and held 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.

[...]

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.' (para 46).

2.4.2 However, the UT were also keen to stress that

'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 [...]' (para 47).

2.4.3 The Country Guidance case of [IA and others](#) pre-dates the formation of the HDP and relates to the treatment of persons linked to illegal separatist organisations. By contrast, the HDP is a legal and functioning political party with representation in the Turkish parliament. However, the factors the Tribunal identified in [IA and others](#) as relevant to determining whether a person will face a risk of persecution continue to be applicable in the current country situation.

2.4.4 Turkey has a multiparty system with 5 parties represented in parliament. Political parties must have at least 10% of the total vote to be represented in parliament. The HDP secured 11.67% of the vote in the 2018 elections and 67 MPs were elected to parliament. The HDP has approximately 40,000 registered members and 6 million people voted for them (see [Legislation – political parties](#), [Registration and membership of the HDP](#) and [Presidential and parliamentary elections of June 2018](#)).

- 2.4.5 The HDP and the PKK are separate organisations with different goals. The HDP was established to promote Kurdish rights through the democratic process and also appeals to other underrepresented groups, such as women and lesbian, gay, bisexual, transgender and intersex people. The PKK is a proscribed terrorist group which had an original goal of establishing an independent Kurdish state in south-east Turkey (see [HDP stance](#), [Governmental attitude](#), [Impact of government/PKK conflict](#) and [Recruitment to PKK via HDP](#)).
- 2.4.6 The HDP denies direct links with the PKK. The DBP, the regional-level 'sister' party of the HDP, reportedly has closer links to the PKK. However, several interlocutors who met with a Home Office fact-finding team (HO FFT) in June 2019 believed that the government considered there to be a link between the PKK and the HDP; sources gave differing opinions on the extent to which this was accurate and, if accurate, the reasons for this. There are reports that government treatment of HDP supporters tends to vary according to developments in the conflict with the PKK. Several families in the south-east have claimed that HDP members have encouraged their children to join the PKK (see [HDP stance](#), [Governmental attitude](#), [Impact of government/PKK conflict](#) and [Recruitment to PKK via HDP](#)).
- 2.4.7 Turkey has a competitive multiparty system and the law provides for punishment of up to three years in prison for conviction of 'hate speech' or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. The 2-year state of emergency which followed the coup attempt of 2016 was ended in July 2018, but it was replaced with new counter-terrorism legislation, which contained measures similar to those in place under the state of emergency, such as increased powers to restrict assembly and movement, to dismiss public officials, and to increase police powers, including the extension of custody periods to up to 12 days (see [Legislation – political parties](#), [Impact of state of emergency and anti-terrorism legislation](#)).
- 2.4.8 Following the coup attempt of 2016, a number of HDP MPs and many local officials and elected mayors were detained and prosecuted or placed in pre-trial detention. In November 2016, Selahattin Demirtaş, one of the co-leaders of the HDP, was detained. In November 2018, the European Court of Human Rights ordered his immediate release on the grounds that his arrest was politically motivated and his nearly 2-year pretrial detention was unreasonable. However, despite this ruling, a Turkish court subsequently denied Demirtaş' petition for release and he remains in detention (see [Accusations, charging and sentencing: politicians and officials](#)).
- 2.4.9 Counter-terrorism laws are applied broadly and have been used against government opponents. Some HDP members, those who are active in supporting the party, and those who work on human rights issues, have been arrested for acts of terrorism or for aiding and abetting terrorism, such as spreading terrorist propaganda. Lawyers have been accused of having links to terrorism for offering legal support to persons accused of terrorism and individuals have been accused of links to the PKK for criticising the government on the issue of Kurdish rights on social media. Some terrorism cases have involved weak, circumstantial evidence. The government also

used defamation laws to in response to criticism of the government by both political opponents and citizens. By law, persons who insult the president may face a prison term of up to 4 years, and this law was used primarily against HDP MPs. By the end of 2018, 6,000 HDP MPs and members, including 9 MPs, were detained on various charges related to terrorism and political speech. However, the government did not apply the law equally to AKP (ruling government party) members and government officials (see [Accusations, charging and sentencing: members and supporters](#), [Accusations, charging and sentencing: politicians and officials](#), [Internet and social media](#), [Legislation – political parties](#), [Impact of state of emergency and anti-terrorism legislation](#) and [Due process](#)).

- 2.4.10 Many elected mayors have been replaced with government appointees since the coup attempt of 2016. The government removed the elected mayors of 99 municipalities during 2018, 94 of whom were HDP or DBP mayors; the government alleged that they had supported terrorism. Most of the municipalities affected were in the south-east of the country. Following the local elections of March 2019, 24 HDP mayors had been removed from their posts and replaced with government appointees by November 2019. Again, the government accused them of links to the PKK (see [Suspensions and dismissals from political office](#)).
- 2.4.11 The HDP were marginalised in the run-up to the municipal elections of March 2019, with 9 HDP MPs in detention at that time. Freedom of assembly is guaranteed in law, but permission is required to hold rallies and gatherings of anti-government persons may be disallowed on security grounds, whilst pro-government rallies are more likely to be permitted. People who gather in protest against the government may be dispersed by the police or detained. There have been blanket bans on assemblies, such as that for a 2-week period in October 2019 in Diyarbakir, when 26 people, who had gathered to read out a statement in protest against the government, were detained, with 6 subsequently remanded in prison, charged with ‘making propaganda for a terrorist organisation.’ There have been instances of violent police responses to pro-Kurdish demonstrations, particularly around the time of the Turkish incursion into north-east Syria (see [Local elections of 31 March 2019](#), [Freedom of assembly](#), [Police response](#)).
- 2.4.12 Some relatives of HDP members have been at risk of adverse government interest, particularly if the relative is high-profile or has been charged with an offence, or if they show an interest in the relative’s court case, make political comments on social media or attend political rallies (see [Relatives of HDP members/supporters](#)).
- 2.4.13 In October 2019, Turkey commenced an incursion into Kurdish northeast Syria known as ‘Operation Peace Spring.’ Hundreds of people were detained in Turkey in the days following the commencement of this operation, including HDP MPs and supporters and those who had criticised the offensive (see [Arrest and detention of HDP leaders, members and supporters](#)).
- 2.4.14 Many HDP detainees are in ‘F’-type prisons, where people are held either in isolation or with just one or 2 others. Kurds may be treated less favourably than non-Kurds and those accused of terrorism or opposing the government

can be held for lengthy periods in pre-trial detention. Torture is forbidden by law; there was a rise in the number of torture cases reported in the period immediately following the 2016 coup attempt but numbers subsequently fell sharply. There are reports that occurrences of torture have risen again in recent times, and that this is related to the increased risk of impunity for perpetrators due to changes in the law brought by emergency decrees. However, sources indicate that torture is not used systematically, in every prison or with every prisoner. Ill treatment is more likely in police custody shortly after arrest, when a detainee may be beaten in a police vehicle or taken to a place where there are no cameras, rather than in prison. Some people detained on terrorism-related charges have experienced long periods of solitary confinement and delays in receiving medical attention; a recent example involved Selahattin Demirtaş, whose medical care was delayed by a week. People may be released from detention on condition that they agree to become an informant for the police; Kurdish university students, Kurds whose family members are politically active, and Kurdish journalists may be particularly likely targets. Authorities may continue to monitor those who had been detained on terrorism charges once they have been released from detention (see [Treatment in detention](#), [Medical care in detention](#) and [Investigations into torture and impunity](#)).

- 2.4.15 In general, simply being a member or supporter of the HDP is not likely to result in a person facing persecution. However, the risk faced will depend on the person's profile and activities. When ordinary members of the HDP have come to the adverse attention of the authorities, this has generally been whilst participating in demonstrations and rallies, or for being vocal in criticising the government or the president or speaking out on Kurdish political issues, or for taking an active and visible interest in the court case of a relative who is a high-profile member of the HDP. Otherwise, an ordinary member is less likely to attract the adverse attention of the authorities on account of their political beliefs. It will be up to each person to demonstrate that their membership or support of the HDP (or their perceived membership or support) will have brought them to the adverse attention of the authorities to such an extent that they would experience a risk of serious harm or persecution on return.
- 2.4.16 If the person is a senior member of the HDP, for example, an MP, local officials, or elected mayor, or is an activist or has otherwise come to the adverse attention of the authorities because of suspected involvement with the PKK or support for autonomy for Kurdish people, they may be at risk of arrest under the government's interpretation of terrorism-related charges. In such cases, see the Country Policy and Information Note on [Turkey: Kurdistan Workers' Party \(PKK\)](#).
- 2.4.17 Each case must be assessed according to its individual facts, with the onus on the person to demonstrate that they are at risk.
- 2.4.18 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.
- 2.5.2 Turkey does have a system for citizens to register complaints of state action or inaction, including an independent Ombudsman. However, following the 2016 coup attempt, more than 4,000 judges were removed and replaced with appointees loyal to the government. The introduction of the new presidential system in June 2018 increased the power of parliament and president over the judiciary, further weakening judicial independence. There has been an increase in the number of appeals cases being referred to the European Court of Human Rights, which can only be done once the domestic legal processes of appeals has been exhausted (see [Judiciary](#) and [Appeals process](#)).
- 2.5.3 By law, the Ombudsman Institution, the National Human Rights and Equality Institution (NHREI), prosecutors' offices, criminal courts, and parliament's Human Rights Commission (HRC) may investigate reports of security force killings, torture, or mistreatment, excessive use of force, and other abuses. However, there are reports that complaints investigations may be ineffective and that people may be afraid to lodge a complaint due to fear of retribution (see [Investigations into torture and impunity](#)).
- 2.5.4 See also the Country Policy and Information Note on [Turkey: Background including actors of protection and internal relocation](#) for further information about protection.
- 2.5.5 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 See also the Country Policy and Information Note on [Turkey: Background including actors of protection and internal relocation](#).
- 2.6.3 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 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.
- 2.7.2 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

Section 3 last updated on: 5 March 2020

3. Key events with an impact on Kurdish issues: 2015 onwards

3.1.1 Timeline of key events:

June 2015	The People's Democratic party (HDP) entered parliament and deprived the AKP party of a majority after elections ¹ .
July 2015	The ceasefire ended between the PKK, a Kurdish rebel group, and the Turkish government. It had been in place since 2013. Fighting recommenced ² .
November 2015	Governing AKP party regained parliamentary majority in snap elections, but had insufficient votes for referendum to boost President Erdogan's powers ³ .
February 2016	38 people killed in a bomb attack in Ankara. Kurdistan Freedom Hawks (TAK), a breakaway group from the PKK, claimed responsibility ⁴ .
May 2016	Immunity from prosecution removed for HDP and some other MPs on 20 May ⁵ .
July 2016	Coup attempt on 15 July ⁶ leading to the detention of almost 218,000 persons according to government figures ⁷ . President Erdogan declared a state of emergency on 20 July ⁸ .
November 2016	Selahattin Demirtas and Figen Yuksekdog, co-Chairs of the HDP, were imprisoned, charged with failing to co-operate with a counter-terrorism investigation ⁹ .
Late 2016	Dozens of elected HDP mayors removed from their posts in the southeast, accused of links to the PKK, and replaced with government-appointed trustees ¹⁰ .

¹ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

² BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

³ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

⁴ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

⁵ BBC, 'Turkey HDP: Blast after pro-Kurdish leaders Demirtas [...] detained,' 4 November 2016, [url](#)

⁶ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

⁷ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

⁸ USSD, 'HR Report 2018,' Turkey, section 1e, 13 March 2019, [url](#)

⁹ CNN, 'Kurdish People Fast Facts', 8 May 2019, [url](#)

¹⁰ BBC, 'Turkey must free Selahattin Demirtas, European rights court says,' 20 November 2018, [url](#)

¹¹ The New Arab, 'Turkey removes elected pro-Kurdish mayors, accused of [...],' 19 August 2019, [url](#)

April 2017	Presidential referendum to extend Erdogan's powers won by the AKP party ¹¹ . Turkey launched air strikes on US Kurdish allies in Syria and Iraq ¹² .
January 2018	Turkey launched its 'Olive Branch' land and air operation in north-western Syria, seizing large areas from Kurdish control, including the town of Afrin ¹³ . Turkey wished to counter People's Protection Units (YPG), which it considered a terrorist group and an extension of the PKK ¹⁴ .
February 2018	Following the launch of Operation Olive Branch, curfews were imposed on 176 towns and villages in the southeastern province of Diyarbakir in order to 'neutralize' members and collaborators of the PKK, as well as to 'seize the materials, shelters and storage areas used by the groups' ¹⁵ .
June 2018	Erdogan won another term of office in snap elections ¹⁶ .
July 2018	End of state of emergency ¹⁷ .
September 2018	Selahattin Demirtas was sentenced to four years and eight months in jail for making and spreading terrorist propaganda ¹⁸ .
October 2018	140 HDP members and local politicians were arrested across several provinces on charges of terrorism ¹⁹ .
November 2018	The European Court of Human Rights ordered Turkey to release Selahattin Demirtas from prison. President Erdogan stated that the ruling was not binding ²⁰ .
January 2019	Having been refused visits since September 2016, the imprisoned PKK leader, Abdullah Ocalan, was allowed to see his brother, Mehmet. Ocalan has been in a high-security prison since 1999 ²¹ .
March 2019	Municipal elections took place on 31 March. The CHP won in Istanbul, Ankara and Izmir. The AKP alleged irregularities and challenged the results in every district of Istanbul. The elections were re-run in June ²² .

¹¹ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

¹² BBC, 'Turkey air strikes on Kurds in Syria and Iraq spark US concern,' 25 April 2017, [url](#)

¹³ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

¹⁴ BBC, 'Turkey targets Kurdish forces in Afrin: The short, medium and long [...],' 22 January 2018, [url](#)

¹⁵ Hurriyet Daily, 'Turkish authorities impose 176 new curfews on villages, [...]', 14 February 2018, [url](#)

¹⁶ BBC, 'Turkey election: Erdogan wins re-election as president,' 25 June 2018, [url](#)

¹⁷ Reuters, 'Turkey's emergency rule expires as Erdogan's powers expand', 18 July 2018, [url](#)

¹⁸ BBC, 'Turkey HDP: Court jails pro-Kurdish leader Demirtas,' 7 September 2018, [url](#)

¹⁹ Kurdistan 24, '140 Kurdish party members [...]', 8 October 2018, updated 9 October 2018, [url](#)

²⁰ BBC, 'Turkey must free Selahattin Demirtas, European rights court says,' 20 November 2018, [url](#)

²¹ BBC, 'Leyla Guven: MP on hunger strike for 77 days in Turkey,' 23 January 2019, [url](#)

²² BBC, 'Turkey election: Erdogan disputes results in major cities,' 2 April 2019, [url](#)

	Police entered the Diyarbakır offices of the HDP by force on 9 March and detained seven party officials who were on hunger strike and demanding an end to the 'isolation' of Abdullah Öcalan. A further four HDP deputies were also on hunger strike, protesting about Öcalan's inability to speak with his lawyers. Hunger strikes among Kurdish politicians increased across the country ²³ .
May 2019	Abdullah Ocalan was allowed a visit from his lawyers for the first time in eight years. He called on activists around the world to end their hunger strikes which were in protest at his being kept in isolation ²⁴ .
June 2019	The AKP party conceded Istanbul to the CHP party in mayoral elections on 23 June. Erdogan had insisted on a re-run of the poll, leading to protests in Istanbul, when the CHP won narrowly in March ^{25,26} .
August 2019	Three elected HDP mayors were removed from their posts in Diyarbakir, Mardin and Van, in the southeast, accused of links with terrorism. They were replaced with government-appointed trustees. In addition, more than 400 people were detained, accused of links to the PKK²⁷. Following the replacement of certain elected mayors with state appointees and subsequent protests, public assemblies were banned in many provinces for 10 to 30 days²⁸. Riot police had used batons, water cannon and tear gas to disperse protesters demonstrating in southeast Turkey²⁹.
September 2019 onwards	Several families staged a sit-in protest outside an HDP office in Diyarbakir. They accused HDP members of encouraging their children to join the PKK. By 25 September, 34 families had joined the 'I want my child back' campaign ³⁰ .
October 2019	On 9 October, Turkish forces commenced 'Operation Peace Spring' in north-east Syria. Turkey aimed to push back members of the YPG, viewing it as an extension of the PKK. Turkey also hoped to resettle, in the zone created, up to two million of the 3.6 million Syrian refugees it is hosting. Many Turkish Kurds opposed this move, seeing it as part of a broader anti-Kurdish policy. By 13 October, air strikes, shelling and fighting on the ground had reportedly killed

²³ News About Turkey, 'Police raid HDP Diyarbakır offices, detain 7 party [...]', 10 March 2019, [url](#)

²⁴ BBC, 'Welsh hunger striker calls off Kurdish protest,' 26 May 2019, [url](#)

²⁵ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

²⁶ BBC, 'Turkey's Erdogan defends Istanbul election re-run amid protests,' 7 May 2019, [url](#)

²⁷ The New Arab, 'Turkey removes elected pro-Kurdish mayors, accused [...]', 19 August 2019, [url](#)

²⁸ Amnesty International, 'Turkey: end post election crackdown on peaceful [...]', 23 August 2019, [url](#)

²⁹ Reuters, 'Turkish police use water cannon, batons on Kurdish protesters,' 20 August 2019, [url](#)

³⁰ Al-Monitor, 'Protest by mothers turns up pressure [...]', 25 September 2019, [url](#)

	dozens of civilians and forced more than 150,000 others to flee their homes. ^{31,32,33}
November 2019	Turkey replaced a further four HDP district mayors with government appointees, bringing the total number of HDP mayors removed from their posts since the elections of March 2019 to 24. The mayors held posts in Mazıdağ, Savur and Derik districts in the southeastern province of Mardin and Suruç district in Şanlıurfa. They were alleged to have been involved in terrorism ³⁴ .
December 2019	Former HDP co-chair Selahattin Demirtaş was taken to hospital on 2 December, nearly a week after losing consciousness, after his sister raised awareness of the situation on social media ³⁵ .
January 2020	The HDP office in Istanbul was fired on seven times in an armed attack. The perpetrator was taken into custody ³⁶ .

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Section 4 last updated on: 5 March 2020

4. Legal position

4.1 Legislation – political parties

- 4.1.1 The United States Department of State Country Report on Human Rights Practices for 2018 (USSD HR Report 2018) noted that the constitution and law provide citizens with the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot³⁷.
- 4.1.2 The same report stated that ‘The law provides for punishment of up to three years in prison for conviction of “hate speech” or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences.’³⁸
- 4.1.3 When the Home Office fact-finding team (HO FFT) met a representative from the Ministry of Justice in June 2019, they were told that, according to Turkish law, any discrimination based on religion, ethnicity, gender or language is prohibited³⁹. The representative from the Ministry of Foreign Affairs mentioned to the HO FFT that discrimination based on race, language, religion, sect, sex, or political or philosophical belief or opinion is penalised under Article 122 of the Penal Code and there are legal and administrative ways to complain about any such discrimination⁴⁰.

³¹ Reuters, ‘Syria offensive feeds disenchantment among Turkey’s Kurds,’ 23 October 2019, [url](#)

³² Sputnik News, ‘Live Updates: Turkey Continues “Operation Peace [...]” 17 October 2019, [url](#)

³³ BBC, ‘Turkey’s Syria offensive explained in four maps,’ 14 October 2019, [url](#)

³⁴ Ahval News, ‘Turkey removes four more HDP mayors in southeast,’ 16 November 2019, [url](#)

³⁵ Duvar English, ‘Demirtaş underwent medical check-up, test results [...]’ 2 December 2019, [url](#)

³⁶ English Bianet, ‘HDP Says Government Responsible for Attack on [...]’ 16 January 2020, [url](#)

³⁷ USSD, ‘HR Report 2018,’ Turkey (section 3), 13 March 2019, [url](#)

³⁸ USSD, ‘HR Report 2018,’ Turkey (section 2a), 13 March 2019, [url](#)

³⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

⁴⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

4.1.4 Freedom House reported in February 2019:

'Turkey has a competitive multiparty system, with five parties represented in the parliament. However, the rise of new parties is inhibited by the 10 percent vote threshold for parliamentary representation—an unusually high bar by global standards. The 2018 electoral law permits the formation of alliances to contest elections, allowing parties that would not meet the threshold alone to secure seats through an alliance. Parties can be disbanded for endorsing policies that are not in agreement with constitutional parameters, and this rule has been applied in the past to Islamist and Kurdish-oriented parties.'⁴¹

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4.2 Impact of state of emergency and counter-terrorism legislation

4.2.1 In a report dated May 2019, the European Commission noted, 'With the ending of the state of emergency, Turkey has withdrawn its derogations from the European Convention on Human Rights and from the International Covenant on Civil and Political Rights (ICCPR). However, the full monitoring procedure that the Parliamentary Assembly of the Council of Europe reopened in April 2017 remains in place.'⁴²

4.2.2 In the World Report 2019, Human Rights Watch noted:

'The two-year state of emergency formally lapsed in July [2018] but was replaced with new counterterrorism legislation, approved by parliament in August [2018]. The legislation contains many measures similar to the extraordinary powers the authorities enjoyed under emergency rule. They include widening already broad powers of appointed provincial governors to restrict assemblies and movement; executive authority for three years to dismiss public officials, including judges, by administrative decision; and increased police powers including custody periods extendable for up to 12 days.'⁴³

4.2.3 In the World Report 2020, Human Rights Watch stated that, 'Restrictive powers and practices ending in July 2018 have set back Turkey's human rights record. Terrorism charges continued to be widely misused in the third year after the coup attempt.'⁴⁴

4.2.4 A human rights lawyer, who met with the HO FFT in June 2019, suggested that [Article 314](#) (which deals with membership of a criminal organisation) was being interpreted very widely. A lawyer may be accused of having links to terrorism for offering legal support to students, academics, civil society members or MPs⁴⁵.

4.2.5 Similarly, Andrew Gardner of Amnesty International told the HO FFT in June 2019, '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.'

⁴¹ Freedom House, 'Freedom in the World 2019', 4 February 2019, [url](#)

⁴² European Commission, Turkey 2019 report, 29 May 2019, [url](#)

⁴³ HRW, 'World Report 2019,' Turkey, 17 January 2019, [url](#)

⁴⁴ HRW, 'World Report 2020,' Turkey, 14 January 2020, [url](#)

⁴⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

For example, anyone who speaks out against the government on issues of Kurdish rights could be argued in the current context to be supporting the PKK, or anyone criticizing the post-coup cases, to be supporting FETO [i.e. Gulenism].⁴⁶

- 4.2.6 Mr Gardner also mentioned that the former chair and the director of Amnesty International Turkey had both been charged with terrorism-related offences. He suggested that 'charging someone with terrorism is now a tool to attack people who don't support the government' and believed that 'the laws and legislation have not changed a lot, but the practice has changed.'⁴⁷ He added, 'Criticism of the government in relation to the Kurdish issues can be used to charge people with terrorist propaganda. Continuously criticising the government, you could be charged with not only propaganda for a terrorist group but also being a member of a terrorist organisation.'⁴⁸
- 4.2.7 The HO FFT also met an HDP MP, who noted, 'The level of evidence accepted to be arrested and charged under the propaganda for a terrorist organisation is very low.'⁴⁹

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Section 5 last updated on: 5 March 2020

5. People's Democratic Party (Halkların Demokratik Partisi (HDP))

5.1 History

- 5.1.1 Global Security provided the following (undated) information: 'The Peoples' Democratic Party (HDP - Halkların Demokratik Partisi) was officially founded in 2012 and became politically activated in October 27, 2013 after holding its first extraordinary congress. The HDP was formed as a political wing of the People's Democratic Congress (HDK), an association that includes numerous leftist and Kurdish groups.'⁵⁰
- 5.1.2 A report by the European Asylum Support Office (EASO), dated November 2016, noted:
- 'The People's Democratic Party (Halkların Demokratik Partisi, HDP, in Kurdish Partiya Demokratîk a Gelan) is the latest of the Kurdish-focused parties created in Turkey since the beginning of the 1970s: HEP, DEP, ÖZDEP, HADEP, DEHAP, DTP, BDP, HDP. However, contrary to its predecessors the HDP was not created to succeed a party banned by the Constitutional Court. Formally founded in 2012, it is the political branch of a union of left-wing political organisations, the People's Democratic Congress. It gradually replaced the BDP before the former disappeared in 2014.'⁵¹
- 5.1.3 The United States Congressional Research Service (CRS) released a report in January 2019 which stated: 'In 2015, the HDP became the first pro-Kurdish party to surmount Turkey's 10% electoral threshold.'⁵²

⁴⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

⁴⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

⁴⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

⁴⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

⁵⁰ Global Security, Political Parties, undated, [url](#)

⁵¹ EASO, Country of origin information report, Turkey Country Focus, page 22, November 2016, [url](#)

⁵² CRS, 'The Kurds in Iraq, Turkey, Syria, and Iran', 23 January 2019, [url](#)

5.2 Beliefs and aims

5.2.1 Middle East Eye published an article in February 2016 which stated:

‘The idea of a national, but Kurdish-based, political party was conceived by Abdullah Ocalan, the jailed leader of the banned Kurdistan Workers Party (PKK) and spiritual head of the Kurdish liberation movement not only in Turkey but also in Syria, Iran and Iraq, who has been imprisoned on the island of Imrali since 1999.

‘At his suggestion, a congress was formed of Turkish leftists, ecological activists, women's activists, minority groups and the Kurdish left. At the time, they didn't believe they could compete in elections, but that they could still campaign on important issues.

‘Highly unusual for a major Turkish political movement – and the party that would follow – the congress supported not only women's equality but also LGBT rights. While the matter remains a point of contention inside HDP, many of whose core voters are socially conservative, the policy has helped the party's international image.

“‘It was a considerable success. For the first time in Turkish history, Turks and Kurds had set up cooperative organisations even in Western cities,” Kurkcu [Ertugrul Kurkcu, the first head of the HDP] said.’⁵³

5.2.2 The same article stated:

‘HDP [...] is a remarkable outlier not only in the context of Turkish politics and history, but also that of the whole region. Nowhere else is there a political party of such weight running on a platform of economic justice, gender equality, and national liberation.

‘The party has tried to balance itself as an outlet for solidarity for the Kurdish rights movement, but in a way that is acceptable to the urban elite in the country's west.’⁵⁴

5.2.3 Rudaw, a pro-Kurdish news outlet based in Iraqi Kurdistan, reported in August 2019, ‘Originally founded in defense of Kurdish cultural and political rights, the HDP later sought to broaden its range of supporters. Now co-led by Temelli, [party co-chair Sezai Temelli], an ethnic Turk from Istanbul, the party is now supported by Kurds, Turks, Alevis and other groups.’⁵⁵

5.2.4 In June 2019, the HO FFT met with Estella Schmid, a co-founder of Peace in Kurdistan (a ‘campaigning organisation dedicated to advancing the rights of the Kurdish people and achieving a political resolution of the Kurdish question’⁵⁶), who described the HDP as ‘more inclusive of other ethnic and religious groups in Turkey’ and appealing to, for example: women, LGBT, Kurdish and Turkish people⁵⁷.

⁵³ Middle East Eye, ‘The rise and near fall of Turkey's pro-Kurdish HDP,’ 17 February 2016, [url](#)

⁵⁴ Middle East Eye, ‘The rise and near fall of Turkey's pro-Kurdish HDP,’ 17 February 2016, [url](#)

⁵⁵ Rudaw, ‘HDP calls for “social peace” in Turkey at first organizational congress’, 5 August 2019, [url](#)

⁵⁶ Peace in Kurdistan, ‘Welcome,’ undated, [url](#)

⁵⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

5.2.5 The HDP described their beliefs and aims in (undated) information on their [website](#) using the headings below:

‘Honest Politics

‘A Democratic Party

‘A Party of Freedom and Equality

‘A Pro-Peace Party

‘A Pro-Labor Party

‘A Pro-Selfgovernment Party

‘A Pro-Gender Equality Party

‘A Green Party’⁵⁸

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5.3 Registration and membership of the HDP

5.3.1 In June 2019, the HO FFT were told by 2 interlocutors that all members of all political parties have to be registered at the Court of Cassation, also known as the Supreme Court of Appeals of Turkey⁵⁹. This information is therefore available online⁶⁰. Supporters are not registered⁶¹.

5.3.2 The HO FFT met an HDP MP who opined that, ‘This process of putting all members of political parties into the Court of Cassation discourages people who want to join the parties.’⁶²

5.3.3 Murat Celikkan, Director of Hafiza Merkezi, told the HO FFT that the HDP have thousands of members⁶³. The HDP MP said that there are 30,000 to 40,000 HDP members registered at the Court of Cassation, yet six million people voted for the HDP at the elections⁶⁴.

5.3.4 The HDP MP explained to the HO FFT that the HDP do not offer ID cards, a membership card or document cards for members. A person can apply at district/provincial levels, and once accepted, the new member’s name is in the system⁶⁵.

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5.4 Presidential and parliamentary elections of June 2018

5.4.1 The USSD HR Report 2018 explained, ‘The country held early parliamentary and presidential elections, which had been originally scheduled for late 2019, on June 24 [2018]. The elections completed a constitutional amendment process that began with the April 2017 national referendum, the passing of

⁵⁸ Peoples’ Democratic Party, ‘Who are we?’ undated, [url](#)

⁵⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁶⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁶¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁶² HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁶³ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁶⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁶⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

which initiated the country's official transition from a parliamentary system to a presidential one.'⁶⁶

- 5.4.2 On 25 June 2018, The Guardian reported that, 'with 99% of votes counted, Erdoğan had won a 52.54% share of the national vote, while the opposition CHP party's candidate, Muharrem İnce, was on 30.68%. [...]

'The pro-Kurdish party, known as the HDP, took 11.67% of the vote, passing the 10% threshold to enter parliament for a second consecutive term. This makes them the second-largest opposition party and will dilute the majority of Erdoğan's ruling party, the AKP.'⁶⁷

- 5.4.3 Sixty-seven MPs from the HDP were elected to parliament⁶⁸.

- 5.4.4 The USSD HR Report 2018 further stated:

'The campaign and election both occurred under a state of emergency that had been in place since 2016 and which granted the government expanded powers to restrict basic rights and freedoms, including those of assembly and speech. Most candidates were generally able to campaign ahead of the June 24 elections—however the HDP's candidate remained in prison during the campaign and the candidate for the İYİ ("Good") Party faced a de facto media embargo. [...]

'Media coverage of the candidates overwhelmingly favored the president and ruling party. For example, according to a member of the Radio and Television Supreme Council, Turkey's state agency for monitoring, regulating, and sanctioning broadcasts, between May 14-30, state-run TRT broadcast 67 hours of coverage about President Erdogan, seven hours about CHP candidate Muharrem İnce, 12 minutes about İYİ candidate Meral Aksener, eight minutes about Felicity Party candidate Temel Karamanoglu, and zero minutes to HDP candidate Selahattin Demirtas. Many opposition parties relied instead on social media to connect with supporters.'⁶⁹

- 5.4.5 According to Freedom House, 'the parliamentary elections were contested on a deeply uneven playing field characterized by media coverage that favored the ruling party, intimidation of and attacks on opposition candidates, and the misuse of state resources to benefit the ruling party and its allies.'⁷⁰

- 5.4.6 In June 2018, the Organisation for Security and Co-operation in Europe/ Office for Democratic Institutions and Human Rights (OSCE/ODIHR) International Election Observation Mission made the following preliminary conclusions with regards to the presidential and parliamentary elections:

'In the 24 June [2018] early presidential and parliamentary elections, voters had a genuine choice despite the lack of conditions for contestants to compete on an equal basis. The incumbent president and his party enjoyed a notable advantage, also reflected in excessive coverage by government-affiliated public and private media. The restrictive legal framework and powers granted under the state of emergency limited fundamental freedoms

⁶⁶ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

⁶⁷ The Guardian, 'Turkey elections 2018,' 25 June 2018, [url](#)

⁶⁸ Yeni Safak, Election Results - 24 June 2018 General Election, 27 June 2018, [url](#)

⁶⁹ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

⁷⁰ Freedom House, 'Freedom in the World 2019', Turkey, 4 February 2019, [url](#)

of assembly and expression, including in the media. Still, citizens demonstrated their commitment to democracy by participating in large numbers in campaign rallies and on election day. Hastily adopted changes to the election legislation were made without consultations and removed important safeguards for election day procedures. Election day procedures were generally followed, although important legally prescribed steps were often omitted during counting and tabulation.⁷¹

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5.5 Local elections of 31 March 2019

5.5.1 In April 2019, the BBC reported:

‘Turkish President Recep Tayyip Erdogan's AK Party is contesting the slim opposition victory in the country's biggest city, Istanbul. Sunday's [31 March 2019] municipal elections also delivered opposition CHP wins in the capital, Ankara, and in Izmir.

‘The AKP alleges irregularities, and is challenging the results in every Istanbul district. Officially the CHP is ahead by 25,000 votes in the city. [...] The secularist CHP (Republican People's Party) condemned that move [the AKP challenging the result], accusing the Islamist-rooted AKP of trying to steal the result. The AKP is also contesting the CHP victory in Ankara. Parts of the largely government-controlled media are reporting allegations that stolen ballots hindered the party's performance. [...]

‘Nationwide, an AKP-led alliance won 51.6% of the vote. But Istanbul has been in the hands of parties linked to Mr Erdogan since 1994, when he was elected the city's mayor. [...]

‘More than 57 million people in the country were registered to vote for mayors and councillors. Turnout was high at just under 85%.

‘The results [...] show:

‘Istanbul - 48.8% CHP, 48.5% AKP

‘Ankara - 50.9% CHP, 47% AKP

‘Izmir - 58% CHP, 38.6% AKP

‘The AKP had been saying its Istanbul candidate, former Prime Minister Binali Yildirim, was ahead by 4,000 votes. He later conceded his opponent had a narrow lead, only for the AKP to again claim victory. [...]

‘This was the first municipal vote since Mr Erdogan assumed sweeping executive powers through last year's presidential election. [...] The AKP has won every election since coming to power in 2002. [...]

‘With most media either pro-government or controlled by Mr Erdogan's supporters, critics believe opposition parties campaigned at a disadvantage. Mr Erdogan's rallies dominated TV coverage. The opposition pro-Kurdish Peoples' Democratic Party (HDP) said the elections were unfair and refused to put forward candidates in several cities.⁷²

⁷¹ OSCE PA, OSCE/ODIHR, CoE, International Election Observation Mission, 24 June 2018, [url](#)

⁷² BBC, ‘Turkey election: Erdogan disputes results in major cities,’ 2 April 2019, [url](#)

- 5.5.2 On 7 May 2019, the BBC reported that Istanbul's mayoral election was to be re-run on 23 June, stating, 'The AKP claims that there were irregularities that invalidate the vote. The decision to hold a new poll on 23 June sparked protests across Istanbul on Monday.' The CHP candidate, Ekrem Imamoglu, who had initially won the mayoral election, was stripped of his duties⁷³.
- 5.5.3 In a report of May 2019, the European Commission noted, 'Growing political polarisation, especially in the run-up to the March 2019 municipal elections continues to prevent constructive parliamentary dialogue. The marginalisation of the opposition, notably the People's Democratic Party (HDP) continues, and many HDP lawmakers are detained. The long-standing shortcomings of the system of parliamentary immunity have not been addressed.'⁷⁴
- 5.5.4 In May 2019, the European Commission further reported:
 'The HDP presented candidates in the south-east, while not fielding any candidate in the large cities including Istanbul and Ankara.
 '[...] The YSK [Supreme Electoral Council of Turkey] rejected the HDP's extraordinary appeals in relation to the YSK's decision not to confirm four HDP elected-mayors and several members of municipal councils in the southeast. Even though their candidacies had been initially validated by the YSK, they have been denied the right to take up office on the ground that they had been previously dismissed from public service with decree-laws under the state of emergency. At the same time, the YSK gave the mayoral mandates to the candidates who got the second highest number of votes, all from the ruling AKP, thereby in effect reversing the result of the election in these constituencies.
 '[...] Before the March 2019 municipal elections several municipalities were being run by centrally appointed trustees, mainly on the grounds that their elected mayors had alleged links to terrorist organisations.'⁷⁵

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Section 6 last updated on: 31 January 2020

6. Peace and Democracy Party (BDP)

6.1 History

- 6.1.1 The EASO Country Focus report on Turkey, dated November 2016, stated 'The Peace and Democracy Party (Barış ve Demokrasi Partisi, BDP, Kurdish: Partiya Aştî û Demokrasiyê) was a pro-Kurdish party. The party was founded in 2008 as an extension of the DTP, the banned Democratic Society Party (Demokratik Toplum Partisi). It was a founding member of HDP and shared most of the same political ideology. The BDP has been merged with HDP [...] in April 2014, with all BDP's parliamentary deputies joining HDP.'⁷⁶
- 6.1.2 In June 2018, TRT World noted, 'The BDP, employed a liberal approach when it was first formed in 2008, including slogans that promoted gender

⁷³ BBC, 'International outcry over Istanbul election re-run,' 7 May 2019, [url](#)

⁷⁴ EU Commission, 'Turkey 2019 Report', page 5, 29 May 2019, [url](#)

⁷⁵ EU Commission, 'Turkey 2019 Report', pages 11 and 15, 29 May 2019, [url](#)

⁷⁶ EASO, Turkey Country Focus, page 24, November 2016, [url](#)

equality, LGBT, as well as rights for Kurdish populations and minorities. After 2014, it was rebranded as the HDP, and included a number of candidates from other ethnic groups in addition to Turks and Kurds.⁷⁷

- 6.1.3 In June 2016, the Immigration and Refugee Board of Canada, which cited various sources, stated, 'The Chair [the Jalal Talabani Chair of Kurdish Political Studies at the University of Central Florida, a position dedicated to the study of Kurdish politics] noted that the BDP is no longer a separate party.'⁷⁸

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Section 7 last updated on: 31 January 2020

7. Democratic Regions Party (DBP)

7.1 History

- 7.1.1 In February 2019, Anadolu Agency noted that 'The DBP is the regional-level sister party of the Peoples' Democratic Party (HDP).'⁷⁹
- 7.1.2 In the report dated May 2017, International Crisis Group (ICG) described the DBP as 'The main legal political sister party of the HDP that operates only at the local level. In the 2014 local elections, it won in eleven provinces, 68 districts and 23 town municipalities in the majority Kurdish south east.'⁸⁰
- 7.1.3 The ICG report further stated that 'While the HDP is the Kurdish movement's main legal political actor, the DBP operates at the local administration/municipality level on its behalf and is known to be more hardline, arguably with closer PKK links.'⁸¹

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Section 8 last updated on: 5 March 2020

8. State treatment of the HDP

8.1 Impact of state of emergency

- 8.1.1 The USSD HR Report 2018 stated: 'Authorities used both antiterror laws and state of emergency powers to detain individuals and seize assets, including those of media companies, charities, businesses, pro-Kurdish groups accused of supporting the PKK, and individuals alleged to be associated with the Gulen movement.'⁸²
- 8.1.2 For further information on the impact of state of emergency and anti-terrorism laws see the Country Policy and Information Note on [Turkey: PKK](#).

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⁷⁷ TRT World, 'Turkey elections 2018: Understanding the political parties,' 23 June 2018, [url](#)

⁷⁸ Immigration and Refugee Board of Canada, TUR105537.E, 14 June 2016, [url](#)

⁷⁹ Anadolu Agency, 'Turkey: Opposition DBP member jailed for terrorism,' 1 February 2019, [url](#)

⁸⁰ ICG, 'Managing Turkey's PKK Conflict: The Case of Nusaybin,' 2 May 2017, [url](#)

⁸¹ ICG, 'Managing Turkey's PKK Conflict: The Case of Nusaybin,' 2 May 2017, [url](#)

⁸² USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

8.2 Freedom of assembly

- 8.2.1 In the World Report 2020, published in January 2020 and covering events of 2019, Human Rights Watch stated, 'Severe restrictions on the right to assembly in Turkey have followed provincial governors being granted extra powers in July 2018 to restrict movement and assemblies in their provinces citing vague public order and security concerns. This has disproportionately affected demonstrations in or concerning the mainly Kurdish southeast [...].'⁸³
- 8.2.2 See [Police response](#) for further information on the actions of the police.
- 8.2.3 In a report of May 2019, the European Commission referred to the '[...] ECtHR judgment on İmret v. Turkey (no.2) [which] is related to the Kurdish issue, and calls for legal amendments to vague provisions defining a terrorism-related criminal activity, in this case participation in public demonstrations, based on Articles 220 (7) and 314 of the Criminal Code.'⁸⁴
- 8.2.4 The HO FFT met with various sources in June 2019, who gave conflicting views on the extent to which the HDP could organise and conduct rallies or meetings. A human rights lawyer suggested that 'Currently, except for the AKP, no political party can hold meetings, they don't have the capability to hold them' and that for the HDP it was 'impossible'⁸⁵. The Human Rights Foundation of Turkey also claimed that 'if the HDP are alone in the rallies/meetings, they are banned.'⁸⁶
- 8.2.5 However, Murat Celikkan, Director of Hafiza Merkezi, and the Director of a Turkish organisation in the UK both informed the HO FFT that the HDP are able to hold rallies and meetings, but with difficulties, including raids or arrests by the police⁸⁷. A source who wished to be unnamed believed the HDP could hold meetings during elections, mostly in the south-east and east of Turkey⁸⁸.
- 8.2.6 The HDP MP and Andrew Gardner of Amnesty both explained to the HO FFT that permission was needed for such activities, with both explaining that it was frequently refused⁸⁹.
- 8.2.7 Andrew Gardner of Amnesty International informed the HO FFT that once permission had been obtained, a rally could go ahead, but 'Article 2911, which is the law on assembly and demonstrations, allows someone to be charged for unlawful assembly and demonstrations. This law is applied routinely to any demonstration on Kurdish rights or by pro-Kurdish groups, including demonstrations by HDP members and supporters. Government officials will not agree for you to hold a demonstration if you are HDP.'⁹⁰

⁸³ HRW, World Report 2020, 'Turkey, 14 January 2020, [url](#)

⁸⁴ EU Commission, 'Turkey 2019 Report', 29 May 2019, [url](#)

⁸⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁸⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁸⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁸⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁸⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

⁹⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

8.2.8 In August 2019 Article 19, a British human rights organisation, noted that it condemned '[...] the beating of journalist and HDP MP Ahmet Şik by police officers, who violently blocked the peaceful demonstration of HDP members in front of Istanbul Çağlayan Courthouse on 20 August 2019. While political opponents were protesting against the dismissals of HDP mayors of three cities in Turkey's South East, police used excessive force to suppress the demonstrations, seriously harming Ahmet Şik.'⁹¹

8.2.9 In November 2019, Amnesty International reported:

'On 10 October [2019], 26 men and women, majority of whom are affiliated with the Peoples' Democratic Party (HDP), were detained in front of the offices of HDP in Diyarbakır. Some of the individuals in the group had arrived there with the intention to read out a statement to protest the government's arbitrary decision to remove from office HDP mayors elected in March in three provinces in eastern Turkey including Diyarbakır.

'According to two lawyers present at the scene, police intervened to break up the peaceful protest displaying an order detailing a blanket ban issued by Diyarbakır Governorate on 30 September [2019] prohibiting for the period between 3 and 17 October [2019] any protest, gathering or public activity, including marches, reading statements, collecting signatures, hunger strikes or sit-ins, regardless of their subject or aim. Lawyers who requested a copy of the order were refused.

'After being held at the anti-terrorism branch of Diyarbakır Security Directorate, the 26 men and women were taken to the Diyarbakır Courthouse on 12 October [2019]. According to lawyers representing some of those detained, the prosecutor requested from the court that 20 of them are released with judicial control measures and six are remanded in prison pending investigations in relation to charges of "making propaganda for a terrorist organization."

'According to lawyers, the court ordered house arrest for two of the detainees and released the other 24 with judicial control measures involving regular reporting at the local police station and/or overseas travel bans.

'Amnesty International reviewed the files including the court decisions in the case of six of these individuals. According to the files, the accusation of "making propaganda for a terrorist organization" against them is based on the allegation that they have joined the protest in response to calls by the armed Kurdistan Workers Party (PKK). At least four of them were also questioned about shouting "long live Rojava resistance" [Rojava is the Kurdish region of Syria] during the protest, which cannot be considered a crime as it is protected by the right to freedom of expression. The basis for the allegation is the existence of public calls to protest appointment of trustees made on some internet sites allegedly linked to the PKK.

'Diyarbakır is not the only city where such blanket bans on assemblies have been imposed.'⁹²

8.2.10 In the same report, Amnesty International reported:

⁹¹ Article 19, 'Turkey: Stop excessive use of force in peaceful protests,' 20 August 2019, [url](#)

⁹² Amnesty International, "We can't complain," [...], page 10, November 2019, [url](#)

'On Sunday 13 October [2019], HDP co-chairs in two Istanbul districts (Küçükçekmece and Şişli) Hüseyin Fidanboy and Mutlu Öztürk, and seven other HDP members were detained by police for "organizing, leading and participating in an unlawful meeting and demonstration" and "making propaganda for a terrorist organization". At the time of their detention, the nine who were outside the Beşiktaş district office of the HDP were being prevented by police from entering the building to join an event marking the seventh anniversary of the establishment of the Party, which was banned by the Beşiktaş district governorate. They had arrived from Şişli after a similar event was also banned by the Şişli district governorate on security grounds.

'On Monday 14 October [2019], they were remanded in pre-trial detention by the Istanbul Peace Criminal Judgeship No.1 on grounds that "they chanted slogans including 'murderous State, long live the resistance in Northern Syria, long live the Kobani [a city in northeast Syria] resistance'; 'attempting to create support against the Turkish army's Operation Peace Spring and providing support to the terrorist organization YPG'; 'considering the timing of the protest, it did not come under the right to freedom of expression, that there is strong suspicion that the protest was aiming at legitimizing the violent actions of the terrorist organization'; 'that the protest taking place in a densely populated area created the possibility of arousing the population'; 'considering the strong suspicion of guilt, the length of the sentence envisaged in the law, the fact that the investigation is ongoing, that there is a risk of pressure on witnesses, pre-trial detention is proportionate'".

'Hüseyin Fidanboy, Mutlu Öztürk and five other men were taken to Silivri high security prison, two women were remanded in Bakirkoy prison, both in Istanbul.'⁹³

- 8.2.11 On 15 October 2019, the BBC reported, 'Pockets of HDP members trying to hold rallies against the military intervention in the south-eastern part of Turkey have either been detained or forced to leave by the police.'⁹⁴
- 8.2.12 For information about Operation Peace Spring, see [Key events with an impact on Kurdish issues: 2015 onwards](#).
- 8.2.13 In August 2019, following the replacement of certain elected mayors with state appointees and subsequent protests, Amnesty International reported that, in many provinces, public assemblies had been banned for 10 to 30 days⁹⁵.
- 8.2.14 The USSD HR Report 2018, which covered the year 2018, stated: 'In January [2018] police prevented HDP lawmaker Ziya Pir, Democratic Regions Party (DBP) co-chair Mehmet Arslan, Democratic Society Congress (DTK) co-chair Leyla Birlik, and other party members from holding a press conference.

'[...] Throughout the year at the hearings of detained former HDP co-chair Demirtas, the Ankara governorate or court security personnel banned gatherings, marches, and sit-in protests outside the court. Domestic and

⁹³ Amnesty International, "We can't complain," [...], page 10, November 2019, [url](#)

⁹⁴ BBC, 'Turkey-Syria offensive: Turks embrace nationalist mood,' 15 October 2019, [url](#)

⁹⁵ Amnesty International, 'Turkey: end post election crackdown on peaceful [...], 23 August 2019, [url](#)

international observers were also banned from observing the trial hearings.’⁹⁶

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8.3 Campaigning and elections

- 8.3.1 In June 2019, the HO FFT met with a source who suggested that there is some persecution of HDP members during elections which is intended to put pressure on the HDP. Andrew Gardner of Amnesty International told the HO FFT that, during the 2018 election and referendum, people who supported the HDP were arrested and detained⁹⁷.

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8.4 Suspensions and dismissals from political office

- 8.4.1 In November 2019, Ahval, an independent news source on Turkey, stated: ‘Turkey has replaced four district mayors elected in March [2019] from the mainly-Kurdish People’s Democratic Party (HDP) with government appointees [...]’. ‘The total number of HDP mayors removed from their posts since the local elections [March 2019] has reached 24, as the government escalated its crackdown against the pro-Kurdish politicians since the start of a military offensive in northern Syria against Kurdish-held territories along the Turkish border. ‘The mayors of Mazıdağ, Savur and Derik districts in the southeastern province of Mardin and Suruç district in Şanlıurfa were replaced with appointees, following their detention by the police over alleged terror links. ‘The Turkish government accuses the HDP of links to the outlawed Kurdistan Workers’ Party (PKK) [...]’.⁹⁸
- 8.4.2 Al Jazeera reported in August 2019: ‘The Turkish government has removed three mayors from office over alleged links to a Kurdish armed group as the government arrests more than 400 people amid a deepening crackdown on the opposition. ‘The mayors of Diyarbakir, Mardin and Van provinces in eastern Turkey - all members of the People’s Democratic Party (HDP) elected in March [2019]- were suspended on Monday [19 August 2019]. The Ministry of the Interior said it had active cases against them for "spreading propaganda" or being members of a "terrorist" organisation.’⁹⁹
- 8.4.3 The USSD HR Report 2018 stated: ‘The government also removed from office on national security grounds numerous locally elected opposition politicians in Kurdish-majority areas, subsequently detaining or prosecuting some. According to media reports, the government removed the elected mayors of 99 municipalities from office.

⁹⁶ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

⁹⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 2.4, October 2019, [url](#)

⁹⁸ Ahval News, ‘Turkey removes four more HDP mayors in southeast,’ 16 November 2019, [url](#)

⁹⁹ Al Jazeera, ‘Turkey removes pro-Kurdish mayors, arrests more than 400’, 19 August 2019, [url](#)

These included 94 pro-Kurdish Democratic Regions Party (DBP) or HDP mayors, four Justice and Development Party (AKP) mayors, and one National Movement party (MHP) mayor. The government removed, detained, or arrested the majority for allegedly supporting PKK terrorism. According to January [2018] Ministry of Interior statistics, out of 102 HDP or DBP-controlled municipalities, the government had installed trustees in all but four.¹⁰⁰

8.4.4 The same report stated: 'Following the government's dismissal in 2017 and 2018 of elected mayors largely for alleged support of the PKK, Ministry of Interior-appointed trustee mayors continued to run 99 municipalities, largely in the southeast. This practice primarily affected southern and southeastern cities mayors representing the pro-Kurdish DBP and HDP.'¹⁰¹

8.4.5 Freedom House reported in February 2019:

'Many elected executive officials at the municipal level have been replaced with government appointees since the 2016 coup attempt. Most were removed under emergency powers that allowed appointed provincial authorities to take control of cities and towns whose elected leaders were suspected of supporting terrorism—a broadly defined term that is now commonly applied to Kurdish politicians, often from the HDP and its affiliates. [...] However, some mayors from other opposition parties have been removed as well. In 2017, for instance, the government took control of an Istanbul municipality held by the CHP, citing corruption allegations.

'[...] In April [2018], two HDP members of parliament were removed from office due to criminal convictions for "insulting a public employee" and membership in a terrorist organization.'¹⁰²

8.4.6 Human Rights Watch reported in January 2019: 'Eleven [HDP] deputies were stripped of their parliamentary seats in the period before the June [2018] election and were barred from standing again as candidates. In the southeast, the suspension of local democracy continued as the government maintained control of 94 municipalities won in the 2014 local elections by the HDP's sister party, the Democratic Regions Party (DBP).'¹⁰³

8.4.7 International Observatory of Human Rights (IOHR) reported in February 2019: 'Five Kurdish deputies of the Grand National Assembly lost their status in 2017; in 2018, six deputies' memberships of the Assembly was waived. Among these deputies were symbolically important names like Leyla Zana, Osman Baydemir and Dilek Öcalan [all have links or current members of HDP or its sister parties – BDP AND DBP].'¹⁰⁴

8.4.8 In February 2020 Human Rights Watch reported:

'The Turkish authorities' removal and arrest of democratically elected Kurdish mayors across southeastern Turkey violates voters' rights [...]. The Turkish government is intensifying its attack on the opposition Peoples'

¹⁰⁰ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

¹⁰¹ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

¹⁰² Freedom House, 'Freedom in the World 2019', Turkey, 4 February 2019, [url](#)

¹⁰³ HRW, 'World Report 2019,' Turkey, 17 January 2019, [url](#)

¹⁰⁴ IOHR, '2018 in Review: Human Rights Violations in Turkey', 4 February 2019, [url](#)

Democratic Party (HDP) by removing the mayors and preventing the functioning of elected local councils across Turkey's southeast.

'Twenty-three mayors are in pretrial detention on allegations that they committed terrorist offenses. One of them, Adnan Selçuk Mızraklı, the elected mayor of Diyarbakir Metropolitan Municipality, has a second trial hearing on February 10, 2020 on charges of "membership of a terrorist organization." Although the prosecutor has issued a legal opinion requesting Mızraklı's conviction, the evidence in an indictment against him does not support the charge that he was involved with terrorism or committed crimes.'¹⁰⁵

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8.5 Passports and border checks

- 8.5.1 In June 2019, the HO FFT met an HDP MP, who stated that elected HDP MPs and officials had their passports taken away following the coup attempt of 2016, adding, 'A party official/friend of the HDP has had this happen to them. There is an electronic watch list, for example on the border if you use your passport it will flag up on the system, the police or immigration official will stop you from leaving.'¹⁰⁶

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8.6 Police response to pro-Kurdish demonstrations

- 8.6.1 The USSD HR Report 2018 stated, 'Pro-Kurdish demonstrations of many kinds faced violent police responses throughout the year. For example, police tear gassed and sprayed pressurized water at supporters of the pro-Kurdish HDP celebrating the party's elections performance in June after the demonstrators began throwing stones at police vehicles.'¹⁰⁷
- 8.6.2 On 20 August 2019, Reuters reported, 'Riot police fired water cannon and tear gas to disperse protesters demonstrating in southeast Turkey on Tuesday against the ousting of three Kurdish mayors five months after they were elected. [...] Riot police struck protesters with batons as they fled the area.'¹⁰⁸
- 8.6.3 Reporting on the same protests in August 2019, Amnesty International stated, 'Police used water cannons, tear gas and plastic bullets to disperse peaceful protestors. Instances of excessive use of force by police that have been captured on video and shared on social media show officers beating or otherwise abusing protestors during arrest.'¹⁰⁹
- 8.6.4 See [Freedom of assembly](#) for further information on action taken by the police.

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¹⁰⁵ HRW, 'Kurdish Mayors' Removal Violates Voters' Rights', 7 February 2020, [url](#)

¹⁰⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹⁰⁷ USSD, 'HR Report 2018, Turkey', 13 March 2019, [url](#)

¹⁰⁸ Reuters, 'Turkish police use water cannon, batons on Kurdish protesters,' 20 August 2019, [url](#)

¹⁰⁹ Amnesty International, 'Turkey: end post election crackdown on peaceful [...]', 23 August 2019, [url](#)

8.7 Relatives of HDP members/supporters

8.7.1 In June 2019, the HO FFT met the Turkish Ombudsman, who stated:

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

‘In family, there is psychological fear, but it is not true, we do not open investigations against them for the crime of a family member. The police will be after the criminal, not the family. Turkey is no different from any country, the police will go to the home of the criminal and ask where they are, but no detention or arrest of the family members will take place.’¹¹⁰

8.7.2 One source mentioned to the HO FFT that he could not say for sure whether relatives of HDP members/supporters would be targeted by the authorities, but would understand if he were told that this were happening¹¹¹.

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

‘Relatives of HDP members are at risk if they show interest in their relative’s court case or make political statements on social media or attend political rallies. If the HDP member is high-profile, the authorities will target the weakest member of the family first, such as a brother or cousin, and threaten them, and then move on to another member of the family if deemed necessary. If the HDP member is low-profile, they may try to force a relative to become an informant for the authorities; if they refuse, they may be imprisoned and beaten.’¹¹²

8.7.4 The HO FFT also met a human rights lawyer, who stated, ‘Members of families of people who are critical of the government will be targeted; if the police cannot find the person they are looking for, they will take another family member. This was very common during the emergency. Families were threatened by phone and their houses were raided.’¹¹³

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Section 9 last updated on: 5 March 2020

9. Perceived association with the PKK

9.1 HDP stance

9.1.1 The United States CRS released a report in January 2019 which stated, ‘The HDP publicly maintains that it is independent from the PKK and generally advocates obtaining greater Kurdish rights by peaceful means.’¹¹⁴

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¹¹⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹¹¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹¹² HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹¹³ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹¹⁴ CRS, ‘The Kurds in Iraq, Turkey, Syria, and Iran’, 23 January 2019, [url](#)

9.2 HDP supporters

- 9.2.1 Murat Celikkan, Director of Hafiza Merkezi, told the HO FFT that he thought it likely that members of the HDP were supportive or sympathetic towards the PKK, because they have friends/family/relatives fighting for the PKK. They have family members that were killed fighting for the PKK¹¹⁵.
- 9.2.2 However, the Director of a Turkish organisation in the UK believed that it cannot be assumed that a person who supports the HDP will also sympathise with the PKK, although some may support both organisations¹¹⁶. He gave his view that 'being ethnically Kurdish and outspoken politically' could cause the authorities to suspect an HDP member/supporter of supporting the PKK¹¹⁷.
- 9.2.3 Andrew Gardner of Amnesty International told the HO FFT that many HDP members and supporters were critical of the PKK and their methods¹¹⁸.

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9.3 Governmental attitude

- 9.3.1 In the World Report 2020, which covered events of 2019, Human Rights Watch stated, 'Once again Erdoğan's government has refused to draw a distinction between the PKK and the democratically elected Peoples' Democratic Party (HDP) [...].'¹¹⁹
- 9.3.2 In June 2019, the HO FFT met several sources who believed that the government perceived there to be a link between the HDP and the PKK. Sources gave differing opinions on the extent to which this was accurate and, if accurate, the reasons for that¹²⁰. The HDP MP perceived that the government consider HDP supporters as terrorists, and consider Kurds as HDP supporters¹²¹.
- 9.3.3 A human rights lawyer told the HO FFT that an MHP (Nationalist Movement Party) MP stated on television that each member or supporter of the HDP is a terrorist. The lawyer thought that 'most people do not draw a distinction between HDP/PKK.'¹²² A Turkish organisation working in the UK considered that 'HDP members are accused of supporting "terrorists," such as the PKK, even if they were speaking/acting on behalf of the HDP. They are treated as guilty unless they can prove themselves innocent.'¹²³
- 9.3.4 Murat Celikkan, Director of Hafiza Merkezi, stated that 'It is true if you support the HDP or if you have family members in the PKK you will be suspected of being supportive of the PKK'.¹²⁴

¹¹⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹¹⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹¹⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹¹⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹¹⁹ HRW, 'World Report 2020,' Turkey, 14 January 2020, [url](#)

¹²⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹²¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹²² HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹²³ HO Fact-finding report on Kurds, the HDP and the PKK, page 57, October 2019, [url](#)

¹²⁴ HO Fact-finding report on Kurds, the HDP and the PKK, page 81, October 2019, [url](#)

- 9.3.5 Freedom House reported in February 2019: 'After a cease-fire with the militant Kurdistan Workers' Party (PKK) collapsed in 2015, the government accused the HDP of being a proxy for the group, which is designated as a terrorist organization. A 2016 constitutional amendment facilitated the removal of parliamentary immunity, and many of the HDP's leaders have since been jailed on terrorism charges.'¹²⁵
- 9.3.6 Reporting on the elections of June 2018, the USSD HR Report 2018 noted, 'Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes.'¹²⁶
- 9.3.7 The CRS report dated January 2019 stated: 'Since 1991, various pro-Kurdish political parties widely viewed as having some connection with the PKK have gained representation in Turkey's parliament, generally via independent candidacies.'¹²⁷

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9.4 Impact of government/PKK conflict

- 9.4.1 In June 2019, the HO FFT met the Director of a Turkish organisation in the UK, who stated that 'An escalation in tensions with the PKK [leads] to an increase in harassment of HDP supporters, particularly when there are waves of activism and protests in the aftermath of anti-PKK/anti-Kurdish events.'¹²⁸
- 9.4.2 In June 2016, the Immigration and Refugee Board of Canada noted that:

'Regarding the treatment of BDP and HDP members between 2011 and 2016, the Chair [Jalal Talabani Chair of Kurdish Political Studies at the University of Central Florida, a position dedicated to the study of Kurdish politics] provided the following analysis:

'The level of persecution experienced by the BDP and HDP members generally follows the evolution of the armed conflict between the Turkish state and the PKK insurgents. In periods of truce and negotiations, BDP/HDP politicians are less likely to experience harassment, detention, arrest, and mistreatment. A series of operations (called KCK operations), started in spring 2009, targeted many BDP members who were accused of being part of a scheme (KCK) controlled by the PKK leadership. A large number of politicians and activists were detained and later arrested. With the initiation of the so-called "peace process" in early 2013, these operations came to an end and many BDP members who had been arrested were released. However, the rekindling of the armed conflict in July 2015 brought a new wave of legal operations targeting HDP/BDP members including their arrests. There were also many allegations of mistreatment by security forces.'¹²⁹

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¹²⁵ Freedom House, 'Freedom in the World 2019', 4 February 2019, [url](#)

¹²⁶ USSD, 'HR Report 2018, Turkey', 13 March 2019, [url](#)

¹²⁷ CRS, 'The Kurds in Iraq, Turkey, Syria, and Iran', 23 January 2019, [url](#)

¹²⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹²⁹ Immigration and Refugee Board of Canada, TUR105537.E, 14 June 2016, available at: [url](#)

9.5 Influence of Abdullah Öcalan

- 9.5.1 Al Jazeera reported in August 2019: 'Öcalan [Abdullah Öcalan, the leader of the proscribed terrorist group PKK who are currently engaged in a conflict with the Turkish state] has been held in an island prison since Turkish special forces captured him in Kenya in 1999, and is revered among supporters of the pro-Kurdish Peoples' Democratic Party (HDP) which sees him as key to any peace process.'¹³⁰
- 9.5.2 Estella Schmid, a co-founder of Peace in Kurdistan, told the HO FFT that the HDP's aims and objectives are built from Abdullah Öcalan's idea for the future of a democratic Turkey, including equal rights for Kurdish people¹³¹.
- 9.5.3 Center for American Progress reported in August 2019: 'Through the peace process [2013-2015], government and intelligence officials would meet with PKK leader Abdullah Öcalan in his prison, with HDP leaders acting as mediators and go-betweens, conveying messages to the PKK's military leadership in Kandil.'¹³²

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9.6 Recruitment to PKK via HDP

- 9.6.1 In September 2019, Hurriyet Daily News reported:

'Four families on Sept. 3 [2019] staged a sit-in protest outside the provincial office of a Turkish opposition political party accused by the government of having links to the PKK terror group. Fevziye Çetinkaya claimed her 17-year-old son had joined the ranks of the terror group through members of the Peoples' Democratic Party (HDP) in Turkey's southeastern province of Diyarbakır. She said she approached the police on Monday along with her husband Sahap Çetinkaya and filed a complaint.

'[...] The father accused HDP members of encouraging their children to join the PKK. "They send children of poor people [to PKK]... [...]" he said.

'Later in the day, three other mothers - who claim their children were kidnapped by the PKK affiliates - joined in forces with Çetinkaya, and the number of protesting mothers climbed to four. In addition, representatives of some NGOs paid a visit to the protesting mothers. Last month, another mother Hacıre Akar staged a similar protest near the party's office. Her son returned home a few days later giving hope to a number of mothers who suffer the same circumstances.'¹³³ On 25 September 2019, Al-Monitor reported that, by 21 September 2019, 34 families had joined the 'I want my child back' campaign¹³⁴.
- 9.6.2 On 28 December 2019, Al Jazeera reported that the protest was continuing and had entered its fourth month¹³⁵.

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¹³⁰ Al Jazeera, 'Jailed PKK leader Öcalan "ready for a solution" with Turkey', 9 August 2019, [url](#)

¹³¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹³² Center for American Progress, 'The State of the Turkish-Kurdish Conflict', 12 August 2019, [url](#)

¹³³ Hurriyet Daily News, 'Families stage sit-in outside HDP office in [...]', 4 September 2019, [url](#)

¹³⁴ Al-Monitor, 'Protest by mothers turns up pressure [...]', 25 September 2019, [url](#)

¹³⁵ Al Jazeera, 'Turkey protesters call for return of those abducted by PKK,' 28 December 2019, [url](#)

10. Arrest and Detention

10.1 Accusations, charging and sentencing: politicians and officials

10.1.1 In the World Report 2020, published in January 2020 and covering the year 2019, Human Rights Watch stated that ‘Cases against HDP politicians provide the starkest evidence that authorities bring criminal prosecution and use detention in bad faith and for political purposes.’¹³⁶

10.1.2 The HO FFT met the Director of a Turkish organisation in the UK, who gave his view that ‘The government attempts to discredit political opponents by suggesting that they are affiliated with terrorists’¹³⁷

10.1.3 A HDP MP told the HO FFT in June 2019 that there were currently 67 HDP MPs in parliament and 9 former MPs in prison who had their parliamentary immunity lifted so that they could be charged with crimes such as spreading propaganda for terrorists or violating the law on assembly and demonstration¹³⁸.

10.1.4 The HO FFT also spoke to Andrew Gardner of Amnesty International, who stated:

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

‘In Diyarbakir, where, like many HDP controlled councils, the elected mayor was replaced with a state administrator, people who held official positions were arrested and detained, such as people in high places, activists or officials of the HDP. Anyone who was considered high-ranking, elected, member, mayor and official was at risk.’¹³⁹

10.1.5 In June 2019, the HO FFT met the Ombudsman, who stated:

‘Under normal conditions, members of parliament enjoy immunity, but there are exceptions, if there is direct communication and clear direction from an MP such as a phone call to a terrorist member this is regarded as a clear connection, if you go to a funeral and speak during the funeral of the terrorist, a speech from an MP that praises terrorist incidents or attacks or speaking highly of terrorists, this is all considered as a crime, and you will lose your immunity.’¹⁴⁰

10.1.6 An executive of the Human Rights Association told the HO FFT:

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

‘We may offer the following as instances of such practice: HDP’s former co-chairpersons Selahattin Demirtaş and Figen Yüksekdağ’s and many HDP deputies’ parliamentary immunities were lifted and they were imprisoned. They are still imprisoned. Ninety-four Kurdish municipalities were seized

¹³⁶ HRW, World Report 2020, Turkey, 14 January 2020, [url](#)

¹³⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹³⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 2, October 2019, [url](#)

¹³⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹⁴⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

during the state of emergency and appointed state trustees replaced the elected mayors, most of whom were later imprisoned. Further, the ECtHR's judgment on Demirtaş has not been implemented. Scores of former HDP deputies, mayors and politicians had to leave Turkey and seek asylum in other countries.

'This year, they attempted to close down four political parties because they had "Kurdistan" in their name. They have open investigations on them.'¹⁴¹

10.1.7 In November 2019, Amnesty International noted:

'In Ankara, Peoples' Democratic Party (HDP) Co-Chairs Pervin Buldan and Sezai Temelli and three other HDP members of the parliament, Gülistan Kılıç Koçyiğit, Leyla Güven, and Berdan Öztürk are subject to criminal investigations due to a statement and press briefing about "Operation Peace Spring". They are accused of "making propaganda for a terrorist organization", "degrading the government of the Republic of Turkey" and "praising a crime and a criminal".'¹⁴²

10.1.8 For information about Operation Peace Spring, see [Key events with an impact on Kurdish issues: 2015 onwards](#).

10.1.9 Freedom House noted:

'In September 2018, Demirtaş, the HDP's presidential candidate, was sentenced to four years and eight months in prison for a 2013 speech praising the PKK in the context of peace negotiations. At the end of the year [2018], he awaited trial on additional terrorism charges that could lead to a prison sentence of up to 142 years. In November [2018], the European Court of Human Rights (ECHR) ordered Demirtaş's immediate release, finding that his arrest was politically motivated and his nearly two-year pretrial detention was unreasonable. Despite the ECHR ruling, a Turkish court subsequently denied Demirtaş's petition for release.'¹⁴³

10.1.10 The USSD HR Report 2018 noted:

'A parliamentary by-law prohibits use of the word "Kurdistan" or other sensitive terms by members of parliament on the floor of parliament, providing for the possible issuance of fines to violators. In January [2018] parliament fined Osman Baydemir, a suspended former HDP spokesperson and Sanliurfa parliamentarian, 12,000 lira [approximately £1524.00] after he referred to himself as a "representative of Kurdistan" during a December 2017 discussion in parliament.'¹⁴⁴

10.1.11 Freedom House noted, 'In April [2018], two HDP members of parliament were removed from office due to criminal convictions for "insulting a public employee" and membership in a terrorist organization, respectively, bringing to 11 the total number of HDP deputies ousted as a result of criminal convictions or absenteeism caused by imprisonment.'¹⁴⁵

¹⁴¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹⁴² Amnesty International, "We can't complain," [...], page 9, November 2019, [url](#)

¹⁴³ Freedom House, 'Freedom in the World 2019', Turkey, 4 February 2019, [url](#)

¹⁴⁴ USSD, 'HR Report 2018, Turkey', 13 March 2019, [url](#)

¹⁴⁵ Freedom House, 'Freedom in the World 2019', Turkey, 4 February 2019, [url](#)

- 10.1.12 International Observatory of Human Rights (IOHR) reported in February 2019: ‘Diyarbakır deputy Idris Baluken was given 16 years and eight months for alleged membership of a terrorist organisation. Leyla Birlik was given one year and nine months for insulting the President of the country while Lezgin Botan was given two years because of his election speeches and Selma Irmak was given a year’s prison sentence for defaming the Turkish Republic.’¹⁴⁶
- 10.1.13 IOHR reported in February 2019 that ‘The last Kurdish politician to enter prison in 2018 for alleged involvement in terrorist propaganda was former deputy and film maker Sirri Sureyya Onder, who surrendered on 6 December 2018 to serve his three years and six months prison sentence.’¹⁴⁷
- 10.1.14 The USSD HR Report 2018 also noted:
- ‘Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism [...]. The law provides that persons who insult the president of the republic may face a prison term of up to four years. The sentence may be increased by one sixth if committed publicly and by one-third if committed by media outlets.
- [...]
- ‘Lawmakers, mostly from the pro-Kurdish HDP, were [...] targeted in a significant number of insult-related cases. At year’s end, 6,000 HDP lawmakers, executives, and party members were in prison for a variety of charges related to terrorism and political speech.
- ‘While leaders and deputies from opposition political parties regularly faced multiple insult charges, free speech advocates pointed out that the government did not apply the law equally and that AKP members and government officials were rarely prosecuted.’¹⁴⁸
- 10.1.15 The same report noted, ‘Throughout the year at the hearings of detained former HDP co-chair Demirtas, the Ankara governorate or court security personnel banned gatherings, marches, and sit-in protests outside the court. Domestic and international observers were also banned from observing the trial hearings.’¹⁴⁹

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10.2 Accusations, charging and sentencing: members and supporters

- 10.2.1 For information about charges and detention for the period 2011 to 2016, see this [document](#) published by the Immigration and Refugee Board of Canada in June 2016.
- 10.2.2 In June 2019, the HO FFT met Murat Celikkan, Director of Hafiza Merkezi (Truth, Justice and Memory Centre), who stated that one can be a member of the HDP or write against the President but ‘the price is very high.’ He

¹⁴⁶ IOHR, ‘2018 in Review: Human Rights Violations in Turkey’, 4 February 2019, [url](#)

¹⁴⁷ IOHR, ‘2018 in Review: Human Rights Violations in Turkey’, 4 February 2019, [url](#)

¹⁴⁸ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

¹⁴⁹ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

added that low-level HDP members are targeted by the authorities and that anyone who criticises the President is likely to be arrested, detained, imprisoned and criminalised¹⁵⁰.

- 10.2.3 The HO FFT met with a further source who stated that HDP members working on human rights issues risk being arrested for terrorist or criminal acts or aiding and abetting terrorism. If a person criticises the government or security forces, they are considered by the government as supporting a terrorist organisation¹⁵¹.
- 10.2.4 Andrew Gardner of Amnesty International told the HO FFT that 'Activism on behalf of the HDP has become de facto criminalized as support for terrorism with many unfair cases brought where there is no attempt to link people to violent acts or any other internationally recognisable offences.'¹⁵² He put the figure at tens of thousands of people having been under investigation on terror-related crimes since 2015, describing a 'surge in people being arrested and charged with terrorist propaganda' when the Turkish-Kurdish peace process broke down in 2015¹⁵³.
- 10.2.5 The HO FFT also spoke to Murat Celikkan, Director of Hafiza Merkezi, who stated, '500,000 people [in 2018] were investigated for being a member of a terrorist organisation. It is easy to assume/suspect that they are members/supportive of terrorist organisations under the anti-terror law.'¹⁵⁴
- 10.2.6 However, the HO FFT also spoke to a representative from the Ministry of Foreign Affairs, who stated:
- 'If a person is going through a judicial process it is legal, it is not because you have links to a legal political party. The independent court have employed due process. People have not been prosecuted for being an HDP member but if there is strong evidence of criminal activities then the prosecutor will use legal ways to prosecute them. There may be different reasons why they are being investigated.' The source emphasised that they are fighting terrorism, not Kurdish people¹⁵⁵.
- 10.2.7 The HO FFT also met the Director of a Turkish organisation in the UK, who opined that people were 'often' arrested for having spoken at rallies years earlier as records are kept by the government and he believed that any of the following may attract the attention of the authorities:
- 'Elected HDP officials or persons on a regional board
 - 'Management committee members
 - 'Election organisers
 - 'Talking to people
 - 'Canvassers (knocking on doors, leafletting)

¹⁵⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹⁵¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹⁵² HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁵³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁵⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁵⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

- ‘Being a Mayor or a Councillor; local officials can be more influential than elected officials and many Mayors are in prison. The HDP is the third-largest political party with thousands of activists, and so they are seen by the authorities as a threat.’¹⁵⁶

10.2.8 The HO FFT also met a human rights lawyer, who stated, ‘You can be a supporter and not a member, but you could also be targeted; for example, if you are involved in a march or meeting, or if you post on social media, it will draw attention to you.’ He added, ‘People can be arrested in Taksim Square for handing out leaflets.’ He further stated, ‘Police in the south east will video people coming in and out of HDP buildings and rallies, and the authorities will use this as evidence against you for supporting HDP. This happens regularly and is considered normal. Mayors who come from the BDP and HDP have been targeted; they criminalise your activities.’¹⁵⁷

10.2.9 An HDP MP, who met the HO FFT, stated that any HDP sympathiser, member or attendee at an HDP event can be threatened¹⁵⁸.

10.2.10 In the World Report 2019, Human Rights Watch noted that, ‘As of June [2019]...almost one fifth (48,924) of the total prison population (246 426) had been charged or convicted of terrorism offences... 34,241 were held for alleged Gulenist (FETÖ) links, and 10,286 for alleged links to the outlawed Kurdistan Workers’ Party (PKK), and 1,270 for alleged links to the extremist Islamic State (ISIS) group.’¹⁵⁹ In the World Report 2020, Human Rights Watch stated that ‘An estimated 8,500 people - including elected politicians and journalists - are held in prison on remand or following conviction for alleged links with the outlawed Kurdistan Workers’ Party (PKK/KCK) and many more on trial but at liberty, although official figures could not be obtained.’¹⁶⁰

10.2.11 The USSD HR Report 2018 stated:

‘Authorities used antiterror laws broadly against many human rights activists, media outlets, suspected PKK sympathizers, and alleged Gulen movement members, among others. Human rights groups alleged that many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling AKP, particularly the HDP or its partner party, the DBP. Authorities used both antiterror laws and state of emergency powers to detain individuals and seize assets, including those of media companies, charities, businesses, pro-Kurdish groups accused of supporting the PKK, and individuals alleged to be associated with the Gulen movement.’¹⁶¹

10.2.12 The USSD HR Report 2018 further stated:

‘Hundreds of incarcerations were widely viewed as related to freedom of expression. In an example of the government’s use of broad definitions of

¹⁵⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹⁵⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹⁵⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 3, October 2019, [url](#)

¹⁵⁹ HRW, ‘World Report 2019,’ Turkey, 17 January 2019, [url](#)

¹⁶⁰ HRW, ‘World Report 2020,’ Turkey, 14 January 2020, [url](#)

¹⁶¹ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

terror to prosecute and intimidate critics, in June [2018], authorities arrested two teenagers who drew a picture of an electric kettle and wrote the name of the pro-Kurdish HDP on a wall in Istanbul's Gazi neighborhood. The teens were charged with disseminating the propaganda of a terrorist organization. The tea kettle reference came from remarks by jailed HDP presidential candidate Demirtas, who had joked, through social media posts by his lawyers, about tweeting via an electric kettle in his prison cell.'¹⁶²

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10.3 Internet and social media

- 10.3.1 In June 2019, the HO FFT met Murat Celikkan, Director of Hafiza Merkezi, who claimed that, 'Over the last 5-6 years there have been social workers in the presidency whose job it is to go through social media. There is most likely another group employed by the Minister of Interior to also monitor peoples' accounts. Certain words will be picked up by these people and they will track you this way.'¹⁶³ He also gave some examples (see notes of meeting with Hafiza Merkezi, or Truth, Justice and Memory Centre, 18 June 2019, which are published in the [Home Office Fact-finding report on Kurds, the HDP and the PKK](#), October 2019). Mr Celikkan also felt internet freedom decreased following the coup attempt¹⁶⁴.
- 10.3.2 A human rights lawyer, who also met the HO FFT, opined that communication is monitored by the police and, '[...] if you post anything to do with government buildings or departments you can be arrested. Police or hardcore AKP supporters will pick up on tweets. Cem Kucuk [a journalist] targets people who do not support the AKP; they will be arrested. These people are called "trolls". The government pay hundreds of people to check social media to find people who tweet or use hashtags criticising the government.'¹⁶⁵
- 10.3.3 The same human rights lawyer believed that 60-70% support the HDP through social media¹⁶⁶. The same source suggested that the police conduct random checks, which includes looking at social media on peoples' phones. The source described this as 'not an advanced process of stopping/searching' but 'if you have darker skin (from the east of Turkey), they will they check Twitter, Instagram, Facebook'¹⁶⁷. The source suggested that a person could be arrested for posting online showing support [for the HDP] and that this was not a feature prior to the peace process breaking down in 2015; it had increased afterwards¹⁶⁸.
- 10.3.4 The HO FFT also met with the Director of a Turkish organisation in the UK who claimed that 'A person can be in prison for 6 months or so for sending a political tweet; they are accused of having links with the PKK, and a person does not have to be well-known to receive such treatment.'¹⁶⁹

¹⁶² USSD, 'HR Report 2018, Turkey', 13 March 2019, [url](#)

¹⁶³ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

¹⁶⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

¹⁶⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

¹⁶⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

¹⁶⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

¹⁶⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

¹⁶⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 1, October 2019, [url](#)

10.4 Due process

10.4.1 The USSD HR Report 2018 stated:

‘The courts in some cases applied the law unevenly. For example, an Ankara court acknowledged the parliamentary immunity of HDP parliamentarian Kemal Bulbul and suspended his trial while a different court refused to accept the parliamentary immunity of Republican People’s Party (CHP) parliamentarian Enis Berberoglu and upheld his conviction, although execution of the sentence was suspended pending the completion of his parliamentary tenure in 2023.’¹⁷⁰

10.4.2 Freedom House reported in February 2019:

‘A long-term erosion of due process guarantees accelerated under the state of emergency, and severe violations continued even after it was lifted in July 2018. Antiterrorism charges brought since the coup attempt often rely on the weakest of circumstantial evidence, secret testimony, or an ever-expanding web of guilt by association. A decree issued in 2017 apparently removed requirements that defendants hear all the evidence brought against them and have a defense attorney present during trial. In many cases, lawyers defending those accused of terrorism offenses have been arrested themselves. Lengthy pretrial detention has become routine. Authorities can detain individuals for up to 24 hours without access to a lawyer, though police have reportedly breached this limit in practice.’¹⁷¹

10.4.3 In the World Report 2019, Human Rights Watch stated, ‘Many terrorism trials in Turkey lack compelling evidence of criminal activity or acts that would reasonably be deemed terrorism, and the practice of holding individuals charged with terrorism offenses in prolonged pretrial detention raised concerns its use has become a form of summary punishment.’¹⁷²

10.4.4 In June 2019, the HO FFT met a number of interlocutors, three of whom (the Director of a Turkish organisation in the UK, Sebnem Financi of the HRFT and Andrew Gardner of Amnesty International) suggested that people opposing the government could be held for lengthy periods in pre-trial detention¹⁷³.

10.4.5 When Andrew Gardner met the HO FFT he stated, ‘Amnesty International does not know the exact number of people subjected to unfair prosecutions but given the current situation in the judiciary and the post-coup cases that it has examined, believes it to be in the tens of thousands.’¹⁷⁴

10.4.6 Murat Celikkan, Director of Hafiza Merkezi, told the FFM that ‘it is very hard to defend yourself in court because the evidence used is very poor and illogical, so that it isn’t clear legally why you are in court’.¹⁷⁵

¹⁷⁰ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

¹⁷¹ Freedom House, ‘Freedom in the World 2019’, Turkey, 4 February 2019, [url](#)

¹⁷² HRW, ‘World Report 2019,’ Turkey, 17 January 2019, [url](#)

¹⁷³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁷⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁷⁵ HO Fact-finding report on Kurds, the HDP and the PKK, page 8, October 2019, [url](#)

10.5 Legal representation

- 10.5.1 The HO FFT met Sebnem Financi of Human Rights Foundation of Turkey (HRFT), who declared, 'Lawyers do not wish to represent people from Gulenist movement and some nationalist Bar Associations of the western cities had problems with Kurds as well.'¹⁷⁶ Ms Financi further stated that not all Kurdish people have sufficient funds or are fully aware of legal processes, but there are lawyers, such as Ozgurlukcu Hukukcular Dernegi, who offer their services to the Kurdish people. She added that political prisoners have contacts for lawyers, and most people have access to lawyers through friends who would make arrangements outside prison¹⁷⁷.

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10.6 Judiciary

- 10.6.1 In the 'Freedom in the World' report 2019, Freedom House noted that 'Constitutional changes approved in 2017 took force upon Erdoğan's reelection [in 2018], introducing a new presidential system of government that vastly expanded executive powers and eliminated the post of prime minister. The president can now rule by decree and appoint various officials and judges who are ostensibly meant to play an independent oversight role, eradicating key checks on executive power.'¹⁷⁸
- 10.6.2 Freedom House also stated:
- 'Judges still occasionally rule against the government, but the appointment of thousands of new, loyalist judges in recent years, the potential professional costs of ruling against the executive in a major case, and the effects of the ongoing purge have all severely weakened judicial independence in Turkey. More than 4,000 judges were removed in the coup's aftermath. The establishment of the new presidential system in June 2018 also increased executive control over the judiciary. Under the new structure, members of the Board of Judges and Prosecutors (HSK), a powerful body that oversees judicial appointments and disciplinary measures, are now appointed by the parliament and the president, rather than by members of the judiciary itself.'¹⁷⁹
- 10.6.3 Freedom House further noted, 'Judges on the Supreme Electoral Council (YSK) oversee voting procedures. In 2016, the parliament passed a judicial reform bill that allowed AKP-dominated judicial bodies to replace most YSK judges.'¹⁸⁰
- 10.6.4 In the World Report 2020, published in January 2020, Human Rights Watch stated, 'Executive control and political influence over the judiciary in Turkey has led to courts systematically accepting bogus indictments, detaining and convicting without compelling evidence of criminal activity individuals and

¹⁷⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁷⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁷⁸ Freedom House, 'Freedom in the World 2019', Turkey, 4 February 2019, [url](#)

¹⁷⁹ Freedom House, 'Freedom in the World 2019', Turkey, 4 February 2019, [url](#)

¹⁸⁰ Freedom House, 'Freedom in the World 2019', Turkey, 4 February 2019, [url](#)

groups the Erdoğan government regards as political opponents. Among these are journalists, opposition politicians, and activists and human rights defenders.’¹⁸¹

10.6.5 In June 2019, the HO FFT met Andrew Gardner of Amnesty International, who stated, ‘After the attempted coup there was a mass purge of people from the judiciary including judges and prosecutors. They would either be fired or transferred to another district. New officials who were loyal to the government were put into positions of power.’¹⁸²

10.6.6 The HO FFT also met a human rights lawyer, who stated:

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

‘Delegations from abroad are monitoring the judicial process and judicial cases in Turkey. Fair trial is no longer anyone’s main concern; since the coup it has got worse.’¹⁸³

10.6.7 The human rights lawyer further stated, ‘Judges on the CHD [Progressive Lawyers’ Association] case were sent away by the authorities to a lower competent Court or even another province. This happens quite often when they release someone because the authorities were not pleased with them.’¹⁸⁴

10.6.8 In a report of May 2019, the European Commission noted:

‘Turkey’s judicial system is at an early stage of preparation. There has been further serious backsliding and the recommendations in the previous reports were not accepted or implemented. Political pressure on judges and prosecutors and transfers of a large number of judges and prosecutors against their will continued. This continues to have a negative impact on the independence and overall quality and efficiency of the judiciary. The large scale recruitments of new judges and prosecutors under the current system are concerning because no measures were taken to address the lack of objective, merit-based, uniform and pre-established criteria for their recruitment and promotion. The Justice Academy of Turkey was re-established by Presidential Decree, after it had previously been closed under the state of emergency. The chilling effect of the dismissal and forced transfers of judges and prosecutors is still observed, and risk engendering widespread self-censorship. No measures were taken to restore legal guarantees to ensure the independence of the judiciary from the executive or to strengthen the independence of the Council of Judges and Prosecutors (CJP). A judicial reform strategy for 2019-2023 was announced in August 2018 but has not yet been adopted. Turkey consulted the Council of Europe and the Commission on the draft strategy.’¹⁸⁵

¹⁸¹ HRW, World Report 2020, Turkey, 14 January 2020, [hrw](#)

¹⁸² HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁸³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁸⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁸⁵ EU Commission, ‘Turkey 2019 Report’, 29 May 2019, [url](#)

10.7 Judicial processes

- 10.7.1 In June 2019, the HO FFT met a representative from the Turkish Ministry of Justice, who stated that the right of suspects and accused persons to use their own language is protected. A public prosecutor or judge must provide a translator if the person cannot speak Turkish and the State will pay for this. If the person can speak Turkish but states that they would prefer to make their defence or submission in Kurdish, for example, they are allowed to do so, but in this case, the person must pay for the translator¹⁸⁶. The representative from the Ministry of Foreign Affairs confirmed that translators are provided if parties to the trial case require them¹⁸⁷.

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10.8 Appeals process

- 10.8.1 The HO FFT met the Director of a Turkish organisation in the UK, who suggested that 'All judges have been replaced by people loyal to the President so the appeals process is meaningless' and that 'There is no rule of law in Turkey. Proper judicial and appeal processes are not followed.'¹⁸⁸
- 10.8.2 When meeting the HO FFT, the human rights lawyer stated that a person may be arrested for criticising Erdogan and that, as such cases do not have a legal justification, they are difficult to appeal because they do not have a basis in law¹⁸⁹.
- 10.8.3 When Andrew Gardner of Amnesty International met the HO FFT, he said, 'There is a huge number of cases going to the ECtHR; the process is that someone will need to exhaust the domestic legal process of appeals and trials and in Turkey this can take ten years or more. The ECtHR is not meant to be an appeal court; it is supposed to act as a remedy for what a national government cannot deal with, [...]'.¹⁹⁰

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10.9 Arrest and detention of HDP leaders, members and supporters

- 10.9.1 In June 2019, the HO FFT met an HDP MP, who stated, '7,000 people are in prison for political reasons but not all are HDP members; they are people who have supported, sympathised or had a political or Kurdish opinion.'¹⁹¹ She added that, following the coup attempt of 2016, 15 of her colleagues were arrested; of these, 6 were acquitted and 9 HDP former MPs remain in jail. The same MP mentioned that an MP can have legal cases against them and will face trial for these if they lose their position as an MP and thus lose their parliamentary immunity¹⁹².

¹⁸⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁸⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁸⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁸⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁹⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁹¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁹² HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

- 10.9.2 The HO FFT met a human rights lawyer, who commented with regard to HDP supporters, 'If they do not find anything on you during interrogation, if you are a low-level supporter, such as someone who has carried out leafletting, they beat you, insult you and then release you.'¹⁹³
- 10.9.3 In November 2019, Amnesty International noted:
- 'On 9 October 2019, Turkey's president Recep Tayyip Erdoğan announced that the Turkish Armed Forces had started an offensive named "Operation Peace Spring" in northeast Syria. [...] Hundreds of people have been detained in Turkey in the days following the launch of the military offensive. These include members of the Kurdish-rooted leftist opposition People's Democratic Party (HDP), including members of Parliament, party activists and local government representatives, as well as journalists and others. While some individuals expressing views on the military offensive interpreted as opposition to the government were among those detained, in other cases of detention, the absence of any reference to the "Operation Peace Spring" suggests that the military offensive was also used as a pretext to escalate an ongoing crackdown on dissent that had continued despite the end of the two-year state of emergency in July 2018.'¹⁹⁴
- 10.9.4 The same report noted, 'While the official reasons for some of these detentions do not directly relate to Turkey's military offensive in northeast Syria and the targeting of HDP members had started prior to the launch of the offensive, they have intensified since 9 October [2019] when the offensive has begun.'¹⁹⁵
- 10.9.5 For information about Operation Peace Spring, see [Key events with an impact on Kurdish issues: 2015 onwards](#).
- 10.9.6 In August 2019, Reuters reported, 'Ankara replaced the pro-Kurdish Peoples' Democratic Party (HDP) mayors with state officials on [19 August 2019] and detained more than 400 people for suspected militant links in a step sharply criticised by opposition parties.'¹⁹⁶
- 10.9.7 In August 2019, Amnesty International reported that on 19 August 2019, when elected mayors of Diyarbakir, Mardin and Van provinces were replaced by state-appointed trustees, '[...] the Ministry of Interior announced that 418 people had been detained in Diyarbakir, Mardin, Van and another 26 provinces, including HDP members, officials and elected councilors. [...] Dozens of individuals are reported to have been arbitrarily detained during the protests.'¹⁹⁷
- 10.9.8 See [Suspensions and dismissals from political office](#) for further information about the replacement of mayors with state appointees.
- 10.9.9 In March 2019, News About Turkey reported:
- 'Turkish police teams used force to enter the Diyarbakir offices of the pro-Kurdish Peoples' Democratic Party (HDP) in the early hours of Saturday [9

¹⁹³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁹⁴ Amnesty International, "We can't complain," [...], page 4, November 2019, [url](#)

¹⁹⁵ Amnesty International, "We can't complain," [...], page 13, November 2019, [url](#)

¹⁹⁶ Reuters, 'Turkish police use water cannon, batons on Kurdish protesters,' 20 August 2019, [url](#)

¹⁹⁷ Amnesty International, 'Turkey: End post election crackdown [...], 23 August 2019, [url](#)

March] and detained seven party officials on a hunger strike, the Mesopotamia news agency reported. There were 10 people inside the party building who were on a hunger strike demanding an end to the “isolation” of imprisoned leader of the outlawed Kurdistan Workers’ Party (PKK) Abdullah Öcalan.

‘Police teams broke the outside door of the building as well as its windows to get inside. An HDP deputy in front of the building told the police officers that there is no law that prohibits people from going on a hunger strike, but the police said they were given an order to intervene with the hunger strikers. Hunger strikers Sevican Yaşar, Yusuf Ataş, Salih Tekin, İsmet Yıldız, Salih Cansever, Bilal Özgezer and Abdulhalik Kurt were detained by the police.

‘There are also four HDP deputies who are currently on a hunger strike for the improvement of Öcalan’s jail conditions. The deputies are protesting Öcalan’s inability to speak with his lawyers, referring to it as his “isolation.” HDP deputies criticize the silence in society in the face of hunger strikes that have been increasing among Kurdish politicians across the country.’¹⁹⁸

10.9.10 In the World Report 2019, which covered the year 2018, Human Rights Watch reported that, ‘At time of writing [January 2019], 50 co-mayors remained jailed on politically motivated terrorism charges after their removal from elected office and the assignment of government appointees to their positions.’¹⁹⁹

10.9.11 In January 2019, Human Rights Watch reported, ‘Serving HDP deputy Leyla Güven and nine former HDP parliamentarians remained in prolonged pretrial detention on politically motivated terrorism charges, including former party co-leader and presidential candidate Selahattin Demirtaş.’²⁰⁰

10.9.12 The USSD HR Report 2018 noted, ‘At year’s end [2018], 10 current and former HDP parliamentarians and 46 HDP co-mayors remained imprisoned. Hundreds more HDP officials were also detained throughout the country along with former HDP co-chair and presidential candidate Selahattin Demirtaş, who has been imprisoned since 2016.’²⁰¹

10.9.13 On 8 October 2018, Kurdistan 24 reported the following:

‘The pro-Kurdish Peoples’ Democratic Party (HDP) revealed that Turkish authorities arrested 140 of their members and local politicians last week in operations across several provinces in a new wave of an ongoing crackdown.

‘A majority of the arrested [sic] happened between Thursday and Sunday, according to a statement by the HDP lawmaker Ayşe Acar Basaran who represents the Kurdish city of Batman. Over the weekend, the Turkish police raided her party’s Batman branch and took the local Co-chairs Nizamettin Toguc, Berivan Helen Isik into custody with charges of terrorism.

¹⁹⁸ News About Turkey, ‘Police raid HDP Diyarbakır offices, detain 7 party [...],’ 10 March 2019, [url](#)

¹⁹⁹ HRW, ‘World Report 2019,’ Turkey, 17 January 2019, [url](#)

²⁰⁰ HRW, ‘World Report 2019,’ Turkey, 17 January 2019, [url](#)

²⁰¹ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

'In Batman, Urfa, Agri, Mus, Mardin, and the Turkish capital of Ankara, 49 members of the HDP were detained on Saturday only, the Turkish Interior Ministry's website said.

'Police battered Helen Isik and three others while arresting them, Basaran wrote in an online press release.

'Basaran accused the Turkish government of violating the rule of law by abusing the judiciary mechanism in the country.

'The new wave of arrests hit the HDP as Turkey's President Recep Tayyip Erdogan promised to seize municipalities in Kurdish provinces once again if voters elect "those involved with terror," in a veiled reference to the HDP-backed candidates.'²⁰²

10.9.14 In June 2018, Morning Star, a British socialist news outlet, noted the following regarding the election campaign of June 2018:

'[...] more than 140 people have been arrested since election campaigning began, including a woman at a rally in the southern province of Sanliurfa who was detained for wearing green, red and yellow ribbons in her hair — colours associated with Kurdish culture.[...]

'In the eastern city of Van, four HDP activists were arrested today for distributing election leaflets, while police in Diyarbakir in the south-east removed party flags, saying: "There is no election office on the street," but the ruling party's flags in place.'²⁰³

10.9.15 See [Suspensions and dismissals from political office](#) for further information on this issue.

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10.10 Treatment in detention

10.10.1 In the World Report 2020, published in January 2020 and covering the events of 2019, Human Rights Watch stated:

'A rise in allegations of torture, ill-treatment and cruel and inhuman or degrading treatment in police custody and prison over the past four years has set back Turkey's earlier progress in this area. Those targeted include Kurds, leftists, and alleged followers of Fethullah Gülen. Prosecutors do not conduct meaningful investigations into such allegations and there is a pervasive culture of impunity for members of the security forces and public officials implicated.

'The European Committee for the Prevention of Torture (CPT) has conducted two visits to detention places in Turkey since the coup attempt, one in May 2019, though the Turkish government has not given permission for reports from either visit to be published.'²⁰⁴

10.10.2 Freedom House noted, 'Torture has become increasingly common, according to human rights organizations, and an emergency decree issued

²⁰² Kurdistan 24, '140 Kurdish party members [...]', 8 October 2018, updated 9 October 2018, [url](#)

²⁰³ Morning Star, 'Third attack in as many days [...]', 8 June 2018, [url](#)

²⁰⁴ HRW, World Report 2020, Turkey, 14 January 2020, [url](#)

in 2017 appears to grant legal immunity to any individuals, including civilians, who take action against terrorists or others associated with the 2016 coup attempt.²⁰⁵

10.10.3 The HO FFT met with a number of interlocutors who mentioned the issue of torture. The representative from the Human Rights Association explained 'Articles 94 and 95 of the Turkish Penal Code prohibit torture.'²⁰⁶ The interlocutor at the Ministry of Justice outlined that Turkey's policy of zero tolerance for any kinds of ill-treatment continues all the time²⁰⁷. Andrew Gardner of Amnesty International also noted Turkey's 'zero tolerance for torture' policy, but also claimed that 'after the coup attitudes changed and it seems that in the months that followed authorities decided to revert to 'any means necessary.' He described a 'surge in the number of torture allegations [after the coup attempt], especially coming from perceived supporters of the Gulen movement' and that people 'were more likely to be tortured after the coup attempt than before because police officers and prison guards were even more confident that they wouldn't be brought to account for any abuses that they committed'. He also stated that the likelihood of the torture increases during political detention.' However, Mr Gardner also noted that, 'Torture isn't as bad as it was in the 90's and early 00's, but after a steep decline, cases are being reported again at a higher level than they were before the coup attempt.' He added that torture is not used in every prison or with every prisoner and stated that, 'Ill-treatment and systematic torture in Turkey is complicated.'²⁰⁸ The Director of a Turkish organisation in the UK also believed that 'Torture takes place but not as widely as in the past.'²⁰⁹ The executive from the Human Rights Association stated, 'First and foremost, it depends on the province or region and the reason why the person was detained' and that they 'cannot say that one person from HDP will be tortured and another HDP member will not be tortured; this depends on the person, so there can be no such presupposition.'²¹⁰

10.10.4 In terms of where and when torture/ill-treatment may have taken place, Mr Celikkan of Hafiza Merkezi believed that torture will happen in police custody²¹¹. Another source stated that people were more likely to be ill-treated in police custody than in prison²¹².

10.10.5 Mr Celikkan added that 'a new trend in Turkey is that the police take the prisoner to cars/buses to intimidate and interrogate them because there are cameras in the police station and around Istanbul or else they take them to clandestine places for interrogation. [...] The intimidation and beatings start on the way to the police station in the car/buses/vans. Torture happens

²⁰⁵ Freedom House, 'Freedom in the World 2019', Turkey, 4 February 2019, [url](#)

²⁰⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁰⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁰⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁰⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹² HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

during interrogation, in interrogation beatings regularly take place.’²¹³ The HO FFT also met a representative from the Human Rights Association, who explained, ‘... torture takes place in different places (from the detention centre) where no cameras are present.’²¹⁴ When the HO FFT spoke to a human rights lawyer, he said, ‘During the emergency [coup attempt of 2016], you were taken to Belgrad forest, just outside Istanbul, and tortured there, where there are no cameras.’²¹⁵

10.10.6 Sources gave the HO FFT in June 2019 differing opinions on who may have been subjected to torture or other ill-treatment, and they included the following:

- Amnesty International suggested that people who violated the curfews put in place in areas in the south east where the fighting was occurring (which would cause the authorities to believe they were PKK members/supporters)²¹⁶.
- Murat Celikkan, Director of Hafiza Merkezi, believed that members of left-wing organisations were amongst those ‘very likely’ to be tortured in detention²¹⁷.
- The Director of a Turkish organisation in the UK opined that, ‘[...] HDP or PKK supporters will be tortured. However, this is not the norm for Turkish people, unless they are linked to Gulenism.’²¹⁸
- The executive from the Human Rights Association stated that Kurdish people will be tortured.²¹⁹

10.10.7 The representative of the Human Rights Association explained to the HO FFT, ‘Some practices of the police do not go as far as torture but can be called ill-treatment, such as rear-handcuffing, cursing, insulting, keep you in a standing position or not allowing you to change position.’²²⁰

10.10.8 The USSD HR Report 2018 stated:

‘Credible reports claimed that some persons jailed on terrorism-related charges were subject to a variety of abuses, including long solitary confinement, severe limitations on outdoor exercise and out-of-cell activity, inability to engage in professional work, denial of access to the library and media, slow medical attention, and in some cases the denial of medical treatment. Media reports also alleged that visitors to prisoners accused of terrorism-related crimes faced abuse, including limited access to family, strip searches, and degrading treatment by prison guards.’²²¹

10.10.9 In June 2019, a HO FFT met various interlocutors, one of whom stated that many HDP or high-ranking people are in ‘F’-type prisons in Turkey, where

²¹³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²¹⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²¹ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

people are held either in isolation or with up to just two others. They are only allowed to see other HDP members/supporters. They have access to a lawyer²²². Sebnem Financi of the HRFT stated, 'In 2000, in F-type prisons [where isolation is the main issue], they went on hunger strike to be allowed to be socialised together with wards [...]. Two years ago, they took this right away in general. Kurdish and leftist people are affected, and they are not allowed to read.'²²³

- 10.10.10 The HO FFT met several sources who suggested that Kurds were treated worse than Turks in detention. One person noted that prison officers in the western Turkey would be able to identify Kurdish prisoners through language and accent²²⁴. The human rights lawyer stated, 'If you are charged with organised crime/terrorist crime, your rights are taken away, you cannot access the news, including no books, nothing from the outside.'²²⁵

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10.11 Medical care in detention

- 10.11.1 In June 2019, the HO FFT met an interlocutor who stated that sick people are not always treated appropriately in prison, such as those who were wounded following fighting in 2015. During the recent Kurdish hunger strikes, there was insufficient medical care²²⁶.
- 10.11.2 The HO FFT also met an executive from the Human Rights Association, who stated, 'If you get sick you may need to be hospitalised, you are handcuffed and taken to the hospital and the handcuffs stay on when you are examined; this is when you are ill, but when you are beaten you are never taken to hospital. If you are sick, you are first taken to the prison doctor and only if he/she refers you to a hospital are you taken there. In most cases they make you wait for some time; you are not taken to a hospital immediately.'²²⁷
- 10.11.3 A human rights lawyer also met the HO FFT; he stated that doctors have been known to stand at a distance from the detainee and sign them off as fine; 'they are not keen to take a closer look.'²²⁸ He further noted, 'mental torture, no scars are left. They have special tactics, they can beat you but leave no marks, the doctors are not very ethical and will not check you properly, even if you say you are not ok.'²²⁹
- 10.11.4 On 2 December 2019, Duvar English, a Turkish news source, stated: 'Former HDP co-chair Selahattin Demirtaş was taken to hospital on Dec. 2 [2019], nearly a week after losing consciousness due to chest tightness and inability to breathe. [...]'
- 'Earlier on Dec. 2, Aygül Demirtaş [sister of Selahattin Demirtaş] announced on social media that the former HDP leader had not been still taken to the hospital despite losing consciousness on Nov. 26.'

²²² HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²²⁹ HO Fact-finding report on Kurds, the HDP and the PKK, page 71, October 2019, [url](#)

‘Just hours after Aygöl Demirtaş tweeted the information, the chief prosecutor in the western province of Edirne, where Demirtaş is being held, said that initial tests on Nov. 26 “had indicated no health issues.”

‘It said appointments were made at a hospital to conduct detailed tests, and Demirtaş had been transferred to the hospital on Dec. 2. “After Selahattin Demirtaş, who is jailed at the Edirne F Type Prison, on Nov. 26 notified the prison management that he fell ill, 112 medical emergency/ambulance hotline was called, and his initial inspection was undertaken by the doctor who came and the necessary examinations were conducted,” Edirne’s Chief Prosecutor’s Office said.

“Even though no health issue detected, the necessary appointments were made and he [Demirtaş] was today transferred to Trakya University Medical School Hospital for more detailed tests to be conducted,” the prosecutor’s office said.’²³⁰

10.11.5 With reference to medical examinations for persons held in police custody, Sebnem Financi of the HRFT told the HO FFT:

‘In some places, they do not take people to their medical examinations. A lot of the time the medical examination is done in the police station in front of police, so it is not a fair examination, a lot of the cases come back as no injuries. Doctors know it is unethical, but they can’t refuse, it will be damaging towards their jobs.

‘Some medical examinations take place in sport halls, they just walk in front of the medical examiner. Sports halls are used for police custody, particularly in Ankara. Some examination is done in hospital; however, many prisoners will remain hand cuffed and police are present due to security reasons.’²³¹

10.11.6 Ms Financi added that:

‘After [detainees are released] and they come for an examination at the HRFT, they are examined for psychological and physical conditions. People who come in for examination sometimes do not accept the psychological examination, especially the political prisoners, because they believe they are not affected, they are too proud to admit that they have been mentally affected. However, this is also because they are aware of the situation and know what to expect in police custody, more so than a regular person. However, PTSD and trauma are sometimes evident from those who get examined.’²³²

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10.12 Investigations into torture and impunity

10.12.1 The USSD HR Report 2018, published in March 2019, stated:

‘The law authorizes the Ombudsman Institution, the National Human Rights and Equality Institution (NHREI), prosecutors’ offices, criminal courts, and parliament’s Human Rights Commission (HRC) to investigate reports of security force killings, torture, or mistreatment, excessive use of force, and

²³⁰ Duvar English, ‘Demirtaş underwent medical check-up, test results [...]’, 2 December 2019, [url](#)

²³¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²³² HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

other abuses. Civil courts, however, remained the main recourse to prevent impunity. National and international human rights organizations reported credible evidence of torture and inhumane treatment, asserting that authorities took insufficient action against abuses, particularly of detainees in custody. The government has not released information on its efforts to address abuse through disciplinary action and training. Officials sometimes countersued or intimidated individuals who alleged abuse.²³³

10.12.2 In a report of May 2019, the European Commission stated:

‘Allegations of torture and ill treatment remain a serious concern. The repeated extensions of the state of emergency led to profound human rights violations, and the Government failed to take steps to investigate, prosecute, and punish members of the security forces and other officials accused of human rights abuses. The removal of crucial safeguards by means of emergency decrees has increased the risk of impunity for perpetrators of such crimes, and has led to allegations of an increase in the number of cases of torture and ill-treatment in custody. Changes to the anti-terror legislation introduced a maximum pre-trial detention period of up to 12 days, in contravention of the relevant ECtHR case law (maximum of up to four days). There are concerns that changes in legislation allowing suspects to be brought back from prisons to police stations after being arrested have led to more cases of ill-treatment or torture. The recommendations of the UN Special Rapporteur on Torture following his 2016 visit to the country need to be implemented. In addition, Turkey still needs to implement the recommendations of the 2016 fourth periodic review by the UN Committee against Torture. The authorities should also authorise the publication of all pending reports of the Council of Europe’s Committee for the Prevention of Torture.

‘The handling of complaints of torture and ill-treatment is also reported to be ineffective, and allegedly entails a risk of reprisal.’²³⁴

10.12.3 In the World Report published in January 2020, covering events of 2019, Human Rights Watch stated:

‘Prosecutors do not conduct meaningful investigations into [...] allegations [of torture and ill-treatment in police custody and prison] and there is a pervasive culture of impunity for members of the security forces and public officials implicated.

‘The European Committee for the Prevention of Torture (CPT) has conducted two visits to detention places in Turkey since the coup attempt, one in May 2019, though the Turkish government has not given permission for reports from either visit to be published.’²³⁵

10.12.4 In June 2019, the HO FFT met Suleyman Arslan of the National Human Rights and Equality Institution (NHREIT), who explained that the NHREIT monitors prisons:

²³³ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

²³⁴ EU Commission, ‘Turkey 2019 Report’, 29 May 2019, [url](#)

²³⁵ HRW, ‘World Report 2020,’ Turkey, 14 January 2020, [url](#)

‘The Institution visited 26 detention centres [in 2018], as a result produced reports for these visits, putting recommendations in and following up to see if they are put into practice. [...]

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

‘We have the authority to talk to prisoners alone or sometimes we talk to them in front of people; it is a personal choice. Detainees can hand-write a complaint. They have the option to speak in confidentiality. A prisoner can give us a piece of paper with their concern on it, straight from the prisoner to the hand of the man visiting, it is private. [...]²³⁶

10.12.5 Mr Arslan added, ‘The capacity of us as organisation against the number of prisons in 80 provinces may be considered a limitation, only urgent cases we visit for a second time in a year, sometimes we intervene by letters in cases where we may not need to go to the prison.’²³⁷

10.12.6 Sebnem Financi of the HRFT further stated:

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

‘Lawyers are allowed into the prison, they share information with Human Rights Association and Human Rights Foundation pass information on to prisoners.’²³⁸

10.12.7 The interlocutor from the Ministry of Justice also explained that, in addition to the guarantees of medical examination and legal assistance, a large majority of the custody centres in the country are equipped with cameras and video surveillance systems²³⁹.

10.12.8 When meeting the HO FFT, Andrew Gardner of Amnesty International said that he thought people were afraid to make complaints about torture, especially after the authorities claimed making such complaints to be a tactic of FETO (i.e. Gulenists)²⁴⁰. Another source stated that not many complaints have been made about ill-treatment in prison²⁴¹. The Human Rights Association opined that ‘because of impunity very few people are put on trial for torture.’²⁴²

10.12.9 Sebnem Financi of the HRFT, who also met the HO FFT, stated:

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

²³⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²³⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²³⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²³⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁴⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁴¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁴² HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

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

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

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

'Ten police have been convicted for excessive force, seven police for torture.'²⁴³

10.12.10 When he met the HO FFT, Mr Arslan mentioned the kinds of complaints received by the NHREIT in connection with prisons:

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

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

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

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

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

'We did not observe that there is an discrimination on the grounds of ethnicity [...].'²⁴⁴

10.12.11 Mr Arslan further stated:

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

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

²⁴³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁴⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

will have to wait to be seen, however even the normal citizen in Turkey must wait at the hospital, sometimes complaints like these are sent in.’²⁴⁵

- 10.12.12 When the HO FFT asked whether victims of torture have made formal complaints, the Director of a Turkish organisation in the UK opined that ‘no-one would dare make a complaint [about treatment by the police]’ and that ‘If they complain about torture they would probably be tortured again.’ However, the same source noted that some torture victims have complained to Amnesty International (AI), but members of AI in Turkey have themselves been arrested and detained.²⁴⁶ Other sources also mentioned examples of complaints, including up to the ECtHR²⁴⁷.

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10.13 Conditions of release from detention

- 10.13.1 In June 2019, when the HO FFT met Sebnem Financi of the HRFT, she stated, ‘In police custody there is sometimes conditions to the release, signing a blank document, but can be arrested a couple of days later again. The blank document could be a range of things, but it would be a confession of something. Sometimes they do not need to go back to prison if they have already served enough time.’²⁴⁸
- 10.13.2 Andrew Gardner of Amnesty International told the HO FFT, ‘There are many reports of people being released after arrest and detention on the condition of being an informant for the police.’²⁴⁹ An executive from the Human Rights Association mentioned their report on the subject, [‘IHD Special report on testimonies, interviews, forced informant-making through methods of coercion and threat, and abduction cases,’ 16 November 2018](#). They suggested that Kurdish university students and journalists are the main targets to be forced to become informants²⁵⁰. The Director of a Turkish organisation in the UK also believed the authorities attempt to recruit Kurds as informants, especially if the family is involved in politics²⁵¹. The same source considered that ‘The authorities continue to watch a person once they have been released as they are likely to become more politicised in prison, and to be angered by being imprisoned, and quite possibly been treated badly whilst there. A person may be imprisoned multiple times.’²⁵²
- 10.13.3 The representative from the Ministry of Justice told the HO FFT that a person is not monitored on release from detention unless there is a reasonable suspicion against them, in which case, law enforcement officers will monitor or investigate in line with the rule of law. A person may be given parole on certain conditions, but if they commit a further crime, they must serve the remainder of the sentence²⁵³.

²⁴⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁴⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁴⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁴⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁴⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁵⁰ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁵¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁵² HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁵³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

10.13.4 When he met the HO FFT in June 2019, the Director of a Turkish organisation in the UK stated, 'The authorities continue to watch a person once they have been released as they are likely to become more politicised in prison, and to be angered by being imprisoned, and quite possibly been treated badly whilst there. A person may be imprisoned multiple times.'²⁵⁴ The same person stated that a person may be required to report regularly to the police, whether they are high-profile or not²⁵⁵.

10.13.5 The human rights lawyer told the HO FFT:

'When people are arrested on charges of terrorism, the authorities still track people after they have been released from prison and by the time they get to the prison gate, they are arrested again on different charges. Prosecutors can object to your release. HDP MPs were being released in 2017, and the prosecutor would object, but this is illegal. There was not a legal ground for that, however they brought an amendment with state of emergency decrees for such legal grounds. They do this to anyone they do not like.'²⁵⁶

10.13.6 Sebnem Financi of HRFT told the HO FFT, 'After detention, you have your passport taken away from you, they are on probation, they can't travel, academics have been dismissed from jobs.'²⁵⁷

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Section 11 last updated on: 9 January 2020

11. Human rights bodies

11.1 State organisations

- 11.1.1 The HO FFT met a representative from the Department of Human Rights in the Turkish Ministry of Justice, who provided information about their role as well as that of others, including the Ombudsman and the Human Rights and Equality Commission: see [Home Office Fact-finding report on Kurds, the HDP and the PKK](#), October 2019 (notes of meeting with the Ministry of Foreign Affairs of Turkey, 20 June 2019).
- 11.1.2 The HO FFT met a representative from the Human Rights Department from the Ministry of Foreign Affairs, who explained their role and remit: see [Home Office Fact-finding report on Kurds, the HDP and the PKK](#), October 2019 (notes of meeting with the Human Rights Department, Ministry of Foreign Affairs).
- 11.1.3 Suleyman Arslan of the National Human Rights and Equality Institution of Turkey explained the work of the NHREIT: see [Home Office Fact-finding report on Kurds, the HDP and the PKK](#), October 2019 (notes of meeting with the National Human Rights and Equality Institution of Turkey).
- 11.1.4 The HO FFT met with the Turkish Ombudsman, who stated that in 2018 they received over 18,000 applications, almost none of which were from Kurdish persons. Any person, whether Turkish or a foreign citizen, can complain to

²⁵⁴ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁵⁵ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁵⁶ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

²⁵⁷ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

the Ombudsman about any action of the state against themselves. Issues about which a person can contact the Ombudsman include violations in the justice system, particularly the prison system (besides many others). Any violations by the Ministry of the Interior fall under their remit²⁵⁸.

- 11.1.5 The Ombudsman further stated ‘You can think of us as an NGO, not as representing the government. We are elected by parliament and we receive a lot of applications and complaints, but we do not have to follow government’s perspective.’²⁵⁹

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11.2 Non-state organisations

- 11.2.1 The Hakikat Adalet Hafıza Merkezi (Hafıza Merkezi, or Truth Justice Memory Center) [website](#) explains the organisation’s aim, stating that it is ‘an independent human rights organization set up by a group of lawyers, journalists and human rights activists in November 2011 in Istanbul, Turkey. Hafıza Merkezi aims to uncover the truth concerning past violations of human rights, strengthen the collective memory about those violations, and support survivors in their pursuit of justice.’²⁶⁰
- 11.2.2 The HO FFT met with a representative from a confederation of trade unions who explained their role: see [Home Office Fact-finding report on Kurds, the HDP and the PKK](#), October 2019 (notes of meeting with the Confederation of trade unions, 21 June 2019).

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11.3 Human Rights Association of Turkey

- 11.3.1 The HO FFT met an executive from the Human Rights Association of Turkey, who explained the work of the Association: see [Home Office Fact-finding report on Kurds, the HDP and the PKK](#), October 2019 (notes of meeting with the Human Rights Association of Turkey, 21 June 2019).
- 11.3.2 The Director of a Turkish organisation in the UK stated that, although a person could complain to the Human Rights Association about police violence, for example, the government considers the Association to be a terrorist organisation, and would not therefore take them seriously²⁶¹.
- 11.3.3 The HO FFT met with Sebnem Korur Financi, chairperson of the Human Rights Foundation of Turkey (HRFT). Ms Financi explained that the purpose of the HRFT is to raise awareness of human rights violations in Turkey. The HRFT has three offices in the south east: in Cizre, Van and Urfa²⁶². Further information about the HRFT is available on their [website](#).

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Section 12 last updated on: 3 February 2020

²⁵⁸ HO Fact-finding report on Kurds, the HDP and the PKK, section 8, October 2019, [url](#)

²⁵⁹ HO Fact-finding report on Kurds, the HDP and the PKK, section 8, October 2019, [url](#)

²⁶⁰ Hafıza Merkezi, ‘About Hafıza Merkezi,’ undated, [url](#)

²⁶¹ HO Fact-finding report on Kurds, the HDP and the PKK, section 8, October 2019, [url](#)

²⁶² HO Fact-finding report on Kurds, the HDP and the PKK, section 8, October 2019, [url](#)

12. Societal violence

12.1.1 Reporting on the elections of June 2018, the USSD HR Report 2018 stated:

‘The period between the April [2018] announcement of early elections and the vote saw a number of attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Violence most commonly targeted the HDP and its campaigners. [...] The OSCE noted that key amendments were adopted within months of the early elections, without consultation, and were perceived as favoring the ruling party.’²⁶³

12.1.2 In March 2019, IPA News (an independent news outlet founded by Turkish journalists living abroad) reported:

‘Few days ahead of local elections, unidentified attackers stoned and attacked a campaign vehicle of the pro-Kurdish Peoples’ Democratic Party (HDP) in Izmir on Thursday, causing damages to the bus, local media reported. In Izmir, the People’s Democratic Party (HDP)’s campaign bus was attacked by an unknown group with stones and bats, leaving it heavily damaged. It has been taken to police headquarters and an investigation was conducted on the incident. The identity of the attackers could not be determined.

‘The head of HDP’s Gaziemir District, Cahit Dogan, [...] announced that they would undertake legal measures.’²⁶⁴

12.1.3 In January 2020, English Bianet reported:

‘The People’s Democratic Party (HDP) has held a press briefing after an armed attack on its İstanbul office. The party’s İstanbul provincial co-chairpeople Elif Bulut and Erdal Avcı, MP Musa Piroğlu and members of the party attended the briefing.

‘Seven shots were fired on the HDP building in yesterday’s (January 15) attack. While no one was hurt, the perpetrator was taken into custody.

[...]

“The provocative speech directed at the HDP by many government officials, from the President to the Interior Minister, has the main responsibility of this incident,” [HDP İstanbul Co-Chair] Bulut [...] said.

[...]

‘Erdal Avcı said the attack was “planned” and carried a “message” to the HDP. The government’s language that targets the HDP made such attacks “attractive,” he added.’²⁶⁵

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²⁶³ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

²⁶⁴ IPA News, ‘HDP Campaign Bus Attacked in Izmir,’ 30 March 2019, [url](#)

²⁶⁵ English Bianet, ‘HDP Says Government Responsible for Attack on [...],’ 16 January 2020, [url](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, 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:

- Legal position
- People's Democratic Party (HDP)
 - History, beliefs and aims
 - Local elections of 2019
 - Elections of June 2018
- Peace and Democracy Party (BDP)
- Democratic Regions Party (DBP)
- Government treatment of the HDP
 - Association with PKK
 - Impact of state of emergency
 - Restrictions
 - Police searches of HDP offices
 - Suspensions and dismissals from political office
- Arrest and detention
 - Arrests of HDP leaders, members and supporters
 - Criminal charges and sentencing
 - Treatment in detention
 - Treatment after detention
- Societal violence
- State protection

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Version control

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **13 March 2020**

Changes from last version of this note

Country information and assessment updated to take account of recent events.

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