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TURKEY RIGHTS MONITOR

MONTHLY WRAP-UP

September 2022



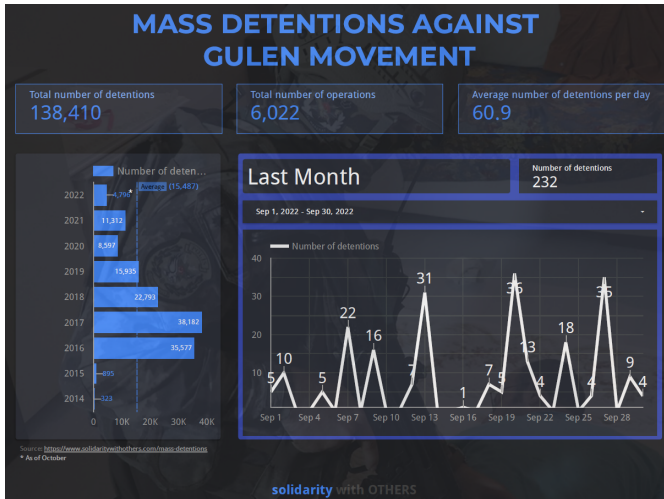
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Arbitrary Detention and Arrest

Mass Detention of People Over Alleged Gülen Links



Throughout the month, Turkish prosecutors ordered the detention of at least 232 people over alleged links to the Gülen movement. In October 2020, an opinion released by the UN Working Group on Arbitrary Detention (WGAD) said that widespread or systematic imprisonment of individuals with alleged links to the group may amount to crimes against humanity.

Imprisonment of People With Significant Health Problems

The authorities kept behind bars several people, often political prisoners, despite displaying symptoms or being issued medical reports indicating severe health problems. Aysel Tuğluk, a Kurdish politician suffering from dementia, was briefly hospitalized on September 9 after her situation worsened. Şemsettin Kargılı, a sick inmate held in a Gaziantep prison, was denied release despite a university hospital report describing him as severely disabled.

The Forensic Medicine Institution issued a controversial report on Mehmet Emin Özkan, an ailing 83-year-old prisoner, claiming that his apparent difficulty walking in a widely circulated video was “exaggerated.”

Similarly, a hospital in İzmir issued a report on Şerife Sulukan, a former teacher jailed for alleged links to the Gülen movement, describing her as fit to remain in prison despite the fact that Sulukan suffers from severe paralysis.



Şerife Sulukan

Another allegedly Gülen-linked prisoner, Tacettin Başer, died in early September, 15 days after his release from prison due to cancer. Earlier reports on the media had revealed that Başer's diagnosis was belated by the prison administration for six months and that he was given painkillers despite displaying symptoms of cancer.

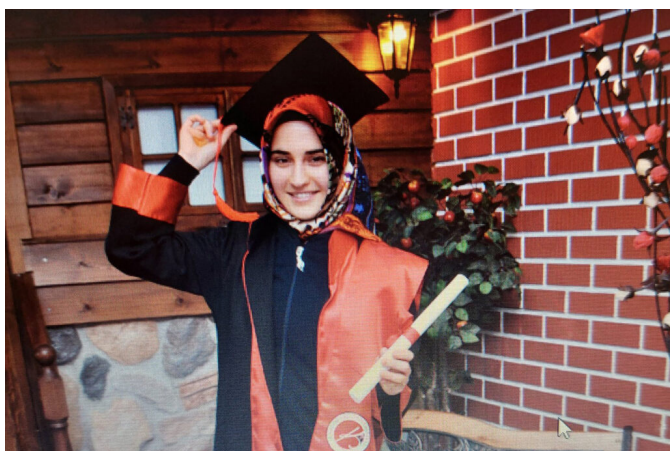


Tacettin Başer

In a positive development, 80-year-old Makbule Özer was released from prison in Van after spending four months behind bars. Her release came following widespread public reaction to images of her visit to the hospital.

Imprisonment of Pregnant or Post-partum Women

The authorities arrested seven months pregnant Eda Nur Akkaya who was pushed back while attempting to flee to Greece and four months pregnant Sevda Ersoy whose prison sentence was upheld. Akkaya was under investigation for alleged links to the Gülen movement while Ersoy was convicted of the same charge. The arrests are in contravention of Turkey's laws on execution of sentences which stipulate the postponement of sentences for pregnant women.



Eda Nur Akkaya

Arbitrary Denial of Parole

Since a recent amendment introduced to the laws on execution of sentences, prison parole boards have been denying parole to political prisoners on arbitrary grounds such as “not displaying remorse.” Reports during the month revealed the denial of parole to at least two prisoners, namely Yusuf Köksal and Kurdish politician Gülser Yıldırım.

European Court of Human Rights Judgments

The European Court of Human Rights delivered two rulings faulting Turkey over the imprisonment of former judges and prosecutors.

The first judgment concerned 230 judges and prosecutors who were collectively placed in pretrial detention after a failed coup in 2016.

The second ruling condemned Turkey over the imprisonment of former judges Metin Özçelik and Mustafa Başer on account of their decisions as judges.

Enforced Disappearances

No news emerged of Yusuf Bilge Tunç, a former public sector worker who was sacked from his job by a decree-law during the 2016-2018 state of emergency and who was reported missing as of August 6, 2019 in what appears to be one of the latest cases in a string of suspected enforced disappearance of government critics since 2016.

Freedom of Assembly and Association

Detention of People at Gatherings

Turkey Rights Monitor reported at least 225 detentions that occurred throughout the month during 15 demonstrations in four provinces that were met with police intervention.

Some of the gatherings were organized to mark the International Day of Peace, to express support for sick or hunger striking prisoners, to support women's rights protests that broke out in Iran, and to demand mother tongue education for Kurds. Others were staged for economic reasons such as workers protesting their employers and university students protesting high costs of living. On September 21, the Istanbul police violently dispersed a demonstration organized by the Saturday Mothers (Cumartesi Anneleri), a group of activists and family members seeking the whereabouts of loved ones who disappeared while in police custody in the 1990s.

For purposes of brevity, our weekly newsletter limits itself to incidents ending in detentions, having to leave out many other instances of unjustified police obstruction against nonviolent protesters.

Prosecution of People Over Their Participation in Demonstrations

Istanbul prosecutors indicted 86 people for taking part in demonstrations in January and Eskişehir prosecutors launched an investigation into a number of people for their participation in a demonstration in support of women's rights protests in Iran.

An İstanbul court acquitted 21 people who stood trial for attending a Labor Day demonstration in 2021.

Arbitrary Banning of Events by Authorities

In recent months, there has been a notable increase in the number of cultural, musical and sporting events banned by local governors on seemingly arbitrary grounds or, in some cases, without a reason. Most of these bans have targeted organizers or artists perceived to be critical of the government.

In September, events banned by local governors included two festivals, two concerts, a conference and a sporting event.

Local governors of Hakkari and Şırnak issued 15-day bans on all outdoor gatherings. In some predominantly Kurdish provinces, these blanket bans have been retained in effect for several years.

Detention, Investigation or Prosecution of People Over Their Civil Society Engagement

A Diyarbakır court sentenced Yıldız Damla, a member of an association established for solidarity with people who lost relatives in the conflict in the predominantly Kurdish southeast, to six years, three months on terrorism charges.

The judgment came after an appeals court overturned the same sentence that was previously handed down to Damla.



Yıldız Damla

Freedom of Expression and Media

Rights Violations and Harassments Against Members of the Press

Turkish courts handed down prison sentences to at least six journalists (Sadiye Eser, Sadık Topaloğlu, Hatice Şahin, Kadri Esen, Nurcan Yalçın, Sabahattin Önkibar) on terrorism-related charges or for insulting the president, on account of their journalistic work and social media commentary. Journalist Sinan Aygül was sent to jail after he refused to pay a fine he was given on charges of insulting a ruling party MP.

New investigations were launched or indictments were drafted on similar grounds against journalists Can Dündar, Oktay Candemir and Mustafa Mert Bildircin as well as media executives Ferhat Çelik and İdris Yayla.

Some journalists were also subjected to mistreatment. Police officers in Van pulled guns on journalists during their intervention in a gathering. plainclothes police officer in İstanbul sexually harassed reporter Tuğçe Yılmaz who was covering a demonstration. In Sivas, a reporter named Hüsnü Ümit Avcı was physically assaulted by the police while filming a building that was on fire.

Pro-government media outlets published secretly taken photos of exiled journalist Cevheri Güven and his home in Germany, exposing his location in a country that is home to a sizeable community of Turkish government supporters. The pro-government media later reported that Turkey's justice ministry was seeking Güven's extradition.

Detention, Investigation or Prosecution of People Over Their Public or Online Commentary

Courts convicted at least four people on account of their remarks in public, on television or on social media. The admin of a prominent government-critical Twitter account received more than 12 years in prison on terrorism-related charges.

A man named Yusuf Güneş was sentenced to more than one year in prison for posting a video of people singing in Kurdish and a woman named Feleknaz Aslan was handed down a sentence of 10 months due to the colors of her shawl that she carried during Newroz celebrations in 2015, both for disseminating terrorist propaganda. Former opposition MP Berhan Şimşek was ordered to pay a fine due to his remarks on a television program and opposition politician Canan Kaftancıoğlu was ordered to pay damages to the interior minister for insulting him on social media.

Prosecutors indicted singer Gülşen Bayraktar Çolakoğlu, Kurdish politician Leyla Güven and actor İlyas Salman due to their public remarks, seeking prison sentences for such charges as inciting hatred and enmity among the public, denigrating the nation and disseminating terrorist propaganda.



Leyla Güven

The police detained opposition politicians Mustafa Can Kapan and Mürsel Yüksel over banners that were hung on party buildings and musician Kadir Çat due to a song he sang at a HDP rally. At least 45 people were detained over their social media commentary. Most of these detentions took place in the province of Mersin and 10 employees of the opposition-run municipality of Mersin were among those who were detained. The police also interrogated human rights lawyer Eren Keskin due to a reply sent to one of her tweets and opposition politician Serkan Özcan upon a complaint filed by the Central Bank about his remarks on a television program.

Prosecutors launched investigations into opposition politician Nevaf Bilek for allegedly disseminating terrorist propaganda in an interview he gave to a Kurdish-language television channel.

Prosecutors also launched investigations into several social media users for insulting the president in satirical videos in which they pretended to hide their savings from him.

The European Court of Human Rights delivered its judgment in the case of Fehime Ete, a Kurdish woman convicted of disseminating terrorist propaganda for celebrating the birthday of the jailed leader of the outlawed Kurdistan Workers' Party (PKK), concluding that Ete's conviction was an violation of freedom of expression.

Sanctions on Media Outlets

The Radio and Television Supreme Council (RTÜK), the broadcasting regulator, imposed monetary fines and a temporary broadcast ban on the pro-opposition Halk TV due to its coverage of a news.

Online Censorship

According to our weekly newsletter, Turkish courts imposed access bans on at least 139 news reports, six opinion pieces and three tweets over their political content.

These censorship decisions typically targeted news and articles that contained allegations of corruption, bribery and misconduct that implicated members or prominent supporters of the ruling party, under the pretext of upholding personal rights or the right to be forgotten, despite obvious public interest involved in most of them.

For instance, 108 of the censored news reports concerned a physical attack on the office of a government-critical newspaper in 2015 that was led by prominent ruling party member Abdurrahim Boynukalin.

The courts regularly blocked access to new domains launched by the pro-Kurdish Etkin news agency to publish news (ETHA).

Judicial Independence & Rule of Law

Non-compliance with European Court of Human Rights Rulings

Reports on the media pointed out that the authorities were continuing the detention of people for allegedly using ByLock, a mobile messaging app that the authorities interpret as evidence of membership in the Gülen movement, despite a recent European Court of Human Rights (ECtHR) judgment concluding that the use of the app cannot by itself be admitted as criminal evidence.

Documents pertaining to the ECtHR ruling on the pretrial detention of former judges Mustafa Başer and Metin Özçelik revealed that Turkey submitted to Strasbourg fabricated documents to justify the former judges' imprisonment.

Assaults on Lawyers and Members of the Judiciary on Politically Motivated Grounds

In two separate judgments, the ECtHR faulted Turkey over the pretrial detention of 230 judges and prosecutors after a failed coup in 2016 and the imprisonment of former judges Metin Özçelik and Mustafa Başer who were arrested on account of their rulings as judges.



Mustafa Başer and Metin Özçelik

Lack of Access to a Fair Trial

Sevgi Balcı, a nurse who committed suicide after being summarily removed from public service as part of a widespread purge after a 2016 coup attempt, was reinstated to her job six years after her dismissal.

Impunity

A prosecutor in Denizli was only suspended for three months after it was revealed that he was secretly filming his sexual intercourses with women that were involved in his investigations and then blackmailing the women.

The İstanbul Governor's Office refused to authorize investigations into police officers and police chief Hanifi Zengin accused of violence against protesters in two demonstrations.

Discriminatory Practices by Public Authorities

The authorities denied disability benefits to a severely disabled and autistic 15-year-old child whose father was previously dismissed from public service on account of alleged links to the Gülen movement.

Kurdish Minority

Hate Speech and Hate Crimes

Our weekly newsletter reported four hate crimes against members of the Kurdish minority.

The victims in the incidents were workers in Kastamonu and Mersin, a family in Aydın and a group of protesters in Ankara.

Detention, Investigation or Prosecution of People Over Their Involvement in Pro-Kurdish Politics

The authorities detained politician Semra Güzel while trying to flee the country. Previously stripped of her parliamentary immunity due to terrorism-related charges, Güzel was later arrested. Ankara prosecutors indicted her, seeking up to 15 years in prison. Diyarbakır prosecutors indicted politician Leyla Güven, seeking up to 43 years in prison on charges of disseminating terrorist propaganda.

Aysel Tuğluk, an imprisoned politician suffering from dementia, was reportedly hospitalized after her situation worsened. Reports also pointed out the continued detention of parole-eligible politician Gülser Yıldırım.

The authorities detained politician Metin İnci and musician Kadir Çat after he performed at a HDP rally.



Kadir Çat

Other Minorities

Christians

Christian musician Şaban Ok announced that he was receiving death threats by phone.

A church in Malatya was granted police protection after it received threats.

Prison Conditions

Prisoner Deaths

Barış Keve (incarcerated in Malatya) and Mustafa Murat Ayhan (incarcerated in Diyarbakır) committed suicide. Both were reportedly held in one-person cells.

Denial of Healthcare and Medication

Reports highlighted denial of healthcare or medication to inmates Şemsettin Kargılı (incarcerated in Gaziantep), Ali Karakut (incarcerated in Antalya), Mehmet Polat (incarcerated in Diyarbakır), Fatih Özgür Aydın (incarcerated in Adana) as well as a group of inmates in İstanbul who had scabies.

Unjustified Isolation of Prisoners

Reports indicated that inmates Ali Haydar İldız (incarcerated in Muğla), 15 inmates incarcerated in Samsun and Barış Keve (incarcerated in Malatya) were placed in one-person cells. Keve reportedly committed suicide afterwards.

Misconduct by Prison Administration and Officials

Prison guards in İstanbul confiscated inmates' hygiene products and guards in a Kocaeli prison confiscated a poetry book during a ward search. Reports indicated that a prison administration in Çorum was not allowing inmates to attend university classes in which they were enrolled.

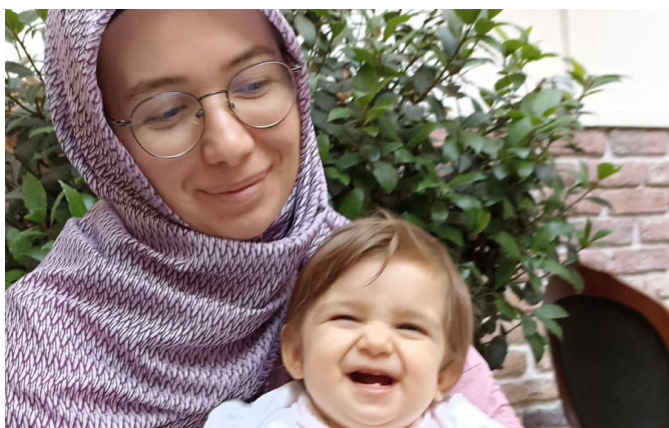
The Constitutional Court found rights violations in the case of a prison administration which had imposed a disciplinary sanction on an inmate after reading his petition to the Justice Ministry.

Other Issues

Reports revealed that a number of people who were pushed back by Greece were imprisoned in the border province of Edirne and that their requests for transfer to prisons closer to their homes and families were being ignored by the authorities.

Human rights lawyer Çiğdem Koç announced on social media that prisoners have been receiving exorbitant electricity bills since prison facilities were officially reclassified as places of business.

Reports indicated that Bahar Çulha, an eight-month-old baby who was incarcerated along with her mother, became ill behind bars.



Büşra Çulha and her daughter Bahar Çulha

Refugees and Migrants

Hate Speech and Hate Crimes

Faris Muhammed Ali, a 17-year-old Syrian teenager, was stabbed to death in Hatay.



Faris Muhammed Ali

Pushback of Migrants at Turkish-Greek Borders

Greek authorities' systematic pushbacks caused several tragedies in September. Seven months pregnant Eda Nur Akkaya was arrested in Turkey after being pushed back and the 27-year-old Yunus Emre Ayyıldız was reported missing after he fell into the Evros river during a pushback.



Yunus Emre Ayyıldız

Torture and Ill-Treatment

Torture and Ill-Treatment Involving the Police or Other Law Enforcement Officers

Our weekly newsletter reported five cases of torture at the hands of the police and one incident involving the gendarmerie. Four incidents took place in custody, one during a house raid and one during a police intervention in a demonstration.

The Constitutional Court released its judgment in the case of Gülsüm Elvan, a woman whose arm was broken while being rear-handcuffed by the police in 2017, concluding that her violent detention was in violation of the prohibition of ill-treatment.

Torture and Ill-Treatment in Prison

Our weekly newsletter reported eight incidents of torture and mistreatment in prison. These included physical and verbal assaults by prison guards as well as cases of strip-search.

Transnational Repression

Pro-government media outlets published secretly taken photos of exiled journalist Cevheri Güven and his home in Germany, exposing his location in a country that is home to a sizeable community of Turkish government supporters.

The pro-government media later reported that Turkey's justice ministry was seeking Güven's extradition.



Cevheri Güven



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