

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	442
Land:	Tyrkiet
Kilde:	Amnesty International
Titel:	Annual Report 2018 – Turkey
Udgivet:	22. februar 2018
Optaget på baggrundsmaterialet:	1. marts 2018

AMNESTY INTERNATIONAL REPORT 2017/18

**THE STATE OF THE WORLD'S
HUMAN RIGHTS**



**AMNESTY
INTERNATIONAL**



Water shortages in recent years disproportionately affected the distribution of water and resulted in repeated water cuts in marginalized regions leading to local protests throughout 2017. In September, residents of the small town of Deguech in Tozeur region organized a protest in front of the local authority's office demanding a solution to the regular cuts in running water that the region had suffered throughout the summer. In July, some neighbourhoods of Redeyef in the region of Gafsa suffered more than one month without running water, and towns including Moulaires had running water for only a few hours per day. In March, the NGO Tunisian Water Observatory announced that it had registered 615 water cuts and 250 protests related to access to water.

DEATH PENALTY

Courts handed down at least 25 death sentences following trials related to national security. Defence lawyers appealed against the sentences. No executions have been carried out since 1991.

-
1. Tunisia: Changes to passport law will ease arbitrary restrictions on travel ([News story](#), 26 May)
 2. Tunisia: Journalists prosecuted for criticizing conduct of security forces ([News story](#), 15 May)
 3. "We want an end to the fear": Abuses under Tunisia's state of emergency ([MDE 30/4911/2017](#))
 4. Tunisia: Fifth man facing jail term for breaking fast during Ramadan ([News story](#), 13 June)

TURKEY

Republic of Turkey

Head of state: **Recep Tayyip Erdoğan**

Head of government: **Binali Yıldırım**

An ongoing state of emergency set a backdrop for violations of human rights. Dissent was ruthlessly suppressed, with journalists, political activists and human rights defenders among those targeted. Instances of torture continued to be reported, but in lower numbers than in the weeks following the coup attempt of July

2016. Any effective investigation of human rights violations by state officials was prevented by pervasive impunity. Abuses by armed groups continued, including two attacks in January. However, there were no further bombing attacks targeting members of the general population that had been such a regular occurrence in previous years. No resolution was found for the situation of people displaced within the southeast of the country. Turkey continued to host one of the largest refugee populations in the world, with more than 3 million registered Syrian refugees alone, but risks of forcible return persisted.

BACKGROUND

The state of emergency, imposed following an attempted coup in July 2016, remained in force throughout the year. It paved the way for unlawful restrictions on human rights and allowed the government to pass laws beyond the effective scrutiny of Parliament and the courts.

After having been remanded in prison detention in 2016, nine parliamentarians from the Kurdish-rooted leftist Peoples' Democracy Party (HDP), including the party's two leaders, remained in prison during the whole year. Sixty elected mayors of the Democratic Regions Party, the sister party of the HDP, representing constituencies in the predominantly Kurdish east and southeast of Turkey, also remained in prison. The unelected officials who replaced them continued in office throughout 2017. In October, six elected mayors, including those representing the capital, Ankara, and Istanbul, were left with no option but to resign after being requested to do so by the President. As a result, a third of Turkey's population was not being represented by the people they had elected at the 2016 local elections.

Over 50,000 people were in pre-trial detention on charges linked to membership of the "Fethullahist Terrorist Organization" (FETÖ), which the authorities blamed for the 2016 coup attempt. A similar number were released on bail and were

subjected to reporting requirements. Only a tiny minority of them were accused of taking part in the actual events of the attempted coup. The judiciary, itself decimated by the dismissal or detention of up to a third of Turkey's judges and prosecutors, remained under extreme political pressure. Arbitrary, lengthy and punitive pre-trial detention and fair trial violations continued routinely.

Armed clashes continued between the Kurdistan Workers' Party (PKK) and state security forces. Turkish armed forces also carried out military operations against armed groups within Syria and Iraq; in September, the mandate to do so for another year was approved by Parliament.

In April, constitutional amendments granting extensive powers to the office of President were passed by referendum. Opponents of the proposed amendments had complained that they had vastly less access to state media and were prevented from demonstrating their opposition in public. The authorities dismissed allegations of irregularities in the counting of votes.

FREEDOM OF EXPRESSION

Civil society representatives, as well as the general population, widely practised self-censorship, deleting social media posts and refraining from making public comments for fear of dismissal from their jobs, closure of their organizations or criminal prosecution. Thousands of criminal prosecutions were brought, including under laws prohibiting defamation and on trumped-up terrorism-related charges, based on peoples' peaceful exercise of their right to freedom of expression. Arbitrary and punitive lengthy pre-trial detention was routinely imposed. Confidential details of investigations were frequently leaked to government-linked media and splashed across the front pages of newspapers, while government spokespeople made prejudicial statements regarding cases under investigation. Prosecutions of journalists and political activists continued, and prosecutions of human rights defenders sharply increased. International journalists and media were also targeted.

Criticism of the government in the broadcast and print media largely disappeared, with dissent mainly confined to internet-based media. The government continued to use administrative blocking orders, against which there was no effective appeal, routinely, to censor internet content. In April, the Turkish authorities blocked all access to the online encyclopedia Wikipedia due to a page that cited news reports alleging links between the Turkish government and several armed groups in Syria. Wikipedia refused to edit the page. The website remained blocked at the end of the year.

JOURNALISTS

Among the more than 100 journalists and media workers in pre-trial detention at the end of the year, three were from the secular opposition newspaper *Cumhuriyet*; during the course of the year eight of their colleagues who had been in pre-trial detention were released pending the outcome of their trial. Journalists from media outlets closed by state of emergency decrees continued to face prosecution, conviction and imprisonment. Former *Taraf* editor Ahmet Altan and his brother Mehmet Altan remained in pre-trial detention following their detention in July 2016 on grounds of membership of the Gülen movement, as did 34 media workers who worked for Zaman group newspapers. Zehra Doğan, a journalist for the Kurdish women's Jinha news agency, was imprisoned in June following her conviction and sentencing to two years, nine months and 22 days for terrorist propaganda. İnan Kızılkaya, editor of the Kurdish *Özgür Gündem* newspaper, was released in October after 440 days in pre-trial detention pending the outcome of his trial for membership of the PKK.

Deniz Yücel, correspondent for the German *Die Welt* newspaper, was arrested in February and at the end of the year was still in detention without being indicted, much of it in solitary confinement. *Wall Street Journal* journalist Ayla Albayrak was convicted of terrorist propaganda and in October was given a prison sentence of two years and one month for a 2015 article about armed

clashes between state forces and PKK-affiliated youths.

HUMAN RIGHTS DEFENDERS

In July, police raided a human rights workshop on Büyükada Island near Istanbul, detaining all 10 human rights defenders present, including two foreign nationals. Eight, including Amnesty International Turkey Director İdil Eser, were held in pre-trial detention until a trial under trumped-up charges for “membership of a terrorist organization” based on their work as human rights defenders began in October. The court also decided to join the prosecution of Taner Kılıç, Chair of Amnesty International Turkey. Detained in June, Taner Kılıç stood accused of “membership of FETÖ” on the grounds that he had downloaded onto his phone the ByLock messaging application, said by the authorities to be used for the group’s communications. Despite two independent forensic reports showing that he had not downloaded the application, and without credible evidence being presented by the prosecution, he remained in pre-trial detention at the end of the year.

In August, veteran human rights defender Murat Çelikkan was imprisoned following his conviction for terrorist propaganda; this related to the 2016 solidarity action with the now closed *Özgür Gündem* newspaper. He was released on parole in October after serving two months of an 18-month prison sentence. A further 16 activists received suspended sentences for taking part in the action, while prosecutions were continuing against 18.

In October, civil society leader Osman Kavala was detained and accused of “attempting to overthrow the constitutional order” in connection with the 2016 coup attempt. At the end of the year, he was still in pre-trial detention without being indicted.

In November, Raci Bilici, Deputy Chair of the national Human Rights Association (İHD) and Chair of its Diyarbakır branch, went on trial accused of membership of a terrorist organization. More than 20 other İHD officials were being prosecuted for alleged terrorism-related offences.

Five representatives of the Progressive Lawyers Association (ÇHD), which took on human rights cases and was closed by emergency decree in 2016, were remanded in pre-trial detention following police operations across the country. They had been accused of offences linked to the PKK or the Revolutionary People’s Liberation Party–Front (DHKP-C), an armed group. In November, Selçuk Kozağaçlı, ÇHD’s national Chair, was detained. He remained in pre-trial detention at the end of the year.

ACTIVISTS

Activists were targeted for their criticism of the authorities. Nuriye Gülmen and Semih Özakça were detained in May and remanded in custody on the basis of court orders citing their peaceful protests; they had been on hunger strike since March in protest against their arbitrary dismissal by a state of emergency decree. Semih Özakça was released in October, but Nuriye Gülmen remained in detention until December when she was convicted of membership of the DHKP-C, pending the outcome of an appeal. Semih Özakça was acquitted of the same charge. Police routinely detained protesters demanding their release.

Over 70 Academics for Peace were indicted for making PKK propaganda following their January 2016 petition calling for an end to military operations in the southeast of Turkey. The first trials began in December.

Activist Barbaros Şansal was remanded in custody in January following posts he had made on social media criticizing the government. He was convicted in June of “denigrating the Turkish Nation” under Article 301 of the Penal Code and given a suspended sentence of six months and 20 days.

FREEDOM OF ASSEMBLY

Public demonstrations dwindled as provincial governors imposed arbitrary and blanket bans, citing powers under the state of emergency, and police used excessive force against the small number of individuals who demonstrated despite the risks. The “Justice March” led by the main opposition

Republican People's Party (CHP), which went ahead peacefully, provided a notable exception to this trend. Traditional May Day demonstrations in Istanbul were held outside the centre of the city, with the agreement of the major trade unions.

The annual Istanbul Pride march was banned for a third successive year on spurious security grounds. Police used unnecessary and excessive force, firing rubber bullets, and made arbitrary arrests, targeting small groups of people attempting to celebrate Pride. In November, the authorities in Ankara imposed an indefinite ban on events organized by lesbian, gay, bisexual, transgender and intersex (LGBTI) solidarity organizations ahead of a planned LGBTI-themed film festival which was due to take place in the city. Again, the authorities cited spurious security reasons.

In June and July, more than 200,000 people took part in a 400km "Justice March" between Ankara and Istanbul. The march was announced following the conviction and sentencing to 25 years' imprisonment of CHP parliamentarian Enis Berberoğlu; he had been charged with espionage after passing on to journalists a video that purportedly showed the transfer of weapons to Syria in National Intelligence Organization trucks. In October, his conviction was overturned on appeal and a retrial ordered.

TORTURE AND OTHER ILL-TREATMENT

Instances of torture and other ill-treatment, especially in police custody, continued to be reported, although at a markedly lower level than in the weeks following the July 2016 coup attempt. The Turkish authorities continued to deny permission for the European Committee for the Prevention of Torture to publish its report on torture allegations following the coup attempt. There was no effective national preventive mechanism with a mandate for monitoring places of detention. There were no available statistics regarding investigations into allegations of torture. There was no evidence that allegations of torture were being effectively investigated.

In August, NGOs reported that soldiers and police officers beat at least 30 people in the village of Altınsu/Şapatan in Şırnak province in southeast Turkey following a clash with the PKK in which two members of the security forces died. Witnesses reported that villagers were taken out of their homes, arbitrarily detained and beaten in the village square, and that 10 of them were taken into police custody. Images of the villagers' injuries resulting from their beatings were shared on social media. A statement from the Governor's office denied the allegations of torture, and maintained that news reports supporting the allegations were "terrorist propaganda".

IMPUNITY

In the face of extreme political pressure, prosecutors and judges were even less inclined than in previous years to investigate alleged human rights violations by law enforcement officials or bring to justice those responsible. Intimidation of lawyers, including detentions and the bringing of criminal cases against them, further deterred lawyers from bringing criminal complaints. No progress was made to investigate pervasive allegations of human rights violations during round-the-clock curfews in the southeast of Turkey during 2015 and 2016. More than five years after Turkey's ratification of the Istanbul Convention to Combat Violence against Women, its implementation remained flawed, and reports of violence against women continued to rise.

In April, the trial of a police officer accused of killing Berkin Elvan began in Istanbul. Berkin Elvan died of his injuries after being hit by a tear gas canister at the scene of a Gezi Park protest in June 2013. The investigation had been severely delayed by the failure to obtain CCTV footage from the scene.

More than two years after the fatal shooting on 28 November 2015 of Tahir Elçi, human rights lawyer and Chair of the Diyarbakır Bar Association, no suspects had been identified. Delays or failure to obtain CCTV footage continued to hamper the investigation.

In July, the government submitted information in regard to 34 cases brought to the European Court of Human Rights; these cases involved alleged violations of the right to life, prohibition of torture and the right to liberty and security in the southeast of Turkey during the curfews in 2015 and 2016.

The organization We Will Stop Femicide reported that murders of women were increasing, while media attention to such cases declined. It reported that 392 women had been killed in the year up to 25 November.

ABUSES BY ARMED GROUPS

Abuses by armed groups continued, although the number of indiscriminate attacks, and attacks targeting the general population, was lower than in recent years.

In January, 39 people were killed and over 70 injured after a gunman opened fire in a popular nightclub in Istanbul. The armed group Islamic State (IS) claimed responsibility for the attack.

Also in January, two people were killed and 10 injured by attackers targeting the Izmir Courthouse. The Kurdistan Freedom Falcons (TAK), an offshoot of the PKK, claimed responsibility for the attack.

In June, the PKK claimed responsibility for the killing of Necmettin Yılmaz, a teacher, after his kidnapping from the province of Tunceli/Dersim in southeast Turkey.

SUMMARY DISMISSALS

Under emergency decrees, public sector workers continued to face summary dismissal for alleged unspecified links to terrorist groups. Nearly 20,000 workers were dismissed during the course of the year, bringing the total number since July 2016 to 107,000. Many workers were effectively prevented from continuing their professions, and struggled to find other jobs after being branded “terrorists” as a result of their dismissal. In January, the authorities announced a seven-person appeal Commission to assess the dismissals. The Commission was not established until July, and at the end of the year had ruled on fewer

than 100 of the reported 100,000 appeals submitted to it. There was widespread criticism that the Commission lacked the necessary independence and capacity to carry out the task. In June, rejecting the *Köksal v. Turkey* application as inadmissible, the European Court of Human Rights ruled that there was no reason to believe that the Commission would not be an effective remedy. The decision of the Court left the door open to a future reassessment by the Court of the effectiveness of the Commission.

INTERNALLY DISPLACED PEOPLE

Many of the estimated 500,000 people displaced from their homes in areas under the curfews across the southeast of Turkey in 2015 and 2016 lacked access to adequate housing and livelihoods. Many were unable to return to their homes that had been destroyed during or after military operations during which state security forces clashed with armed individuals affiliated to the PKK. The authorities lacked a comprehensive plan as to how the residents would be able to return to their homes.

In the Sur district of Diyarbakır, residents who had already been displaced from their homes during the curfew lost their homes a second time when they were forcibly evicted as part of a redevelopment scheme affecting the whole district. In May, hundreds of residents had their water and electricity supplies cut off in an apparent attempt to force them out.

REFUGEES AND ASYLUM-SEEKERS

Turkey continued to host one of the world’s largest refugee populations, with over 3,300,000 registered Syrian refugees alone. Despite new initiatives to improve the situation of refugees, many faced insufficient access to livelihoods, housing, health care, and education for their children. Except for Syrians, refugees did not have access to fair and efficient procedures for the determination of their status. There were continued reports of forced returns of refugees and asylum-seekers, including to Syria. International humanitarian NGOs

working with refugees found their work in Turkey was increasingly impeded as the authorities placed restrictions on, and in some cases withdrew, permission for them to work in the country.

Collective forced expulsions of Syrian and Iraqi refugees and asylum-seekers to their respective countries of origin from the Removal Centre in Van, eastern Turkey, were reported to have taken place during the final days of May and early June. According to reports, around 200 Iraqis and around 300 Syrians were forcibly returned after officials forced individuals to sign forms agreeing to “voluntary return”.

TURKMENISTAN

Turkmenistan

Head of state and government: **Gurbanguly Berdymukhamedov**

The right to freedom of expression remained severely restricted. Torture and other ill-treatment was committed in pre-trial detention and prisons, sometimes resulting in death. There was no attempt to address enforced disappearances and incommunicado detention. The right to housing was widely violated. Consensual same-sex relations between men remained a criminal offence.

BACKGROUND

In February, President Berdymukhamedov was re-elected for a further seven-year term with 98% of the vote; the OSCE Election Assessment Mission found “serious irregularities”. The economic crisis in the country deepened, and in June the President asked the Parliament to prepare an austerity proposal to cut benefits, including free gas and electricity supplies. There were reports that employees in state-run enterprises were not receiving their salaries; and there were shortages of cash.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

In March, the Parliament elected the first Human Rights Commissioner (Ombudsperson) from a list provided by the President, calling into question the independence of the institution and its compliance with the UN Principles relating to the Status of National Institutions.

FREEDOM OF EXPRESSION

There was no independent media and the few independent journalists – typically working in secret for outlets based abroad – faced harassment and arrest.

On 15 February, independent journalist Khudayberdy Allashov and his mother Kurbantach Arazmedova were released, after being given three-year conditional sentences for possessing chewing tobacco. They had been in detention since 3 December 2016; there were allegations that they had been subjected to torture and other ill-treatment.

In March, the EU and the OSCE called for the immediate release of freelance journalist Saparmamed Nepeskuliev who was sentenced to three years’ imprisonment in 2015 on drug charges. He was believed to be suffering from life-threatening health conditions.

In April, the UN Human Rights Committee expressed concern over, among other things, the absence of an independent media, undue restrictions on access to the internet, and the use of politically motivated charges against journalists and others expressing criticism of the government.

TORTURE AND OTHER ILL-TREATMENT

In January, the UN Committee against Torture noted its concern at “consistent allegations of widespread torture and ill-treatment, including severe beatings, of persons deprived of their liberty, especially at the moment of apprehension and during pre-trial detention, mainly in order to extract confessions”.

In February, 18 men were convicted under various articles of the Criminal Code and sentenced to between five and 12 years’