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The judiciary disregarded fair trial guarantees and due process and continued to apply broadly defined anti-terrorism laws to punish acts protected under international human rights law. Some members of the judiciary and legal profession were subjected to sanctions for the legitimate exercise of their professional duties. The judicial harassment of individuals such as journalists, politicians, activists, social media users and human rights defenders for their real or perceived dissent continued. Four human rights defenders, including Taner Kılıç, were convicted in the baseless Büyükada trial. Despite his acquittal in the Gezi trial and a European Court of Human Rights (ECtHR) ruling for his release, Osman Kavala remained in prison. Comments by a senior state official against LGBTI people were endorsed by some government officials, including President Erdoğan. The ruling party threatened to withdraw from the Istanbul Convention. Legal amendments introduced in the context of COVID-19 excluded from early release individuals who had been unjustly convicted under anti-terrorism laws and those held in pre-trial detention. Credible reports of torture and other ill-treatment continued to be made.

Background

In February, Turkey launched a military operation (Spring Shield) against Syrian forces after Syrian air strikes killed 33 Turkish soldiers in Idlib, Syria (see Syria entry). Concurrently, Turkey declared its borders with the EU open, and encouraged and facilitated the transportation of thousands of asylum-seekers and migrants to Greece’s land borders. Greek forces responded with violent pushbacks, resulting in at least three deaths. In April, the government used the COVID-19 crisis to further crack down on the opposition, banning several opposition-run municipal donation campaigns and launching investigations into pandemic fundraising efforts by the mayors of Istanbul and Ankara.

In March and again in October, due to the COVID-19 pandemic, the Ministry of Health prohibited health workers from resigning. The measure was initially foreseen for a three-month period but was later extended until further notice.

In November and December, social media companies, including Facebook, Twitter and Instagram, were fined 40 million Turkish liras (more than €4 million) each for failing to appoint a legal representative in Turkey as required by the amended law on social media. Companies failing to meet legal obligations will face further sanctions, including reduced bandwidth, making their services unavailable in Turkey. In December, YouTube announced it was setting up a legal entity in the country.

State overreach

Judiciary and lawyers

A disciplinary investigation initiated by the Council of Judges and Prosecutors against the three judges who on 18 February acquitted the Gezi trial defendants, including civil society leader Osman Kavala, was ongoing at the end of the year. The investigation followed the President’s public criticism of the acquittal decision.

In July, Parliament passed a law changing the structure of bar associations. Thousands of lawyers protested and 78 out of 80 bar associations signed a statement opposing the reform. The new law weakens the associations’ authority and independence.

Criminal investigations targeting lawyers for representing clients accused of “terrorism-related offences” continued.

In September, police detained 47 lawyers on suspicion of “membership of a terrorist organization”, based solely on their work. At least 15 lawyers were remanded in pre-trial detention. Also in September, the Court of Cassation upheld the prison sentences of 14 lawyers from the Progressive Lawyers Association, prosecuted under terrorism-related legislation.

Repression of dissent

Criminal investigations and prosecutions under anti-terrorism laws and punitive pre-trial detention continued to be used, in the absence of evidence of criminal wrongdoing, to silence dissent.

Under the guise of combating “fake news”, “incitement” or “spreading fear and panic”, the authorities used criminal law to target those discussing the COVID-19 pandemic online. The Cyber Crimes Unit of the Interior Ministry alleged that 1,105 social media users had made “propaganda for a terrorist organization”, including by “sharing provocative COVID-19 posts” between 11 March and 21 May; reportedly 510 were detained for questioning.

In October, the President targeted the Turkish Medical Association (TTB) and called its new chair “a terrorist” after the TTB repeatedly criticized the government’s response to COVID-19.

In April, as COVID-19 spread in the country, the government amended the law on the execution of sentences, enabling the early release of up to 90,000 prisoners. Specifically excluded were prisoners in pre-trial detention and those convicted under terrorism laws.

Abusive investigations and prosecutions targeting former parliamentarians and members of opposition parties continued. In June, an Istanbul Appeals Court upheld the conviction of Canan Kaftancıoğlu, Istanbul Provincial Chairperson of the opposition Republican People’s Party (CHP). She was sentenced to nine years and eight months in prison for “insulting the President” and “insulting a public official”, “inciting enmity and hatred” and “making propaganda for a terrorist organization”. The sentence referred to tweets she had shared seven years earlier. The case was pending before the Court of Cassation at year’s end.

In October, 20 former and current members of the pro-Kurdish Peoples’ Democracy Party (HDP), including the Mayor of Kars city, Ayhan Bilgen, were remanded in pre-trial detention for their alleged role in violent protests in October 2014. The accusations were largely based on social media posts from the official HDP twitter account at the time. Following the remand in pre-trial detention of Ayhan Bilgen, the Ministry of Interior on 2 October appointed the Kars Governor as trustee to Kars Municipality. Former co-chairs Selahattin Demirtaş and Figen Yüksekdağ remained in pre-trial detention as part of the same investigation since September 2019. A new indictment was pending at the first instance court at the end of the year, days after the ECtHR’s Grand Chamber called for the immediate release of Selahattin Demirtaş, finding that his rights to freedom of expression, liberty and security, free elections and not to be subjected to the misuse of limitations on rights had been violated.

In December, Parliament passed a new law ostensibly to prevent the financing of the proliferation of weapons of mass destruction, with severe consequences for civil society organizations. The law included allowing the removal of individuals facing prosecution under anti-terrorism laws from boards of NGOs to be replaced with government-appointed trustees.

Freedom of expression

Journalists and other media workers remained in pre-trial detention or served custodial sentences. Some prosecuted under anti-terrorism laws were convicted and sentenced to years of imprisonment, their legitimate work presented as evidence of criminal offences.

In March, police detained at least 12 journalists for their reporting of the COVID-19 pandemic, including journalist and human rights defender Nurcan Baysal, who was accused of “inciting the public to enmity and hatred” for her social media posts. Six journalists were imprisoned for their reporting on the funeral of two alleged intelligence officers from the Turkish National Intelligence Agency (MIT) killed in Libya. In May, the six detained and one other journalist were indicted for “revealing the identities of intelligence officers”. In September, five of them received prison sentences for “publishing intelligence information”.

Journalists Alptekin Dursunoğlu and Rawin Sterk Yıldız, detained for their social media posts in March, were released at their first hearing in March and September respectively. Their cases continued at the end of the year.

Human rights defenders

Dozens of human rights defenders faced criminal investigations and prosecutions for their human rights work.

In July, the Büyükdada trial of 11 human rights defenders concluded with the court convicting Taner Kılıç of “membership of the Fethullah Gülen Terrorist Organization (FETÖ)”, sentencing him to six years and three months’ imprisonment; İdil Eser, Günel Kurşun and Özlem Dalkıran were sentenced to “one year and 13 months” for “knowingly and willingly supporting FETÖ”. The remaining seven defendants were acquitted. On 1 December, a regional appeals court upheld the convictions of the four defenders, who appealed to the Court of Cassation.

In February, Osman Kavala and eight other civil society figures were acquitted of all charges including “attempting to overthrow the government” and allegedly “directing” the 2013 Gezi Park protests. However, Osman Kavala was detained on new charges just hours after his release. In May, the Grand Chamber of the ECtHR confirmed its December 2019 decision calling for his immediate release, having found his prolonged pre-trial detention to be unlawful and serving an “ulterior purpose”. In its examinations of the case in September and October and its interim resolution in December, the Council of Europe’s Committee of Ministers urged Turkey to comply with the ECtHR’s ruling.

In October, an Istanbul court accepted a new indictment against Osman Kavala and US academic Henri Barkey, charging them with “attempting to overthrow the constitutional order” and “espionage”, despite lack of evidence. In December, the General Assembly of the Constitutional Court found no violation in relation to his ongoing pre-trial detention. Osman Kavala remained in prison at the end of the year.

In January, the Istanbul prosecutor requested the conviction of human rights lawyer Eren Keskin in the main Özgür Gündem trial, along with others who had participated in a solidarity campaign. In February, in an interim ruling, her co-defendants Necmiye Alpay and Aslı Erdoğan were acquitted. The prosecution against Eren Keskin and three other defendants continued.

In March, Raci Bilici, former chair of the Diyarbakır branch of the NGO Human Rights Association (IHD), was sentenced to six years and three months’ imprisonment for “membership of a terrorist organization”, based on his human rights work. An appeal was pending at the end of the year.

In October, following a 2019 report by the research group Forensic Architecture, the trial of three police officers and an alleged member of the armed Kurdistan Workers Party (PKK) accused of killing human rights lawyer Tahir Elçi began almost five years after his death in Diyarbakır. The officers faced charges of “causing death by culpable negligence”.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

In April, a senior state official at the Religious Affairs Directorate (Diyanet) blamed homosexuality and people in extra-marital relationships for the spread of HIV/AIDS. He urged followers to combat this “evil” in a Friday sermon focusing on the COVID-19 pandemic, a call supported by the President. Bar associations criticizing the statements faced criminal investigation under Article 216/3 of the Penal Code that criminalizes “insulting religious values”.

Rights of women and girls

In July, the brutal murder of 27-year-old student Pınar Gültekin led to country-wide protests. The trial of two men accused of her murder continued at the end of the year.

In August, suggestions by some politicians in the ruling Justice and Development Party (AKP) to withdraw from the Istanbul Convention sparked country-wide demonstrations. Women’s rights organizations criticized the lack of implementation of the Convention, including an adequate response to rising domestic violence during COVID-19 restrictions. The Ministry of Interior announced that 266 women had died as a result of gender-based violence in 2020, though the figures provided by women’s organizations were much higher.

Freedom of assembly

In March, for the second year running, the authorities banned the International Women’s Day march in Istanbul. Police used tear gas and plastic bullets to disperse peaceful protesters who had defied the ban.

The prosecution of six women accused of “failure to disperse” under Article 32 of the Law on Meetings and Demonstrations began in November. The charges related to their participation in the peaceful December 2019 Las Tesis protest to end femicide.

In June, an Ankara administrative court ruled that banning the Pride march by students on campus was unlawful. On 10 December, the trial of 18 students and one academic of the Middle East Technical University in Ankara for attending a campus-based Pride march in May 2019 was postponed to April 2021.

Torture and other ill-treatment

In September, Osman Şiban and Servet Turgut suffered severe injuries after being detained and allegedly beaten by a large group of soldiers in Van province, according to Osman Şiban’s testimony. Servet Turgut died in hospital on 30 September. Statements by the Van Governor’s Office and the Minister of Interior contradicted eye-witnesses’ and Osman Şiban’s statements. A criminal investigation into the allegations of torture opened by the Van Prosecutor was subjected to a secrecy order. In October, four journalists who covered the case were arrested in Van for being “members of a terrorist organization” on the grounds of the news agencies they worked for and of making news on “public incidents in line with PKK/KCK’s [Kurdistan Communities Union] perspective and orders to the detriment of the state”.

In December, a prisoner on pre-trial detention at Diyarbakır prison, Mehmet Sıddık Meşe, was denied access to urgent medical care and to examination by medical forensic staff after he was allegedly subjected to severe beating by prison guards. The prosecuting authorities had not launched an independent investigation into the allegations by year’s end.

Enforced disappearances

In February, Gökhan Türkmen, one of seven men accused of links with the Fethullah Gülen movement who went missing in 2019, recounted in court the torture and other ill-treatment he had been subjected to during the 271 days of his enforced disappearance. The court requested a criminal investigation to be launched into his allegations.

The whereabouts of Yusuf Bilge Tunç, disappeared in August 2019, remained unknown at the end of the year.

Rights of refugees, asylum-seekers and migrants

Turkey continued to host the largest refugee population in the world: around 4 million people, including 3.6 million Syrians. The 2016 EU-Turkey deal, which provides European financial assistance to support refugees in Turkey in exchange for its co-operation on migration control and returns, continued to operate.

After announcing the opening of the EU borders on 27 February, Turkey recklessly encouraged and facilitated the movement of asylum-seekers and migrants to the Greek land border, where violent pushbacks led to deaths and injuries (see Greece entry). At the end of March, Turkish authorities removed people from the border area.

According to an NGO report published in October, Turkey deported more than 16,000 Syrians to Syria during the year. A group of Syrians reported in May they were forcibly returned to Syria and had been pressured into signing documents stating that they wanted to return.¹

As of September, according to UN numbers, Turkey deported around 6,000 people to Afghanistan, although the situation in the country still did not allow safe and dignified returns.

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1. [Turkey: Halt illegal deportation of people to Syria and ensure their safety \(EUR 44/2429/2020\)](#)

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