

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	622
Land:	Tyrkiet
Kilde:	Ministerie van Buitenlandse Zaken
Titel:	General Country of Origin Information Report Turkey
Udgivet:	Marts 2022
Optaget på baggrundsmaterialet:	2. august 2022



Ministerie van Buitenlandse Zaken

General Country of Origin Information Report Turkey

March 2022

Publication details

City	The Hague
Assembled by	Country of Origin Information Reports Section (DAF/AB)

Disclaimer: The Dutch version of this report is leading. The Ministry of Foreign Affairs of the Netherlands cannot be held accountable for misinterpretations based on the English version of the report.

Table of contents

Publication details.....	2
Table of contents.....	3
Introduction.....	7
1 Country information	9
1.1 Political context.....	9
1.1.1 Introduction.....	9
1.1.2 Declining support for President Erdoğan and AKP in polls.....	10
1.1.3 Student protests.....	10
1.1.4 Aftermath of the 'Gezi Park protests'.....	11
1.1.5 Groups that attract negative attention.....	12
1.2 The security situation.....	12
1.2.1 Introduction.....	12
1.2.2 PKK	13
1.2.3 DHKP/C.....	13
1.2.4 ISIS.....	14
2 Passports, e-Devlet and UYAP	15
2.1 Passports	15
2.2 E-devlet	16
2.3 UYAP	16
3 Human rights.....	18
3.1 Introduction.....	18
3.2 Legislation and regulations	18
3.3 Neighbourhood guards	19
3.4 Bar associations	20
3.5 Human rights organisations and defenders under pressure	20
3.5.1 Law against the proliferation of weapons of mass destruction.....	20
3.5.2 Human rights defenders	21
3.6 Freedom of speech and media freedom	22
3.6.1 Press freedom under pressure.....	22
3.6.2 Insulting the president	23
3.6.3 Legal framework regarding social media.....	24
3.6.4 Social media freedom under further pressure.....	24
3.6.5 Criminal prosecution of critical social media users in practice	25
3.7 Freedom of movement	27
3.8 Judicial process	27
3.8.1 Constitutional Court.....	27
3.8.2 Independence of judges and lawyers under pressure	28
3.8.3 Access to evidence	28
3.9 Arrests, custody and detentions	29
3.9.1 Procedural safeguards not observed.....	29
3.9.2 Prison overcrowding.....	30
3.9.3 Limited access to medical care	30
3.9.4 The impact of the coronavirus pandemic on prison conditions	31
3.10 Ill-treatment and torture	32
3.11 Enforced disappearances	34

4	Gülenists	35
4.1	Introduction.....	35
4.2	Measures against alleged Gülenists.....	35
4.3	Involvement in the Gülen movement	36
4.4	Gülenists abroad	39
4.5	The social position of alleged Gülenists.....	41
4.6	The position of relatives of alleged Gülenists	42
5	Kurds	43
5.1	Introduction.....	43
5.2	Alleged anti-Kurdish violence	43
5.3	HDP	44
5.3.1	The HDP under further pressure	44
5.3.2	The repression of the HDP in practice.....	46
5.3.3	Treatment of the relatives of HDP members.....	49
5.4	Position of alleged PKK supporters and their relatives.....	49
6	Women	51
6.1	Introduction.....	51
6.2	Istanbul Convention.....	51
6.3	Violence against and legal protection for women	52
6.4	Women's shelters	54
7	Unaccompanied minors	56
7.1	Legal framework	56
7.2	Different types of childcare facility	57
8	Sexual minorities (LGBTI)	59
8.1	Introduction.....	59
8.2	LGBTI events and self-expression in public	59
8.3	Homophobic violence and legal protection	60
8.4	Transgender people and access to the labour market	61
9	Draft evaders and deserters	62
9.1	Introduction.....	62
9.2	Legal framework	62
9.3	Situation of draft evaders and deserters in general	63
9.4	Kurdish conscripts	64
9.5	LGBTI and military service	65
9.6	Military service and alleged Gülenists	66
10	Irregular migrants, asylum-seekers and status holders	67
10.1	Introduction.....	67
10.2	Legal framework	67
10.3	Syrians in Turkey	68
10.3.1	Registration of Syrians	68
10.3.2	Rights and freedom of movement of Syrian TP holders.....	69
10.3.3	Deported Syrians.....	70
10.3.4	Anti-Syrian sentiment	71
10.4	Afghans in Turkey.....	72
10.4.1	Introduction.....	72
10.4.2	Pushbacks and forced expulsions.....	73
11	Returns.....	75

12	Appendixes.....	76
12.1	Abbreviations and terms in other languages.....	76
12.2	Newspapers and news platforms	77
12.3	Reports and other publications	78

Introduction

This general country of origin information report was prepared on the basis of the questions and points of focus in the Terms of Reference (ToR) drawn up by the Ministry of Justice and Security. The ToR for this report was defined on 19 August 2021. It is available, together with the report, on the website of the Dutch Government.

This general country of origin information report describes the situation in Turkey insofar as it is relevant for the assessment of asylum applications by persons originating from that country and for decisions related to the return of rejected Turkish asylum-seekers. This report is an update of the general country of origin information report for Turkey of March 2021. It covers the period from March 2021 to 25 February 2022. It is not a policy document and neither reflects the government's vision or policy in relation to a country or region, nor contains conclusions concerning immigration policy.

This report was created on the basis of public and confidential sources, using carefully selected, analysed and verified information. Information from non-governmental organisations (NGOs), specialist literature, media coverage and the relevant government agencies was used to create it. Unless stated otherwise or when the facts are generally undisputed, the content in this report is based on multiple sources. The public sources that were consulted are listed in the appendices.

A number of the public sources that were consulted are written in Turkish and Arabic. These texts have been translated into Dutch by the translation service of the Ministry of Foreign Affairs. The translations were published in a separate file at the same time as this report. No rights may be derived from these translations, which have been produced for information purposes only.

Some of the confidential information used was obtained during a fact-finding mission to Istanbul, Ankara, Van¹ and Antakya in Turkey from 3 to 12 October 2021. Use is also made of confidential information from the diplomatic missions of the Netherlands in Istanbul and Ankara, as well as confidential conversations and correspondence outside the official mission. The information obtained on a confidential basis has chiefly been used to support and supplement the content based on publicly available information. The confidential sources are marked 'confidential source' in the footnotes and dated.

Chapter 1 deals with the political context and developments and outlines the security situation in Turkey. Chapter 2 examines Turkish passports and digital systems. Chapter 3 focuses on compliance with and violations of human rights in contexts such as laws and regulations, freedom of speech and media freedom, freedom of movement, judicial process, arrests, custody and detention, ill-treatment and torture and enforced disappearances. Chapter 4 describes the position of actual or alleged Gülenists. Chapter 5 considers the position of ethnic Kurds and their political representatives. Chapter 6 looks at the position of women. Chapter 7 describes the situation of unaccompanied minors. Chapter 8 focuses on the position of sexual minorities (LGBTI). Chapter 9 deals with the issue of draft evaders and deserters. Chapter 10 deals with the position of irregular migrants, asylum-seekers

¹ Known in Kurdish as *Wan*.

and asylum status holders in Turkey. Chapter 11 deals with the possible risks for Turkish citizens returning (forcibly or voluntarily) to Turkey. Finally, Chapter 12 includes a list of abbreviations and terms in other languages and a bibliography.

1 Country information

1.1 Political context

1.1.1 Introduction

Since 2002, the conservative Islamic *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP) has been in power in Turkey. Recep Tayyip Erdoğan² is both president of Turkey and party chairman of the AKP. The current AKP government entered into office following the 2018 parliamentary elections. It won these elections with the support of the ultra-nationalist *Milliyetçi Hareket Partisi* (Nationalist Movement Party, MHP).³ The MHP is headed by Devlet Bahçeli. Due to this alliance with the MHP, the AKP is able to form a majority in the Turkish parliament.⁴ The alliance between the AKP and MHP is known as the 'People's Alliance'.^{5 6}

The *Cumhuriyet Halk Partisi* (Republican People's Party, CHP) is the largest opposition party in Turkey. It was established by Mustafa Kemal Atatürk,⁷ the founder of the Republic of Turkey. The CHP presents itself as the heir to Kemalist thinking and strives for a secular society. Together with the *İYİ Parti* (Good Party) and several smaller opposition parties, it forms an opposition bloc known as the 'Nation Alliance'.⁸ The İYİ Parti split from the MHP in the past and has a nationalist and right-wing character.⁹

After the CHP, the *Halkların Demokratik Partisi* (Democratic Peoples' Party, HDP)¹⁰ is the largest opposition party. The party cadre and supporters of this left-progressive party are largely ethnic Kurds, which is why the HDP is often described as a 'pro-Kurdish' party.¹¹ Among other things, the party champions the rights of ethnic and religious minorities, women and the LGBTI community. In addition, the HDP is committed to the environment.¹² More information about the HDP's profile can be found in the previous country of origin report.¹³

For information on the position of the HDP, its members and supporters and their relatives during the reporting period, see 5.3.

² Sometimes abbreviated to 'RTE'.

³ Also known as the 'Nationalist Action Party'.

⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 9.

⁵ An alternative name for this alliance is the 'Public Alliance'. The Turkish name for this alliance is *Cumhur İttifakı*.

⁶ Hürriyet Daily News (HDN), *People's Alliance looks to expand with conservative party*, 9 January 2021.

⁷ Atatürk means 'Father of the Turks'.

⁸ The Turkish name for this alliance is *Millet İttifakı*.

⁹ HDN, *People's Alliance looks to expand with conservative party*, 9 January 2021. Ahval, *Three more parties set to join anti-Erdoğan opposition bloc*, 21 October 2021.

¹⁰ In Kurdish, the HDP is known as the *Partiya Demokratîk a Gelan*. For more information about the HDP, please visit <https://hdp.org.tr/en/>.

¹¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 49. Bundesamt für Migration und Flüchtlinge (BAMF), *Länderreport Türkei, Die Entwicklung des Kurdenkonflikts, der PKK und der HDP*, December 2021, p. 14.

¹² Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 49. HDP, *Let us win together...*, 27 September 2021. BAMF, *Länderreport Türkei, Die Entwicklung des Kurdenkonflikts, der PKK und der HDP*, December 2021, p. 13.

¹³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 49.

During the current reporting period, President Erdoğan called on all political parties to draft a new constitution.¹⁴ At the time of writing, no political party in Turkey had submitted a draft for a new constitution.¹⁵ However, the CHP and İYİ Parti had expressed their intention of returning to a 'strengthened parliamentary system'.¹⁶ The current presidential system, which has been in place since 2018, has given Erdoğan wide-ranging powers as executive president.¹⁷

1.1.2 *Declining support for President Erdoğan and AKP in polls*

During the reporting period, support for President Erdoğan and his AKP declined, according to various polls.¹⁸ In a poll by the well-known research firm KONDA in September 2021, 44.1% of respondents said they would vote for the CHP or İYİ Parti, the two largest parties in the Nation Alliance mentioned above. The AKP and MHP together polled at 41.6%. The opposition bloc thus pulled ahead of the ruling bloc in the polls for the first time. The HDP accounted for 11.7% of the vote, according to the same poll.¹⁹

Analysts attributed the declining support for President Erdoğan and his AKP in the polls to, among other things, high unemployment and inflation and corruption within the AKP.²⁰ Criticism of President Erdoğan and his government increased further when Turkey was hit by large-scale forest fires in late July 2021. Eight people were killed and thousands of residents and tourists had to be evacuated. When it became clear that the Turkish government did not have deployable fire-fighting aircraft, the ruling party came under criticism from affected citizens and opposition parties.²¹

1.1.3 *Student protests*

Under a change in the law after the introduction of the presidential system, the president acquired the power to appoint and dismiss high-ranking government officials.²² On 1 January 2021, President Erdoğan appointed his fellow party member Melih Bulu as rector of Bosphorus University in Istanbul.²³ This appointment sparked protests, as students and faculty members saw Bulu's appointment as a further curtailment of academic freedom in Turkey.²⁴ On 15 July 2021, the *Resmî Gazete*, the official gazette of the Turkish government, stated that Bulu had been dismissed by presidential decree.²⁵ Mehmet Naci İnci was appointed as the new rector by

¹⁴ Anadolu Agency (AA), *New constitution to be best gift to nation on Turkey's centennial, President*, 1 October 2021.

¹⁵ Confidential source, 15 February 2022.

¹⁶ HDN, *İYİ Party's Akşener says she will run for prime minister not president*, 26 September 2021. Bianet, *Opposition parties to complete parliamentary system roadmap by December*, 21 October 2021. HDN, *Opposition leaders meet for 'strengthened parliamentary system'*, 13 February 2022. The Independent, *Turkish opposition leaders meet to counter Erdogan's system*, 13 February 2022.

¹⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 9 and 10.

¹⁸ Confidential source, 1 December 2021.

¹⁹ Ahval, *Turkey's opposition alliance surpasses governing coalition in polls*, 6 October 2021.

²⁰ Frankfurter Allgemeine Zeitung (FAZ), *Erdogans Machtbasis erodiert*, 21 July 2021. Confidential source, 1 December 2021. Bianet, *Pious voters drift away from AKP: 'Interests, corruption, extravagance on the increase'*, 20 December 2021. EURACTIV, *Turkey's crisis rattles the faithful in Erdogan's heartland*, 21 December 2021.

²¹ The Independent, *Turkey's Erdogan faces mounting criticism over wildfires*, 3 August 2021. The Economist, *Turkey's deadly fires raise the heat for Erdogan*, 7 August 2021. Confidential source, 1 December 2021.

²² Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 9 and 10.

²³ This university is also known as 'Boğaziçi University'.

²⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 10.

²⁵ HDN, *Boğaziçi University rector Melih Bulu ousted*, 15 July 2021. Al Jazeera, *Turkey reverses controversial appointment of university rector*, 15 July 2021.

President Erdoğan on 21 August.²⁶ Critics regarded İnci as a tougher hardliner than his predecessor Bulu.²⁷

Academics and students continued their protest. They wanted the next rector to be democratically elected by their own university and not appointed by the government.²⁸ In December 2021, the Bosphorus Students' Assembly²⁹ reported that around 800 students had been temporarily detained in the previous four months. Thirteen suspects were placed in pre-trial detention. Eleven of these were conditionally released and two remained in detention.³⁰ The two students who continued to be held were called Berke Gök and Perit Özen.³¹ Both students were conditionally released on 7 January 2022.³² An international travel ban was imposed on both of them.³³

Separately from the student protest at Bosphorus University, another protest movement emerged among students throughout Turkey in mid-September 2021. These students claimed that insufficient housing was available and that the few student houses and dormitories were usually unaffordable.³⁴ They slept in public as a form of protest and held night marches. President Erdoğan called the criticism lies and described the protesting students as 'terrorists'. The police arrested dozens of students.³⁵

1.1.4 *Aftermath of the 'Gezi Park protests'*

In 2013, there was a local protest action by environmental activists against building plans in Gezi Park, one of the few green areas in the centre of Istanbul. This action sparked a wave of other protests across the country, in which countless people with different convictions, backgrounds and motives participated. The Turkish security apparatus cracked down on the protests. At least eleven people were killed and thousands were injured. A previous country of origin report stated that some people were still experiencing personal problems with the Turkish authorities because of their alleged involvement in the so-called 'Gezi Park protests'.³⁶

During the current reporting period, some people were still experiencing problems because of their alleged involvement in the Gezi Park protests. For example, the pre-trial detention of Osman Kavala, which began in 2017, continued. The Turkish authorities detained this philanthropist and entrepreneur partly because of his alleged leading role in the Gezi Park protests. In December 2019, the European

²⁶ Ahval, *Erdoğan appoints new rector to Boğaziçi University*, 21 August 2021.

²⁷ Ahval, *Erdoğan may hire more hardline rector to Boğaziçi University – columnist*, 19 July 2021. Confidential source, 5 November 2021.

²⁸ Reuters, *Turkey university protests not over despite rector's dismissal*, 16 July 2021. Confidential source, 5 November 2021. Bianet, *Boğaziçi University protests mark one year since Erdoğan's rector appointment*, 3 January 2022.

²⁹ This student union is known in Turkish as *Boğaziçi Öğrenci Meclisi* (BÖM).

³⁰ Bianet, *Boğaziçi students say 'police forces us to become informants'*, 13 December 2021.

³¹ Bianet, *MEPs call for release of arrested Boğaziçi students*, 3 January 2022. Confidential source, 4 January 2022.

³² Bianet, *Boğaziçi University protests, Arrested students Berke and Perit released*, 7 January 2022. Al Monitor, *Turkish court approves release of two jailed Bogazici students*, 8 January 2022.

³³ Bianet, *Boğaziçi University protests, Arrested students Berke and Perit released*, 7 January 2022.

³⁴ Bianet, *Erdoğan says students protesting housing prices are 'terrorists like those in Gezi Park'*, 5 October 2021. Nieuwe Rotterdamse Courant (NRC), *De voor Turkije zo cruciale bouwsector verkeert in crisis*, 21 October 2021. Confidential source, 5 November 2021.

³⁵ Bianet, *Erdoğan says students protesting housing prices are 'terrorists like those in Gezi Park'*, 5 October 2021. NRC, *De voor Turkije zo cruciale bouwsector verkeert in crisis*, 21 October 2021.

³⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 11, 30 and 31.

Court of Human Rights (ECHR)³⁷ ruled that Kavala's pre-trial detention should be ended.³⁸

In April 2021, the Court of Cassation³⁹ overturned the acquittal of 35 fans of Beşiktaş football club.⁴⁰ These football fans were members of *Çarşı*, a left-wing Beşiktaş supporters group.⁴¹ They had taken part in the 2013 protests and had been charged at the time with attempting to overthrow the government. The *Çarşı* group was acquitted in 2015. However, the Court of Cassation ruled that the group should be prosecuted. At the time of writing, this case was still pending.⁴²

1.1.5 *Groups that attract negative attention*

The previous country of origin report described how human rights defenders, critical journalists, lawyers, actual or alleged Gülenists, HDP politicians and supporters and LGBTI activists were among those that attracted negative attention from the Turkish authorities.⁴³

This situation remained the same during the current reporting period.⁴⁴ The situation of human rights defenders is examined in 3.5.2. The position of critical and independent journalists is described in 3.6.1. A look is taken at the situation of lawyers representing dissidents in 3.8.2. Chapter 4 looks at the position of actual or alleged Gülenists. The situation of the HDP and its members and supporters and their relatives is dealt with in 5.3. The treatment of LGBTI activists is described in 8.2.

1.2 **The security situation**

1.2.1 *Introduction*

The *Partiya Karkerên Kurdistanê* (Kurdistan Workers' Party, PKK), the *Devrimci Halk Kurtuluş Partisi/Cephesi* (Revolutionary People's Liberation Party/Front, DHKP/C) and Islamic State in Iraq and *al-Sham* (ISIS)⁴⁵ were the main non-state actors that posed a threat to internal security. All three groups have been designated as terrorist organisations by the EU. As far as is known, only the PKK committed violence on a limited scale on Turkish soil during the reporting period. This violence mainly took place in rural areas in south-eastern Turkey, and can be read about in more detail at 1.2.2. The cities remained free from non-state violence during the reporting period. The authorities continued to arrest groups and individuals suspected of links to organisations such as the PKK, DHKP/C and ISIS.⁴⁶

³⁷ The ECHR is located in Strasbourg.

³⁸ Al Jazeera, *Turkish court rules to keep Osman Kavala in jail*, 21 February 2022. Het Financieel Dagblad (FD), *Turkije houdt zakenman Kavala gevangen ondanks oproep Raad van Europa*, 21 February 2022. Trouw, *Turkse filantroop Osman Kavala blijft langer vastzitten*, 22 February 2022.

³⁹ In Turkish the Court of Cassation is popularly known simply as *Yargıtay*.

⁴⁰ Known in full as *Beşiktaş Jimnastik Kulübü* (BJK).

⁴¹ Vice, *Talking to the bulldozer-hijacking soccer fans about their role in the Turkish uprising*, 18 June 2013. Confidential source, 26 November 2021.

⁴² Duvar English, *Turkish top appeals court overturns acquittal of Beşiktaş football fans group Çarşı over Gezi Park protests*, 28 April 2021. Confidential source, 4 October 2021. Confidential source, 6 October 2021. Al Jazeera, *Turkish court extends detention of philanthropist Osman Kavala*, 8 October 2021. Bianet, *Interim ruling, Osman Kavala's arrest to continue*, 21 February 2022.

⁴³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 10.

⁴⁴ Confidential source, 4 October 2021. Confidential source, 6 October 2021.

⁴⁵ Al-Sham is the Arabic name for the Levant, the area east of the Mediterranean Sea that consists of Syria, Lebanon, Israel and part of Iraq. ISIS is referred to for short as 'Islamic State' (IS). ISIS is also known as the 'Islamic State of Iraq and the Levant' (ISIL). ISIS is known as *Da'esh* and *DEAŞ* in Arabic and Turkish respectively.

⁴⁶ Confidential source, 22 December 2021.

1.2.2 PKK

The PKK has been waging an armed struggle against the Turkish authorities since 1984. The PKK strives for political and cultural rights for the Kurds in the countries where they reside.⁴⁷ For more contextual information about the PKK, see the previous country of origin report.⁴⁸ In November 2016, the British Broadcasting Corporation (BBC) reported that more than 40,000 people had died in the conflict between the PKK and the Turkish state since 1984.⁴⁹

The previous country of origin report stated that the focal point of the struggle between the Turkish armed forces and the PKK was in northern Iraq, where the PKK has its bases. In the period covered by that report (October 2019 - March 2021), armed clashes regularly took place in south-eastern Turkey, especially in the remote mountain regions close to Iraq.⁵⁰ This situation remained unchanged during the period of this report.⁵¹

One source recorded 133 violent incidents on Turkish soil between the PKK and the Turkish armed forces between 1 March 2021 and 11 November 2021, in which 214 people died. The source in question did not divide the death toll into civilians, Turkish government soldiers and PKK fighters.⁵²

Another source recorded more than 160 violent incidents on Turkish soil between 1 March 2021 and 17 November 2021, in which 105 people died. The death toll included 86 PKK fighters, 10 civilians and 9 Turkish soldiers, including 3 village guards,⁵³ the source said.⁵⁴

During the period covered by the previous country of origin report, the Turkish Interior Minister Süleyman Soyulu stated that there were 340 PKK fighters on Turkish soil.⁵⁵ In early January 2022, a spokesman for the same ministry said the number of PKK fighters on Turkish soil had fallen to 156.⁵⁶ The PKK itself claimed to have 1,500 fighters in Turkey at the end of October 2021.⁵⁷

1.2.3 DHKP/C

The far-left DHKP/C wants to establish a socialist state in Turkey through armed struggle.⁵⁸ As far as is known, the DHKP/C did not commit any attacks on Turkish soil during the reporting period. However, the Turkish authorities took preventive action against the DHKP/C.⁵⁹ For example, Turkish security forces arrested 54

⁴⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 12. BAMF, *Länderreport Türkei, Die Entwicklung des Kurdenkonflikts, der PKK und der HDP*, December 2021, pp. 6, 10 and 11.

⁴⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 12.

⁴⁹ BBC, *Who are Kurdistan Workers' Party (PKK) rebels?*, 4 November 2016.

⁵⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 12.

⁵¹ Confidential source, 29 September 2021. Confidential source, 11 November 2021. Confidential source, 16 November 2021. Confidential source, 17 November 2021. Confidential source, 6 December 2021.

⁵² Confidential source, 11 November 2021.

⁵³ Village guards are ethnic Kurds who fight as paramilitaries alongside the Turkish armed forces against the PKK. They are paid and armed by the Turkish state. Village guards are known in Turkish as *korucular* (singular: *korucu*).

⁵⁴ Confidential source, 17 November 2021.

⁵⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 13.

⁵⁶ Daily Sabah, *'2021 was year of defeat for PKK in Turkey, 2022 to be worse'*, 4 January 2022.

⁵⁷ AA, *Turkish envoy to Lebanon slams newspaper for interview with PKK terrorist*, 1 November 2021.

⁵⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 13.

⁵⁹ Confidential source, 16 November 2021.

DHKP/C suspects in mid-October 2021.⁶⁰ It is not known what steps the authorities took after the arrest of this group.⁶¹

1.2.4 *ISIS*

ISIS is a jihadist movement that carried out 16 attacks on Turkish soil between 2014 and 2017, killing 291 people.⁶² As far as is known, ISIS did not commit any attacks on Turkish soil during the reporting period. However, the Turkish authorities took preventive action against ISIS, with those suspected of links with ISIS being arrested throughout the country on a very regular basis.⁶³ As an example of such operations, the Turkish security forces arrested sixteen ISIS suspects in eleven different provinces simultaneously at the end of May 2021.⁶⁴

⁶⁰ AA, *Over 50 far-left terror suspects arrested in Turkey*, 15 October 2021.

⁶¹ Confidential source, 22 December 2021.

⁶² Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 13.

⁶³ Confidential source, 16 November 2021.

⁶⁴ AA, *16 Daesh/ISIS terror suspects nabbed across Turkey*, 25 May 2021.

2 Passports, e-Devlet and UYAP

2.1 Passports

If someone is subject to legal investigation or legal proceedings, the Turkish authorities may invalidate his or her passport.⁶⁵ This happens, for example, with critical journalists, actual or alleged Gülenists and their relatives, and opposition politicians.⁶⁶ A person does not necessarily have to be charged or convicted before his or her passport can be invalidated.⁶⁷

As far as is known, the Turkish authorities do not place a cancellation stamp in a passport when they invalidate it. The invalidation is entered into the database of the General Directorate of Population and Citizenship Affairs.⁶⁸ The holder should be sent written notification that his or her passport is now invalid, but in practice this does not generally happen. As a result, the holder may find out at a passport checkpoint before leaving the country that his or her passport has been declared invalid.⁶⁹ A source notes that, under the Right to Information Act (RIA), also known as Law No. 4982,⁷⁰ passport holders have the right to ask the Provincial Directorate of Population if their passport has been invalidated.⁷¹

If the Turkish authorities have invalidated a person's passport, the holder cannot renew their passport unless the invalidation has been revoked and the travel ban has been revoked or has expired.⁷²

If a person's passport is invalidated, the holder will not be able to legally leave the country as it will become apparent during passport control that the passport has been invalidated.⁷³

There is no unambiguous answer to the question whether it is possible for someone to obtain a passport while subject to investigation or criminal proceedings. It depends on the individual circumstances of the case. It may be the case that a judge has not imposed a travel ban, in which case the person concerned is free to apply for a passport and it is up to the Ministry of the Interior whether or not to issue a passport.⁷⁴

⁶⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 15. Confidential source, 29 September 2021.

⁶⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 15.

⁶⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 15. Confidential source, 29 September 2021.

⁶⁸ The General Directorate of Population and Citizenship Affairs is known in Turkish as *Nüfus ve Vatandaşlık İşleri Genel Müdürlüğü*.

⁶⁹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 15. Confidential source, 29 September 2021.

⁷⁰ The RIA is known in Turkish as *Bilgi Edinme Hakkı Kanunu*.

⁷¹ Confidential source, 29 September 2021.

⁷² Confidential source, 29 September 2021 and 2 February 2022,

⁷³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 15. Confidential source, 29 September 2021.

⁷⁴ Confidential source, 22 November 2021.

2.2 E-devlet

E-devlet is the digital government service centre for Turkish residents and literally means 'electronic government'.⁷⁵ As far as is known, there were no significant developments in terms of access to and use of e-devlet during the reporting period.⁷⁶

Users of e-devlet can request a new code via a mobile phone if their telephone numbers and/or email addresses are entered in e-devlet. In such a situation, users, including those who are abroad, can renew the code via the Password and Safety Settings option. This option only applies to Turkish citizens and blue card holders.⁷⁷ Foreigners with a Turkish alien number who are abroad should apply to a Turkish diplomatic representation.⁷⁸ Users of e-devlet, including foreigners with a Turkish alien number, can also request a new code for e-devlet via internet banking. They can then log in using the Internet Banking option, select the Turkish bank in question and request a new code.⁷⁹

2.3 UYAP

UYAP stands for *Ulusal Yargı Ağı Projesi* and is translated into English as 'National Judiciary Informatics System'. It is a legal information system of the Turkish government.⁸⁰ As far as is known, there were no significant developments in terms of access to and use of UYAP during the reporting period.⁸¹

Different customer groups can each access the UYAP system through their own portal.⁸² In total there are six different portals:

- *Vatandaş UYAP* for citizens;
- *Avukat UYAP* for lawyers;
- *Kurum UYAP* for private companies and public institutions;
- *Bilirkişi UYAP* for experts that provide reports in adjudication;
- *Arabulucu UYAP* for mediators chosen by the parties or appointed ex officio for civil-private law matters;
- *Uzlaştırıcı UYAP* for conciliators that are appointed for certain criminal law matters.⁸³

Lawyers can only access UYAP through the lawyers' portal (*Avukat UYAP*) if they are members of the Union of Turkish Bar Associations, called *Türkiye Barolar Birliği* (TBB) in Turkish,⁸⁴ and their own provincial bar association.⁸⁵

⁷⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 15 and 27.

⁷⁶ Confidential source, 29 September 2021.

⁷⁷ The 'blue card', known in Turkish as *Mavi Kart*, is a residence permit that grants the holder almost the same rights and obligations as a Turkish citizen. Unlike a Turkish citizen, the holder of a blue card does not have the right to vote and is not allowed to stand for election. Male blue card holders are not conscripted, unlike their Turkish counterparts. Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 16.

⁷⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 17. Confidential source, 29 September 2021.

⁷⁹ Confidential source, 29 September 2021. Confidential source, 7 October 2021.

⁸⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 27.

⁸¹ Confidential source, 29 September 2021.

⁸² Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 32.

⁸³ Confidential source, 29 September 2021.

⁸⁴ For more information about the TBB, please visit <https://www.barobirlik.org.tr/en>.

⁸⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 32. Confidential source, 29 September 2021.

As far as is known, citizens who have attracted the negative interest of the Turkish authorities retain access to the UYAP citizens' portal (Vatandaş UYAP).⁸⁶

If a travel ban is issued during legal proceedings,⁸⁷ it will be uploaded to UYAP and made available for consultation.⁸⁸ This can be done through both the citizens' portal (Vatandaş UYAP) and the lawyers' portal (Avukat UYAP).⁸⁹ However, when a travel ban is issued during a criminal investigation, it will not be available for the person concerned and his or her lawyer to consult in UYAP, unless the lawyer receives permission from the public prosecutor to inspect the issued travel ban. This also applies to other documents that are part of ongoing investigations and that have been classified as confidential, where those involved have not yet been formally charged.⁹⁰

⁸⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 32. Confidential source, 29 September 2021.

⁸⁷ A travel ban and invalidation of a passport occur in two different contexts. A travel ban derives from criminal law and serves as an alternative to arrest. Invalidation of a passport derives from administrative law and is an administrative measure under Article 22 of the Passport Act. Although legally speaking these are two different matters, the effect is the same: preventing a person from leaving the country legally. Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 15.

⁸⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 28. Confidential source, 29 September 2021.

⁸⁹ Confidential source, 28 December 2021.

⁹⁰ Confidential source, 29 September 2021. Confidential source, 7 October 2021.

3 Human rights

3.1 Introduction

During the current reporting period, the human rights situation in Turkey remained under pressure. Section 3.2 deals with legislative and regulatory changes that occurred with an impact on the human rights situation in Turkey. Section 3.3 looks at how the neighbourhood guards developed after being given increased powers during the previous reporting period. Legislation on the legal profession was also amended during the previous reporting period. Section 3.4 discusses how the bar associations have developed since then. Both human rights organisations and defenders continued to attract negative attention from the Turkish authorities (see Section 3.5). The authorities also continued to curtail freedom of expression and the freedom of the media, including social media (see Section 3.6). Section 3.7 deals with freedom of movement in Turkey. The executive branch of government continued to exert direct influence over the judiciary (see Section 3.8). Conditions in detention centres and prisons remained poor. Procedural safeguards in connection with arrests were not observed (see Section 3.9). Moreover, reports of ill-treatment and torture continued to cause concern (see Section 3.10) and enforced disappearances occurred (see Section 3.11).

3.2 Legislation and regulations

During the reporting period, there were a number of legislative and regulatory changes relating to the human rights situation.

On 30 April 2021, the *Emniyet Genel Müdürlüğü* (General Directorate of Security, EGM), the highest police body, issued a directive banning citizens from filming the police during protests. This directive was heavily criticised, including by the bar associations of Istanbul and Ankara and the international human rights organisation Human Rights Watch (HRW). Critics saw the ban on filming police officers as a further restriction of press freedom in Turkey. However, the Turkish authorities argued that the ban was intended to protect the privacy of officers. They also claimed that filming hindered police officers from performing their duties.⁹¹ On 11 November 2021, the Turkish Council of State, the highest administrative court in Turkey,⁹² suspended the ban, because such a restriction of press freedom could only be implemented through law and not through regulation.⁹³ In December 2021, both the EGM and the Ministry of the Interior objected to the decision of the Council of State.⁹⁴ As far as is known, the Council of State has not responded to this objection.⁹⁵

On 1 July 2021, Turkey left the Istanbul Convention, an international treaty intended to combat violence against women and domestic violence. More can be read about this in 6.2.

⁹¹ Reuters, *Turkish police told to prevent people filming them – media*, 30 April 2021. Al Monitor, *Turkey bans filming at protests to hide police violence, rights group say*, 3 May 2021. Confidential source, 4 October 2021.

⁹² The Turkish Council of State is known in Turkish as *Danıştay*.

⁹³ International Press Institute (IPI)/#FreeTurkeyJournalists, *Turkey, Court suspends ban on recording protests*, 15 November 2021. Confidential source, 20 November 2021.

⁹⁴ Bianet, *Soylu appeals against Council of State ruling halting ban on audio, video recording*, 21 December 2021.

⁹⁵ Confidential source, 15 and 16 February 2022.

In the same month, the Turkish parliament passed a law that extended for a year a number of measures taken during the state of emergency (July 2016 – July 2018).⁹⁶ This extension took effect on 31 July 2021.⁹⁷ Two of these measures made it possible to dismiss officials on the basis of terror suspicions and to keep terrorist suspects in pre-trial detention for up to twelve days.⁹⁸ Another measure, which makes it possible to place businesses affiliated with terrorist organisations under government administration, was extended for three years.⁹⁹

On 12 November 2021, the Turkish authorities announced that prisoners would no longer be subjected to controversial strip searches by prison staff to make sure they were not carrying illicit items such as drugs. Henceforth, a prisoner would only undergo a detailed search if contraband could not be found in any other way. The authorities were required to provide a disposable apron in order to safeguard the dignity of the undressed prisoner.¹⁰⁰ A source was critical of this announced change, stating that it was merely a name change from strip search to detailed search.¹⁰¹ Another source said it was too early to see any change in practice.¹⁰² For more information about abuses in detention centres and prisons, including the use of strip searches, see 3.10.

3.3 Neighbourhood guards

The previous country of origin report stated that in June 2020 the Turkish parliament passed a new law on the *bekçi*, or 'neighbourhood guards'.¹⁰³ This law gave the neighbourhood guards extensive powers, such as the power to carry and use firearms, perform identity checks, arrest suspects and hand them over to the police. Opposition politicians and human rights lawyers expressed concern about this for two reasons. First, they feared that the neighbourhood guards were insufficiently trained to carry out proper police work. Second, many newly recruited neighbourhood guards came from the youth wing of the AKP, and critics feared that the neighbourhood guards would develop into a pro-government militia.¹⁰⁴

It can be concluded from discussions with various sources that the neighbourhood guards, who were active throughout Turkey,¹⁰⁵ were not involved in a pattern of widespread, paramilitary and politically motivated violence during the reporting period.¹⁰⁶ One source comments that neighbourhood guards were more hostile than the police when performing an identity check or searching someone's bag.¹⁰⁷ Another source states that neighbourhood guards usually acted according to their own nationalistic and conservative norms and values. For example, they challenged people about singing in Kurdish or wearing a short skirt or having an 'extravagant' haircut. If the person who had been challenged did not cooperate, he or she would be handcuffed and handed over to the police.¹⁰⁸

⁹⁶ Duvar English, *Turkey's parliament approves bill extending emergency powers for another year*, 18 July 2021.
HDN, *Parliament adopts law for extending state of emergency powers for detention, dismissals*, 19 July 2021.
European Commission (EC), *Turkey 2021 report*, 19 October 2021, pp. 3 and 10.

⁹⁷ HDN, *Parliament adopts law for extending state of emergency powers for detention, dismissals*, 19 July 2021.

⁹⁸ Duvar English, *Turkey's parliament approves bill extending emergency powers for another year*, 18 July 2021.

⁹⁹ HDN, *Parliament adopts law for extending state of emergency powers for detention, dismissals*, 19 July 2021.

¹⁰⁰ Ahval, *Turkey removes strip searching from prison bylaws*, 12 November 2021.

¹⁰¹ Confidential source, 2 December 2021.

¹⁰² Confidential source, 17 December 2021.

¹⁰³ In English, these neighbourhood guards are also known as 'night watchmen' or 'auxiliary police'.

¹⁰⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 19.

¹⁰⁵ Confidential source, 5 November 2021.

¹⁰⁶ Confidential source, 4 October 2021. Confidential source, 4 October 2021. Confidential source, 4 October 2021.
Confidential source, 6 October 2021.

¹⁰⁷ Confidential source, 4 October 2021.

¹⁰⁸ Confidential source, 4 October 2021.

3.4 Bar associations

The previous country of origin report stated that the Turkish parliament had amended legislation on the legal profession in July 2020. Previously, each province had one bar association and all these bar associations were united in the TBB. The amendment made it possible to establish an alternative bar association in provinces with more than 5,000 lawyers, provided that the new association had at least 2,000 lawyers. The amendment also allowed provinces with fewer lawyers to send more delegates to the TBB than before. This limited the influence of the large bar associations of Istanbul, Ankara and Izmir, which had the highest proportion of members¹⁰⁹ and were known for their critical attitude towards the Turkish authorities. Critics feared that this amendment would facilitate the rise of pro-government bar associations.¹¹⁰

By the end of September 2020, an alternative bar association had been established in Istanbul.¹¹¹ Most members of this bar association embraced the conservative-Islamic and nationalist norms and values of the AKP/MHP alliance.¹¹² A second bar association was also established in Ankara.¹¹³

3.5 Human rights organisations and defenders under pressure

3.5.1 Law against the proliferation of weapons of mass destruction

During the previous reporting period, in December 2020, the Turkish Parliament passed the Bill on Preventing the Financing of the Proliferation of Weapons of Mass Destruction, also known as Law No. 7262. The Turkish government stated that this law should prevent NGOs from being used to finance terrorism and launder money. In addition, the Turkish authorities said that they wanted to comply with anti-terrorism agreements that had been made within the UN.¹¹⁴ ¹¹⁵ The law gave the Turkish authorities far-reaching powers, such as the power to replace NGO board members with trustees,¹¹⁶ suspend NGOs' activities and freeze their assets.¹¹⁷

¹⁰⁹ Istanbul's original bar association reportedly had 50,000 members in early October 2021. Confidential source, 4 October 2021. For more information about this bar association, called *İstanbul Barosu* in Turkish, see <https://www.istanbulbarosu.org.tr>.

¹¹⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 20.

¹¹¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 21.

¹¹² Confidential source, 4 October 2021. Confidential source, 4 October 2021.

¹¹³ Confidential source, 25 February 2022.

¹¹⁴ *De Volkskrant*, *Turkse ngo's dreigen te worden beknot door antiterrorwet*, 25 December 2020. Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 23. Venice Commission, *Turkey, Opinion, On the compatibility with international human rights standards of Law No. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction*, 6 July 2021, p. 5. Amnesty International, *Turkey, Terrorism financing law has immediate 'chilling effect' on civil society*, 19 October 2021, pp. 3 and 4.

¹¹⁵ The Financial Action Task Force (FATF), an international organisation that combats money laundering and terrorist financing, assesses the extent to which Turkey is complying with the agreements made within the UN context. FATF, *Jurisdictions under increased monitoring*, October 2021.

¹¹⁶ Venice Commission, *Turkey, Opinion, On the compatibility with international human rights standards of Law No. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction*, 6 July 2021, p. 19. Confidential source, 6 October 2021. Confidential source, 6 October 2021.

¹¹⁷ Venice Commission, *Turkey, Opinion, On the compatibility with international human rights standards of Law No. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction*, 6 July 2021, p. 19.

The Law on Preventing the Financing of Weapons of Mass Destruction has been widely criticised.¹¹⁸ For example, the Venice Commission¹¹⁹ described the far-reaching powers of the Turkish authorities as 'disproportionate' and 'drastic'.¹²⁰ This advisory body to the Council of Europe (CoE)¹²¹ noted, for example, that NGOs now had to obtain permission from the Turkish authorities to raise funds online. According to the Venice Commission, such an obligation has no basis in the agreements made at the UN to combat the financing of terrorism.¹²²

The international human rights organisation Amnesty International, from now on simply referred to as 'Amnesty', conducted research among some thirty Turkish NGOs into the impact of this law on civil society. Amnesty came to the conclusion that the law had created a climate of fear among these NGOs.¹²³ Due to fears of elaborate financial inspections, heavy fines and lengthy prison sentences, NGOs have found it hard to retain current board members and recruit new ones. These same fears had made Turkish NGOs less likely to work with international partner organisations and raise international funds. They were also replacing board members against whom criminal proceedings had been initiated, for fear that the authorities would otherwise appoint trustees.¹²⁴

Fear and uncertainty among NGOs was heightened by the opaque way in which the Turkish authorities implemented the law in question. For example, it was unclear to NGOs which department of the Turkish Ministry of the Interior was responsible for financial inspections of NGOs. In addition, it was unclear why some NGOs were inspected repeatedly and others were not. Furthermore, NGOs did not receive any substantive feedback after a financial inspection, so that it remained unclear whether or not they met the set standards.¹²⁵

3.5.2 *Human rights defenders*

The previous country of origin report already made it clear that human rights defenders were attracting negative attention from the Turkish authorities.¹²⁶ This situation remained the same during the current reporting period. The following two examples are merely intended to illustrate this development and should not be considered exhaustive.

During the previous reporting period, four human rights defenders were reported to have been given prison sentences for alleged links with the Gülen movement. One of these was Taner Kılıç, the honorary president of the Turkish branch of Amnesty. Because the other three were arrested during a workshop on the island of

¹¹⁸ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 23.

¹¹⁹ For more information about the Venice Commission, please visit www.venice.coe.int.

¹²⁰ Venice Commission, *Turkey, Opinion, On the compatibility with international human rights standards of Law No. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction*, 6 July 2021, p. 12.

¹²¹ In French, the CoE is known as *Conseil de l'Europe* (CdE). For more information about the CoE, please visit www.coe.int.

¹²² Venice Commission, *Turkey, Opinion, On the compatibility with international human rights standards of Law No. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction*, 6 July 2021, p. 12.

¹²³ Amnesty, *Turkey, Terrorism financing law has immediate 'chilling effect' on civil society*, 19 October 2021, pp. 3 and 4.

¹²⁴ Amnesty, *Turkey, Terrorism financing law has immediate 'chilling effect' on civil society*, 19 October 2021, pp. 5, 6, 8 and 9.

¹²⁵ Amnesty, *Turkey, Terrorism financing law has immediate 'chilling effect' on civil society*, 19 October 2021, pp. 7 and 8.

¹²⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 10.

Büyükkada,¹²⁷ this case was also known as the 'Büyükkada case'.¹²⁸ At the time of writing, the appeal of the four convicts was pending at the Court of Cassation.¹²⁹

An incident that generated a lot of attention during the reporting period was the arrest of Öztürk Türkdoğan on 19 March 2021. Türkdoğan was co-chair of the *İnsan Hakları Derneği* (Human Rights Association, İHD),¹³⁰ the oldest human rights association in Turkey. His arrest was widely criticised, including by the International Court of Justice (ICJ), the highest judicial body of the UN,¹³¹ and Amnesty.¹³² Türkdoğan was released on bail after a day.¹³³ Since then, Türkdoğan has had to report to the police station every fifteen days. He was also given an international travel ban.¹³⁴ Soylu, the Turkish Interior Minister, had already accused the İHD of being sympathetic to the PKK and described it as a 'cursed association' in February 2021.¹³⁵ At the time of writing, Türkdoğan was facing criminal charges for being a member of a terrorist organisation, insulting the Interior Minister and insulting the Turkish nation, the Republic of Turkey and its state institutions and bodies.¹³⁶

3.6 Freedom of speech and media freedom

3.6.1 Press freedom under pressure

It was clear from the previous country report that freedom of speech and media freedom were subject to restrictions in Turkey.¹³⁷ This situation remained unchanged during the current reporting period. With regard to press freedom, in 2021 Turkey was ranked 153rd on the press freedom index of Reporters Without Borders (RSF), an international NGO working for press freedom.¹³⁸ The index lists a total of 180 countries.¹³⁹ According to the International Press Institute (IPI), another international NGO working for press freedom,¹⁴⁰ there were 37 journalists in prison during the current reporting period.¹⁴¹ Press in Arrest, a group of Turkish journalists that monitors the criminal prosecution of fellow journalists,¹⁴² reported on 9 April 2021 that 41 journalists were in prison.¹⁴³

¹²⁷ Büyükkada is part of the Princes' Islands, an archipelago in the Sea of Marmara off the coast of Istanbul.

¹²⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 31.

¹²⁹ Duvar English, *Former Amnesty Turkish chair Taner Kılıç risks reimprisonment if sentence upheld by top appeals court*, 6 May 2021. Confidential source, 7 December 2021. Confidential source, 28 January 2022.

¹³⁰ For more information about the İHD, please visit <https://ihd.org.tr/en/>.

¹³¹ The ICJ has its seat in the Peace Palace in The Hague and is known in French as the *Cour internationale de Justice* (CIJ). For more information about the ICJ, please visit <https://www.icj-cij.org>.

¹³² ICJ, *Turkey, immediately free lawyer and human rights defender Öztürk Türkdoğan*, 19 March 2021. Amnesty, *Turkiye, Arrestatie van mensenrechtenleider drijft de spot met nieuw Mensenrechtenactieplan*, 19 March 2021.

¹³³ Bianet, *Human Rights Association Co-Chair Türkdoğan released*, 20 March 2021. Confidential source, 6 October 2021.

¹³⁴ Confidential source, 6 October 2021.

¹³⁵ Bianet, *Interior Minister Soylu targets HDP and İHD over killings in Gare*, 17 February 2021. Confidential source, 6 October 2021.

¹³⁶ HRW, *Turkey, Human rights defender on trial, Co-chair of country's oldest rights group faces terrorism prosecution*, 21 February 2022. Bianet, *Prosecute rights violations, not rights advocates*, 21 February 2022.

¹³⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 23-27.

¹³⁸ The abbreviation 'RSF' stands for *Reporters sans frontières*. For more information about RSF, please visit <https://rsf.org/en>.

¹³⁹ RSF, *2021 World press freedom index*, undated, accessed 22 November 2021.

¹⁴⁰ For more information about the IPI, please visit the website <https://ipi.media>. The IPI has a project called *#FreeTurkeyJournalists* that focuses specifically on the position of journalists in Turkey. For more information about this project, please visit <https://freeturkeyjournalists.ipi.media/>.

¹⁴¹ IPI/*#FreeTurkeyJournalists*, *Turkey's press freedom violations in numbers*, undated, accessed 22 November 2021.

¹⁴² For more information about Press in Arrest, please visit pressin-arrest.com.

¹⁴³ Press in Arrest, *According to Press in Arrest, 41 journalists are behind bars in Turkey*, 9 April 2021.

In particular, the Kurdish news platform *Mesopotamia Agency* (MA)¹⁴⁴ attracted negative attention from the Turkish authorities by publishing on a politically sensitive topic, namely the conflict between the PKK and the Turkish state. The head of the MA office in Istanbul commented in this context: 'All of us have been arrested at least once.'¹⁴⁵

In October 2020, four journalists were arrested¹⁴⁶ for reporting an incident in the province of Van in which a civilian was killed (for more information about the incident, see 5.4). According to the Turkish authorities, the journalists were members of a terrorist organisation and have produced propaganda for a terrorist organisation. Two of the four journalists worked for MA.¹⁴⁷ On 6 January 2022, the four journalists were acquitted of membership of a terrorist organisation. A journalist named Nazan Sala was given a suspended prison sentence of one year and three months for producing terror propaganda.¹⁴⁸ In February 2022, the Constitutional Court¹⁴⁹ ruled that one of the four, Cemil Uğur, had been unlawfully held in pre-trial detention from 6 October 2020 to 2 April 2021. The Court, the country's top court, awarded him compensation of 67,500.00 Turkish lira (TL).^{150 151}

3.6.2 *Insulting the president*

There were many instances of people being charged under Article 299 of the Turkish Penal Code (TPC)¹⁵² for insulting the president. Insulting the president carries a prison sentence of one to four years. If a person has publicly insulted the president, the sentence can be increased by one sixth.¹⁵³ According to the Turkish Ministry of Justice, 31,297 criminal investigations for insulting the president took place in 2020. In 7,790 instances this led to a prosecution and in 3,325 to a conviction.¹⁵⁴ The figures from this department did not show what penalties were given.

The following case of insulting the president was particularly striking during the reporting period. In 2017, a man was provisionally sentenced to eleven months and twenty days in prison for posting a cartoon of President Erdoğan on Facebook. He was accused of having insulted the president by doing so. In October 2021, the ECHR ruled that the man's freedom of expression had been violated.¹⁵⁵

Another case of insulting the president that attracted a lot of attention concerned the well-known journalist Sedef Kabaş. On an opposition TV channel and on Twitter, she referred to President Erdoğan as follows: 'When an ox comes to the palace, it does not become a king, but the palace becomes a stable.' During a night-time raid on her home, Kabaş was arrested on 22 January 2022 and charged with insulting

¹⁴⁴ In Turkish, MA is known as *Mezopotamya Ajansı*. For more information about MA, please visit mezopotamyaajansi35.com/en.

¹⁴⁵ The World, 'All of us have been arrested at least once', *Kurdish press in Turkey walk a fine line*, 9 March 2021.

¹⁴⁶ The four journalists were Adnan Bilen, Cemil Uğur, Şehriban Abi and Nazan Sala. Bilen and Uğur worked for MA.

¹⁴⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 26 and 27. The World, 'All of us have been arrested at least once', *Kurdish press in Turkey walk a fine line*, 9 March 2021.

¹⁴⁸ Bianet, *Reporting on citizens thrown from a helicopter, journalists acquitted a year later*, 6 January 2022.

¹⁴⁹ The Court is known in Turkish as *Anayasa Mahkemesi* (AYM). An alternative name for the Court is the 'top court'. For more information about the Court, please visit <https://www.anayasa.gov.tr/en/home-page/>.

¹⁵⁰ Bianet, *Turkey's top court finds journalist Cemil Uğur's arrest for reporting on torture unlawful*, 8 February 2022.

¹⁵¹ The TL is known in Turkish as *Türk Lirası*. According to CoinMill.com, an online exchange rate converter, TL 67,500.00 was worth 4,357.19 euros on 9 February 2022.

¹⁵² Known in Turkish as *Türk Ceza Kanunu* (TCK).

¹⁵³ Confidential source, 27 December 2021. Bianet, 'Insulting the President', *Is it a tool to bring society into line?*, 27 January 2022.

¹⁵⁴ Reuters, *Top European court says Turkey should change law on insulting president*, 19 October 2021.

¹⁵⁵ Reuters, *Top European court says Turkey should change law on insulting president*, 19 October 2021. Bianet, *ECHR's first ruling on 'insulting the President', Violation of freedom of expression*, 19 October 2021.

the president.¹⁵⁶ The IPI called on the Turkish authorities to release her immediately.¹⁵⁷ The Turkish branch of PEN International, an international writers' organisation that champions freedom of expression,¹⁵⁸ expressed its support for Kabaş in a written statement.¹⁵⁹ The US State Department expressed disappointment at Kabaş's arrest.¹⁶⁰ The public prosecutor demanded a prison sentence of up to twelve years and ten months for insulting the president and two ministers.¹⁶¹

3.6.3 *Legal framework regarding social media*

The previous country of origin report stated that the law on social media had been amended. This legislative amendment included the following: From 1 October 2020, foreign social media companies with more than one million daily users were required to have a legal representative in Turkey.¹⁶² At the end of the previous reporting period, Amazon Prime Video, Dailymotion, Facebook, LinkedIn, Netflix, Spotify, TikTok, VKontakte (VK) and YouTube had agreed to appoint a representative in Turkey.¹⁶³ Twitter¹⁶⁴ followed in March 2021 and Pinterest also decided to appoint a representative in Turkey at the beginning of April 2021. As a result, all foreign social media companies with more than one million daily users had complied with the amended social media legislation.¹⁶⁵

3.6.4 *Social media freedom under further pressure*

During the reporting period, freedom on social media came under further pressure. The amendment already discussed, which entered into force on 1 October 2020 (see 3.6.3), introduced an important change. Whereas previously the Turkish authorities were authorised to block access to unwelcome content, they were now also allowed to have unwelcome content removed.¹⁶⁶

The impact of this change became tangible during the reporting period. For example, the *Medya Araştırmaları Derneği* (Media Research Association, MEDAR), a research and opinion centre,¹⁶⁷ examined 658 judicial content removal orders from October 2020 to April 2021. In most instances, the content in question related to corruption and irregularities (336 cases)¹⁶⁸ or misconduct (308 cases). The professional groups that requested most content removal orders were businessmen

¹⁵⁶ Al Jazeera, *Turkish journalist arrested for insulting President Erdogan*, 23 January 2022. Bianet, *Detained in midnight raid, Journalist Sedef Kabaş arrested for 'insulting Erdoğan'*, 24 January 2022. The Guardian, *Turkey, Journalist 'will not go unpunished' for insult, says Erdogan*, 26 January 2022.

¹⁵⁷ IPI/#FreeTurkeyJournalists, *IPI calls for release of Turkey journalist Sedef Kabaş*, 24 January 2022.

¹⁵⁸ For more information about PEN International, please visit <https://pen-international.org>.

¹⁵⁹ Bianet, *'You cannot get rid of our tongue', PEN Turkey expresses support for Kabaş, Aksu*, 25 January 2022.

¹⁶⁰ Bianet, *US Department of State: Freedom of expression is universal*, 25 January 2022.

¹⁶¹ Bianet, *Court accepts indictment against jailed journalist Sedef Kabaş, Up to 12 years in prison*, 15 February 2022. HDN, *Indictment for arrested journalist accepted*, 15 February 2022.

¹⁶² This representative had to comply with court orders to remove certain content from a social media platform and to deal with requests from individuals to remove messages that violated their privacy or other rights. Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p.

¹⁶³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 22. AA, *Turkey, Top companies complying with social media laws*, 20 March 2021.

¹⁶⁴ AA, *Turkey, Top companies complying with social media laws*, 20 March 2021.

¹⁶⁵ AA, *Pinterest agrees to hire local representative in Turkey*, 9 April 2021. HDN, *Pinterest to appoint representative to Turkey*, 9 April 2021. Interview with Yaman Akdeniz (cyber rights activist and co-founder of İFÖD) in Istanbul, 4 October 2021.

¹⁶⁶ Media Research Association (MEDAR), *Impact of social media law on media freedom in Turkey, Monitoring report*, 21 September 2021, p. 4. İfade Özgürlüğü Derneği (İFÖD), *Fahrenheit 5651, The scorching effect of censorship*, October 2021, p. 11.

¹⁶⁷ For more information about MEDAR, please visit <https://medarder.org/en/about/>.

¹⁶⁸ Examples of irregularities are procedures that have not been followed and implemented correctly, for example the award of a government contract to a company that is conducted transparently.

(103 times), ministers (85 times) and lawyers (70 times).¹⁶⁹ A source emphasises that the figure of 658 was only the number of documented content removal orders, and that the actual number of content removal orders was very likely higher.¹⁷⁰

The fact that social media was actively monitored by the Turkish authorities was also clear from the number of blocked websites. According to *İfade Özgürlüğü Derneği* (Freedom of Expression Association, İFÖD),¹⁷¹ 408,494 websites and new domain names had been blocked by the Turkish authorities by the end of 2019.¹⁷² By the end of 2020, this number had risen to 467,011.¹⁷³ According to a source, about 500,000 websites had been blocked by October 2021.¹⁷⁴ Among other things, the Turkish authorities blocked access to entire news sites or individual news articles that took a critical look at government policies. These included left-wing and Kurdish sites that expressed alternative views on the Kurdish issue and military operations of the Turkish armed forces.¹⁷⁵

More than fifteen government agencies were authorised to block websites.¹⁷⁶ Those that blocked most websites during the reporting period were the *Bilgi Teknolojileri ve İletişim Kurumu* (Information and Communication Technologies Authority, BTK), the courts and the Capital Markets Board (CMB).¹⁷⁷ The BTK is the Turkish telecom authority and is charged with implementing and enforcing the amended social media legislation.¹⁷⁸ The CMB is a government body that oversees Turkey's financial markets.¹⁷⁹

3.6.5 Criminal prosecution of critical social media users in practice

The previous country of origin report indicated that critical and discordant social media users were frequently investigated, prosecuted and convicted. In particular, critical social media reports on the following subjects drew negative attention from the Turkish authorities: President Erdoğan and his family, the Turkish government's coronavirus policy, Turkey's military operations at home and abroad, the political and cultural rights of the Kurdish minority, the conflict between the PKK and the Turkish government, Gülen and his movement, Islam and homosexuality.¹⁸⁰ This picture remained unchanged during the current reporting period. Messages that displeased the Turkish authorities were blocked or removed and those who posted or shared these messages were prosecuted.¹⁸¹ One source added that critical reports of government corruption also drew negative attention from the Turkish authorities.¹⁸²

¹⁶⁹ MEDAR, *Impact of social media law on media freedom in Turkey, Monitoring report*, 21 September 2021, pp. 4, 5, 6, 9 and 67.

¹⁷⁰ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the *European Centre for Press & Media Freedom*, ECPMF), 30 September 2021.

¹⁷¹ İFÖD is a Turkish NGO that, among other activities, identifies the scale on which websites are blocked by the Turkish government. For more information about İFÖD, please visit <https://ifade.org.tr/en/>.

¹⁷² Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 24.

¹⁷³ İFÖD, *Fahrenheit 5651, The scorching effect of censorship*, October 2021, pp. 2, 9, 101.

¹⁷⁴ Interview with Yaman Akdeniz (cyber rights activist and co-founder of İFÖD) in Istanbul, 4 October 2021.

¹⁷⁵ İFÖD, *Fahrenheit 5651, The scorching effect of censorship*, October 2021, pp. 21, 22, 23 and 27.

¹⁷⁶ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the *European Centre for Press & Media Freedom*, ECPMF), 30 September 2021. İFÖD, *Fahrenheit 5651, The scorching effect of censorship*, October 2021, p. 8.

¹⁷⁷ İFÖD, *Fahrenheit 5651, The scorching effect of censorship*, October 2021, pp. 8 and 9.

¹⁷⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 22.

¹⁷⁹ The CMB is known in Turkish as *Sermaye Piyasası Kurulu* (SPK). For more information about the CMB, please visit <https://www.cmb.gov.tr/Sayfa/Index/0/0>.

¹⁸⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 24 and 25.

¹⁸¹ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the *European Centre for Press & Media Freedom*, ECPMF), 30 September 2021. Interview with Yaman Akdeniz (cyber rights activist and co-founder of İFÖD) in Istanbul, 4 October 2021.

¹⁸² Interview with Yaman Akdeniz (cyber rights activist and co-founder of İFÖD) in Istanbul, 4 October 2021.

The following examples serve to illustrate the developments described above, but can in no way be considered exhaustive.

A previous country of origin report stated that Canan Kaftancıoğlu, the provincial leader of the CHP in Istanbul, was sentenced to nine years, eight months and twenty days in prison on 23 June 2020 in connection with multiple Twitter posts from the period 2012-2017. In these messages, according to the Turkish authorities, she was guilty of insulting the president and the Turkish state, producing propaganda for a terrorist organisation and inciting hatred.¹⁸³ At the time of writing, her appeal was pending at the Court of Cassation.¹⁸⁴

The following example also shows that social media users experienced personal problems with the Turkish authorities in connection with messages they had posted or shared years earlier. On 27 September 2021, Turkish-Kurdish columnist and human rights defender Nurcan Kaya was given a suspended prison sentence of one year and three months over a message she had posted on Twitter in 2014. When ISIS besieged the northern Syrian city of Kobani,¹⁸⁵ mainly inhabited by ethnic Kurds, in that year, Kaya tweeted: 'Not only the Kurds, but all inhabitants [of Kobani] are defending themselves [against ISIS].' According to the Turkish authorities, this constituted propaganda for a terrorist organisation.^{186 187}

The following case also shows that social media posts relating to Kurdish affairs attracted the negative attention of the Turkish authorities. In early November 2021, Hifzullah Kutum, an academic at Fırat University in Elazığ, was suspended and charged with producing terror propaganda. On Twitter, Kutum had posted a photo of Masoud Barzani, the former president of the Kurdish Autonomous Region (KAR) in northern Iraq. He had written in Kurdish next to this photo: 'Long live Kurdistan'.¹⁸⁸

Dissonant or critical messages that quickly became popular on social media were especially likely to receive negative attention from the Turkish authorities.¹⁸⁹ This applied, for example, to a satirical video made by two 23-year-old TikTok users. Since Turkish passport holders had little opportunity to travel due to the coronavirus measures and the fall of the TL, they showed alternative uses for the passport in a video.^{190 191} They were then prosecuted for insulting the symbols of the Turkish state. In the meantime, they were given an international travel ban and had to report to the nearest police station every day.¹⁹²

Critical and frustrated comments about the economic downturn in Turkey (for more information about the economic downturn in Turkey, see 1.1.2) also provoked a negative reaction from the Turkish authorities. For example, three YouTube journalists were arrested on 12 December 2021. They had interviewed people on the street about the economic decline in Turkey. In these interviews, people had

¹⁸³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 25.

¹⁸⁴ Interview with Yaman Akdeniz (cyber rights activist and co-founder of İFÖD) in Istanbul, 4 October 2021.

¹⁸⁵ The name of this city is also spelled *Kobani* or *Kobanê*. In Arabic, the city is known as *Ayn al-Arab*.

¹⁸⁶ Kobani was mainly defended by the *Yekîneyên Parastina Gel* (People's Protection Units, YPG). The Turkish authorities regard this Syrian Kurdish militia as the Syrian branch of the PKK.

¹⁸⁷ Bianet, *Writer Nurcan Kaya given deferred prison sentence for 2014 tweet*, 27 September 2021.

¹⁸⁸ Rûdaw, *Academic threatened in Turkey after celebrating Kurdish revolution*, 1 November 2021. Duvar English, *Kurdish academic detained, suspended from university over 'Kurdistan' social media post*, 5 November 2021.

Bianet, *Academic released from arrest after 'long live Kurdistan' post*, 10 November 2021.

¹⁸⁹ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 30 September 2021.

¹⁹⁰ In the video in question, a Turkish passport was used as a bookmark, oven glove and coaster.

¹⁹¹ Ahval, *Court orders travel ban on TikTokers over content mocking Turkish passport*, 28 April 2021. Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 30 September 2021.

¹⁹² Ahval, *Court orders travel ban on TikTokers over content mocking Turkish passport*, 28 April 2021.

expressed their frustrations with the economic difficulties in the country. At the time of writing, the three YouTubers had been released on bail. They had been given an international travel ban and placed under house arrest, which prevented them from conducting further street interviews.¹⁹³

3.7 Freedom of movement

There is no unambiguous answer to the question to what extent a person who has attracted the negative interest of the Turkish authorities can legally leave the country. It depends on the individual circumstances of the case.¹⁹⁴

An unambiguous answer likewise cannot be given to the question to what extent travel bans are issued against people who have attracted negative interest and whether someone can leave the country while a criminal case is still pending.¹⁹⁵

Arrest warrants may be issued during a criminal investigation or criminal case. Prosecutors may apply for an arrest warrant, but are not authorised to issue arrest warrants themselves: that power is reserved for judges only. In practice, arrest warrants are usually issued without official notice, as otherwise there is a risk that the suspect will flee.¹⁹⁶

For the freedom of movement of draft evaders and deserters, see 9.3. For the freedom of movement of Syrians receiving temporary protection in Turkey, see 10.3.2.

3.8 Judicial process

3.8.1 Constitutional Court

As already mentioned, the Constitutional Court is Turkey's top court. During the previous reporting period, the Court came under further pressure. For example, in September 2020, MHP leader Bahçeli called for a restructuring of the Court so that it would be better aligned with the presidential system. President Erdoğan supported this call from his political ally.¹⁹⁷ At the time of writing, Bahçeli's appeal had not led to a concrete bill.¹⁹⁸

There is no unambiguous answer to the question to what extent the Court is independent. There is more clarity about the composition of the Court. It has fifteen members. Of these, seven were appointed directly by President Erdoğan, five by former President Abdullah Gül (President Erdoğan's predecessor) and three by the Turkish parliament.¹⁹⁹

¹⁹³ The Independent, *Turkey arrests YouTubers who talk to the public about financial woes*, 13 December 2021.

Bianet, *3 YouTubers doing street interviews placed under house arrest*, 13 December 2021.

¹⁹⁴ Confidential source, 22 November 2021.

¹⁹⁵ Confidential source, 22 November 2021.

¹⁹⁶ Confidential source, 22 November 2021.

¹⁹⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 29.

¹⁹⁸ Confidential source, 15 February 2022.

¹⁹⁹ Confidential source, 5 November 2021. Bianet, *Parliament elects former AKP politician as Constitutional Court member*, 20 January 2022.

The following two rulings of the Court stood out during the current reporting period. In May 2021, the Court accepted a charge from a teacher. He had claimed that in 2016 he had been detained for 25 days in a police station because of alleged links to the Gülen movement. During this period, he claimed to have been sexually abused and tortured. The Court demanded the reopening of the investigation, the criminal prosecution of the police officers involved and a payment of TL 50,000.00²⁰⁰ in damages to the person concerned.²⁰¹ At the time of writing, the ruling had not yet been implemented.²⁰²

In July 2021, the Court ruled in favour of an HDP MP named Ömer Faruk Gergerlioğlu. He had previously been convicted of producing propaganda for the PKK, sentenced to prison and lost his seat in parliament. As a result of the Court's ruling, Gergerlioğlu was released and regained his seat in parliament. More information on this case can be found in 5.3.1.

3.8.2 *Independence of judges and lawyers under pressure*

The previous country of origin report stated that the executive branch had a direct influence over the actions of prosecutors and judges. In addition, lawyers ran the risk of being associated with the alleged crimes of their clients even though there was no concrete evidence for this. Guilt by association of this kind applied in particular to lawyers of left-wing individuals and actual or alleged members of the Gülen movement and the PKK.²⁰³

This situation remained the same during the current reporting period. For example, lawyers representing left-wing individuals and actual or alleged Gülenists and PKK members still ran the risk of being prosecuted themselves because of guilt by association.²⁰⁴ For instance, a source is aware of two lawyers who were criminally prosecuted during the current reporting period merely because they represented (alleged) PKK members. One lawyer was accused of producing propaganda for a terrorist organisation. The other was suspected of being a member of a terrorist organisation. In both cases, 'terrorist organisation' referred to the PKK.²⁰⁵

3.8.3 *Access to evidence*

The suspect and his or her defence are given access to the criminal file and the evidence from the moment the suspect is actually charged and court proceedings are set in motion. Once the trial has started, the defendant's lawyer may request the criminal file and evidence from the public prosecutor.²⁰⁶ If this request is granted, the lawyer can consult the documents via the lawyers' portal of UYAP (Avukat UYAP) (for more information about UYAP, see 2.3).²⁰⁷

²⁰⁰ According to CoinMill.com, an online exchange rate converter, TL 50,000 was worth 3,095.73 euros on 14 December 2021.

²⁰¹ DW, *Emniyeteki kötü muameleye AYM'den ihlâl kararı* ('Ruling of the Constitutional Court (AYM) for maltreatment at police station'), 14 September 2021. Confidential source, 4 October 2021.

²⁰² Confidential source, 3 December 2021.

²⁰³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 28.

²⁰⁴ Confidential source, 4 October 2021. Confidential source, 4 October 2021. Confidential source, 8 October 2021.

²⁰⁵ Confidential source, 23 December 2021.

²⁰⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 31. Confidential source, 4 October 2021.

²⁰⁷ Confidential source, 4 October 2021.

However, the evidence is sometimes kept confidential,²⁰⁸ especially in cases involving murder, terrorism or child abuse.²⁰⁹ In such circumstances, the lawyer only has access to documents such as court records and experts' reports,²¹⁰ which stands in the way of a fair trial, according to a source.²¹¹

During the current reporting period, people were charged and/or convicted on the basis of anonymous witness statements.²¹² One source adds that use of anonymous witness statements was made in particular in Gülen cases, with the voices of the anonymous witnesses being distorted.²¹³

A person must authorise a lawyer by means of a power of attorney before the lawyer can represent him or her.²¹⁴ One source adds that a lawyer only has to produce a power of attorney in court. This is not necessary at a police station, according to the source.²¹⁵

3.9 Arrests, custody and detentions

3.9.1 Procedural safeguards not observed

In the following passages, the terms 'detention centre' and 'prison' are frequently used. Before the conditions in detention centres and prisons are described, the difference between the two terms should first be explained. In the Turkish context, a 'detention centre' is a location such as a police station where a detainee (someone who has been arrested) is held for a short period. A 'prison', on the other hand, is a location where a person who has been convicted serves his or her sentence or where someone is held in pre-trial detention for an extended period of time.²¹⁶

The previous country report made it clear that procedural safeguards regarding the detention of detainees were not always observed. For example, detainees were ill-treated, police officers or gendarmes remained present during medical checks in the detention centre and detainees who had to spend the night in the detention centre had no mattress and little or no food, drinking water and toiletries.²¹⁷

This situation remained the same during the current reporting period. During the first 24 hours, it was standard practice for the detainee to have no access to a lawyer. During this period, the detainee was at especial risk of being ill-treated.²¹⁸ Medical checks in detention centres took place in the presence of police officers and in some cases the detainee remained handcuffed, preventing a proper check from being carried out. In addition, the detention cells, bed linen and toilets were dirty and detainees were not allowed to use the toilet, or were only allowed after a long wait.²¹⁹

²⁰⁸ Confidential source, 4 October 2021. Confidential source, 7 December 2021. Confidential source, 9 December 2021.

²⁰⁹ Confidential source, 7 December 2021. Confidential source, 9 December 2021.

²¹⁰ Confidential source, 4 October 2021. Confidential source, 28 December 2021.

²¹¹ Confidential source, 4 October 2021.

²¹² Confidential source, 4 October 2021. Confidential source, 7 December 2021.

²¹³ Confidential source, 4 October 2021.

²¹⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 32. Confidential source, 4 October 2021. Confidential source, 7 December 2021.

²¹⁵ Confidential source, 4 October 2021.

²¹⁶ Confidential source, 7 October 2021. Confidential source, 19 January 2022.

²¹⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 33.

²¹⁸ Confidential source, 6 October 2021. Confidential source, 8 October 2021. Confidential source, 8 October 2021.

²¹⁹ Confidential source, 8 October 2021.

No information was available on the number of critics, Kurdish opponents and Gülenists in pre-trial detention and how long their detention lasted in practice.²²⁰

3.9.2 *Prison overcrowding*

The previous country of origin report indicated that Turkish prisons were overcrowded.²²¹ The problem of overcrowding continued during the current reporting period.²²² As of October 2021, according to *Ceza ve Tevkifevleri Genel Müdürlüğü* (General Directorate of Prisons and Detention Houses, CTE), Turkey had 294,930 prisoners,²²³ but had the capacity for 251,229 prisoners.²²⁴ On the basis of the CTE's statistics, there was therefore a 'surplus' of 43,701 prisoners in October 2021.

According to the *Türkiye İstatistik Kurumu* (TÜİK)²²⁵ Turkey had 10,209 foreign prisoners in 2020. The TÜİK did not divide this total by nationality.²²⁶ According to a source, most foreign prisoners in Turkey were of Syrian nationality. The same source points out that there were 3,102 Syrian prisoners in Turkey in 2018, but that there was no more recent figure for the number of Syrians in Turkish prisons.²²⁷ Foreign prisoners experienced a language barrier when exercising their rights, because they usually did not speak Turkish.²²⁸ Requests and petitions to prison authorities had to be drawn up in Turkish. Such documents could take weeks to translate, a source said.²²⁹

3.9.3 *Limited access to medical care*

The previous country of origin report stated that access to medical care for prisoners was limited.²³⁰ This situation remained the same during the current reporting period. For example, prisoners were kept handcuffed during medical checks,²³¹ medical checks in hospitals took place in the presence of police officers or gendarmes,²³² the transportation of sick prisoners between prisons and hospitals continued to be delayed²³³ and there was a lack of medical staff in prisons.²³⁴ Furthermore, two sources point out that some doctors refused to treat actual or alleged Gülenists and PKK members. They did not want to treat these so-called 'terror prisoners' for fear of being associated with the PKK or the Gülen movement.²³⁵

²²⁰ Confidential source, 5 October 2021.

²²¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 33.

²²² IHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, p. 52. Confidential source, 4 October 2021. Confidential source, 6 October 2021. EC, *Turkey 2021 report*, 19 October 2021, p. 31.

²²³ CTE, *Genel Bilgi* ('General Information'), 1 October 2021.

²²⁴ CTE, *Ceza infaz kurumlarının kurum statülerine göre dağılımı* ('Classification of penitentiaries by institutional status'), 31 October 2021.

²²⁵ The TÜİK is known in English as the Turkish Statistical Institute (TurkStat). For more information about this statistics bureau, please visit <https://www.tuik.gov.tr>.

²²⁶ TÜİK, *Prison population by sex, status and nationality, 2016-2020*, 31 December 2020.

²²⁷ Confidential source, 5 October 2021.

²²⁸ IHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, pp. 6 and 47. Confidential source, 5 October 2021.

²²⁹ Confidential source, 5 October 2021.

²³⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 33 and 34.

²³¹ IHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, pp. 31 and 32. Confidential source, 5 October 2021. Confidential source, 8 October 2021.

²³² Confidential source, 5 October 2021.

²³³ IHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, p. 32. Confidential source, 5 October 2021.

²³⁴ IHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, p. 33. Confidential source, 6 October 2021.

²³⁵ Confidential source, 5 October 2021. Confidential source, 5 October 2021.

On 14 December 2021, the İHD announced that at least 59 sick prisoners had died since the beginning of 2020. According to further data from this human rights organisation, there were 1,605 sick prisoners in Turkey, 604 of whom were seriously ill.²³⁶ The İHD called on the Turkish authorities to release sick prisoners so that they could gain access to appropriate medical treatment.²³⁷

Halil Güneş, who was said to have been in prison since 1993 for membership in the PKK,²³⁸ was one of the critically ill prisoners the İHD had in mind. He was at an advanced stage of lung and bone cancer. A hospital had prepared a report stating that Güneş could no longer serve his prison sentence. However, the *Adli Tıp Kurumu* (Council of Forensic Medicine, ATK) ruled that he could remain in prison. He died in prison on 15 December 2021.²³⁹

3.9.4 *The impact of the coronavirus pandemic on prison conditions*

During the coronavirus crisis, prison authorities reduced the number of visits prisoners were permitted from relatives and lawyers. The authorities stated that they were doing this to combat coronavirus.²⁴⁰ Only closed visitations or non-contact visits were possible. These were visits in which the prisoner and his or her visitor – whether a family member or a lawyer – were separated from each other by a transparent screen and spoke via a telephone connection. During a closed visitation, prison guards were always nearby, so that prisoners and their visitors were unable to talk in privacy.²⁴¹

On 1 November 2021, Selahattin Demirtaş, the former HDP co-chair who has been in prison since 2016, revealed that he and his fellow prisoners in Edirne were protesting against the reduced number of visits. They were doing this by chanting slogans, said Demirtaş.²⁴² Earlier, his wife Başak Demirtaş had said during a television interview that the couple had previously been entitled to three closed visitations and one open visitation or contact visit per month, i.e. a visit during which physical contact was possible. However, since the outbreak of the coronavirus crisis, she had only been allowed two closed visitations per month to her husband and no open visitations (for the legal proceedings against Başak, see 5.3.3).²⁴³

When a prisoner returned from hospital or court, he or she had to go into quarantine for fourteen days. The quarantine rooms in Turkish prisons were very similar to isolation cells, according to two sources.²⁴⁴ They were unhygienic²⁴⁵ and cramped,²⁴⁶ with low ceilings²⁴⁷ and no windows.²⁴⁸

²³⁶ It is very hard to obtain precise data on the number of sick prisoners in Turkey. It therefore cannot be stated with certainty whether the number mentioned by the İHD is representative.

²³⁷ Bianet, 'At least 59 ill prisoners have lost their lives in Turkey since 2020', 14 December 2021.

²³⁸ Confidential source, 6 January 2022.

²³⁹ Bianet, *Ill prisoner Halil Güneş loses his life in prison*, 15 December 2021.

²⁴⁰ İHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, p. 47. Confidential source, 5 October 2021. Confidential source, 5 October 2021.

²⁴¹ Confidential source, 5 October 2021. Confidential source, 21 December 2021.

²⁴² Rûdaw, *Prisoners in Turkey protest visit restrictions, Demirtaş*, 1 November 2021. Bianet, *Selahattin Demirtaş: 'Edirne Prison is rocked by protests, do you hear?'*, 2 November 2021.

²⁴³ Bianet, *Başak Demirtaş: 'Our daughters unable to hug their father for 19 months'*, 6 October 2021.

²⁴⁴ İHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, pp. 15 and 43. Confidential source, 5 October 2021.

²⁴⁵ İHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, p. 33.

²⁴⁶ İHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, p. 33. Confidential source, 5 October 2021.

²⁴⁷ İHD, *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021, p. 33.

²⁴⁸ Confidential source, 5 October 2021.

Two sources add the following. If a prisoner was in quarantine and during this period another prisoner who was also returning from a hospital visit arrived, the 14-day quarantine count started all over again.²⁴⁹ One source claims to be aware of prisoners who were quarantined for 45 days as a result of this practice.²⁵⁰

For information on the prison conditions of several individual HDP members, see 5.3.2.

3.10 Ill-treatment and torture

The previous country of origin report stated that ill-treatment and torture occurred in both detention facilities and prisons.²⁵¹ This situation remained the same during the current reporting period. The European Commission (EC) reported that ill-treatment and torture occurred in detention centres, prisons and informal detention centres and outside on the streets, especially during demonstrations and rallies.²⁵²

It is problematic to say to what extent ill-treatment and torture occurred during the current reporting period. In June 2021, the İHD and the *Türkiye İnsan Hakları Vakfı* (TİHV),²⁵³ two human rights organisations in Turkey, released a joint report on torture practices in Turkey. The İHD recorded that 383 individuals, including 10 children, were ill-treated or tortured in official detention centres and prisons in 2020. In the same year, 397 individuals, including 28 children, were ill-treated or tortured in extrajudicial detention centres, according to the İHD. In addition, the İHD documented 2,980 cases of individuals being ill-treated or tortured during protests.²⁵⁴

The TİHV recorded that 192 individuals were ill-treated or tortured in official detention centres and prisons in 2020. In the same year, 110 people were ill-treated or tortured in homes or offices, according to the TİHV. In addition, the TİHV documented 229 cases of individuals being ill-treated or tortured during protests.²⁵⁵

The above numbers probably do not reflect the true extent of ill-treatment and torture. The numbers provided by the İHD and TİHV only related to documented cases of victims who had told their story to one of the two human rights organisations. The actual number of cases of ill-treatment and torture was most likely higher.²⁵⁶ According to a source, victims were generally afraid to turn to a human rights organisation, because they feared that the Turkish authorities would take reprisals against them or their relatives and close friends.²⁵⁷

Ill-treatment and torture in prisons took different forms, according to various sources. For example, one source says that an increasing number of prisoners were beaten and verbally abused by prison staff. The same source reports that the *falaka* method of torture, which involves beating a person on the soles of the feet, was used in Turkish prisons.²⁵⁸ Another source mentions that so-called terror suspects

²⁴⁹ Confidential source, 5 October 2021. Confidential source, 2 December 2021.

²⁵⁰ Confidential source, 2 December 2021.

²⁵¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 34 en 35.

²⁵² EC, *Turkey 2021 report*, 19 October 2021, p. 31.

²⁵³ The TİHV is known in English and Kurdish as the 'Human Rights Foundation of Turkey' (HRFT) and *Weqfa Mafên Mirovan a Tirkiyê* respectively. For more information about the TİHV, please visit <https://en.tihv.org.tr>.

²⁵⁴ TİHV and İHD, *Torture in its various dimensions in Turkey*, 26 June 2021, pp. 2 and 3.

²⁵⁵ TİHV and İHD, *Torture in its various dimensions in Turkey*, 26 June 2021, pp. 2 and 3.

²⁵⁶ Confidential source, 6 October 2021. Confidential source, 17 December 2021.

²⁵⁷ Confidential source, 8 October 2021.

²⁵⁸ Confidential source, 5 October 2021.

had to undergo a strip search before they could leave prison for a hospital visit. If they refused to cooperate, or if they refused to have their hands tied behind their backs, they were beaten until they did cooperate.²⁵⁹

As in the previous reporting period, sources reported that the *Türkiye İnsan Hakları ve Eşitlik Kurumu* (Human Rights and Equality Institution of Turkey, TİHEK) did not take effective action against ill-treatment and torture committed by government personnel. TİHEK was mandated to take preventive action against ill-treatment and torture, but it was under government control and could not be considered an independent institution.²⁶⁰ In this connection, a source states that when they submitted a complaint to TİHEK or another government agency,²⁶¹ they only received an acknowledgement of receipt, without any follow-up message to indicate that the substance of the complaint was being dealt with.²⁶²

The previous country of origin report stated that most victims of ill-treatment and torture did not dare to make a complaint to government agencies such as TİHEK, because they feared being exposed to further ill-treatment or torture.²⁶³ This situation remained unchanged during the current reporting period. One source indicates that victims of ill-treatment and torture feared they would be ill-treated or tortured again if they contacted a government agency.²⁶⁴ Two other sources explain that some prisoners did not dare to go to the prison authorities to report cases of ill-treatment or torture for fear that they would face a disciplinary punishment (for example a ban on contact with the outside world) or that their prison terms would be extended.²⁶⁵

The following case concerning torture in the Turkish prison system was particularly striking during the current reporting period. On 9 December 2021, Garibe Gezer died in solitary confinement in Kandıra,²⁶⁶ a prison outside Istanbul, at the age of 28. Gezer was a Kurdish politician of the *Demokratik Bölgeler Partisi* (Democratic Region Party, DBP).²⁶⁷ In 2016, she was sentenced to life imprisonment because, according to the Turkish authorities, she had ties with the PKK.²⁶⁸ After Gezer revealed that she had been tortured and sexually abused by prison guards, in late October 2021 both the HDP and the İHD called on the Turkish authorities to investigate Gezer's complaints. No investigation followed and when Gezer died in prison in early December 2021, the HDP and İHD spoke of a 'death in suspicious circumstances'. The prison authorities, however, stated that Gezer had committed suicide.²⁶⁹ Gezer's lawyers appealed against the decision not to prosecute the case.²⁷⁰

²⁵⁹ Confidential source, 5 October 2021.

²⁶⁰ TİHV and İHD, *Torture in its various dimensions in Turkey*, 26 June 2021, p. 12. Confidential source, 5 October 2021. Confidential source, 6 October 2021. EC, *Turkey 2021 report*, 19 October 2021, p. 31.

²⁶¹ Examples of such agencies include the Turkish Ministry of Justice, the CTE and the *Cumhurbaşkanlığı İletişim Merkezi* (Presidential Communications Centre, CİMER). CİMER is an online portal of the Turkish government where citizens can lodge a complaint.

²⁶² Confidential source, 5 October 2021.

²⁶³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 35.

²⁶⁴ Confidential source, 4 October 2021. Confidential source, 5 October 2021.

²⁶⁵ Confidential source, 5 October 2021. Confidential source, 5 October 2021.

²⁶⁶ HDP, *Kurdish political prisoner, Garibe Gezer, dies in prison after publicising her severe torture*, 13 December 2021.

²⁶⁷ The DBP is known in Kurdish as the *Partiya Herêman a Demokratîk*. It is a sister party of the HDP and acts independently at regional level. At the national level, it is represented by the HDP. Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 35.

²⁶⁸ Ahval, 'Our voices are only heard when we die', *Lawyers reveal the last letters of Kurdish woman found dead in prison*, 17 December 2021.

²⁶⁹ Duvar English, *Following torture and sexual abuse, female prisoner dies by alleged suicide in prison*, 10 December 2021.

²⁷⁰ Bianet, *Appeal against non-prosecution of Garibe Gezer's claims of rape, torture in prison*, 10 January 2022.

3.11 Enforced disappearances

The previous country of origin report stated that the Turkish security apparatus was responsible for enforced disappearances.²⁷¹ This situation remained unchanged during the current reporting period.²⁷² The UN Working Group on Enforced or Involuntary Disappearances (WGEID) reported in its August 2021 annual report that there were 85 open cases in Turkey concerning enforced disappearances.²⁷³

The previous country of origin report described the enforced disappearance of an (alleged) Gülenist named Gökhan Türkmen. He disappeared on 7 February 2019 and turned up again on 6 November 2019, at which time he was being held in custody. Türkmen stated that he had been tortured during his enforced disappearance.²⁷⁴ He was reportedly sentenced to approximately 45 years in prison for espionage. The appeal was pending at the time of writing.²⁷⁵

During the current reporting period, an enforced disappearance similar to that of Türkmen occurred. On 29 December 2020, Hüseyin Galip Küçüközyiğit, a civil servant who had been dismissed for (alleged) ties to the Gülen movement (for more information on the enforced dismissals of alleged Gülenists, see 4.5), disappeared. When he turned up on 14 September 2021, he was in Sincan prison in Ankara.²⁷⁶ According to one source, Küçüközyiğit was tortured during his extrajudicial detention.²⁷⁷

For information on kidnappings of actual or alleged Gülenists abroad during the current reporting period, see 4.4.

²⁷¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 35 and 36.

²⁷² Confidential source, 4 October 2021. Confidential source, 6 October 2021. Confidential source, 6 October 2021.

²⁷³ UN Working Group on Enforced and Involuntary Disappearances (WGEID), *Enforced or involuntary disappearances*, 4 August 2021, p. 34.

²⁷⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 35.

²⁷⁵ Confidential source, 20 November 2021.

²⁷⁶ Duvar English, *Turkish man missing since December 2020 turns up in Ankara prison*, 14 September 2021. Confidential source, 4 October 2021. Confidential source, 6 October 2021. Amnesty, *Turkije, Slachtoffer gedwongen verdwijning na 259 dagen 'teruggevonden' in gevangenis*, 22 October 2021.

²⁷⁷ Confidential source, 6 October 2021.

4 Gülenists

4.1 Introduction

Chapter 4 examines the position of actual or alleged Gülenists, the supporters of Fethullah Gülen, an Islamic preacher residing in Pennsylvania (USA). The Turkish authorities hold him and his movement responsible for the failed coup attempt on 15 July 2016, in which at least 241 people died. They refer to the Gülen movement as *Fethullahçı Terör Örgütü* (Fethullah's Terror Organisation, FETÖ). The Gülenists themselves refer to their movement with the term *Hizmet Hareketi*, which means 'servitude movement'. Following the failed coup d'état, a state of emergency was in place in Turkey from 21 July 2016 to 19 July 2018.²⁷⁸

The previous country of origin report made it clear that the Turkish authorities were using the failed coup not just to dismantle the Gülen movement but also to settle scores with various groups that deviated from the norm set by the government.²⁷⁹ This situation remained unchanged during the current reporting period.²⁸⁰

For information about alleged Gülenists who were victims of enforced disappearances on Turkish soil, see 3.11. For more information about the position of Gülenist conscripts, see 9.6.

4.2 Measures against alleged Gülenists

During the previous reporting period, there were mass arrests of actual or alleged Gülenists. Most of those arrested were in the army or the police.²⁸¹ This situation remained unchanged during the period of this report. Reports appeared on a weekly basis about arrests of actual or alleged Gülenists (sometimes en masse) in the security apparatus, the legal profession and the civil service.²⁸² The following mass arrests are merely intended to illustrate this, and can by no means be considered exhaustive.

The Turkish authorities issued arrest warrants against 229 suspects on 12 July 2021, three days before the anniversary of the failed coup on 15 July 2016. This group of suspects consisted of 86 soldiers and 143 former cadets. They were all suspected of being members of the Gülen movement. On the same date, according to the Turkish authorities, 137 of this group of suspects were arrested in 47 different provinces. The search for the other suspects was continuing, the authorities said.²⁸³ In early November 2021, Turkish police arrested 43 gendarmes in 40 different provinces. They were suspected of having been involved in the failed coup in 2016.²⁸⁴

²⁷⁸ Dutch Ministry of Foreign Affairs, General country of origin information report for Turkey, March 2021, p. 37.

²⁷⁹ Dutch Ministry of Foreign Affairs, General country of origin information report for Turkey, March 2021, p. 37.

²⁸⁰ Confidential source, 6 October 2021. Confidential source, 2 November 2021. Confidential source, 22 December 2021.

²⁸¹ Dutch Ministry of Foreign Affairs, General country of origin information report for Turkey, March 2021, p. 37.

²⁸² Confidential source, 9 December 2021.

²⁸³ AA, *Turkey nabs 137 FETO terror suspects*, 12 July 2021. Daily Sabah, *137 arrested in operations against terrorist group FETÖ in Turkey*, 12 July 2021.

²⁸⁴ Ahval, *Turkish police apprehend 43 gendarmerie officers in Gülen probe*, 2 November 2021.

Although there were many media reports about arrests of Gülen suspects, there were few follow-up reports in the publicly available literature about what happened to those who had been arrested. It was therefore unclear how many detainees remained in pre-trial detention or were conditionally released and in how many cases legal proceedings had been initiated.²⁸⁵ Soylu, the Turkish Interior Minister, stated in November 2021 that 22,340 Gülenists were serving a prison sentence or being held in pre-trial detention at that time.²⁸⁶

The major Gülen cases, in which those who had plotted the coup were convicted of violating the constitutional order, had already been completed before the current reporting period.²⁸⁷ The ground for conviction during the current reporting period was supporting a terrorist organisation or being a member of a terrorist organisation.²⁸⁸

4.3 Involvement in the Gülen movement

The previous country of origin report stated that involvement in the Gülen movement in the past could give rise to negative treatment by the Turkish authorities in the present and that in fact anyone with a Gülenist background could be prosecuted. According to confidential sources, some high-ranking AKP members who had had ties with the Gülen movement in the past²⁸⁹ were able to avoid criminal prosecution thanks to their political connections.²⁹⁰

This situation remained the same during the current reporting period.²⁹¹ However, this point needs to be qualified with regard to senior AKP officials who have evaded criminal prosecution because of their political connections. They are required to explicitly distance themselves from their Gülenist past.²⁹² If their ties with the government grow weaker, they still run the risk of criminal prosecution.²⁹³

Furthermore, in some cases wealthy actual or alleged Gülenists were able to avoid personal problems with the Turkish authorities by bribing corrupt officials. This practice was known as *FETÖ Borsası*, which literally means 'FETÖ stock exchange'. By paying bribes or handing over a business, an (alleged) Gülenist could have his or her enforced resignation overturned or secure removal from a wanted list.²⁹⁴

In early June 2021, T24, an independent internet newspaper, revealed that four police officers and two lawyers had attempted to extort USD 150,000 from a businessman suspected of involvement in the Gülen movement. The six people

²⁸⁵ Confidential source, 9 December 2021.

²⁸⁶ TRT Haber, *Bakan Soylu: 'PKK, Türkiye'nin hafızasından silinmek üzeredir'* ('Minister Soylu: 'Turkey is on the point of erasing PKK from memory'), 22 November 2021.

²⁸⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 41. Confidential source, 9 December 2021.

²⁸⁸ Confidential source, 9 December 2021.

²⁸⁹ The AKP government and the Gülen movement maintained close ties before the conflict between them arose. For example, the number of AKP MPs with a Gülenist background was estimated at about thirty in February 2009. David Tittensor, *The house of service, The Gülen movement and Islam's third way*, published 2014, pp. 80 and 197.

²⁹⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 38.

²⁹¹ Confidential source, 6 October 2021. Confidential source, 2 November 2021. Confidential source, 22 December 2021.

²⁹² Confidential source, 22 December 2021. Confidential source, 28 December 2021.

²⁹³ Confidential source, 6 October 2021.

²⁹⁴ Confidential source, 6 October 2021. Confidential source, 22 November 2021. Confidential source, 22 December 2021.

faced a maximum prison sentence of six years. The article in T24 article did not mention the businessman's fate.²⁹⁵

The previous country of origin report mentioned a series of criteria on the basis of which (alleged) Gülen supporters were charged and prosecuted, such as having a bank account with Bank Asya, sending children to a Gülen school and having downloaded the ByLock app.²⁹⁶ The Turkish authorities claim that Gülenists used this app to send encrypted messages to each other.²⁹⁷ These criteria continued to be used during the current reporting period.²⁹⁸

In July 2020, the Court of Cassation and the Constitutional Court confirmed in two separate rulings that the fact of having downloaded the ByLock app was sufficient evidence of ties with Gülen.²⁹⁹ However, the ECHR ruled otherwise on 20 July 2021. The case in question concerned a former police officer who was arrested and detained during the failed coup on 15 July 2016 solely for using the ByLock app. The ECHR ruled that the mere use of ByLock did not constitute sufficient evidence for the arrest and detention of the person concerned. The ECHR subsequently ordered the Turkish state to pay compensation of 12,000 euros to the person concerned and to pay the legal costs of 1,000 euros.³⁰⁰

Despite this ECHR ruling, downloading and using the ByLock app remained a criterion for the Turkish authorities for classifying and treating individuals as Gülenists.³⁰¹ For example, the pro-government newspaper *Daily Sabah* announced in mid-September 2021 that arrest warrants had been issued against 143 Gülen suspects.³⁰² Sixteen of them were known to be ByLock users.³⁰³ According to Soyulu, the Interior Minister, the authorities had identified 99,000 registered ByLock users.³⁰⁴

On 9 June 2021, Alpaslan Demir, the licence holder of ByLock, voluntarily surrendered to the Turkish authorities. He had come over from the US to do so. Demir had both Turkish and US nationality. On acquiring US nationality, he adopted the name David Keynes.³⁰⁵ He was charged with being a member of a terrorist organisation³⁰⁶ and faced a maximum prison sentence of fifteen years.³⁰⁷ At the end of October 2021, Demir was conditionally released and given an international travel ban. As he had come over from the US voluntarily, there was no flight risk,

²⁹⁵ T24, 'FETÖ borsası' soruşturması; 2 avukat ve 4 polise 'rüşvet' suçundan 6 yıla kadar hapis istemi ('Investigation into the FETÖ movement: Up to 6 years in prison demanded for 2 lawyers and 4 police officers on charges of "bribery"'), 4 June 2021.

²⁹⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 39 and 40.

²⁹⁷ *Daily Sabah*, *Turkey's top courts say messaging app has 'absolute' link to terrorist group FETÖ*, 29 June 2020. Confidential source, 28 January 2022.

²⁹⁸ Confidential source, 6 October 2021. Confidential source, 22 December 2021.

²⁹⁹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 40.

³⁰⁰ ECHR, *Pre-trial detention of an applicant suspected of belonging to the organisation FETÖ/PDY on account of his use of the ByLock messaging application: violation of the Convention*, 20 July 2021. Bianet, *ECHR ruling on use of ByLock app*, 22 July 2021.

³⁰¹ Confidential source, 28 January 2022.

³⁰² As far as could be ascertained, this was a different group of Gülen suspects from the 143 former cadets referred to in 4.2.

³⁰³ *Daily Sabah*, *Massive FETÖ operation seeks arrest of 143 across Turkey*, 14 September 2021.

³⁰⁴ TRT Haber, *Bakan Soyulu: 'PKK, Türkiye'nin hafızasından silinmek üzeredir' ('Minister Soyulu: 'Turkey is on the point of erasing PKK from memory')'*, 22 November 2021.

³⁰⁵ AA, *Senior FETÖ terror group member surrendered this June to Turkish authorities*, 28 July 2021. The Independent, *Turkey seeks up to 15 years' jail for licence holder of coup-related app*, 28 July 2021.

³⁰⁶ AA, *ByLock'un lisans sahibi David Keynes tahliye edildi ('ByLock licence holder David Keynes is released')*, 9 November 2021.

³⁰⁷ The Independent, *Turkey seeks up to 15 years' jail for licence holder of coup-related app*, 28 July 2021. AA, *ByLock'un lisans sahibi David Keynes tahliye edildi ('ByLock licence holder David Keynes is released')*, 9 November 2021.

according to the Turkish authorities. At the time of writing, the legal proceedings against him were still pending.³⁰⁸ There was no further information available about this case, or about Demir's motives for voluntarily turning himself in to the Turkish authorities.³⁰⁹

It is important to note that one cannot formally become a member of the Gülen movement. A person who joins this movement does not receive a membership card.³¹⁰ In the past, the Gülen movement in Turkey included various institutions, such as schools, student houses, hospitals, and cultural and charitable institutions. As well as convinced Gülenists, non-Gülenists were also attracted to it, because these institutions had a strong reputation for quality. It is therefore perfectly possible for someone to have studied at a Gülenist institution, stayed in a Gülenist student house, worked for the Gülenist newspaper *Zaman*³¹¹ or had a bank account at Asya Bank without being a Gülenist in an ideological sense. Such a person could nonetheless be associated with the Gülen movement and, as a result, encounter personal problems with the Turkish authorities.³¹²

While virtually anyone with a Gülen background could face criminal charges, there were some professions within the Gülen movement that received more negative attention from the Turkish authorities than others. It is clear from the examples in 4.2 that alleged Gülenists in the security apparatus, such as military personnel and gendarmes, received particular negative attention from the Turkish authorities. This was no different during the previous reporting period.³¹³ According to the online newspaper *Ahval*, the Turkish Defence Ministry fired more than 3,000 employees between 1 January and 1 October 2021 because of alleged links with the Gülen movement. The article in question did not specify whether they were military personnel or civil defence personnel.³¹⁴

Individuals who had held leadership positions in Gülenist institutions, such as Gülen schools, Fatih University in Istanbul and the daily newspaper *Zaman*, were also more likely to attract negative attention from the Turkish authorities. This was also true to a lesser extent of student leaders in former Gülenist student houses.³¹⁵ At the time, these student leaders were responsible for transmitting the religious principles of the Gülen movement to younger students. They did this during extracurricular *sohbets*, or 'discussions'. A male student leader would be addressed as *abi* ('big brother') and a female student leader as *abla* ('big sister').^{316 317}

³⁰⁸ AA, *ByLock'un lisans sahibi David Keynes tahliye edildi* ('ByLock licence holder David Keynes is released'), 9 November 2021.

³⁰⁹ Confidential source, 28 January 2022.

³¹⁰ David Tittensor, *The house of service, The Gülen movement and Islam's third way*, published 2014, p. 195. Confidential source, 22 December 2021. Confidential source, 28 December 2021.

³¹¹ *Zaman* means 'time' in Turkish.

³¹² Confidential source, 2 November 2021. Confidential source, 22 December 2021. Confidential source, 28 December 2021.

³¹³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 39.

³¹⁴ *Ahval*, *Over 3,000 purged from Turkish Defence Ministry in 2021 over alleged Gülen links*, 3 October 2021.

³¹⁵ Gülenist student houses were known as *dershanes* ('lesson houses') or *ışık evleri* (literally: 'Houses of Light'). David Tittensor, *The house of service, The Gülen movement and Islam's third way*, published 2014, pp. 72 and 73. Confidential source, 16 February 2022.

³¹⁶ *Abi* and *abla* are forms of address that are used every day, including by non-Gülenists. In the context of Gülenism, *abi* and *abla* refer respectively specifically to a male and female student leader in Gülenist student houses.

³¹⁷ David Tittensor, *The house of service, The Gülen movement and Islam's third way*, published 2014, pp. 112, 113, 117, 132, 173 and 174. Confidential source, 23 December 2021 and 15 February 2022. Confidential source, 16 February 2022.

During the current reporting period, the following incident was particularly striking. A terminal cancer patient was sentenced to more than nine years' imprisonment for membership of a terrorist organisation, namely the Gülen movement. In the past she had run a Gülenist student house for women as *abla*,³¹⁸ and was also accused of having downloaded the ByLock app and had a bank account with Asya Bank.³¹⁹ Initially, the authorities refused to release her and she could not be treated in a hospital. However, in late November 2021, the ATK revised its position and recommended that her prison sentence be deferred for three months so that she could be treated in hospital for a longer period of time. She was then temporarily released.³²⁰

Involvement in the Gülen movement does not lead to criminal prosecution in all cases, but involvement in the past may lead to criminal prosecution in the present.³²¹ First, according to two sources, there is a certain degree of arbitrariness in the criminal prosecution of alleged Gülenists.³²² One source points out in this connection that the Turkish authorities neither use objective criteria nor apply them consistently.³²³ Second, a practical obstacle hinders the authorities in prosecuting Gülenists. In 2010, it was estimated that between eight and ten million people in Turkey were linked to the Gülen movement in some way.³²⁴ Given the size of the movement, according to a source, it is simply impossible to criminally prosecute every current or former Gülenist.³²⁵ This point is consistent with a statement made by another source in the previous reporting period, namely that the Turkish authorities may have the will to criminally prosecute all Gülenists, but not the means.³²⁶ Third, as already mentioned, some current or former Gülenists are able to evade prosecution through political connections with the AKP/MHP leadership and bribery.

4.4 Gülenists abroad

The previous country of origin report already indicated that the Turkish authorities' fight against the Gülen movement was not confined to Turkish territory. In this regard, it stated that Turkey was requesting foreign governments to extradite alleged Gülenists. Extradition requests were granted in some cases, with foreign security forces cooperating with the *Millî İstihbarat Teşkilatı* (National Security Service, MİT).³²⁷ This picture remained unchanged during the period of this report, as is clear from the following.

One source explains that Turkish authorities have three reasons for pursuing Gülenists abroad. First, there is the perception that people who are active for the Gülen movement abroad are highly regarded among Gülenists. When a Gülenist works abroad for the Gülen movement, this is seen as an example of *Hizmet*

³¹⁸ Ahval, *Top Turkish court approves prison sentence for terminal cancer patient*, 3 October 2021. Al Monitor, *Jailing of terminally ill Gulen disciple stirs heat across Turkey's ideological divide*, 13 October 2021. Confidential source, 22 December 2021.

³¹⁹ Ahval, *Top Turkish court approves prison sentence for terminal cancer patient*, 3 October 2021.

³²⁰ Duvar Gazete, *Kanser hastası mahpus Ayşe Özdoğan tahliye edildi* ('Release for the imprisoned cancer patient Ayşe Özdoğan'), 27 November 2021.

³²¹ Confidential source, 6 October 2021. Confidential source, 2 November 2021. Confidential source, 28 December 2021.

³²² Confidential source, 6 October 2021. Confidential source, 2 November 2021.

³²³ Confidential source, 6 October 2021.

³²⁴ David Tittensor, *The house of service, The Gülen movement and Islam's third way*, published 2014, p. 73.

³²⁵ Confidential source, 28 December 2021.

³²⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 41.

³²⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 42 and 43.

('service') and sacrifice. Second, there is a perception within the Turkish government that Gülenists abroad have 'got off scot-free' and that they must be held accountable on Turkish soil. Third, only abroad does the Gülen movement survive as an organised community, and Gülenists in the diaspora continue to be a source of open criticism of the current Turkish government. The Turkish authorities therefore perceive them as a threat.³²⁸

In July 2020, the Turkish Ministry of Justice announced that Turkey had asked 105 countries to extradite a total of 807 Gülenists. At that time, 27 countries had extradited a total of 116 Gülenists to Turkey, according to the same ministry.³²⁹ A year later, the ministry reported that it had asked 109 countries to extradite a total of 1,022 Gülen suspects. To date, 28 countries had extradited a total of 118 Gülenists to Turkey, the ministry said.³³⁰ On the basis of these figures, it can be concluded that Turkey submitted 215 new extradition requests between July 2020 and July 2021.

During the reporting period, the MİT kidnapped Gülenists abroad. For example, on 3 May 2021, Selahaddin Gülen, the nephew of the leader of the Gülen movement, disappeared in the Kenyan capital Nairobi.³³¹ The *Anadolu Agency* (AA), the Turkish government's news agency,³³² reported on 31 May 2021 that MİT agents had detained him abroad and brought him back to Turkey.³³³ Selahaddin had an indefinite right of residence in the US and had resided in Kenya since 17 October 2020.³³⁴ He was also registered in Kenya as an asylum-seeker.³³⁵ It remained unclear whether the Kenyan authorities had collaborated with the MİT to get him to Turkey.³³⁶ HRW called on the Kenyan authorities to investigate the incident.³³⁷ At the time of writing, Selahaddin was facing a maximum prison term of 22.5 years for founding and leading an armed terrorist organisation.³³⁸

A similar incident took place in Kyrgyzstan on 31 May 2021, when Orhan İnandı, the director of a prestigious network of schools in Kyrgyzstan, disappeared. On 5 July 2021, President Erdoğan announced in a televised address that the MİT had brought İnandı from Kyrgyzstan to Turkey. İnandı had both Turkish and Kyrgyz nationality.³³⁹ He had lived in Kyrgyzstan since the early 1990s and obtained Kyrgyz nationality in 2012. The school network he ran was affiliated with the Gülen

³²⁸ Confidential source, 2 November 2021.

³²⁹ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 42.

³³⁰ AA, *Firari FETÖ'cüler için 109 ülkeyle iade trafiği yürütüldü* ('Extradition of fugitive FETÖ members requested from 109 countries'), 14 July 2021.

³³¹ The New York Times, *Turkey claims to have 'captured' cleric's relative in Kenya*, 31 May 2021. Nation, Kenya, *How Turkish intelligence kidnapped exiled billionaire cleric's nephew in Nairobi*, 2 June 2021. Agence France-Presse (AFP), *In Kenya, mystery and silence over Gulen abduction*, 8 June 2021. HRW, Kenya, *Investigate deportation of Turkish national*, 1 July 2021.

³³² AA is known in Turkish as *Anadolu Ajansı*.

³³³ AA, *Turkish intelligence nabs FETO terror group member abroad, brings back home*, 31 May 2021.

³³⁴ The New York Times, *Turkey claims to have 'captured' cleric's relative in Kenya*, 31 May 2021. Nation, Kenya, *How Turkish intelligence kidnapped exiled billionaire cleric's nephew in Nairobi*, 2 June 2021. AFP, *In Kenya, mystery and silence over Gulen abduction*, 8 June 2021. HRW, Kenya, *Investigate deportation of Turkish national*, 1 July 2021.

³³⁵ AFP, *In Kenya, mystery and silence over Gulen abduction*, 8 June 2021. HRW, Kenya, *Investigate deportation of Turkish national*, 1 July 2021.

³³⁶ The New York Times, *Turkey claims to have 'captured' cleric's relative in Kenya*, 31 May 2021. Nation, Kenya, *How Turkish intelligence kidnapped exiled billionaire cleric's nephew in Nairobi*, 2 June 2021. AFP, *In Kenya, mystery and silence over Gulen abduction*, 8 June 2021. HRW, Kenya, *Investigate deportation of Turkish national*, 1 July 2021.

³³⁷ HRW, Kenya, *Investigate deportation of Turkish national*, 1 July 2021.

³³⁸ YeniŞafak, *FETÖ elebaşı Gülen'in yeğeninden itiraf: Örgütün ABD yapılanmasını ifşa etti* ('Confession of nephew of FETÖ leader Gülen: he has revealed the organisational structure in the US'), 18 November 2021.

³³⁹ HRW, *Turkey/Kyrgyzstan, Rendition of Turkish-Kyrgyz educator*, 7 July 2021. The Diplomat, *Allegations of torture and Kyrgyz involvement in Orhan İnandı case*, 14 July 2021.

movement.³⁴⁰ Reportedly, İnandı also held the position of ‘imam’ of Central Asia within the Gülen movement. This meant that he acted as the movement’s unofficial representative in this region.³⁴¹ HRW claimed that the Kyrgyz authorities had cooperated with the MİT,³⁴² but they denied this and submitted a written protest to the Turkish embassy in Kyrgyzstan.³⁴³ İnandı was reportedly tortured, to judge from his severely swollen hand.³⁴⁴

4.5 The social position of alleged Gülenists

The previous country report stated that Gülenists were under social pressure. Both supporters and opponents of the AKP government were opposed to the Gülen movement.³⁴⁵ This situation remained unchanged during the current reporting period.³⁴⁶ One source places the current opposition to the Gülen movement in a broader historical context. Secular Turks, in particular, were already wary of the Gülen movement before it fell into disrepute with the AKP government in 2013. This opposition increased after the failed coup in 2016, which the government claims was organised and carried out by Gülen.³⁴⁷

The previous country of origin report stated that non-Gülenist citizens distanced themselves from alleged Gülenists. This attitude was based not only on aversion, but also on fear of being associated with the Gülen movement.³⁴⁸ This situation remained unchanged during the current reporting period.³⁴⁹

During the previous reporting period, employers were reluctant to hire alleged Gülenists.³⁵⁰ This situation remained unchanged during the current reporting period.³⁵¹ One source claims to be aware of cases in which Gülenists had lost their job as an academic or college dean, then found manual work, but subsequently lost this job too after their new employer found out about their Gülenist background.³⁵²

As already mentioned in the previous country of origin report, the Turkish government has set up a commission to deal with complaints about dismissals. These dismissals took place during the two-year period of Turkey’s state of emergency (July 2016 – July 2018). The commission’s Turkish name is OHAL, a contraction of *Olağanüstü Hal*, which means ‘state of emergency’ in Turkish.^{353 354}

At the end of December 2021, the OHAL Commission reported that it had received a total of 126,783 requests to reverse a dismissal. Of this total, 16,060 requests had been granted and 104,643 rejected, according to the OHAL Commission. The

³⁴⁰ The Diplomat, *Allegations of torture and Kyrgyz involvement in Orhan İnandı case*, 14 July 2021.

³⁴¹ Confidential source, 22 December 2021.

³⁴² HRW, *Turkey/Kyrgyzstan, Rendition of Turkish-Kyrgyz educator*, 7 July 2021.

³⁴³ The Diplomat, *Allegations of torture and Kyrgyz involvement in Orhan İnandı case*, 14 July 2021.

³⁴⁴ The Diplomat, *Allegations of torture and Kyrgyz involvement in Orhan İnandı case*, 14 July 2021. Confidential source, 4 October 2021. Confidential source, 6 October 2021.

³⁴⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 43.

³⁴⁶ Confidential source, 2 November 2021. Confidential source, 22 December 2021. Confidential source, 28 December 2021.

³⁴⁷ Confidential source, 2 November 2021.

³⁴⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 43.

³⁴⁹ Confidential source, 6 October 2021. Confidential source, 2 November 2021.

³⁵⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 43.

³⁵¹ Confidential source, 6 October 2021. Confidential source, 2 November 2021. Confidential source, 22 December 2021.

³⁵² Confidential source, 2 November 2021.

³⁵³ In English, OHAL is known as the ‘Inquiry Commission on the State of Emergency (SoE) Measures’, or ‘SoE Commission’ for short.

³⁵⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 43.

Commission stated that 6,080 requests were still being processed.³⁵⁵ In other words, 12.67% of the requests had been granted, 82.54% rejected and 4.8% were still being dealt with. It was said to be highly unlikely that dismissed officials who had been rehabilitated in their position would face criminal charges.³⁵⁶

If an individual has been dismissed because of alleged ties to organisations designated as terrorist organisations by the Turkish authorities, such as the Gülen movement, this is recorded in a database of the *Sosyal Güvenlik Kurumu* (Social Security System, SGK).³⁵⁷ This makes it difficult for dismissed employees to find a new job. If they apply for a new job, the potential employer can consult the applicant's employment history via a portal of the SGK. If it turns out that the applicant has been dismissed in the past due to (alleged) terrorist ties, the employer will usually be unwilling to hire this person.³⁵⁸

Little verifiable information was available about the degree of access to medical care and housing for Gülenists. A source notes that it was difficult for Gülenists to obtain a 'green card' (health insurance for poor or unemployed people).³⁵⁹ Some succeeded, but others did not, according to the same source.³⁶⁰

4.6 The position of relatives of alleged Gülenists

The previous country of origin report stated that relatives of high-ranking Gülenists were particularly at risk of attracting the negative attention of the Turkish authorities.³⁶¹ This was also the case during the current reporting period, given the kidnapping of Gülen's nephew in Kenya (for more information on this incident, see 4.4).³⁶² However, there were also several cases of families who had a Gülen supporter, but had not had problems with the Turkish authorities.³⁶³

How non-Gülenists treat their Gülenist relatives depends on the situation. One source knew Gülenists who had become estranged from their relatives because of their support for the Gülen movement.³⁶⁴ Two sources noted that non-Gülenist citizens sometimes reported their Gülenist relatives to the Turkish authorities,³⁶⁵ for example out of jealousy.³⁶⁶

³⁵⁵ AA, *Turkey releases report on measures taken in wake of terror group FETO's 2016 defeated coup*, 31 December 2021. SoE Commission, *Activity report, 2021*, 6 February 2022, p. 28.

³⁵⁶ Confidential source, 9 December 2021.

³⁵⁷ The SGK falls under the Ministry of Labour and Social Security. For more information about the SGK, please visit <http://www.sgk.gov.tr/wps/portal/sgk/en/home-page/mainpage>.

³⁵⁸ Sputnik Türkiye, *CHP'li İrgil: SGK, '36 kod'u ile işleme yapıyor ('CHP's İrgil: SGK is making a blacklist with Code 36')*, 25 September 2017. Australian Department of Foreign Affairs and Trade, *DFAT Country Information Report, Turkey*, 10 September 2020, p. 28. Confidential source, 28 December 2021. Confidential source, 29 December 2021. Confidential source, 30 December 2021.

³⁵⁹ The green card is known in Turkish as *Yeşil Kart*.

³⁶⁰ Confidential source, 6 October 2021.

³⁶¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 44.

³⁶² Confidential source, 2 November 2021.

³⁶³ Confidential source, 28 December 2021. Confidential source, 10 January 2022.

³⁶⁴ Confidential source, 2 November 2021.

³⁶⁵ Confidential source, 2 November 2021. Confidential source, 22 December 2021.

³⁶⁶ Confidential source, 22 December 2021.

5 Kurds

5.1 Introduction

In July 2021, Turkey had 82,482,383 inhabitants.³⁶⁷ Kurds are the largest ethnic minority in Turkey. Estimates of the percentage of Kurds in Turkey range from 16 to 23 percent of the population.³⁶⁸ Further cultural and contextual information about the Kurdish population can be found in the previous country of origin report.³⁶⁹

Section 5.2 describes several incidents of alleged anti-Kurdish violence that occurred during the reporting period. Section 5.3 deals with the position of the HDP and its members and supporters and the treatment of their family members. Section 5.4 discusses the treatment of alleged PKK members and their family members in more detail.

For information on the response of the Turkish authorities to discordant and critical social media posts regarding Kurdish affairs, see 3.6.5.

For more information about the situation of Kurdish conscripts, see 9.4.

5.2 Alleged anti-Kurdish violence

In the previous reporting period, there were a number of violent incidents with an anti-Kurdish dimension.³⁷⁰ During the current reporting period, several violent incidents took place that were believed by some parties to have an anti-Kurdish dimension. For example, on 21 July 2021, a 43-year-old Kurd named Hakim Dal was shot dead in Meram, a district in the central Turkish province of Konya. According to a brother of the deceased, the attack was ethnically motivated and the attackers wanted to eliminate him purely because of his Kurdish background.³⁷¹ The HDP, a left-wing progressive opposition party that promotes Kurdish interests, among other things, described the attack as a 'racist attack'. The local authorities, on the other hand, attributed the death to a conflict between the Dal family and the attackers. The cattle of the former had allegedly caused damage to the latter's farmland.³⁷²

³⁶⁷ Central Intelligence Agency (CIA), *The World Factbook, Turkey, People and Society*, last updated 7 December 2021, accessed 15 December 2021.

³⁶⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 46. UK Parliament's All Party Parliamentary Group on Kurdistan in Syria and Turkey (APPG), *Kurdish political representation and equality in Turkey*, June 2021, p. 13. BAMF, *Länderreport Türkei, Die Entwicklung des Kurdenkonflikts, der PKK und der HDP*, December 2021, p. 3.

³⁶⁹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 46.

³⁷⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 47 and 48.

³⁷¹ Mesopotamia Agency (MA), *Konya'da bir Kürt aileye daha ırkçı saldırı: 1 kişi yaşamını yitirdi* ('Racist attack on a Kurdish family in Konya: 1 person dead'), 21 July 2021. BBC, *Hakim Dal: Konya'da öldürülen Diyarbakırlı çiftçiye yönelik saldırıyla ilgili neler biliniyor?* ('Hakim Dal: What is known about the attack on the farmer from Diyarbakır who died in Konya?'), 22 July 2021.

³⁷² BBC, *Hakim Dal: Konya'da öldürülen Diyarbakırlı çiftçiye yönelik saldırıyla ilgili neler biliniyor?* ('Hakim Dal: What is known about the attack on the farmer from Diyarbakır who died in Konya?'), 22 July 2021.

Hakim Dal's death and other acts of violence led fifteen bar associations to issue a joint statement condemning the violent incidents and calling for a thorough investigation. The bar associations also declared that the use of anti-Kurdish rhetoric by politicians had to stop, claiming that such language contributed to a climate in which hate crimes of this kind could take place.³⁷³

On 30 July 2021, another incident with an alleged ethnic dimension took place in the Meram district of Konya province. This time, seven members of the Kurdish Dedeoğlu family³⁷⁴ were shot dead. The next of kin and the HDP again described the attack as a 'racist attack', whereas Turkish authorities attributed the incident to an 11-year feud between the Dedeoğlu family and a non-Kurdish family.³⁷⁵ In total, the authorities arrested thirteen suspects in connection with the attack on the Dedeoğlu family. All were released except for Mehmet Altun, the main suspect, who allegedly fired the fatal shots. Nine suspects, including Altun, faced life sentences under an aggravated detention regime.³⁷⁶

5.3 HDP

5.3.1 *The HDP under further pressure*

During the previous reporting period, the Turkish government reduced the HDP's political room for manoeuvre. In June 2020, for example, it withdrew the parliamentary immunity of two HDP MPs, Leyla Güven and Musa Farisoğulları. It also replaced 59 of the 65 elected HDP mayors with pro-government trustees.³⁷⁷ At the time of writing, the remaining six municipalities were still controlled by the HDP.³⁷⁸ During the reporting period, the HDP came under further pressure. The following examples are merely intended to illustrate this development and should not be considered exhaustive.

On 17 March 2021, the parliamentary immunity of Gergerlioğlu, a prominent HDP parliamentarian and human rights defender, was withdrawn. In February 2018, Gergerlioğlu was sentenced to 2.5 years in prison for a Twitter post from August 2016. In it, he had shared an article from T24, containing a photo of PKK fighters and a call from the PKK to the Turkish government for 'rapprochement'. Gergerlioğlu had written that this call from the PKK should be examined. According to the Turkish authorities, he had thus produced propaganda for the PKK. The article with the accompanying photo had not been blocked or removed by the Turkish authorities.³⁷⁹

On 19 February 2021, Gergerlioğlu's appeal against his conviction was dismissed as groundless, after which he lost his seat in parliament in mid-March 2021.³⁸⁰ His prison sentence began in early April 2021. However, the Constitutional Court upheld

³⁷³ Bianet, *15 bar associations condemn racist attacks against Kurds in Turkey*, 22 July 2021.

³⁷⁴ Also spelled 'Dedeoğulları'.

³⁷⁵ Al Jazeera, *Turkish officials deny ethnic motive in murder of seven Kurds*, 31 July 2021.

³⁷⁶ Bianet, *'There are paramilitary forces behind the Konya massacre,' says lawyer*, 16 December 2021.

³⁷⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 49 and 50. APPG, *Kurdish political representation and equality in Turkey*, June 2021, pp. 21, 23 and 24.

³⁷⁸ Confidential source, 7 October 2021.

³⁷⁹ HRW, *Turkey, Don't expel opposition deputy from parliament*, 16 March 2021. Interview with Yaman Akdeniz (cyber rights activist and co-founder of İFÖD) in Istanbul, 4 October 2021.

³⁸⁰ HRW, *Turkey, Don't expel opposition deputy from parliament*, 16 March 2021. Rûdaw, *HDP lawmaker expelled from Turkish parliament for tweet*, 17 March 2021. Al Monitor, *Lawsuit filed to close pro-Kurdish party after lawmaker stripped of parliamentary seat*, 17 March 2021.

his appeal. On 6 July 2021, Gergerlioğlu was released again and on 16 July 2021 he took office again as an MP.³⁸¹

In March 2021, Turkish government's chief prosecutor went to the Constitutional Court to seek a ban on the HDP. According to the indictment, the HDP was threatening the unity of the Turkish nation and cooperating with the PKK.³⁸² Both the EU and the US criticised the request to ban the HDP and pointed out that a ban on this party would put further pressure on the democratic system in Turkey.³⁸³

The Court dismissed the indictment on procedural grounds on 1 April 2021. For example, the indictment lacked the personal details of the suspects, a description of their role within the HDP and the crimes they had committed according to the chief prosecutor. The reaction to this of Bahçeli, the leader of the ultra-nationalist MHP and a political ally of President Erdoğan, was that both the HDP and the Court should be banned.³⁸⁴

On 7 June 2021, the chief prosecutor filed a new indictment seeking a ban on the HDP, this time supplying the details that were previously missing. The prosecutor not only demanded that the HDP be disbanded, but also that hundreds of HDP officials be banned from engaging in political activity and holding public office.³⁸⁵ On 21 June 2021, the Court agreed to accept the case.³⁸⁶ At the time of writing, the HDP closure case was still pending.³⁸⁷

Another case that put further pressure on the HDP was the 'Kobani case', which started in April 2021. In September 2014, ISIS began besieging the northern Syrian city of Kobani. This city, which is close to the Turkish border, is mainly inhabited by ethnic Kurds. The siege led to a humanitarian crisis and in October 2014, Turkish Kurds took to the streets in several cities, calling on the Turkish government to relieve Kobani. They were encouraged in this by a call from the HDP on Twitter. The 'Kobani protests' degenerated into violent riots, killing 37 people.³⁸⁸

There were 108 defendants in the Kobani case. Many of them belonged to the HDP, including Demirtaş and Figen Yüksekdağ, the two former co-chairs, who have both been in prison since 2016.³⁸⁹ The Turkish authorities held the defendants responsible, among other things, for the 37 people killed during the Kobani protests in October 2014 and for disrupting the unity and territorial integrity of the Turkish state.³⁹⁰ The HDP, on the other hand, held the Turkish police responsible for the

³⁸¹ Bianet, *HDP's Gergerlioğlu returns to parliament after top court ruling*, 16 July 2021. HDN, *HDP MP returns to parliament after verdict on rights violation*, 16 July 2021.

³⁸² Nederlandse Omroep Stichting (NOS), *Turkije vraagt rechter om pro-Koerdische partij te verbieden*, 17 March 2021.

³⁸³ Al Jazeera, *Turkey rejects international condemnation over HDP closure case*, 18 March 2021. Financial Times (FT), *Turkish push to ban opposition party alarms EU and US*, 18 March 2021.

³⁸⁴ Al Monitor, *Top Turkish court rejects bid to close pro-Kurdish party*, 1 April 2021.

³⁸⁵ HDN, *Turkish prosecutor refiles indictment seeking ban on HDP*, 8 June 2021.

³⁸⁶ Al Jazeera, *Turkey, Court to put HDP on trial over alleged PKK links*, 21 June 2021. NRC, *Turkse justitie wil pro-Koerdische partij verbieden*, 22 June 2021.

³⁸⁷ Confidential source, 15 February 2022.

³⁸⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 50. Al Jazeera, *Turkey, More than 100 on trial over 2014 Kobane protests*, 26 April 2021. Confidential source, 7 October 2021.

³⁸⁹ Al Jazeera, *Turkey, More than 100 on trial over 2014 Kobane protests*, 26 April 2021. DW, *Turkey begins trial of pro-Kurdish politicians over Kobani protest*, 26 April 2021. Bianet, *No release in Kobani trial*, 28 October 2021.

³⁹⁰ Al Jazeera, *Turkey, More than 100 on trial over 2014 Kobane protests*, 26 April 2021. DW, *Turkey begins trial of pro-Kurdish politicians over Kobani protest*, 26 April 2021. Bianet, *No release in Kobani trial*, 28 October 2021.

violence at the Kobanî protests.³⁹¹ At the time of writing, the Kobanî case was still pending.³⁹²

On 17 June 2021, there was an attack on the HDP's provincial office in Izmir, a western Turkish city on the Aegean Sea. An assailant named Onur Gencer³⁹³ shot dead HDP member Deniz Poyraz, who happened to be present in the building. Gencer stated that he had acted alone and said his aim was to 'kill PKK members'.³⁹⁴ There were pictures of him on his Instagram account wearing camouflaged clothing, holding automatic weapons and making the gesture of the controversial 'Grey Wolves'.^{395 396} The HDP held the AKP/MHP alliance morally responsible for the attack, pointing out that this political alliance constantly criminalised the HDP and identified it with the PKK.³⁹⁷ MHP leader Bahçeli called Poyraz a 'terrorist' and claimed she had recruited militants for the PKK. He also repeated his call for the HDP to be banned.³⁹⁸ In October 2021, the chief prosecutor of the Public Prosecution Service in Izmir demanded an aggravated sentence of seven years for the assailant.³⁹⁹

In early January 2022, the Turkish authorities began a procedure to withdraw the parliamentary immunity of 28 opposition MPs. They included 24 MPs from the HDP and one from the CHP. One of the HDP MPs who was in danger of losing her seat was Semra Güzel.⁴⁰⁰ In the same month, she was in the public eye when photos were leaked to the media of her posing with an armed PKK fighter.⁴⁰¹ Güzel said that the photos were taken in northern Iraq in 2014, when a peace process was underway between the Turkish state and the PKK. Güzel said she was not active for the HDP or the PKK at that time.⁴⁰² The photos in question were added to the criminal file of the HDP closure case as additional evidence.⁴⁰³

5.3.2 *The repression of the HDP in practice*

The previous country of origin report stated that more than 5,000 HDP members and employees were in prison, and that it was difficult to keep track of the exact number of HDPs in prison because HDP members were constantly being arrested and released.⁴⁰⁴ According to one source, this situation remained unchanged during the current reporting period. About 5,000 HDP members were still in prison, and HDP members were being imprisoned and released all the time, the source said.⁴⁰⁵ According to the Court of Cassation, the HDP had 41,022 members on 4 October

³⁹¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 50. Confidential source, 7 October 2021.

³⁹² Confidential source, 15 February 2022.

³⁹³ Also abbreviated in the media to 'O.G.'

³⁹⁴ Bianet, *Attack on HDP İzmir office, Party worker Deniz Poyraz killed*, 17 June 2021. Duvar English, *Bahçeli calls HDP member killed in an attack last week 'a terrorist'*, 22 June 2021.

³⁹⁵ The Grey Wolves can be regarded as both the youth wing and the paramilitary branch of the MHP. They call themselves *ülkü ocakları*, or 'idealistic hearths'. In the past, the Grey Wolves have been involved in street violence against communists, left-wing students, Kurds, Armenians and Alevites. Het Parool, *Europa opent jacht op Grijsze Wolven, maar wie zijn ze precies?*, 1 December 2020.

³⁹⁶ Bianet, *MHP leader rules out HDP assailant's ties to his party after 'grey wolf' photos*, 18 June 2021.

³⁹⁷ Bianet, *Attack on HDP İzmir office, Party worker Deniz Poyraz killed*, 17 June 2021. Duvar English, *Bahçeli calls HDP member killed in an attack last week 'a terrorist'*, 22 June 2021.

³⁹⁸ Duvar English, *Bahçeli calls HDP member killed in an attack last week 'a terrorist'*, 22 June 2021.

³⁹⁹ Bianet, *Deniz Poyraz murder, Assailant's 'psychological disorders' cited in indictment*, 12 October 2021.

⁴⁰⁰ Bianet, *Twenty-eight opposition deputies, including HDP Co-Chair Buldan, face losing immunity*, 4 January 2022.

⁴⁰¹ The PKK fighter in question was called Volkan Bora. He was killed in action in 2017.

⁴⁰² Daily Sabah, *HDP lawmaker under fire for intimate photos with PKK terrorist*, 10 January 2022. Bianet, *Parliamentary Speaker says HDP's Güzel 'should be stripped of legislative immunity'*, 11 January 2022. Duvar English, *Accused HDP MP was at PKK camp at behest of state, says party*, 14 January 2022.

⁴⁰³ Bianet, *HDP closure case, MP Semra Güzel's pictures added to file as 'additional evidence'*, 19 January 2022.

⁴⁰⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 51.

⁴⁰⁵ Confidential source, 7 October 2021.

2021.⁴⁰⁶ This means that about twelve percent of HDP members were in prison during the reporting period.

One source states that HDP members are not systematically prosecuted. The source claims that which HDPs are arrested and imprisoned and which are not seems to be determined by chance and arbitrary factors. According to the source, this arbitrariness probably serves the purpose of instilling fear and insecurity and discouraging people from actively working for the HDP.⁴⁰⁷

Interviews with confidential sources brought to light a range of circumstances and activities that in practice could lead to arrests, detentions, criminal investigations and convictions. This does not mean that these circumstances and activities led to personal problems with the Turkish authorities for all HDP members, employees, activists and/or sympathisers. The list below indicates some factors that could lead to negative attention from the Turkish authorities. The list should by no means be considered exhaustive:

- HDP membership in itself;⁴⁰⁸
- Observing elections;⁴⁰⁹
- Participating in HDP demonstrations;⁴¹⁰
- Participating in HDP press conferences;⁴¹¹
- Participating in HDP election campaigns;⁴¹²
- Attending HDP gatherings;⁴¹³
- Posting and sharing pro-HDP posts on social media (e.g. posting pictures of imprisoned HDP leader Demirtaş);⁴¹⁴
- Possessing⁴¹⁵ and distributing HDP pamphlets;⁴¹⁶
- Possessing certain kinds of literature (for example books on 'confederalism', i.e. the pursuit of self-government and autonomy for the Kurds).⁴¹⁷

The previous country of origin report described how HDP members were usually arrested in the dark during house raids, accompanied by loud noise, physical coercion or violence.⁴¹⁸ This situation remained unchanged during the current reporting period.⁴¹⁹ The Turkish police justify night-time house raids by referring to Article 118 (2) of the Turkish Criminal Procedure Law, which states that a night-time house raid is permitted if the suspect may be caught red-handed or if delaying the house raid gives rise to danger.⁴²⁰

⁴⁰⁶ Turkish Court of Cassation, *Halkların Demokratik Partisi (HDP)*, undated, accessed 5 November 2021.

⁴⁰⁷ Confidential source, 28 December 2021.

⁴⁰⁸ Confidential source, 8 October 2021. Confidential source, 15 December 2021.

⁴⁰⁹ Confidential source, 7 October 2021.

⁴¹⁰ Confidential source, 7 October 2021. Confidential source, 25 November 2021. Confidential source, 15 December 2021.

⁴¹¹ Confidential source, 25 November 2021.

⁴¹² Confidential source, 7 October 2021. Confidential source, 15 December 2021.

⁴¹³ Confidential source, 7 October 2021. Confidential source, 15 December 2021.

⁴¹⁴ Confidential source, 7 October 2021. Confidential source, 8 October 2021. Confidential source, 25 November 2021. Confidential source, 15 December 2021.

⁴¹⁵ Confidential source, 25 November 2021.

⁴¹⁶ Confidential source, 8 October 2021.

⁴¹⁷ Confidential source, 8 October 2021. Confidential source, 25 November 2021. Confidential source, 15 December 2021.

⁴¹⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 51.

⁴¹⁹ Confidential source, 8 October 2021.

⁴²⁰ Confidential source, 27 December 2021.

The previous country of origin report stated that some HDP members were held in prison far from their original places of residence, with the result that their relatives found it logistically difficult to visit them regularly.⁴²¹ For example, former co-chair Demirtaş was imprisoned in Edirne, a city on the border with Greece and Bulgaria. The distance between Edirne and his home address in Diyarbakır⁴²² is about 1,400 kilometres as the crow flies.⁴²³ This situation remained unchanged during the current reporting period. One source adds that many HDP members came from poor families, which meant that their family members could not afford the long journey to visit them in prison.⁴²⁴

The following information about the treatment of HDP members in prison became available during the current reporting period. Güven, whose parliamentary immunity was withdrawn during the previous reporting period (see also 5.3.1),⁴²⁵ and eight other female prisoners were given disciplinary penalties by the Turkish prison authorities at the end of August 2021. The penalties were imposed because the nine women had sung in Kurdish and performed a Kurdish folk dance. They were not allowed to receive telephone calls or family visits for one month.⁴²⁶

During the previous reporting period, Farisoğulları's parliamentary immunity was also withdrawn (see also 5.3.1), after which he was detained. Despite his complaints of having difficulty breathing, the prison authorities are said to have refused him a fan.⁴²⁷ This situation reportedly remained the same during the current reporting period.⁴²⁸

Another noteworthy case was that of Aysel Tuğluk, a former HDP co-chair who has been in prison since 2016. She is said to suffer from trauma,⁴²⁹ Alzheimer's disease and loss of memory and speech, and is no longer able to take care of herself. The HDP and Tuğluk's lawyers therefore asked the prison authorities to release her. Their request was supported by a report from the Kocaeli University medical faculty, stating that she could no longer remain in prison due to her health problems. The ATK nevertheless ruled that Tuğluk could serve the rest of her prison sentence. The HDP called this a 'politically motivated decision'.⁴³⁰ Human and women's rights organisations and bar associations called on the Turkish authorities to release

⁴²¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 51 and 52.

⁴²² This city is known in Kurdish as *Amed*.

⁴²³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 51. NOS, *1700 km reizen om je man in de gevangenis te zien: 'Zo wil Erdogan ons straffen'*, 6 April 2021.

⁴²⁴ Confidential source, 6 October 2021.

⁴²⁵ In addition, in December 2020, Güven was sentenced to 22 years in prison for participating in a terrorist organisation and producing propaganda for a terrorist organisation. Trouw, *Turkije zet Leyla Güven vast; zij belooft zich ook vanuit de cel in te zetten voor haar land*, 22 December 2020.

⁴²⁶ Duvar English, *Imprisoned former HDP deputy, eight others given disciplinary penalty for Kurdish song*, 30 August 2021. Bianet, *Leyla Güven and 8 prisoners face penalty for singing in Kurdish*, 31 August 2021. Confidential source, 7 October 2021.

⁴²⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 50.

⁴²⁸ Confidential source, 7 October 2021.

⁴²⁹ This trauma is said to date back to an event in September 2017, when Tuğluk's mother was buried in Ankara. Tuğluk had been given the opportunity by the prison authorities to attend the funeral. The funeral ceremony was then disrupted by ultra-nationalist Turks who argued that Kurds, Alevites and Armenians should not be buried there. As a result, the relatives were forced to exhume the body of Tuğluk's mother and transfer it to the eastern Turkish city of Tunceli (Kurdish: *Dêrsim*), where the Tuğluk family originally came from.

⁴³⁰ Bianet, *Attack on funeral ceremony of arrested HDP MP's mother Hatun Tuğluk*, 14 September 2017. Confidential source, 6 October 2021. Confidential source, 29 October 2021. Confidential source, 30 October 2021. Bianet, *Forensic medical report says Kurdish politician Aysel Tuğluk 'can stay in prison'*, 13 September 2021. Bianet, *'Even the prison administration says Aysel Tuğluk is not in good health'*, 27 December 2021.

Tuğluk.⁴³¹ On 18 February 2021, police in Ankara and Mersin stopped lawyers from protesting for Tuğluk's release.⁴³²

For information on prison conditions in general, see 3.9.

5.3.3 *Treatment of the relatives of HDP members*

The previous country of origin report stated that relatives of HDP members who do not themselves formally belong to the HDP were viewed with suspicion by the Turkish authorities. This was shown in various ways. For example, relatives of HDP members could be denied certain services and products, such as a loan, building permit or subsidy. Also, a passport application from a relative of an HDP member could be deliberately delayed; a relative of an HDP member lost his job simply because his family member was active for the HDP.⁴³³

This situation remained the same during the current reporting period.⁴³⁴ One source claims to know of cases where an HDP member's relative was unable to get a government job or bank account because his or her family member was active for the HDP.⁴³⁵ Two other sources said relatives of HDP members were also subject to house searches.⁴³⁶ One of these sources also referred to a case involving an English teacher. She lost her job because her brother had attended a meeting of the *Barış ve Demokrasi Partisi* (Peace and Democracy Party, BDP) ten years earlier.⁴³⁷ ⁴³⁸ The BDP also worked for the political and cultural rights of the Kurdish minority in Turkey and merged with the HDP in 2014.⁴³⁹

The following case was particularly striking during the reporting period. A court sentenced Başak, the wife of imprisoned HDP leader Demirtaş, to 2.5 years in prison for alleged forgery. In 2015 she was working as a teacher. She applied for medical leave following a miscarriage. The doctor's note supporting her application was erroneously dated 14 December 2015 instead of 11 December 2015, the actual date of the medical consultation. Nacho Sánchez Amor, the European Parliament's rapporteur on Turkey, tweeted that this conviction 'gives the measure of the worrying state of Turkish judiciary'. Başak's lawyers said they would appeal.⁴⁴⁰

5.4 **Position of alleged PKK supporters and their relatives**

The previous country of origin report stated that family members of alleged PKK members were sometimes subjected to home raids.⁴⁴¹ This situation remained unchanged during the current reporting period.⁴⁴²

⁴³¹ Bianet, *Women's groups call for Kurdish politician, ill prisoner Aysel Tuğluk's release*, 21 December 2021. Bianet, *Letter to UN for Kurdish politician, ill prisoner Aysel Tuğluk, 'Take urgent action'*, 21 January 2022. Bianet, *Rights group demands the release of Kurdish politician Aysel Tuğluk, all ill prisoners*, 1 February 2022.

⁴³² Bianet, *Police intervention against lawyers' protests for Aysel Tuğluk in Ankara, Mersin*, 18 February 2022.

⁴³³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 52.

⁴³⁴ Confidential source, 7 October 2021. Confidential source, 8 October 2021.

⁴³⁵ Confidential source, 7 October 2021.

⁴³⁶ Confidential source, 8 October 2021. Confidential source, 8 October 2021.

⁴³⁷ The BDP was known in Kurdish as the *Partiya Aşti û Demokrasiyê*.

⁴³⁸ Confidential source, undated.

⁴³⁹ APPG, *Kurdish political representation and equality in Turkey*, June 2021, p. 7. BAMF, *Länderreport Türkei, Die Entwicklung des Kurdenkonflikts, der PKK und der HDP*, December 2021, p. 13.

⁴⁴⁰ The Guardian, *Turkey jails Kurdish politician's wife over miscarriage form typo*, 12 November 2021. Reuters, *Turkey sentences wife of jailed Kurdish politician over medical report*, 13 November 2021.

⁴⁴¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 52.

⁴⁴² Confidential source, 8 October 2021.

The previous country of origin report described an incident that took place in the eastern Turkish province of Van in September 2020. Two residents, Servet Turgut and Osman Şiban, were seriously injured, and Turgut eventually died of his injuries. After an armed clash between Turkish government soldiers and PKK fighters, they were taken away by the Turkish army because they were suspected of supporting the PKK. The Turkish authorities stated that while the two were resisting arrest, they had fallen off a cliff. Human rights groups and the HDP dismissed this explanation as implausible and pointed to eyewitness statements that they had boarded an army helicopter in good health. They therefore called for an independent investigation.⁴⁴³

In early December 2021, Şiban, who had survived the incident in Van, was charged with membership of a terrorist organisation.⁴⁴⁴ At the time of writing, the actions of the Turkish army during this incident had not been investigated.⁴⁴⁵ According to a source, the lack of any independent investigation showed that the security forces could perpetrate violence against the civilian population with impunity.⁴⁴⁶

⁴⁴³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 52 and 53.

⁴⁴⁴ Bianet, *Thrown from a helicopter, Osman Şiban faces 'terror' charges*, 7 December 2021.

⁴⁴⁵ Confidential source, 4 October 2021. Confidential source, 8 October 2021. EC, *Turkey 2021 report*, 19 October 2021, p. 30.

⁴⁴⁶ Confidential source, 4 October 2021.

6 Women

6.1 Introduction

The previous country of origin report stated that men and women were legally equal in Turkey, but that there was gender inequality in many areas, such as public administration, the labour market, education and health care. Data from the *World Economic Forum* (WEF)⁴⁴⁷ shows that 37.5% of Turkish women participated in working life in 2020, compared to 78.1% for men. Among MPs, senior employees and managers, 14.8% were women and 85.2% were men.⁴⁴⁸ During the reporting period, this situation remained more or less the same, although there was a slight increase in the percentage of women participating in society. According to the WEF, the percentage of working women rose to 38.5%, and 16.2% of MPs, senior employees and managers were women in 2021.⁴⁴⁹

6.2 Istanbul Convention

During the previous reporting period, the AKP announced the intention of withdrawing from the Convention on Preventing and Combating Violence Against Women and Domestic Violence, or 'Istanbul Convention'. The purpose of this CoE convention was to prevent and combat violence against women and domestic violence. According to the AKP, the Istanbul Convention undermined traditional family norms and structures and encouraged homosexuality and extramarital relations.⁴⁵⁰ On 20 March 2021, President Erdoğan announced by presidential decree that Turkey would leave the Istanbul Convention. Turkey officially withdrew from the treaty on 1 July 2021.⁴⁵¹

President Erdoğan's decision to leave the Istanbul Convention met with criticism at both international and domestic level. UN Women, a UN organisation that promotes equality for women,⁴⁵² called on Turkey to reconsider the decision.⁴⁵³ The CoE regretted Turkey's decision to leave the convention and the fact that no parliamentary debate had taken place prior to the decision. It also stated that Turkish women had lost a powerful tool in the fight against gender-based violence. It then called on the Turkish government to rejoin the Istanbul Convention.⁴⁵⁴ On 1 July 2021, hundreds of women took to the streets in Istanbul and similar demonstrations took place in other Turkish cities.⁴⁵⁵

President Erdoğan said he wanted to continue to combat violence against women, but within the framework of his own national action plan, the full name of which in English is the 'Action Plan for Combating Violence against Women'. He said that this

⁴⁴⁷ For more information about the WEF, please visit www.weforum.org.

⁴⁴⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 55.

⁴⁴⁹ WEF, *Global gender gap report, 2021, Insight report*, March 2021, p. 377.

⁴⁵⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 55 and 56.

⁴⁵¹ The Independent, *Turkey officially withdraws from treaty protecting women*, 1 July 2021. Al Jazeera, *Turkey women protest withdrawal from gender protection treaty*, 1 July 2020.

⁴⁵² This UN organisation is known in full as the United Nations Entity for Gender Equality and the Empowerment of Women. For more information about UN Women, please visit unwomen.org.

⁴⁵³ UN Women, *Statement by UN Women on Turkey's withdrawal from the Istanbul Convention*, 20 March 2021.

⁴⁵⁴ RvE, *Council of Europe leaders react to Turkey's announced withdrawal from the Istanbul Convention*, 21 March 2021.

⁴⁵⁵ The Independent, *Turkey officially withdraws from treaty protecting women*, 1 July 2021.

action plan would, among other things, provide for the prevention of violence against women, the provision of legal protection, the collection of data on violence against women and the protection of women.⁴⁵⁶ The plan was reportedly drawn up by the Turkish Ministry of Family and Social Services and was to be rolled out over a period of five years.⁴⁵⁷ The action plan also included an announcement that the existing law on combating violence against women, known as Law No. 6284,⁴⁵⁸ may be amended in the future.⁴⁵⁹ At the time of writing, no laws or regulations had been amended with regard to combating violence against women.⁴⁶⁰

On 25 November 2021, thousands of protesters in Istanbul, mostly women, took to the streets calling for Turkey to rejoin the Istanbul Convention. They did this on the occasion of the International Day for the Elimination of Violence against Women. Riot police brought the protest march to a halt after a few hundred metres using tear gas grenades and rubber bullets.⁴⁶¹ According to *Cumhuriyet*, an opposition and secular newspaper associated with the CHP,⁴⁶² one person was injured. Similar protests also took place in Ankara and other cities.⁴⁶³

During the current reporting period, it was too early to determine the concrete consequences of Turkey's decision to leave the Istanbul Convention.⁴⁶⁴ One source said it had received reports from female victims of violence who had been told by the police that 'no more protective measures will be taken from now on'.⁴⁶⁵ Another source said it had become harder for women to report violence and that public prosecutors were less willing to address violations of women's rights.⁴⁶⁶

6.3 Violence against and legal protection for women

Figures on the number of women killed by men vary. In this connection, a source points out that it is difficult to determine the exact number of women killed, because some male perpetrators and their accomplices try to conceal the true cause of death. They try to make the outside world believe that the woman died as a result of an accident, natural causes or suicide.⁴⁶⁷

In November 2021, Soyly, the Interior Minister, announced that 268 women had been killed by men in 2020 and that from 1 January 2021 to 15 November 2021, 251 women had died as a result of male violence.⁴⁶⁸ However, the We Will End Femicide Platform⁴⁶⁹ recorded the violent deaths of three hundred women in 2020. A further 171 women had died in suspicious circumstances in the same year,

⁴⁵⁶ Al Jazeera, *Turkey women protest withdrawal from gender protection treaty*, 1 July 2020. The Independent, *Turkey officially withdraws from treaty protecting women*, 1 July 2021.

⁴⁵⁷ Al Monitor, *Turkey prepares to leave women's rights convention*, 30 June 2021.

⁴⁵⁸ The full name of this law is the 'Law to Protect Family and Prevent Violence against Women'.

⁴⁵⁹ Confidential source, 7 September 2021.

⁴⁶⁰ Confidential source, 15 February 2022.

⁴⁶¹ The Independent, *Turkish police tear-gas women protesting over violence*, 25 November 2021. Al Jazeera, *Turkish police fire tear gas at women protesters in Istanbul*, 26 November 2021. NOS, *Turkse politie grijpt in bij protest tegen geweld tegen vrouwen*, 26 November 2021.

⁴⁶² *Cumhuriyet* means 'republic' in Turkish.

⁴⁶³ The Independent, *Turkish police tear-gas women protesting over violence*, 25 November 2021.

⁴⁶⁴ Confidential source, 7 September 2021.

⁴⁶⁵ Confidential source, 7 September 2021.

⁴⁶⁶ Confidential source, 4 October 2021.

⁴⁶⁷ Confidential source, 11 November 2021.

⁴⁶⁸ HDN, *Turkey witnesses 251 femicides in a year, Minister*, 26 November 2021.

⁴⁶⁹ This women's rights organisation monitors violence against women and is known in Turkish as *Kadın Cinayetlerini Durduracağız Platformu* (KCDP). In English, the organisation is also known as the 'We Will Stop Femicide Platform'.

according to the same platform.⁴⁷⁰ From 1 January to 11 November 2021, 208 women were killed by men, according to a source.⁴⁷¹

The previous country of origin report stated that legal remedies officially existed to protect women against violence, but that in practice there was often a lack of will to enforce them.⁴⁷² This situation remained unchanged during the current reporting period. In this context, a source noted that police officers on duty discouraged women from reporting domestic violence and encouraged them to seek reconciliation with the perpetrator. It was also sometimes the case that female victims of violence received incorrect information or no information at all when they contacted the police, according to the same source. Moreover, 'no contact' orders, which could be imposed by family courts, police officers or gendarmes, were not always enforced. In many cases, men against whom a 'no contact' order had been issued could go near the woman's home address without facing any consequences. In addition, 'no contact' orders were imposed for a maximum of six months and were not automatically extended, so that women had to repeatedly go through a bureaucratic procedure to reapply for the same protective measure. There were also delays in imposing 'no contact' orders, or requests to do so were not complied with, the source said.⁴⁷³

A scientific study published in 2021 concluded that the vast majority of cases of sexual violence against women in Turkey went unpunished. The author of this study analysed the statistics of the Turkish Ministry of Justice from 2019. She concluded that 7 out of every 1,000 sexual assault incidents against women resulted in a conviction, or 0.7%.⁴⁷⁴ The same study made it clear that female victims of sexual violence in Turkey faced obstacles to contact the authorities for various reasons. For example, women felt guilty about what had happened to them, shame prevented them from making a report, they were afraid that they would constantly have to describe the sexual violence they had experienced in detail to the police, and they had insufficient confidence in the police and the rule of law.⁴⁷⁵

There is no emergency number that is specifically intended for female victims of violence. There is an emergency number, called *ALO 183*, but this is more of a general information number that provides services to numerous target groups, including families, the disabled, survivors of 'martyrs'⁴⁷⁶ and the elderly.⁴⁷⁷

The previous country of origin report mentioned the existence of a smartphone app called *KADES*.⁴⁷⁸ If a woman pressed the 'emergency button' on the app, the police were supposed to come directly to her rescue.⁴⁷⁹ According to *Mor Çatı*, a women's

⁴⁷⁰ We Will End Femicide Platform, *2020 annual report*, 8 January 2021.

⁴⁷¹ Confidential source, 11 November 2021.

⁴⁷² Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 57.

⁴⁷³ Confidential source, 3 September 2021, 22 December 2021 and 23 December 2021.

⁴⁷⁴ Sönmezocak, Ezel Buse, 'A feminist response against impunity in gender based violence, Whom the presumption of innocence protects?', Yeditepe University Faculty of Law (YÜHFD), C.XVIII, 2021/1, p. 382.

⁴⁷⁵ Sönmezocak, Ezel Buse, 'A feminist response against impunity in gender based violence, Whom the presumption of innocence protects?', Yeditepe University Faculty of Law (YÜHFD), C.XVIII, 2021/1, pp. 382, 383, 384 and 385.

⁴⁷⁶ In the Turkish context, the term 'martyrs' can refer to various groups of individuals, including Turkish soldiers killed in military operations, pro-government civilians killed in the failed coup of 15 July 2016, and civilians killed in terrorist attacks.

⁴⁷⁷ Mor Çatı, *Combating violence against women during the coronavirus outbreak, Monitoring report*, 21 January 2021, no page number (online report). Confidential source, 8 September 2021. Confidential source, 5 October 2021.

⁴⁷⁸ *KADES* is an abbreviation of *Kadın Destek*, which means 'Women Support' in English.

⁴⁷⁹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 56.

rights organisation that takes care of female victims of violence,⁴⁸⁰ the KADES app did not always work during the coronavirus crisis due to technical problems. In some cases, the police did come to the woman, but did not file a report, gave the woman incorrect information and tried to persuade her to stay in her violent environment, according to the same organisation.⁴⁸¹ Another source notes that in some cases the police did not immediately come to the woman's aid, but called her first to check whether she was actually experiencing violence at the time. If the man was near the woman at the time and noticed that she was in contact with the police, the woman faced even more aggression and violence, the source said.⁴⁸² The KADES app only worked on smartphones, and not every woman had a smartphone.⁴⁸³ According to Soyulu, the interior minister, more than three million women had downloaded the KADES app since 2018.⁴⁸⁴

It is unclear to what extent honour killings occur in Turkey and whether the Turkish government can protect women from honour killings. The Turkish authorities do not keep any specific data on this. In the Turkish context, honour-based violence against women falls under the broader heading of 'gender-based violence'.⁴⁸⁵

If male perpetrators of violence attribute their actions to 'honour'-related motives, they qualify for a reduced sentence. Article 29 of the TPC speaks in this regard of 'unjust provocation'. Under Turkish criminal law, if a man's act of violence is triggered by unjust provocation, this is a mitigating circumstance and the offender receives a reduced sentence. Unjust provocation may include the following circumstances: the offender's wife has cheated on him, the offender's ex-wife has remarried, or a female relative of the offender has entered into a relationship or marriage without his consent.⁴⁸⁶

6.4 Women's shelters

The number of women's shelters and reception beds in Turkey increased during the reporting period. At the end of September 2020, Turkey had 145 women's shelters with a combined reception capacity of 3,482 beds.⁴⁸⁷ At the beginning of September 2021, there were 149 shelters in Turkey with a combined reception capacity of 3,624 beds. As in the previous reporting period, these shelters were run by four different parties. The Ministry of Family and Social Services ran 112 such shelters, the municipalities 33, the Directorate General of Migration Management (DGMM)⁴⁸⁸ three and women's rights organisation Mor Çatı one. No other groups are involved in the provision of women's shelters in Turkey.⁴⁸⁹

Under the Municipality Law, also known as Law No. 5393, a municipality with more than 100,000 inhabitants must have a women's shelter.⁴⁹⁰ In practice, however,

⁴⁸⁰ Mor Çatı means 'Purple Roof'. Purple is the colour of feminism worldwide. For more information about Mor Çatı, please visit <https://en.morcati.org.tr>.

⁴⁸¹ Mor Çatı, *Combating violence against women during the coronavirus outbreak, Monitoring report*, 21 January 2021, no page number (online report).

⁴⁸² Confidential source, 5 October 2021.

⁴⁸³ Confidential source, 5 October 2021.

⁴⁸⁴ HDN, *3 mln women downloaded KADES emergency support app*, 12 January 2022.

⁴⁸⁵ Confidential source, 3 September 2021. Confidential source, 7 September 2021.

⁴⁸⁶ Confidential source, 7 September 2021. Confidential source, 22 December 2021.

⁴⁸⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 57.

⁴⁸⁸ The DGMM is known in Turkish as *Göç İdaresi Genel Müdürlüğü*. For more information about the DGMM, please visit <https://en.goc.gov.tr/about-us>. During the reporting period, the DGMM's name was changed to 'Presidency of Migration Management' (PMM). Confidential source, 2 December 2021. For the sake of convenience, the name DGMM will be used throughout this report.

⁴⁸⁹ Confidential source, 3 September 2021 and 22 December 2021.

⁴⁹⁰ Confidential source, 22 December 2021. Confidential source, 22 December 2021.

only 32 of the 201 municipalities comply with this legal obligation.⁴⁹¹ According to Derya Yanık, the Minister for Family and Social Services, her ministry cannot enforce this obligation through sanctions on municipalities that fail to comply. The Ministry for Family and Social Services can at most advise municipalities to open a women's shelter, according to the minister.⁴⁹²

During the previous reporting period, most government-run women's shelters were found to be overcrowded and only provided basic services, without any professional counselling or psychological support. The living conditions in most of these women's shelters resembled prison conditions.⁴⁹³ According to one source, this situation remained unchanged during the current reporting period. The same source also pointed to other shortcomings in the provision of women's shelters. For example, the waiting times were long and women who urgently needed help and advice did not receive it promptly. In addition, there were government employees who only admitted victims of physical violence and not victims of psychological violence, even though the latter group of victims was also entitled to shelter. In addition, in some situations, government officials asked for medical records as proof that the woman had been physically assaulted, although they were not authorised to do so. Sometimes government officials passed on details of the woman's whereabouts to the perpetrator of violence and tried to reconcile the woman with the perpetrator, in violation of privacy and safety regulations, the same source said.⁴⁹⁴

There is no unambiguous answer to the question whether women can settle independently in another part of the country if they experience violence. One source points out that in theory women can receive shelter in another city, but that in practice they are excluded.⁴⁹⁵ Two other sources indicate that it depends on the economic position of the woman in question. If she is financially independent, she can settle elsewhere in Turkey more easily.⁴⁹⁶ If not, she will remain dependent on shelters, with the risk that the police or government personnel at the shelter will pass on her whereabouts to the perpetrator of the violence.⁴⁹⁷

⁴⁹¹ Confidential source, 22 December 2021.

⁴⁹² BirGün, *Bakan Yanık: İstanbul Sözleşmesi'nden sonra kafa karışıklığı oldu* ('Minister Yanık: Great confusion after withdrawal from the Istanbul Convention'), 26 May 2021.

⁴⁹³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 57.

⁴⁹⁴ Confidential source, 3 September 2021.

⁴⁹⁵ Confidential source, 7 September 2021.

⁴⁹⁶ Confidential source, 7 September 2021. Confidential source, 5 October 2021.

⁴⁹⁷ Confidential source, 7 September 2021.

7 Unaccompanied minors

7.1 Legal framework

The Child Protection Law (CPL)⁴⁹⁸ provides the legal framework defining the care and protection that must be offered to children who are deprived of parental care. The Turkish Ministry of Family and Social Services is responsible for implementing this law. NGOs are not allowed to provide shelter and protection to minors on their own initiative. They must first conclude an agreement or protocol with the Turkish government before they are allowed to provide services to children.⁴⁹⁹ An NGO called the Association for Solidarity with Asylum-Seekers and Migrants (ASAM)⁵⁰⁰ and the Turkish Red Crescent Society⁵⁰¹ have made written agreements of this kind with the Turkish authorities. They are therefore authorised to identify unaccompanied minors and provide psychosocial assistance to them.⁵⁰²

Before an unaccompanied minor can be taken in by the Turkish authorities, he or she must first be identified by them. Police officers or gendarmes can assist in identifying unaccompanied minors. Individual citizens can also report the presence of an unaccompanied minor to the Turkish authorities by telephone via 'ALO 183', a general information number of the Turkish government (see also 6.3). If the unaccompanied minor is taken to an office of the Ministry of Family and Social Services and urgently needs protection, this office must request a provisional supervision order from the juvenile court within five days. A judge must rule on this within three days. A provisional supervision order is valid for thirty days. During this period, a social worker from the Ministry of Family and Social Services will investigate the child's home circumstances and general situation, vulnerabilities and wishes and needs. Depending on the outcome of this investigation, the relevant office of the Ministry of Family and Social Services will issue an opinion to the judge. Ultimately, the judge decides whether the child should be placed under the supervision of the Turkish authorities.⁵⁰³

If an unaccompanied minor returns to Turkey from abroad, the Ministry of Family and Social Services is responsible for taking care of this child.⁵⁰⁴ According to a source, it almost never happens that an unaccompanied minor returns to Turkey from abroad and thus has to be taken care of by the ministry.⁵⁰⁵

⁴⁹⁸ This law is known in Turkish as *Çocuk Koruma Kanunu*.

⁴⁹⁹ Confidential source, 30 September 2021. Confidential source, 13 January 2022.

⁵⁰⁰ ASAM is known in Turkish as *Sığınmacılar ve Göçmenlerle Dayanışma Derneği* (SGDD).

⁵⁰¹ The Turkish Red Crescent Society is known in Turkish as *Türk Kızılayı*. For more information about the Turkish Red Crescent, please visit <https://www.kizilay.org.tr>.

⁵⁰² Confidential source, 30 September 2021.

⁵⁰³ Confidential source, 30 September 2021. Confidential source, 13 January 2022.

⁵⁰⁴ Confidential source, 9 November 2021. Confidential source, 13 January 2022.

⁵⁰⁵ Confidential source, 13 January 2022.

7.2 Different types of childcare facility

There are three types of childcare facility in Turkey that are run by the Turkish government:

1. Child homes, known in Turkish as *Çocuk Evleri* (singular: *Çocuk Evi*), take the form of a detached house or apartment building. Each child home can accommodate four to six children;
2. Child home sites, known in Turkish as *Çocuk Evleri Sitesi* (singular: *Çocuk Evi Sitesi*), are reminiscent of a campus, with each accommodation unit consisting of a cluster of buildings in which children live. They offer a range of facilities including kitchens, playgrounds and medical services.
3. In addition, there are child rehabilitation centres, known in Turkish as *Çocuk Destek Merkezleri* (singular: *Çocuk Destek Merkezi*), which have been specially developed for children with specific problems, such as drug addiction, sexual abuse and behavioural problems.⁵⁰⁶

In December 2020, there were 1,193 child homes (*Çocuk Evleri*) accommodating 5,956 children, 111 child home sites (*Çocuk Evleri Sitesi*) accommodating 6,181 children and 65 child rehabilitation centres (*Çocuk Destek Merkezleri*) accommodating 1,347 children. In December 2020, a total of 13,484 children were living in one of the three types of childcare facility mentioned above.⁵⁰⁷ In addition, there were reportedly around 8,500 children in foster care in mid-January 2022.⁵⁰⁸

The Turkish government pays for the education and health care costs of children living in childcare facilities. It also employs social workers and psychologists to monitor the children's well-being.⁵⁰⁹ A source states that children in childcare facilities have easy access to education and health care, but is unable to assess the quality of these services. The same source indicates that it cannot say that all childcare facilities are in good condition, but those it visited were all in good condition. When asked, this source was unable to say how many childcare facilities it had visited and what their names were.⁵¹⁰

A source says there are no indications that children's rights are being violated in some childcare facilities. The same source does not rule out the possibility that such abuses may take place in some facilities, but points out that there is an internal inspection system. However, the internal reports are hard for third parties to access, according to the source.⁵¹¹

According to two sources, there are enough childcare facilities for the number of unaccompanied minors in Turkey.⁵¹² However, a source states that the challenge is to identify every unaccompanied child. When Turkey had a large influx of Syrians, they included unaccompanied minors. It was difficult for the Turkish authorities to identify every unaccompanied minor in the context of a refugee crisis, according to the source.⁵¹³

⁵⁰⁶ Confidential source, 30 September 2021. Confidential source, 22 and 23 December 2021.

⁵⁰⁷ Confidential source, 1 October and 9 November 2021.

⁵⁰⁸ Confidential source, 13 January 2022.

⁵⁰⁹ Confidential source, 30 September 2021. Confidential source, 13 January 2022.

⁵¹⁰ Confidential source, 30 September 2021. Confidential source, 15 February 2022.

⁵¹¹ Confidential source, 30 September 2021. Confidential source, 15 February 2022.

⁵¹² Confidential source, 30 September 2021. Confidential source, 13 January 2022.

⁵¹³ Confidential source, 30 September 2021.

DGMM is responsible for determining the age of unaccompanied refugee children and conducting an initial health screening. DGMM also looks at the identification and family documents of unaccompanied refugee children. When DGMM has carried out these responsibilities, it hands the unaccompanied refugee minor over to the Ministry of Family and Social Services.⁵¹⁴ Depending on the case, other ministries may also become involved, namely the Ministries of Justice, Health and Education.⁵¹⁵

⁵¹⁴ Confidential source, 30 September 2021. Confidential source, 13 January 2022.

⁵¹⁵ Confidential source, 13 January 2022.

8 Sexual minorities (LGBTI)

8.1 Introduction

This chapter examines the position of the LGBTI community in Turkey in more detail. Section 8.2 discusses the extent to which LGBTI organisations and individuals can express their LGBTI identity and orientation publicly. Section 8.3 examines the extent to which victims of homophobic violence can turn to the Turkish authorities. Section 8.4 deals specifically with transgender people's access to the Turkish labour market.

For more information about the position of gay conscripts, see 9.5.

8.2 LGBTI events and self-expression in public

In 2019, the governor of Istanbul banned the Pride march for the fifth year running. The appeal against this ban was declared unfounded in the court of first instance.⁵¹⁶ This appeal was submitted by SPoD,⁵¹⁷ an NGO working for the rights of the LGBTI community,⁵¹⁸ and the Istanbul Pride Week Committee.⁵¹⁹ In December 2020, a regional administrative court in Istanbul upheld the appeal, ruling that the ban on the Pride March was unlawful and therefore untenable.⁵²⁰

However, this ruling, which related purely to the ban imposed in 2019, did not prevent the Turkish authorities from introducing an administrative ban on the Pride March in Istanbul again in 2021.⁵²¹ Despite this, hundreds of demonstrators gathered in Istanbul on 26 June 2021 to stand up for the rights of the LGBTI community. They waved rainbow flags and shouted slogans. Turkish riot police broke up the protest⁵²² and detained at least 46 people.⁵²³ The detainees were subsequently released,⁵²⁴ but eight were prosecuted for breaches of the Law on Meetings and Demonstrations (also known as Law No. 2911).⁵²⁵ These eight people were acquitted on 8 February 2022.⁵²⁶

⁵¹⁶ Ahval, *Istanbul court rejects appeal on city's Pride March ban*, 8 January 2020. T24, *İstanbul Onur Yürüyüşü yasağına açılan dava reddedildi* ('Legal proceedings against ban on Pride Parade in Istanbul dismissed'), 8 January 2020. Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 59.

⁵¹⁷ SPoD stands for *Sosyal Politikalar Cinsiyet Kimliği ve Cinsel Yönelim Çalışmaları Derneği*, meaning 'Social Policy, Gender Identity and Sexual Orientation Studies Association'.

⁵¹⁸ T24, *İstanbul Onur Yürüyüşü yasağına açılan dava reddedildi* ('Legal proceedings against ban on Pride Parade in Istanbul dismissed'), 8 January 2020. KAOS GL, *Mahkeme, 2019 İstanbul Onur Yürüyüşü için Bakırköy yasağını iptal etti* ('Court dismisses Bakırköy ban on the 2019 Istanbul Pride Parade'), 9 December 2020. Confidential source, 7 September 2021.

⁵¹⁹ Confidential source, 7 September 2021.

⁵²⁰ KAOS GL, *Mahkeme, 2019 İstanbul Onur Yürüyüşü için Bakırköy yasağını iptal etti* ('Court dismisses Bakırköy ban on the 2019 Istanbul Pride Parade'), 9 December 2020. Confidential source, 7 September 2021.

⁵²¹ Confidential source, 22 September 2021.

⁵²² De Volkskrant, *Verboden Gay Pride in Istanbul leidt opnieuw tot grote politie-actie*, 26 June 2021. The Washington Post, *Turkish police break up Pride with tear gas*, 26 June 2021. HDN, *Some 50 detained in Pride parade in Istanbul*, 27 June 2021.

⁵²³ HDN, *Some 50 detained in Pride parade in Istanbul*, 27 June 2021.

⁵²⁴ Confidential source, 7 September 2021. Confidential source, 23 September 2021.

⁵²⁵ KAOS GL, *Onur Yürüyüşü'ne katılan 8 aktiviste dava açıldı: Başlı başına haksız bir dava! ('Legal proceedings have been initiated against 8 activists who took part in the Pride Parade: It's an unlawful process!')*, 13 September 2021. Confidential source, 23 September 2021.

⁵²⁶ Bianet, *'Pride March' case against LGBTIQ+ Assemblies ends in acquittal*, 8 February 2022. KAOS GL, *'Pride March' case against LGBTIQ+ Assemblies ends in acquittal*, 9 February 2022.

One of those temporarily detained was Bülent Kılıç, a photographer for the French news agency *Agence France-Presse* (AFP). During his arrest, police officers pressed down on Kılıç's body with their knees.⁵²⁷ The Turkish branch of RSF condemned the violent arrest of Kılıç.⁵²⁸ However, the Turkish authorities stated that Kılıç had resisted the police and emphasised that permission had not been given for the Pride March.⁵²⁹

The previous country of origin report mentioned another legal case relating to an LGBTI event held in public. On 10 May 2019, riot police violently dispersed an LGBTI event at the Middle East Technical University (METU)⁵³⁰ in Ankara. Following this event, the Turkish authorities prosecuted eighteen students and one academic.⁵³¹ A court acquitted all nineteen defendants on 8 October 2021.⁵³²

In February 2022, a representative of an LGBTI rights organisation joined the Istanbul City Council for the first time. This was Zarife Akbulut of the NGO SPoD. On her appointment, Akbulut stated that she wished to represent the LGBTI community in Istanbul and that she was working for an inclusive and diverse city council that not only represented the interests of heterosexual men.⁵³³

8.3 Homophobic violence and legal protection

The previous country of origin report indicated that victims of homophobic violence usually did not turn to the police and if they did, in many cases they were not properly treated or protected by the police. It also stated that not every public prosecutor was prepared to prosecute homophobic perpetrators of violence and that LGBTI people had no confidence in due process.⁵³⁴ This situation remained unchanged during the period of this report.⁵³⁵

There is no unambiguous answer to the question whether victims of homophobia and homophobic violence can settle elsewhere in Turkey. It depends on the individual circumstances of the victim in question,⁵³⁶ for example his or her financial situation, level of knowledge, network and opportunities in terms of employment and housing.⁵³⁷ One source notes that many LGBTI people have no choice but to settle in large cities, especially Istanbul, where the LGBTI community is most effectively organised. This source claims to be aware of cases in which family members have managed to trace an LGBTI person in a large city and continued to threaten him or her.⁵³⁸

⁵²⁷ Rûdaw, *AFP photographer detained at Istanbul Pride march*, 26 June 2021. Bianet, *Deputy minister defends police violence against journalist Bülent Kılıç*, 28 June 2021.

⁵²⁸ Rûdaw, *AFP photographer detained at Istanbul Pride march*, 26 June 2021.

⁵²⁹ Bianet, *Deputy minister defends police violence against journalist Bülent Kılıç*, 28 June 2021.

⁵³⁰ METU is known in Turkish as *Orta Doğu Teknik Üniversitesi* (ODTÜ).

⁵³¹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 60.

⁵³² Reuters, *Turkish court acquits students for attending Pride march*, 8 October 2021. Amnesty, *Turkije spreekt alle vervolgde deelnemers Pride-bijeenkomst vrij*, 8 October 2021.

⁵³³ Bianet, *In a first, an LGBTI+ association's representative elected to the Istanbul City Council*, 10 February 2022. KAOS GL, *SPoD is in the Istanbul City Council steering committee*, 10 February 2022.

⁵³⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 60 and 61.

⁵³⁵ Confidential source, 7 September 2021. Confidential source, 23 September 2021. Confidential source, 24 September 2021.

⁵³⁶ Confidential source, 7 September 2021. Confidential source, 23 September 2021. Confidential source, 24 September 2021.

⁵³⁷ Confidential source, 23 and 26 September 2021.

⁵³⁸ Confidential source, 7 September 2021.

The annual report of the Turkish LGBTI rights organisation KAOS GL⁵³⁹ stated that in 2021 there were at least eight hate killings of LGBTI individuals. KAOS GL suspects that the actual number of hate killings of LGBTI individuals in 2021 was higher.⁵⁴⁰

8.4 Transgender people and access to the labour market

Transgender people generally experience difficulty in gaining access to the labour market.⁵⁴¹ If they succeed in getting a job, they sometimes experience severe transphobia and harassment.⁵⁴² Because of this, trans women in particular are compelled to perform sex work in order to earn an income.⁵⁴³ Sex work is legal in Turkey, but transgender people are excluded from this government-controlled sector.⁵⁴⁴ They can therefore only work illegally in the sex industry. As a result, they do not accrue pension rights, they perform their work without insurance and they are vulnerable to violence and exploitation.⁵⁴⁵

The following case occurred during the reporting period and illustrated the difficulties transgender people experienced in the Turkish labour market. On 13 September 2021, the Turkish Ministry of Health imposed a professional ban on a trans woman named Larin Kayataş. She was working as a doctor at the Taksim Training and Research Hospital in Istanbul. According to the authorities, Ms Kayataş's statements and behaviour breached public decency.⁵⁴⁶ In the period prior to the professional ban, the authorities questioned Ms Kayataş about her transgender identity, the support she expressed for the CHP (the country's largest opposition party), and her participation in a demonstration on International Women's Day on 8 March.⁵⁴⁷ Ms Kayataş subsequently initiated legal proceedings to try to have her professional ban overturned.⁵⁴⁸

⁵³⁹ For more information about KAOS GL, please visit <https://kaosgl.org/en/>.

⁵⁴⁰ Bianet, *Summary of 2021 for LGBTI+s in Turkey, At least eight hate murders*, 23 February 2022.

⁵⁴¹ Confidential source, 18 October 2021. Confidential source, 19 October 2021. Confidential source, 4 November 2021.

⁵⁴² Confidential source, 18 October 2021.

⁵⁴³ Noordhollands Dagblad, *Verkracht, vernederd, uitgesloten; interview Turkse transvrouw Alara zoekt veiligheid*, 2 October 2021. Confidential source, 18 October 2021. Confidential source, 19 October 2021. Confidential source, 4 November 2021.

⁵⁴⁴ Confidential source, 18 October 2021.

⁵⁴⁵ Confidential source, 19 October 2021.

⁵⁴⁶ Duvar English, *Turkish trans female doctor banned from profession after year of harassment*, 14 September 2021. BirGün, *Doktor Larin Kayataş, 'genel ahlak' gerekçesiyle meslekten men edildiğini açıkladı ('Dr. Larin Kayataş: I was banned from my profession on the basis of "general ethical values"')*, 14 September 2021. Bianet, *Banned from profession, trans doctor to suit for reinstatement*, 16 September 2021.

⁵⁴⁷ Duvar English, *Turkish trans female doctor banned from profession after year of harassment*, 14 September 2021. BirGün, *Doktor Larin Kayataş, 'genel ahlak' gerekçesiyle meslekten men edildiğini açıkladı ('Dr. Larin Kayataş: I was banned from my profession on the basis of "general ethical values"')*, 14 September 2021.

⁵⁴⁸ Bianet, *Banned from profession, trans doctor to suit for reinstatement*, 16 September 2021.

9 Draft evaders and deserters

9.1 Introduction

This chapter deals with the position of draft evaders and deserters in Turkey. First of all, the terms 'draft evader' and 'deserter' are explained, as they are often confused in everyday language. A draft evader is a person who is liable for military service but ignores the call to report for such service. A draft evader has therefore never actually served. A deserter, on the other hand, has already served as a conscript or professional soldier, but then leaves the army unlawfully, i.e. without permission.⁵⁴⁹ Under Articles 6 (1) (a) and (b) of the Law on Military Criminal Code,⁵⁵⁰ a soldier must be absent without leave for at least six days before being classified as a deserter.⁵⁵¹

9.2 Legal framework

As far as is known, there were no changes in the reporting period in relation to the legal penalties for desertion.⁵⁵² In Turkey, draft evasion and desertion are considered to be two different types of crime and are punished as such. Draft evasion and desertion are punishable under Article 63 (1) (a) and Article 66 (1) (a) respectively of the Law on Military Criminal Code. Desertion carries a prison sentence of one to three years.⁵⁵³

As far as is known, one change occurred in relation to compulsory military service during the reporting period. The legal buy-out amount for military service was increased.⁵⁵⁴ The previous country of origin report stated that the buy-out amount was TL 37,070.00⁵⁵⁵ during the period from 30 July to 31 December 2020.⁵⁵⁶ The *Askeralma Genel Müdürlüğü*, or General Directorate of Military Service, stated on its website that the buy-out amount for the period from 1 July to 31 December 2021 had increased to TL 43,151.28.^{557 558} When a conscript formally buys out his military service, he is still obliged to attend one month of basic military training.⁵⁵⁹

⁵⁴⁹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 62.

⁵⁵⁰ This law is also known as the 'Law of 1930 on Absentee Conscripts, Draft Evaders, Persons unregistered (For Military Service) and Deserters'. The Turkish name for this law is *Askeri Ceza Kanunu*.

⁵⁵¹ Confidential source, 28 December 2021.

⁵⁵² Confidential source, 13 October 2021.

⁵⁵³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 62 and 63. Confidential source, 13 October 2021.

⁵⁵⁴ Confidential source, 13 October 2021.

⁵⁵⁵ According to CoinMill.com, an online exchange rate converter, TL 37,070.00 was worth 2302.66 euros on 14 December 2021.

⁵⁵⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 62.

⁵⁵⁷ According to CoinMill.com, an online exchange rate converter, TL 43,151.28 was worth 2,680.41 euros on 14 December 2021.

⁵⁵⁸ Askeralma Genel Müdürlüğü (General Directorate of Military Service), *Bedelli askerlik kapsamında ne kadar Ücret Ödeyeceğim?* ('How much do I pay for the military service buy-out scheme?'), undated, accessed 14 October 2021.

⁵⁵⁹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 62. VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, p. 42. Confidential source, 22 November 2021.

9.3 Situation of draft evaders and deserters in general

As far as is known, persons who have yet to complete their military service may legally leave Turkey.⁵⁶⁰

The Turkish authorities actively prosecute draft evaders and deserters under Article 26 (1) of the Law on Conscription.⁵⁶¹ The Ministry of Defence passes on their details to the Ministry of the Interior so that they can be arrested and required to perform their military service.⁵⁶² They are then registered as draft evaders or deserters in the *Genel Bilgi Toplama Sistemi* (General Information Gathering System, GBT).⁵⁶³ The GBT is a database to which the legal authorities and the security apparatus, including the police and gendarmerie, have access.⁵⁶⁴ Registration in the GBT severely restricts the freedom of movement of draft evaders and deserters. For example, they run the risk of being arrested during a passport check or a routine identity check on the street or on public transport. If registered draft evaders and deserters check into a hotel, this can also entail risks,⁵⁶⁵ as hotels are legally obliged to forward the personal details of their guests to the local police.⁵⁶⁶

As well as being restricted in their freedom of movement, registered draft evaders and deserters may also face increasing fines.⁵⁶⁷ Those who voluntarily report to the authorities must pay TL 5 for each day that they have defaulted on their military obligations. Those detained by the authorities have to pay TL 10 for each day that they have failed to comply with their military obligations.⁵⁶⁸ The increasing fines can swell to a considerable amount. For example, *Vicdani Ret Derneği* (Association for Conscientious Objection, VR-DER), an organisation that defends the interests of conscientious objectors in Turkey, documented a case of a conscientious objector who had a total outstanding amount of TL 17,251.00.^{569 570}

Draft evaders and deserters are also sometimes denied the following rights and services:

- Applying for a passport and driving licence;⁵⁷¹
- Getting married;⁵⁷²
- Getting a bank account number and VAT number;⁵⁷³
- Reporting a crime to the authorities;⁵⁷⁴

⁵⁶⁰ Confidential source, 13 October 2021. Confidential source, 22 November 2021.

⁵⁶¹ This law is known in Turkish as *Askeralma Kanunu*.

⁵⁶² International Fellowship of Reconciliation (IFOR), *Conscientious objection to military service and related issues*, updated May 2021, p. 5. VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, pp. 36 and 37. Confidential source, 26 November 2021.

⁵⁶³ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 63. VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, p. 46.

⁵⁶⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 27.

⁵⁶⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 63. IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 7. VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, p. 46.

⁵⁶⁶ Confidential source, 17 February 2022.

⁵⁶⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 63. IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 5. VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, p. 38.

⁵⁶⁸ IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 5. VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, p. 38.

⁵⁶⁹ According to CoinMill.com, an online exchange rate converter, TL 17,251.00 was worth 1,036.46 euros on 15 December 2021.

⁵⁷⁰ VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, p. 39.

⁵⁷¹ IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 7.

⁵⁷² IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 7.

⁵⁷³ IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 7.

⁵⁷⁴ IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 7.

- Participating in elections as a candidate or voter;⁵⁷⁵
- Participating in a study;⁵⁷⁶
- Obtaining insured work;⁵⁷⁷
- Getting a government job.⁵⁷⁸

VR-DER also recorded that the bank account of some conscientious objectors had been frozen or seized⁵⁷⁹ or that they had lost their job.⁵⁸⁰ As it is a criminal offence for employers to hire draft evaders, conscientious objectors have often been condemned to unemployment or illegal, uninsured work, according to the International Fellowship of Reconciliation (IFOR),⁵⁸¹ a Christian peace organisation.⁵⁸²

According to one source, draft evaders and deserters are penalised disproportionately if they belong to certain categories in terms of ethnicity, religion, political opinions or LGBTI identity and orientation.⁵⁸³ The source did not specify what forms this discriminatory penalisation takes.

9.4 Kurdish conscripts

The previous country of origin report described several incidents in which Kurdish conscripts suffered ethnically motivated violence. For example, 20-year-old Osman Özçalımlı,⁵⁸⁴ a Kurdish conscript, died in suspicious circumstances in Izmir on 1 August 2020. According to the Turkish authorities, Osman died of a heart attack, although a forensic autopsy revealed the cause of death to be a fall from a great height. Özçalımlı's next of kin then started legal proceedings,⁵⁸⁵ which started in July 2021. In the meantime, the death was no longer attributed to a heart attack, but to suicide: it was claimed that Özçalımlı had thrown himself from the third floor. In court, a soldier was charged with dereliction of duty. He allegedly failed to provide Özçalımlı with help in time after his fall.⁵⁸⁶ At the time of writing, there was no update regarding this legal case.⁵⁸⁷

The previous country of origin report stated that conscripts had no choice over where they were stationed. Conscript Kurds could therefore be stationed in south-eastern Turkey, where the Turkish armed forces were in conflict with the PKK (for more information on the conflict between the PKK and the Turkish military on Turkish soil, see 1.2.2).⁵⁸⁸ As far as is known, this situation remained the same during the current reporting period.⁵⁸⁹

⁵⁷⁵ IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 7. VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, pp. 44 and 45.

⁵⁷⁶ VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, pp. 44 and 47.

⁵⁷⁷ IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 7. VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, p. 44.

⁵⁷⁸ VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, p. 44.

⁵⁷⁹ VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, pp. 44, 60 and 61.

⁵⁸⁰ VR-DER, *Conscientious objection to military service in Turkey*, 6 July 2021, pp. 44, 48, 57, 58 and 59.

⁵⁸¹ For more information about IFOR, please visit www.ifor.org.

⁵⁸² IFOR, *Conscientious objection to military service and related issues*, updated May 2021, p. 7.

⁵⁸³ Confidential source, 13 October 2021.

⁵⁸⁴ Also spelled Özçalimli.

⁵⁸⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 64.

⁵⁸⁶ BirGün, *Er Osman Özçalımlı'nın şüpheli ölümüne ilişkin dava süreci başladı* ('Court case regarding the suspicious death of Private Osman Özçalımlı begins'), 8 July 2021.

⁵⁸⁷ Confidential source, 15 February 2022.

⁵⁸⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 64.

⁵⁸⁹ Confidential source, 13 October 2021. Confidential source, 22 November 2021.

Since Turkish authorities do not provide information on conscripts based on their ethnicity, it was not possible to determine how many Kurdish conscripts were stationed in south-eastern Turkey and whether they had to be involved in the fight against the PKK, according to a source.⁵⁹⁰ There was no information available this time as to whether Kurdish conscripts were allowed to refuse deployment in south-eastern Turkey and, if not, what the punishment was for doing so.⁵⁹¹

During the previous reporting period, conscripts were in principle not deployed in combat operations.⁵⁹² According to a source, this information is still current.⁵⁹³

As far as is known, there is no clear-cut system that determines the deployment of conscripts in certain regions.⁵⁹⁴

9.5 LGBTI and military service

Having a homosexual identity and orientation in itself does not constitute grounds for exemption from military service. The authorities may only grant an exemption from military service when the expression of the conscript's homosexual identity and orientation may be perceived as offensive and/or if the homosexual conscript finds it uncomfortable to do military service.⁵⁹⁵ In practice, this means that particularly homosexuals and bisexual or transgender people whose appearance and behaviour may be perceived as 'feminine' are not considered suitable for military service.⁵⁹⁶

If an LGBTI conscript does not wish to do military service due to the problematic relationship between homosexuality and the Turkish armed forces, he must take the initiative of applying to a medical committee for an exemption. This committee can investigate in various ways whether the conscript's homosexual orientation may lead to what the authorities regard as 'undesirable' or 'uncomfortable' situations. The person may be expected to demonstrate that he is a member of an LGBTI organisation or show by means of a photograph that he has participated in a Pride event, for example. Another method is for the homosexual conscript to take along a family member or friend who testifies that he is homosexual.⁵⁹⁷

When a homosexual is released from military service, he receives an exemption report. The report merely states that the person concerned is not considered suitable for military service. This report reduces the holder's chances in the job market, because potential employers may ask for proof of the applicant's military service during the recruitment process. If the person concerned is found to have been exempted from military service, the employer may ask for the reason for the exemption or assume that the person concerned is homosexual, bisexual or transgender.⁵⁹⁸

⁵⁹⁰ Confidential source, 13 October 2021.

⁵⁹¹ Confidential source, 13 October 2021. Confidential source, 22 November 2021.

⁵⁹² Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 64.

⁵⁹³ Confidential source, 22 November 2021.

⁵⁹⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 65. Confidential source, 13 October 2021.

⁵⁹⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 65. Confidential source, 7 September 2021. Confidential source, 13 October 2021.

⁵⁹⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 65. Confidential source, 7 September 2021.

⁵⁹⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, pp. 65 and 67. Confidential source, 7 September 2021.

⁵⁹⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 66. Confidential source, 7 September 2021. Confidential source, 23 September 2021. Confidential source, 24 September 2021. Confidential source, 13 October 2021.

9.6 Military service and alleged Gülenists

The previous country of origin report stated that male Gülen suspects and supporters of conscription age were supposed to perform their military service even if their passport had been invalidated, their Turkish nationality had been revoked and they were on a 'blacklist'. The same report stated that Gülen suspects and supporters could buy off military service, but that they would then still have one month of basic military training to do, just like anyone else who had formally bought off military service (see 9.2). During this month, they could be a target for bullying, ill-treatment, torture or murder.⁵⁹⁹ According to one source, this situation remained unchanged during the current reporting period.⁶⁰⁰

⁵⁹⁹ Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 66.

⁶⁰⁰ Confidential source, 22 November 2021.

10 Irregular migrants, asylum-seekers and status holders

10.1 Introduction

Chapter 10 examines the position of irregular migrants, asylum-seekers and asylum status holders in Turkey. Section 10.2 explains the laws and regulations regarding asylum and protection in Turkey. Section 10.3 deals with the situation of Syrians in Turkey. Section 10.4 mainly looks at the situation of Afghans in Turkey.

10.2 Legal framework

On 11 April 2014, Turkey's first asylum law came into effect, known as the Law on Foreigners and International Protection (LoFIP). The DGMM is part of the Ministry of the Interior and is responsible for the implementation of the LoFIP.⁶⁰¹ The law distinguishes between four different types of international protection⁶⁰²:

- Refugee status within the meaning of the Refugee Convention adopted by the UN in 1951;⁶⁰³
- Conditional protection;⁶⁰⁴
- Subsidiary protection;⁶⁰⁵
- Temporary protection (TP).^{606 607}

Only European asylum-seekers who can demonstrate that they are being persecuted on account of one of the grounds mentioned in the convention, i.e. race, religion, nationality, membership of a social group or political opinion, are eligible for refugee status within the meaning of the Refugee Convention.⁶⁰⁸ In the past, the Turkish authorities have recognised Bosnian Muslims⁶⁰⁹ as refugees within the meaning of the Refugee Convention.⁶¹⁰

Non-European asylum-seekers who are persecuted on account of one of the grounds mentioned in the convention may qualify for conditional protection. Non-European asylum-seekers who are foreseeably at risk of serious harm if they return to their country of origin may qualify for subsidiary protection.⁶¹¹

⁶⁰¹ Dutch Ministry of Foreign Affairs, *Thematic country of origin information report for Syria, Documents*, December 2019, p. 48. Asylum Information Database (AIDA), *Country report, Turkey*, updated 31 December 2020, p. 20. EuroMed Rights, *Return mania, Mapping policies and practices in the EuroMed Region*, March 2021, p. 12.

⁶⁰² Known in Turkish as *Uluslararası Koruma*.

⁶⁰³ Also known as the 'Geneva Convention'.

⁶⁰⁴ Known in Turkish as *Şartlı mülteci*.

⁶⁰⁵ Known in Turkish as *İkincil Koruma*. Another English name for subsidiary protection is 'secondary protection'.

⁶⁰⁶ Known in Turkish as *Geçici Koruma*.

⁶⁰⁷ UNHCR, *Law on Foreigners and International Protection*, 11 April 2013, pp. 23 and 35. AIDA, *Country report, Turkey*, updated 31 December 2020, pp. 20 and 21. EuroMed Rights, *Return mania, Mapping policies and practices in the EuroMed Region*, March 2021, p. 11. Confidential source, 7 October 2021.

⁶⁰⁸ UNHCR, *Law on Foreigners and International Protection*, 11 April 2013, p. 23. AIDA, *Country report, Turkey*, updated 31 December 2020, p. 20. EuroMed Rights, *Return mania, Mapping policies and practices in the EuroMed Region*, March 2021, p. 11. Müftüler-Baç, Meltem, 'Externalization of migration governance, Turkey's migration regime and the protection of the European Union's external borders', *Turkish Studies*, 27 June 2021, p. 6. Confidential source, 7 October 2021.

⁶⁰⁹ Also known as 'Bosniaks'.

⁶¹⁰ Müftüler-Baç, Meltem, 'Externalization of migration governance, Turkey's migration regime and the protection of the European Union's external borders', *Turkish Studies*, 27 June 2021, p. 6.

⁶¹¹ UNHCR, *Law on Foreigners and International Protection*, 11 April 2013, p. 23. Confidential source, 7 October 2021.

During the reporting period, three Iranians who received conditional protection in Turkey were threatened with deportation to Iran.⁶¹² They participated in a demonstration on 20 March 2021 against Turkey's decision to leave the Istanbul Convention (for more information on Turkey's departure from the Istanbul Convention, see 6.2). According to the Turkish authorities, this was an illegal demonstration and the individuals concerned had disturbed public order. The three Iranians appealed against the deportation decision, but an administrative court dismissed their appeal on 2 February 2022.⁶¹³ They then took the case to the Constitutional Court.⁶¹⁴

TP may be granted to foreigners who enter Turkey as part of a mass influx due to circumstances that have forced them to leave their country of origin.⁶¹⁵ In practice, the Turkish authorities only grant TP to Syrians and stateless persons⁶¹⁶ from Syria.⁶¹⁷

10.3 Syrians in Turkey

10.3.1 Registration of Syrians

In June 2018, Turkey completed a wall along its southern border with Syria. This border wall is 764 kilometres long.⁶¹⁸ Despite this obstacle, individual Syrians succeed in illegally crossing the Syrian-Turkish border.⁶¹⁹ In early December 2021, Turkey was hosting 3,736,760 Syrian refugees, according to the United Nations High Commissioner for Refugees (UNHCR).⁶²⁰

Newly arrived Syrians can still apply for TP at a provincial office of the DGMM known as the 'Provincial Directorate of Migration Management' (PDMM). However, registration of newly arrived Syrians has been temporarily suspended in some provinces. At the time of writing, newly arrived Syrians could not apply for TP in

⁶¹² The three individuals concerned were Esmail Fattahi, Leili Faraji and Zeinab Sahafi.

⁶¹³ Evrensel, *Denizli'de İstanbul Sözleşmesi eylemine katılan İranlı mültecilerin sınır dışı kararına itirazı reddedildi* ('Objection dismissed to decision to deport Iranian asylum-seekers who participated in Istanbul Convention protest in Denizli'), 2 February 2022. Ahval, *Iranian refugees face deportation from Turkey over women's rights protest*, 4 February 2022. Duvar English, *Turkey rejects deportation appeal made by detained Iranian refugees*, 4 February 2022. Bianet, *Opposition MPs criticize decision to deport refugees over Istanbul Convention protests*, 8 February 2022. Confidential source, 8 February 2022. The Guardian, *Iranian refugees face deportation from Turkey for attending demonstration*, 9 February 2022.

⁶¹⁴ Confidential source, 8 February 2022.

⁶¹⁵ UNHCR, *Law on Foreigners and International Protection*, 11 April 2013, p. 35. Mülteci Hakları Merkezi (Refugee Rights Turkey, MHM), *Registration and status for Syrian refugees and other persons under Temporary Protection, Questions and answers*, July 2021, p. 1. Confidential source, 7 October 2021.

⁶¹⁶ These are often stateless Palestinians from Syria. Syria is also home to stateless Kurds and Bedouin. Ministry of Foreign Affairs, *Thematic country of origin information report for Syria, Documents*, December 2019, pp. 17 and 18.

⁶¹⁷ AIDA, *Country report, Turkey*, updated 31 December 2020, pp. 20 and 21. EuroMed Rights, *Return mania, Mapping policies and practices in the EuroMed Region*, March 2021, pp. 12 and 13. MHM, *Registration and status for Syrian refugees and other persons under Temporary Protection, Questions and answers*, July 2021, p. 1. Confidential source, 6 October 2021. Confidential source, 7 October 2021.

⁶¹⁸ AA, *Turkey installs 764 km security wall on Syria border*, 9 June 2018.

⁶¹⁹ Confidential source, 4 October 2021. Confidential source, 6 October 2021. Confidential source, 6 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021.

⁶²⁰ UNHCR, *Situation Syria regional refugee response*, last updated 2 December 2021, accessed 13 December 2021.

Istanbul, Ankara,⁶²¹ Izmir⁶²² or Hatay.⁶²³ Registration of Syrians in Gaziantep⁶²⁴ has reportedly been successively stopped and restarted depending on the influx of Syrians.⁶²⁵

There is no unambiguous answer to the question how the Turkish immigration authorities deal with newly arrived Syrians who want to apply for TP in one of the provinces where the registration of Syrians has been stopped. One source indicates that newly arrived Syrians will be given a list of provinces where they can apply for TP.⁶²⁶ Another source reports that newly arrived Syrians will be referred informally to a PDMM office where they can apply for TP.⁶²⁷ Yet another source states that newly arrived Syrians are not given any information and have to find out for themselves where they can apply for TP.⁶²⁸

In some exceptional cases newly arrived Syrians are able to receive TP in a province where the registration of Syrians has been stopped. For example, if two parents who are already registered in Hatay as TP holders have a child, their child will also be registered as a TP holder in Hatay.⁶²⁹ The immigration authorities may also make exceptions for newly arrived Syrians who are vulnerable in some way, such as pregnant women⁶³⁰ and persons who are unable to care for themselves and need to be reunited with a family member already registered as a TP holder in a province where the registration of Syrians has been stopped.⁶³¹

One source notes that the Turkish immigration authorities are inconsistent when it comes to making exceptions for vulnerable Syrians. For example, this source knows of two pregnant Syrian women who both applied to the PDMM office in Hatay. Although these were two comparable cases, one pregnant woman's application was approved while the other's was not.⁶³² Another source notes that it can take months for the immigration authorities to grant exceptional TP to a vulnerable Syrian in a province where the registration of Syrians has been stopped.⁶³³

10.3.2 *Rights and freedom of movement of Syrian TP holders*

Syrian TP holders are entitled to various types of government services, including access to education and health care. TP holders may only access these rights in the province in which they are registered.⁶³⁴ For example, if a Syrian is registered in

⁶²¹ Confidential source, 6 October 2021. Confidential source, 6 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021.

⁶²² Confidential source, 6 October 2021. Confidential source, 11 October 2021.

⁶²³ Confidential source, 6 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021. Confidential source, 22 December 2021. Confidential source, 22 December 2021. Confidential source, 23 December 2021. Confidential source, 28 December 2021.

⁶²⁴ In Turkish popularly known as 'Antep'.

⁶²⁵ Confidential source, 6 October 2021. Confidential source, 11 October 2021.

⁶²⁶ Confidential source, 6 October 2021.

⁶²⁷ Confidential source, 11 October 2021.

⁶²⁸ Confidential source, 11 October 2021.

⁶²⁹ Confidential source, 11 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021.

⁶³⁰ Confidential source, 11 October 2021.

⁶³¹ Confidential source, 11 October 2021.

⁶³² Confidential source, undated.

⁶³³ Confidential source, 11 October 2021.

⁶³⁴ MHM, *Registration and status for Syrian refugees and other persons under Temporary Protection, Questions and answers*, July 2021, p. 4. Confidential source, 4 October 2021. Confidential source, 6 October 2021. Confidential source, 6 October 2021. Confidential source, 7 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021.

Şanlıurfa,⁶³⁵ but chooses to reside illegally in Istanbul, because there is more employment there, he or she will be deprived of these rights.⁶³⁶

A Syrian TP holder who wishes to move outside the province where he or she is registered must have a travel permit issued by the PDMM office.⁶³⁷ There is no unambiguous answer to the question how the Turkish authorities deal with a TP holder who is detained outside his or her province of registration without a valid travel permit issued by the PDMM. In principle, travelling outside the province of registration without a travel permit does not constitute grounds for deportation to Syria and the authorities should return the TP holder to the province of registration. There is thus no central policy of deportation after someone has been arrested for not having the correct papers. As far as is known, in most cases TP holders are returned to the province of registration,⁶³⁸ but there are individual cases where the TP holder was placed in a departure centre⁶³⁹ and in some cases deported to Syria after an expedited procedure.⁶⁴⁰

10.3.3 *Deported Syrians*

Syrians and stateless persons from Syria who have TP in Turkey are in principle not returned to Syria. Articles 8 (1) and 12 (1) of the Temporary Protection Regulation (TPR) state the grounds on which a person's TP status may be withdrawn. One of the grounds for withdrawal is if a person has been convicted of a serious crime and is considered to be a threat to public order and/or national security (Article 8 (1) (f) of the TPR).⁶⁴¹ In this context, two sources report that the Turkish authorities expel Syrians with links to ISIS.⁶⁴²

A previous country of origin report stated that international human rights organisations sporadically reported deportations of Syrians.⁶⁴³ This picture remained unchanged during the current reporting period. None of the sources consulted stated that they were aware of large-scale and systematic deportations of Syrians or of any central policy along these lines. One source called the number of deported Syrians 'negligible',⁶⁴⁴ and another described the number of deported Syrians as 'very low'.⁶⁴⁵ Four other sources had heard of several individual deportations.⁶⁴⁶

No unambiguous answer can be given to the question how the Turkish authorities deal with Syrians who have not applied for TP and are therefore staying in Turkey without registering. Two sources state that unregistered Syrians still have the opportunity to apply for TP.⁶⁴⁷ In contrast, two other sources report that unregistered Syrians are placed in departure centres, but that this does not necessarily lead to their deportation.⁶⁴⁸ One source states that unregistered Syrians

⁶³⁵ In Turkish popularly known as 'Urfa' for short.

⁶³⁶ Confidential source, 4 October 2021. Confidential source, 6 October 2021.

⁶³⁷ Dutch Ministry of Foreign Affairs, *Thematic country of origin information report for Syria, Documents*, December 2019, p. 49. AIDA, *Country report, Turkey*, updated 31 December 2020, p. 81.

⁶³⁸ Confidential source, 4 October 2021. Confidential source, 5 November 2021. Confidential source, 6 October 2021. Confidential source, 6 October 2021. Confidential source, 7 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021.

⁶³⁹ Confidential source, 4 October 2021. Confidential source, 11 October 2021.

⁶⁴⁰ Confidential source, 11 October 2021.

⁶⁴¹ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 67.

⁶⁴² Confidential source, 4 October 2021. Confidential source, 6 October 2021.

⁶⁴³ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 67.

⁶⁴⁴ Confidential source, 5 November 2021.

⁶⁴⁵ Confidential source, 11 October 2021.

⁶⁴⁶ Confidential source, 6 October 2021. Confidential source, 6 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021.

⁶⁴⁷ Confidential source, 7 October 2021. Confidential source, 11 October 2021.

⁶⁴⁸ Confidential source, 6 October 2021.

are placed in a departure centre and immediately deported.⁶⁴⁹ Another source indicates that in most cases unregistered Syrians are left alone by the Turkish authorities, but in a few cases an unregistered Syrian is placed in administrative detention.⁶⁵⁰ Yet another source indicates that the authorities' response can range from 'a slap on the wrist to deportation', depending on the mood of the officer on duty.⁶⁵¹

During the previous period, Amnesty revealed that nine Syrians in the central Turkish city of Konya had been verbally pressured into signing a form agreeing to their deportation. The group was then deported to Syria.⁶⁵² Several sources indicated that they were aware of this practice on the part of the Turkish authorities of pressuring Syrians to sign their consent to 'voluntary' repatriation.⁶⁵³ Two sources also reported that some Syrians were detained indefinitely until they signed the 'voluntary' repatriation document.⁶⁵⁴ One source indicates that this practice is declining, as Syrians have become more aware of their rights.⁶⁵⁵

In early February 2022, there were reports in the media that the Turkish authorities had deported a group of about 150 Syrians to Azaz in northern Syria at the end of January 2022. The Syrians in question had reportedly been forced to sign documents in which they agreed to return to Syria. According to these reports, they were Syrians who had TP, but who were illegally residing in Istanbul rather than in their province of registration. The Turkish authorities denied having deported Syrians to their country of origin against their will.⁶⁵⁶

Syrian TP holders have the right to temporarily return to Syria, where they can celebrate Islamic holidays. They are allowed to return to Turkey afterwards.⁶⁵⁷ Between 5 and 25 July 2021, more than 109,000 Syrians travelled from Turkey to Syria to celebrate *Eid al-Adha*, the Islamic Feast of Sacrifice, according to a source. By 5 November 2021, more than 90,000 Syrians, or nearly 85%, had returned to Turkey, according to the same source.⁶⁵⁸ Two other sources had received reports of Syrians being stopped by the Turkish authorities on their return to Turkey.⁶⁵⁹ The statements of neither source could be verified.

10.3.4 Anti-Syrian sentiment

Antipathy towards the Syrian community increased in a context of economic decline and rising unemployment and inflation (for more information on the economic decline, see 1.1.2).⁶⁶⁰ During the reporting period, anti-Syrian violent incidents occurred with some regularity, such as that which took place in a suburb of Ankara

⁶⁴⁹ Confidential source, 11 October 2021.

⁶⁵⁰ Confidential source, 11 October 2021.

⁶⁵¹ Confidential source, 11 October 2021.

⁶⁵² Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 67.

⁶⁵³ Confidential source, 6 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021.

⁶⁵⁴ Confidential source, 11 October 2021.

⁶⁵⁵ Confidential source, 11 October 2021.

⁶⁵⁶ Enab Baladi, *turkiya turaHHil lâzi'în sûriyîn rağma imtilâkihim wathâ'iq qânûniya* ('Turkey departs Syrian refugees despite legal documents'), 1 February 2022. Middle East Eye (MEE), *Turkey accused of sending scores of refugees back to Syria*, 2 February 2022. Al Monitor, *Turkey forcibly departs dozens of Syrians*, 8 February 2022.

⁶⁵⁷ Confidential source, 6 October 2021. Confidential source, 6 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021. Confidential source, 11 October 2021.

⁶⁵⁸ Confidential source, 13 January 2022.

⁶⁵⁹ Confidential source, 11 October 2021. Confidential source, 11 October 2021.

⁶⁶⁰ Al Jazeera, *Turkey detains dozens after Syrian shops attacks*, 12 August 2021. Al Monitor, *Syrian homes, businesses destroyed in Turkish capital amid rising anti-immigrant sentiment*, 12 August 2021. The Independent, *Turkish mobs angered by homicide attack Syrian and Afghan refugees*, 12 August 2021. Confidential source, 2 December 2021. NOS, *Syrische vluchtelingen in Turkije: eerst welkom, nu belaagd en weggekeken*, 22 January 2022.

on 11 August 2021. A mob of hundreds of people attacked homes, shops and cars allegedly owned by Syrians. The immediate cause of this violent incident was a fight between Syrian and Turkish residents in which a young Turkish man was killed.⁶⁶¹ The police said they had arrested 76 people suspected of involvement in the violence or of sharing inflammatory texts on social media.⁶⁶² The Turkish human rights association İHD condemned the violence and called on politicians not to make xenophobic statements, which they said incited violence and xenophobia.⁶⁶³

In the wake of the anti-Syrian violence in Ankara, the Turkish authorities decided to stop the registration of Syrians in Ankara with effect from 2 September 2021. They also sent Syrians staying illegally in Ankara back to their province of registration and demolished their homes in Ankara.⁶⁶⁴

Public discontent over the hosting of refugees and economic problems was also expressed when the so-called 'banana-eating videos' went viral on TikTok. In mid-October 2021, a discontented Turkish citizen said during a street interview: 'I can't afford bananas, but I see Syrians in the bazaar buying kilos of bananas.' This statement led to Syrians posting humorous videos on TikTok and YouTube in which they laconically ate bananas. In some videos, the crescent in the Turkish flag was replaced by a banana.⁶⁶⁵

DGMM dismissed the videos as 'provocative' and said that seven Syrians had been arrested. After the judicial proceedings had been completed, DGMM planned to initiate deportation proceedings against them.⁶⁶⁶ The best-known of the seven was Majed Shamaa, a journalist for *Orient News*, a television channel based in the United Arab Emirates (UAE) that favoured the Syrian opposition. He was placed in a departure centre for several days, but on 8 November 2021, the Turkish authorities announced that they were dropping his deportation.⁶⁶⁷

10.4 Afghans in Turkey

10.4.1 Introduction

There is a sizeable Afghan community in Turkey. The available figures on the size of this diaspora community in Turkey are inconsistent.⁶⁶⁸

During the reporting period, the *Taliban*⁶⁶⁹ carried out a lightning advance in Afghanistan and captured the Afghan capital of Kabul on 15 August 2021. As

⁶⁶¹ Al Monitor, *Syrian homes, businesses destroyed in Turkish capital amid rising anti-immigrant sentiment*, 12 August 2021. BBC, *Turkish capital reels from violent protests against Syrians*, 12 August 2021. The Independent, *Turkish mobs angered by homicide attack Syrian and Afghan refugees*, 12 August 2021.

⁶⁶² Al Jazeera, *Turkey detains dozens after Syrian shops attacks*, 12 August 2021. Al Monitor, *Syrian homes, businesses destroyed in Turkish capital amid rising anti-immigrant sentiment*, 12 August 2021. The Independent, *Turkish mobs angered by homicide attack Syrian and Afghan refugees*, 12 August 2021.

⁶⁶³ İHD, *İHD condemns the hate crime against Syrian asylum-seekers in Ankara, Altındağ!*, 13 August 2021.

⁶⁶⁴ Bianet, *Immigration authority: Ankara closed to new registration of refugees*, 2 September 2021. MEE, *Turkey introduces restrictions for Syrian refugees in capital*, 3 September 2021.

⁶⁶⁵ Bianet, *HDP: 'Deporting migrants over "banana-eating videos" is a crime'*, 29 October 2021. Al Jazeera, *Syrians face deportation from Turkey over banana videos*, 30 October 2021. BBC, *Why Syrians face deportation from Turkey over banana jokes*, 2 November 2021.

⁶⁶⁶ DGMM, *Sosyal medyada dolaşıma sokulan provokatif paylaşımlar hakkında* ('On the provocative posts on social media'), 27 October 2021.

⁶⁶⁷ Bianet, *Facing deportation over news on 'banana-eating videos', journalist Shamaa released*, 9 November 2021. De Standaard, *Ondanks bananengrap mag Syriërs toch in Turkije blijven*, 9 November 2021.

⁶⁶⁸ HDN, *Turkey extends security wall along Iran border, Interior minister*, 15 September 2021. Voice of America (VOA), *Undocumented Afghan refugees in Turkey struggle to access COVID treatments, vaccines*, 10 January 2022.

⁶⁶⁹ This term literally means 'religious students'.

insecurity and instability in Afghanistan increased, more Afghans tried to reach Turkey via Iran. Since public support for the reception of refugees and migrants in Turkey had declined sharply (see also 10.3.4),⁶⁷⁰ the Turkish authorities stepped up security along the Turkish-Iranian border. For example, there were plans to build a 243-kilometre concrete wall along the 534-kilometre border between Turkey and Iran. By mid-August 2021, 156 kilometres of this border wall had already been completed, according to the Turkish government.⁶⁷¹ In view of the inhospitable terrain, a wall could not be built along the entire Turkish-Iranian border. The other parts were sealed off with barbed wire and deep ditches.⁶⁷²

Despite these obstacles, Afghans still succeeded in reaching the eastern Turkish border province of Van.⁶⁷³ At the time of writing, several sources indicated that there was no mass influx of Afghans from Iran. They attributed the limited influx of Afghans into Turkey to a number of circumstances. Many Afghans could not afford the journey from Afghanistan to Turkey,⁶⁷⁴ the Taliban and internal insecurity were obstacles to leaving their country of origin and Afghanistan does not have a direct border with Turkey, unlike Syria.⁶⁷⁵ In addition, as already described in the paragraph above, the Turkish authorities had stepped up security on the eastern border.⁶⁷⁶

10.4.2 *Pushbacks and forced expulsions*

As already indicated in 10.2, non-European asylum-seekers who do not come from Syria, including Afghans, may in principle apply to the Turkish authorities for international protection. If they are granted conditional or subsidiary protection, they should enjoy the same rights as Syrian TP holders.⁶⁷⁷ Like Syrian TP holders, they can only enjoy these rights in their province of registration.⁶⁷⁸

In practice, however, things are less clear-cut. On the basis of interviews with migrants, Karolína Augustová, a researcher at Sabancı University in Istanbul, has gained the impression that since 2016 the Turkish authorities have been increasingly stopping migrants at the border with Iran. The Turkish authorities send them back to Iran without giving them an opportunity to apply for international protection.⁶⁷⁹

Since the capture of Kabul by the Taliban in August 2021, several sources note that the Turkish authorities have stopped processing asylum applications from newly arrived Afghans and that they are all being forcibly returned to Iran.⁶⁸⁰ One source points out that as well as Afghans, Iranians and Pakistanis are also systematically stopped at Turkey's eastern border.⁶⁸¹

⁶⁷⁰ Ahval, *Afghans join Syrians as Turkey's unwelcome migrants*, 1 October 2021. Confidential source, 2 December 2021.

⁶⁷¹ France 24, *'Complete stop', New Turkish wall confronts fleeing Afghans*, 18 August 2021.

⁶⁷² The Guardian, *Turkey reinforces Iran border to block Afghan refugees*, 23 August 2021. Confidential source, 23 December 2021. Confidential source, 20 January 2022.

⁶⁷³ France 24, *'Complete stop', New Turkish wall confronts fleeing Afghans*, 18 August 2021. Die Welt, *'Please don't report us to the police', Tens of thousands of Afghans are fleeing for fear of the Taliban, Even a wall on the Turkish-Iranian border can't stop them, Our reporter is on the ground*, 23 August 2021. Confidential source, 8 October 2021.

⁶⁷⁴ Confidential source, 8 October 2021.

⁶⁷⁵ Confidential source, 4 October 2021.

⁶⁷⁶ Confidential source, 4 October 2021. Confidential source, 8 October 2021.

⁶⁷⁷ Confidential source, 7 October 2021.

⁶⁷⁸ Confidential source, 6 October 2021.

⁶⁷⁹ Istanbul Policy Center (IPC), *Impacts of EU-Turkey cooperation on migration along the Iran-Turkey border*, May 2021, pp. 5 and 6.

⁶⁸⁰ IPC, *The border landscape in Eastern Turkey after the Taliban's takeover of Afghanistan*, September 2021, p. 7. Confidential source, 8 October 2021. The Guardian, *Afghan refugees accuse Turkey of violent illegal pushbacks*, 14 October 2021.

⁶⁸¹ Confidential source, 8 October 2021.

Afghans can be forcibly returned to Iran in various ways. If the Turkish authorities intercept Afghans on the border with Iran, they will immediately be sent back across the border. They are not given the opportunity to apply for asylum from the Turkish authorities. This practice is known internationally as 'pushbacks'. If Afghan migrants are arrested while staying or travelling in Turkey, they will first be collected in a departure centre and then transferred across the Turkish-Iranian border. This course of action resembles a formal extradition procedure, but even under these circumstances Afghans are not given the opportunity to apply for asylum and are not formally handed over to the Iranian authorities. Such forced expulsions, like pushbacks, are in breach of applicable international laws and regulations.⁶⁸²

According to various sources, pushbacks and forced expulsions are conducted in a violent manner. It is common for the Turkish authorities to confiscate and/or destroy the migrants' possessions, including telephones.⁶⁸³ Pushbacks and forced expulsions usually take place at night.⁶⁸⁴ Turkish soldiers sometimes fire in the air in order to make the migrants cross into Iran.⁶⁸⁵ Accidents can happen, since the terrain is inhospitable and it is easy to take a false step in the dark.⁶⁸⁶

Returned Afghans usually remain behind in the border area between Iran and Turkey in the hope that their next attempt will be successful. It is common for Afghans to be involuntarily returned to Iran several times.⁶⁸⁷

Afghans who manage to cross the Iranian-Turkish border are usually afraid to apply to the Turkish immigration authorities for fear that they will be placed in a departure centre and then sent over the border into Iran.⁶⁸⁸ This fear appears to be well founded. For example, a source tells of an Afghan man who applied for asylum at the PDMM office in Van and was subsequently transferred across the border with Iran by the Turkish authorities. The Iranian authorities then transferred the man across the border to Afghanistan.⁶⁸⁹ Since many Afghans are familiar with stories of such incidents, they try to avoid contact with the Turkish authorities.⁶⁹⁰ They lead an illegal existence and hope to earn enough money to continue their journey to elsewhere in Europe.⁶⁹¹

⁶⁸² Confidential source, 8 October 2021. Confidential source, 8 October 2021.

⁶⁸³ IPC, *The border landscape in Eastern Turkey after the Taliban's takeover of Afghanistan*, September 2021, p. 3. Confidential source, 8 October 2021. The Guardian, *Afghan refugees accuse Turkey of violent illegal pushbacks*, 14 October 2021. HRW, *Soldiers beat, push Afghan asylum seekers back to Iran*, 15 October 2021.

⁶⁸⁴ Confidential source, 8 October 2021. Confidential source, 8 October 2021. HRW, *Soldiers beat, push Afghan asylum seekers back to Iran*, 15 October 2021.

⁶⁸⁵ Confidential source, 8 October 2021. HRW, *Soldiers beat, push Afghan asylum seekers back to Iran*, 15 October 2021.

⁶⁸⁶ Confidential source, 8 October 2021.

⁶⁸⁷ Confidential source, 8 October 2021. Confidential source, 8 October 2021. The Guardian, *Afghan refugees accuse Turkey of violent illegal pushbacks*, 14 October 2021. HRW, *Soldiers beat, push Afghan asylum seekers back to Iran*, 15 October 2021.

⁶⁸⁸ IPC, *Impacts of EU-Turkey cooperation on migration along the Iran-Turkey border*, May 2021, p. 7. Confidential source, 8 October 2021.

⁶⁸⁹ Confidential source, undated.

⁶⁹⁰ IPC, *Impacts of EU-Turkey cooperation on migration along the Iran-Turkey border*, May 2021, p. 7.

⁶⁹¹ The New York Times, *Afghans fleeing home are filling the lowliest jobs in Istanbul*, 6 May 2021. Confidential source, 8 October 2021.

11 Returns

It is not easy to gather verifiable information about possible problems that Turkish citizens may experience if they return to Turkey, especially if they do so involuntarily. As far as is known, there is no tracking system that monitors the experiences of voluntary or involuntary returnees to Turkey, nor are there any individuals or organisations specialising in the issue of returns to Turkey.⁶⁹²

Two sources state that individuals who have left Turkey illegally or when an arrest warrant has been issued against them will be questioned on their return by the Turkish authorities. Both sources emphasise that Turkey is no different from many other countries in this respect.⁶⁹³ How such an interview will proceed depends to a great extent on the returnee's individual circumstances, but it may take several hours, a source said.⁶⁹⁴

One source points out that the Turkish authorities keep an eye on the social media accounts of Turkish nationals abroad. In view of this, returnees are at greater risk of personal problems with the Turkish authorities if they have posted statements on social media that displease the Turkish government, such as calls for an independent Kurdish state, the same source said.⁶⁹⁵ It is unclear how intensively the Turkish authorities monitor the social media accounts of Turkish citizens abroad.

Neither source is aware of incidents involving returnees who have been mistreated and/or detained by the Turkish authorities on arrival. When asked whether it matters what type of document a returnee carries, both sources indicated that the Turkish authorities do not accept travel documents from the International Committee of the Red Cross (ICRC).⁶⁹⁶ By contrast, a Turkish *laissez-passer* (LP) issued by a Turkish diplomatic mission abroad should not cause any problems, a source said.⁶⁹⁷

There is no unambiguous answer to the question whether every returnee after a long stay abroad is questioned and/or checked by the Turkish authorities on arrival. One source states that not every returnee is questioned and/or checked on arrival, because most returnees are former migrant workers, which the Turkish authorities do not see as a security problem.⁶⁹⁸ However, another source states that it is customary in Turkey for the authorities to ask a returnee why he or she has left Turkey and now wishes to return. This is routine, according to the same source, and does not necessarily lead to problems for the returnee.⁶⁹⁹

⁶⁹² Dutch Ministry of Foreign Affairs, *General country of origin information report for Turkey*, March 2021, p. 71.

⁶⁹³ Confidential source, 4 October 2021. Confidential source, 5 November 2021.

⁶⁹⁴ Confidential source, 4 October 2021. Confidential source, 22 December 2021.

⁶⁹⁵ Confidential source, 5 November 2021.

⁶⁹⁶ Confidential source, 4 October 2021. Confidential source, 5 November 2021.

⁶⁹⁷ Confidential source, 5 November 2021.

⁶⁹⁸ Confidential source, 5 November 2021.

⁶⁹⁹ Confidential source, 5 November 2021.

12 Appendixes

12.1 Abbreviations and terms in other languages

AA	Anadolu Agency (the Turkish government's news agency)
abi	big brother (Gülenist term for male student leader)
abla	big sister (Gülenist term for female student leader)
AFP	Agence France-Presse (French news agency)
AKP	Adalet ve Kalkınma Partisi (Justice and Development Party)
ALO 183	general information number of the Turkish government
ASAM	Association for Solidarity with Asylum Seekers and Migrants
ATK	Adli Tıp Kurumu (Council of Forensic Medicine)
Avukat UYAP	lawyers' portal of UYAP
BBC	British Broadcasting Corporation
BDP	Barış ve Demokrasi Partisi (Peace and Democracy Party)
BTK	Bilgi Teknolojileri ve İletişim Kurumu (Turkish telecom authority)
CHP	Cumhuriyet Halk Partisi (Republican People's Party)
CPL	Child Protection Law
CMB	Capital Markets Board
CoE	Council of Europe
CTE	Ceza ve Tevkifevleri Genel Müdürlüğü (General Directorate of Prisons and Detention Houses)
DBP	Demokratik Bölgeler Partisi (Democratic Regions Party)
DGMM	Directorate General of Migration Management
DHKP/C	Devrimci Halk Kurtuluş Partisi/Cephesi (Revolutionary People's Liberation Party/Front)
E-devlet	digital government service centre for Turkish residents (electronic government)
EGM	Emniyet Genel Müdürlüğü (General Directorate of Security)
ECHR	European Court of Human Rights
FETÖ	Fethullahçı Terör Örgütü (Fethullah's Terror Organisation)
GBT	Genel Bilgi Toplama Sistemi (General Information Gathering System)
HDN	Hürriyet Daily News
HDP	Halkların Demokratik Partisi (Democratic Peoples' Party)
Hizmet Hareketi	Servitude movement (Gülenist term for the Gülen movement)
HRW	Human Rights Watch
ICJ	International Court of Justice
İHD	İnsan Hakları Derneği (Human Rights Association)
ICRC	International Committee of the Red Cross
İFÖD	İfade Özgürlüğü Derneği (Freedom of Expression Association)
IFOR	International Fellowship of Reconciliation
ISIS	Islamic State in Iraq and Al-Sham
İYİ Parti	Good Party
KADES	Kadın Destek (Women Support)
KAR	Kurdish Autonomous Region (in northern Iraq)
LP	laissez-passer
MEDAR	Medya Araştırmaları Derneği (Media Research Association)
METU	Middle East Technical University
MHP	Milliyetçi Hareket Partisi (Nationalist Movement Party)
MİT	Millî İstihbarat Teşkilatı (Turkish National Security Service)
Mor Çatı	Purple Roof (women's rights organisation)

NGO	non-governmental organisation
OHAL	Olağanüstü Hal (State of Emergency)
PDMM	Provincial Directorate of Migration Management
PKK	Partiya Karkerên Kurdistanê (Kurdistan Workers' Party)
RIA	Right to Information Act
RSF	Reporters sans frontières (Reporters Without Borders)
SGK	Sosyal Güvenlik Kurumu (Social Security System)
SPoD	LGBTI rights organisation
TBB	Türkiye Barolar Birliği (Union of Turkish Bar Associations)
TİHEK	Türkiye İnsan Hakları ve Eşitlik Kurumu (Human Rights and Equality Institution of Turkey)
TİHV	Türkiye İnsan Hakları Vakfı (Human Rights Foundation of Turkey, HRFT)
TP	temporary protection
TPC	Turkish Penal Code
TPR	Temporary Protection Regulation
TÜİK	Türkiye İstatistik Kurumu (Turkish Statistical Institute, TurkStat)
VR-DER	Vicdani Ret Derneği (Association for Conscientious Objection)
UNHCR	United Nations High Commissioner for Refugees
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UYAP	Ulusal Yargı Ağı Projesi (National Judiciary Informatics System)
UAE	United Arab Emirates
Vatandaş UYAP	UYAP citizens' portal
LoFIP	Law on Foreigners and International Protection

12.2 Newspapers and news platforms

Agence France-Presse (AFP)
 Ahval
 Al Jazeera
 Al Monitor
 Anadolu Agency (AA)
 Bianet
 BirGün
 British Broadcasting Corporation (BBC)
 Daily Sabah
 Deutsche Welle (DW)
 De Volkskrant
 Die Welt
 Duvar English
 Duvar Gazete
 Enab Baladi
 EURACTIV
 Evrensel
 Financial Times (FT)
 France 24
 Frankfurter Allgemeine Zeitung (FAZ)
 Het Financieele Dagblad (FD)
 Het Parool
 Hürriyet Daily News (HDN)
 KAOS GL
 Mesopotamia Agency (MA)
 Middle East Eye (MEE)

Nation
 Nederlandse Omroep Stichting (NOS)
 Nieuwe Rotterdamse Courant (NRC)
 Noordhollands Dagblad
 Press in Arrest
 Reuters
 Rûdaw
 Sputnik Türkiye
 T24
 TRT Haber
 The Diplomat
 The Economist
 The Guardian
 The Independent
 The New York Times
 The Washington Post
 The World
 Vice
 Voice of America (VOA)
 YeniŞafak

12.3 Reports and other publications

Amnesty International

- , *Turkiye, Arrestatie van mensenrechtenleider drijft de spot met nieuw Mensenrechtenactieplan*, 19 March 2021.
- , *Turkiye, spreekt alle vervolgde deelnemers Pride-bijeenkomst vrij*, 8 October 2021.
- , *Turkey, Terrorism financing law has immediate 'chilling effect' on civil society*, 19 October 2021.
- , *Turkiye, Slachtoffer gedwongen verdwijning na 259 dagen 'teruggevonden' in gevangenis*, 22 October 2021.

Askeralma Genel Müdürlüğü

- , *Bedelli askerlik kapsamında ne kadar Ücret Ödeyeceğim?* ('How much do I pay for the military service buy-out scheme?'), undated, accessed 14 October 2021.

Asylum Information Database (AIDA)

- , *Country report, Turkey*, updated 31 December 2020.

Australian Department of Foreign Affairs and Trade (DFAT)

- , *DFAT Country Information Report, Turkey*, 10 September 2020.

Bundesamt für Migration und Flüchtlinge (BAMF)

- , *Länderreport Türkei, Die Entwicklung des Kurdenkonflikts, der PKK und der HDP*, December 2021.

Ceza ve Tevkifevleri Genel Müdürlüğü (CTE)

- , *Genel Bilgi* ('General Information'), 1 October 2021.
- , *Ceza infaz kurumlarının kurum statülerine göre dağılımı* ('Classification of penitentiaries by institutional status'), 31 October 2021.

Central Intelligence Agency (CIA)

- , *The World Factbook, Turkey, People and Society*, last updated 7 December 2021, accessed 15 December 2021.

Council of Europe (CoE)

- , *Council of Europe leaders react to Turkey's announced withdrawal from the Istanbul Convention*, 21 March 2021.

Directorate General of Migration Management (DGMM)

- , *Sosyal medyada dolaşıma sokulan provokatif paylaşımlar hakkında ('On provocative posts on social media')*, 27 October 2021.

Dutch Ministry of Foreign Affairs

- , *General country of origin information report for Turkey*, October 2019.
- , *Thematic country of origin information report for Syria, Documents*, December 2019.
- , *General country of origin information report for Turkey*, March 2021.

EuroMed Rights

- , *Return mania, Mapping policies and practices in the EuroMed Region*, March 2021.

European Commission (EU)

- , *Turkey 2021 report*, 19 October 2021.

European Court of Human Rights (ECHR)

- , *Pre-trial detention of an applicant suspected of belonging to the organisation FETÖ/PDY on account of his use of the ByLock messaging application, Violation of the Convention*, 20 July 2021.

Financial Action Task Force (FATF)

- , *Jurisdictions under increased monitoring*, October 2021.

Halkların Demokratik Partisi (HDP)

- , *Let us win together...*, 27 September 2021.
- , *Kurdish political prisoner, Garibe Gezer, dies in prison after publicising her severe torture*, 13 December 2021.

Human Rights Watch (HRW)

- , *Turkey, Don't expel opposition deputy from parliament*, 16 March 2021.
- , *Kenya, Investigate deportation of Turkish national*, 1 July 2021.
- , *Turkey/Kyrgyzstan, Rendition of Turkish-Kyrgyz educator*, 7 July 2021.
- , *Soldiers beat, push Afghan asylum seekers back to Iran*, 15 October 2021.
- , *Turkey, Human rights defender on trial, Co-chair of country's oldest rights group faces terrorism prosecution*, 21 February 2022.

İfade Özgürlüğü Derneği (İFÖD)

- , *Fahrenheit 5651, The scorching effect of censorship*, October 2021.

İnsan Hakları Derneği (İHD)

- , *Rights violations in Turkish prisons, 2020 monitoring report, Access to fundamental rights and freedoms*, 1 April 2021,
- , *İHD condemns the hate crime against Syrian asylum-seekers in Ankara, Altındağ!*, 13 August 2021.

International Court of Justice (ICJ)

- , *Turkey, immediately free lawyer and human rights defender Öztürk Türkdoğan*, 19 March 2021.

International Fellowship of Reconciliation (IFOR)

- , *Conscientious objection to military service and related issues*, updated May 2021.

International Policy Center (IPC)

- , *Impacts of EU-Turkey cooperation on migration along the Iran-Turkey border*, May 2021.
- , *The border landscape in Eastern Turkey after the Taliban's takeover of Afghanistan*, September 2021.

International Press Institute (IPI)/#FreeTurkeyJournalists

- , *Turkey, Court suspends ban on recording protests*, 15 November 2021.
- , *Turkey's press freedom violations in numbers*, undated, accessed 22 November 2021.
- , *IPI calls for release of Turkey journalist Sedef Kabaş*, 24 January 2022.

Medya Araştırmaları Derneği (MEDAR)

- , *Impact of social media law on media freedom in Turkey, Monitoring report*, 21 September 2021.

Mor Çatı

- , *Combating violence against women during the coronavirus outbreak, Monitoring report*, 21 January 2021, no page number (online report).

Müftüler-Bağ, Meltem

- , 'Externalization of migration governance, Turkey's migration regime and the protection of the European Union's external borders', *Turkish Studies*, 27 June 2021.

Mülteci Hakları Merkezi (Refugee Rights Turkey, MHM)

- , *'Registration and status for Syrian refugees and other persons under Temporary Protection, Questions and answers'*, July 2021.

OHAL Commission

- , *Activity report, 2021*, 6 February 2022.

Reporters sans frontières (RSF)

- , *2021 World press freedom index*, undated, accessed 22 November 2021.

Sönmezocak, Ezel Buse

- , 'A feminist response against impunity in gender based violence, Whom the presumption of innocence protects?', *Yeditepe University Faculty of Law (YÜHFD)*, C.XVIII, 2021/1, p. 377-407.

Tittensor, David

- , *The house of service, The Gülen movement and Islam's third way*, 2014.

Türkiye İstatistik Kurumu (TÜİK)

- , *Prison population by sex, status and nationality, 2016-2020*, 31 December 2020.

Turkish Court of Cassation

–, *Halkların Demokratik Partisi (HDP)*, undated, accessed 5 November 2021.

United Nations High Commissioner for Refugees (UNHCR)

–, *Law on Foreigners and International Protection*, 11 April 2013.

–, *Situation Syria regional refugee response*, last updated 2 December 2021, accessed 13 December 2021.

UK Parliament's All Party Parliamentary Group on Kurdistan in Syria and Turkey (APPG)

–, *Kurdish political representation and equality in Turkey*, June 2021.

United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)

–, *Statement by UN Women on Turkey's withdrawal from the Istanbul Convention*, 20 March 2021.

UN Working Group on Enforced or Involuntary Disappearances (WGEID)

–, *Enforced or involuntary disappearances*, 4 August 2021.

Venice Commission

–, *Turkey, Opinion, On the compatibility with international human rights standards of Law No. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction*, 6 July 2021.

Vicdani Ret Derneği (VR-DER)

–, *Conscientious objection to military service in Turkey*, 6 July 2021.

We Will End Femicide Platform

–, *2020 annual report*, 8 January 2021.

World Economic Forum (WEF)

–, *Global gender gap report, 2021, Insight report*, March 2021.