



**JUSTICE
LABYRINTH**

**HUMAN RIGHTS
IN TURKEY IN
2023**

**SOLIDARITY WITH OTHERS
BELGIUM**

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JUSTICE LABYRINTH: HUMAN RIGHTS IN TURKEY IN 2023

INTRODUCTION

The year 2023 in Turkey was marked by a myriad of challenges and developments across various fronts, from human rights and judicial independence to minority rights, refugee protection, and women's rights. Amidst ongoing scrutiny and international condemnation, Turkey grappled with persistent issues such as the erosion of legal safeguards, the suppression of dissent, and the targeting of minority communities and human rights defenders. Notably, the Turkish government's crackdown on the Gülen movement and Kurdish political movements, coupled with mass detentions and hate crimes against minorities, underscored the fragile state of civil liberties within the country.

Moreover, Turkey's handling of its prison system came under fire for systemic abuse, denial of healthcare, and excessive isolation of inmates, highlighting broader concerns about human rights violations within the penal system. Simultaneously, the plight of refugees and migrants, particularly Syrians and Afghans, shed light on the challenges faced by vulnerable populations and the need for improved protection mechanisms.

The phenomenon of transnational repression emerged as a significant concern, with Turkey's pursuit of critics abroad through extrajudicial measures and abusive extradition requests drawing international attention and condemnation. Additionally, cross-border military operations targeting Kurdish-controlled areas raised humanitarian concerns and strained relations with neighboring countries.

Despite these challenges, Turkey's women's rights landscape remained fraught with obstacles, as gender-based violence, femicides, and debates over legal frameworks persisted. The decision to withdraw from the Istanbul Convention continued to evoke controversy, reflecting broader tensions surrounding women's rights and legal protections.

In this complex landscape, Turkey grappled with the imperative to uphold human rights, ensure judicial independence, protect vulnerable communities, and promote gender equality. The events and developments of 2023 underscored the pressing need for comprehensive reforms to address systemic challenges and uphold Turkey's international commitments to human rights and democracy.

ARBITRARY DETENTION AND ARREST

Throughout the year, Turkish authorities detained and/or issued detention warrants for at least 3055 people over their alleged links to the faith-based Gülen movement.

The organisation is accused by the Turkish government of organising a military coup that ultimately failed in July 2016, despite the movement's denial of any participation in the event. Although, this controversy falls beyond the scope of this report,, the widespread imprisonment of individuals solely based on their actual or perceived association with the group has been a significant human rights concern in Turkey since the attempted coup. This has attracted consistent and extensive condemnation from human rights organisations worldwide, as well as international institutions. Opinions¹ released by the UN Working Group on Arbitrary Detention

¹https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_84.pdf Opinion No 84/2020 (paragraph 76), https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_67.pdf

(WGAD) in 2020 and 2023, clearly states that widespread or systematic imprisonment of individuals with alleged links to the movement may amount to crimes against humanity.

The mass detention practice has also epitomized the problems with the country's overly broad and vague anti-terror legislation, which allowed for the incrimination of individuals based on questionable or absurd evidence such as union memberships, bank accounts, newspaper subscriptions, and communications with other members of the group without having to point to any actual violence or criminality. The investigations that led to these detentions also violated the legal principle of non-retroactivity as the Gülen-affiliated labor unions, financial institutions, and media outlets were operating in the country legally up until their closure in the aftermath of the coup attempt.

Furthermore, In June, The United Nations Working Group on Arbitrary Detention (WGAD) concluded in an opinion that the arrest and detention of a man named Muhammet Şentürk due to his alleged links to the Gülen movement was arbitrary and said such cases may constitute crimes against humanity. The opinion corroborated another opinion released in 2020.²

IMPRISONMENT OF PEOPLE WITH SIGNIFICANT HEALTH PROBLEMS

According to MP Ömer Faruk Gergerlioğlu, 73 prisoners died behind bars across the country last year (2022), with 34 of them being classified as suicide. The Human Rights Association (İHD) reported that as of April 2022 there were 1,517 sick prisoners behind bars, with 651 in critical condition. Continuing their pattern, authorities persisted in denying release to inmates grappling with severe health issues, particularly those held on politically motivated charges. Despite medical assessments indicating their unsuitability for continued imprisonment, many individuals were kept behind bars.

The Council of Forensic Medicine (ATK), operating under the Ministry of Justice, issued questionable reports in several cases, which were then utilised by courts to reject release appeals.

Notably, Cemal Tanhan, a 68-year-old man held in Bolu province despite his severe illness, tragically became paralyzed despite the Council of Forensic Medicine (ATK) declaring him fit for prison. Following his release, Tanhan, who had been incarcerated in northwestern Turkey despite his deteriorating health, passed away just 29 days later.³

Ahmet Cengiz Karlı, a sick inmate incarcerated in Tokat, lost his life while on the way back from a hospital visit. His lawyer announced that the hospital sent him back to prison despite the fact that he was suffering from a severe case of pneumonia.⁴

Another report from the Turkish Forensic Medicine Institute (ATK) concluded that Makbule Özer, an 81-year-old Kurdish woman with significant disabilities and health issues, was deemed capable of serving a prison sentence.⁵

Opinion No 67/2020 (Paragraph 96), https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_66.pdf
Opinion No 66/2020 (Paragraph 67), <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-3-AEV.pdf>
Opinion No 3/2023 (Paragraph 85), <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session98/a-hrc-wgad-66-2023-turkiye-aev.pdf>
Opinion No 66/2023 (Paragraph 63)

² <https://www.turkishminute.com/2023/06/05/widespread-imprisonment-of-individual-with-alleged-gulen-linkmay-constitute-crimes-against-humanity-un-working-group/>

³ <https://stockholmcf.org/ailing-inmate-in-turkey-struck-with-paralysis-after-authorities-found-him-fit-to-remain-in-prison/>

⁴ <https://tihv.org.tr/gunluk-ih-raporlari/19-ocak-2023-gunluk-insan-haklari-raporu/>

⁵ <https://www.turkishminute.com/2023/12/01/turkey-atk-find-81-year-old-disabled-kurd-woman-fit-for-imprisonment/>

Below is a list of prisoners who were reported as being incarcerated despite severe health problems:

1. Ahmet Cengiz Karlı⁶,
2. Aysel Tuğluk⁷,
3. Behçet Kaplan⁸,
4. Cemal Tanhan⁹,
5. Emel Çiftçi¹⁰,
6. Emin Soyal¹¹,
7. Hamdin Ördek¹²,
8. Makbule Özer¹³,
9. Mustafa Said Türk¹⁴,
10. Mustafa Şener¹⁵,
11. Nagihan Yavuz¹⁶,
12. Sait Gürkan¹⁷,
13. Şivakar Ataş¹⁸

Among these, Hamdin Ördek, Ahmet Cengiz Karlı, Behçet Kaplan, and Cemal Tanhan lost their lives while they were still imprisoned or shortly after their belated release.

IMPRISONMENT OF PREGNANT OR POST-PARTUM WOMEN

The year also saw the arrest of pregnant and post-partum women, which the authorities carried out in flagrant disregard of Turkey's own laws stipulating the postponement of sentences for women who have given birth in the last 18 months.

The authorities imprisoned Hilal Keser¹⁹, the mother of a two-and-a-half-month-old infant in violation of a law that requires the postponement of the execution of prison sentences for women who are pregnant or have given birth within the last year and a half. Prosecuted for providing financial support to the families of inmates who were jailed over alleged links to the Gülen movement, Keser was released on May 11 following thanks to public outcry.

Another case announced by the rights groups as the authorities arrested Şadinaz Yaşa Yılmaz²⁰, the mother of a 10-month-old infant who is accused of having links to the Gülen movement.

⁶ <https://tihv.org.tr/gunluk-ih-raporlari/19-ocak-2023-gunluk-insan-haklari-raporu/>

⁷ <https://www.turkishminute.com/2023/11/08/kurdish-politician-suffering-dementia-detained-istanbul/>

⁸ <https://bianet.org/haber/seriously-ill-31-year-old-prisoner-dies-in-prison-278902>

⁹ <https://stockholmcf.org/ailing-inmate-in-turkey-struck-with-paralysis-after-authorities-found-him-fit-to-remain-in-prison/>

¹⁰ <https://www.turkishminute.com/2023/08/22/kurdish-musician-undergoing-treatment-for-cancer-arrested-terror-related-charge/>

¹¹ <https://stockholmcf.org/turkey-arrests-78-year-old-disabled-kurdish-villager-on-terrorism-charges/>

¹² <https://tihv.org.tr/gunluk-ih-raporlari/10-ocak-2023-gunluk-insan-haklari-raporu/>

¹³ <https://www.turkishminute.com/2023/12/01/turkey-atk-find-81-year-old-disabled-kurd-woman-fit-for-imprisonment/>

¹⁴ <https://www.turkishminute.com/2023/07/28/family-worried-about-health-of-disabled-86-year-old-who-face-prison-over-gulen-link/>

¹⁵ <https://stockholmcf.org/disabled-former-judge-sent-to-prison-to-serve-sentence-on-conviction-of-gulen-links/>

¹⁶ <https://stockholmcf.org/jailed-former-cadet-hospitalized-after-fainting-in-prison/>

¹⁷ <https://bianet.org/haber/idare-ve-gozlem-kurulu-cezasi-biten-hasta-mahpusun-infazini-uzatti-283077>

¹⁸ <https://bianet.org/5/97/282571-plaint-of-severely-ill-prisoner-on-parliamentary-agenda>

¹⁹ <https://www.turkishminute.com/2023/05/11/mother-of-two-and-a-half-month-old-baby-released-from-pre-trial-detention/>

²⁰ <https://www.turkishminute.com/2023/05/17/turkey-continue-jailing-mother-with-babies-as-part-of-crackdown-on-gulen-movement/>

Below is the list of women who were reported as being arrested despite having given birth within the last 18 months:

1. Hilal Keser
2. Şadinaz Yaşa Yılmaz

ARBITRARY DENIAL OF PAROLE

In recent years, new regulations introduced into Turkey's laws on the execution of sentences brought greater discretionary powers to prison parole boards, which relied on them to deny parole to eligible prisoners on increasingly arbitrary grounds such as "not displaying remorse." The practice appears to target political prisoners more frequently, such as the alleged members of the Gülen movement and those jailed over their involvement in pro-Kurdish politics and has drawn criticism from rights defenders who accused prison parole boards of acting like courtrooms.

By April, reports revealed that the authorities were denying parole to at least nine political prisoners on arbitrary grounds such as lack of remorse. Some of the prisoners have been imprisoned for 30 years.²¹

Also in June, it was reported that a prison administration in Ankara has been systematically rejecting parole requests from numerous political prisoners. Grounds for denial were arbitrary and included reasons such as "excessive reading," "high water consumption," "meeting with the prison imam," "failure to express remorse for alleged offences," or "participation in open university programs while incarcerated."²² This practice primarily affected inmates convicted for their affiliation with either the Gülen movement or Kurdish political groups.

By August, Pro-Kurdish media reported that an Ankara prison has not released 14 female inmates who are eligible for parole, citing as grounds their alleged lack of remorse.²³

On August 29, it was reported that since 2021, Turkish prison authorities have arbitrarily revoked the parole privileges of 313 inmates.²⁴

Lawyer Şevin Kaya from ÖHD Ankara Branch stated that political prisoners who are eligible for parole are being prosecuted by the administration under the name of "interview".²⁵ Below is the list of accessed eligible prisoners who were reported as being denied parole throughout the year:

1. Abdulkadir Turay²⁶
2. Hüsamettin Uğur²⁷

²¹ <https://bianet.org/haber/not-released-from-prison-because-not-regretful-277313>

²² <https://www.turkishminute.com/2023/06/05/authorities-at-ankara-sincan-prison-are-arbitrarily-revoking-parole-right-of-political-prisoners/>

²³ <https://www.turkishminute.com/2023/08/14/14-female-inmate-ankara-prison-not-released-despite-completion-sentence/>

²⁴ <https://www.turkishminute.com/2023/08/29/turkish-authorities-have-arbitrarily-revoke-parole-right-of-313-inmate-since-2021/>

²⁵ <https://bianet.org/haber/sincanda-siyasi-mahpuslara-2021den-beri-sartli-tahliye-yok-286166>

²⁶ <https://bianet.org/haber/journalist-abdulkadir-turay-s-release-postponed-for-three-months-276472>

²⁷ <https://www.turkishminute.com/2023/09/04/former-judge-serving-sentence-on-terrorism-charges-denied-parole/>

3. Sadık Aslan²⁸

ECtHR JUDGMENTS

Throughout the year, the European Court of Human Rights (ECtHR) delivered a number of judgments that faulted Turkey over the unjustified imprisonment of individuals.

These included:

- The European Court of Human Rights (ECtHR) faulted²⁹ Turkey over the imprisonment of journalist Abdullah Kılıç over his links to the Gülen movement. The ECtHR found several rights violations in Kılıç's arrest, including the right to liberty and security as well as the right to a trial within a reasonable time.
- The European Court of Human Rights (ECtHR) faulted³⁰ Turkey in the case of journalist Hidayet Karaca who has been imprisoned since 2014 over the scenario of a TV series that was broadcast by the television channel where he was an executive. The ECtHR said Karaca's detention violated his rights, ordering Turkey to pay him non-pecuniary damages.
- The Court faulted³¹ Turkey over the detention of 144 judges and prosecutors after a failed coup in July 2016, ordering Ankara to pay each applicant 5,000 euros in non-pecuniary damages. The ECtHR has in recent years delivered a number of judgments condemning Turkey over the post-coup mass detention of judges and prosecutors. With the latest ruling, the number of judges and prosecutors whose applications have been upheld has risen to 1,073.
- The European Court of Human Rights (ECtHR) has once again faulted³² Turkey over the arrest and pretrial detention of 366 people following a failed coup in Turkey in 2016 due to their alleged links to the faith-based Gülen movement.
- In the case of Yüksel Yalçınkaya v. Türkiye the Court held that there had been violations of the right to a fair trial, to no punishment without law and to freedom of association.³³

Additionally, The United Nations Working Group on Arbitrary Detention (WGAD) concluded in an opinion that the arrest and detention of a man named Muhammet Şentürk due to his alleged links to the Gülen movement was arbitrary and said such cases may constitute crimes against humanity. The opinion corroborated another opinion released in 2020.³⁴

²⁸ <https://susma24.com/tutuklu-yazar-sadik-aslanin-tahliyesi-ikinci-defa-ertelendi/>

²⁹ <https://www.turkishminute.com/2023/01/31/echr-fault-turkey-arresting-journalist-after-2016-coup/>

³⁰ <https://www.turkishminute.com/2023/06/20/ecthrfault-turkey-for-detentionof-media-executive-karaca/>

³¹ <https://www.turkishminute.com/2023/07/12/ecthr-fault-turkey-for-detaining-144-judge-and-prosecutors-after-failed-2016-coup/>

³² <https://www.turkishminute.com/2023/12/12/ecthr-fault-turkey-again-pretrial-detention-366-people-over-gulen-links/>

³³ <https://www.echr.coe.int/w/grand-chamber-judgment-concerning-turkiye>

³⁴ <https://www.turkishminute.com/2023/06/05/widespread-imprisonment-of-individual-with-alleged-gulen-linkmay-constitute-crimes-against-humanity-un-working-group/>

ENFORCED DISAPPEARANCES

THE CASE OF YUSUF BILGE TUNÇ

No news emerged throughout the year about Yusuf Bilge Tunç, a former public sector worker who was dismissed from his job by a post-coup state of emergency decree-law and who was reported missing in August 2019. Tunç's disappearance followed the same pattern of dozens of individuals with supposed links to the Gülen movement who went missing³⁵ after the coup in that family members complained that the police and prosecutors were consistently reluctant to investigate leads that might have led to his whereabouts, taking weeks to even carry out a crime scene investigation in Tunç's vehicle.

In March 2022, the ECtHR released³⁶ a controversial judgement about Tunç's case, rejecting the family's claims that Turkish authorities had failed to carry out an effective investigation into his disappearance.

OTHER INCIDENTS

In March, Azad Aktaş, residing in Diyarbakır, was briefly abducted by plainclothes police officers who coerced him into becoming an informant for the authorities.³⁷

By April, Zeki Oğuz, a Kurdish businessman, was reportedly abducted in İstanbul, with his lawyer being informed by a ruling party MP that Oğuz was held by the state.³⁸

As May unfolded, The Advocates of Silenced Turkey (AST), a US-based human rights group, issued a report exposing the Turkish government's transnational repression and abduction of dissidents living abroad.³⁹

In June, Kurdish musician Dildar Didêrî revealed being briefly abducted in Diyarbakır by individuals claiming to be police officers. They transported him to a remote location without a licence plate and left him by the roadside four hours later.⁴⁰

Moving into July, Mazlum Çelik declared he was briefly abducted in Şanlıurfa by three individuals who subjected him to interrogation under torture.⁴¹ He was coerced into becoming an informant for the authorities. These incidents, reminiscent of past reports, reflect a concerning pattern of brief abductions, particularly targeting individuals in predominantly Kurdish regions or those associated with pro-Kurdish politics.

In September, it was learned that Doğukan Yen, a member of Green Left Party Youth Assembly, was kidnapped and forced into a car by two people claiming themselves to be police officers in Ataşehir district of Istanbul on August 25, 2023.⁴² Doğukan Yen was threatened while he was in the car and was released on the same day.

³⁵ https://www.solidaritywithothers.com/files/ugd/b886b2_7d4a63ba24e94698baeca31f3e2af67e.pdf

³⁶ <https://www.turkishminute.com/2022/03/18/hr-rejects-application-on-turkish-govt-failure-to-find-yusuf-bilge-tunc/>

³⁷ <https://tihv.org.tr/gunluk-ih-raporlari/11-13-mart-2023-gunluk-insan-haklari-raporu/>

³⁸ <https://tihv.org.tr/gunluk-ih-raporlari/1-3-nisan-2023-gunluk-insan-haklari-raporu/>

³⁹ <https://silencedturkey.org/beyond-turkeys-borders-unveiling-global-purge-transnational-repression-abductions>

⁴⁰ <https://susma24.com/sanatci-dildar-dideri-alikonuldu-ve-tehdit-edildi/>

⁴¹ <https://tihv.org.tr/gunluk-ih-raporlari/15-17-temmuz-2023-gunluk-insan-haklari-raporu/>

⁴² <https://tihv.org.tr/gunluk-ih-raporlari/1-eylul-2023-gunluk-insan-haklari-raporu/>

FREEDOM OF ASSEMBLY AND ASSOCIATION

DETENTION OF PEOPLE OVER THEIR PARTICIPATION IN GATHERINGS

The detention of individuals over their participation in gatherings represents a significant aspect of civil liberties and human rights, particularly concerning freedom of assembly and association. In Turkey, numerous incidents have been reported involving the detention of individuals participating in demonstrations, protests, and public gatherings. These detentions often occur following police and gendarmerie interventions aimed at dispersing or controlling the gatherings.

An analysis of reported incidents reveals a notable pattern of police/gendarmerie intervention in demonstrations across various provinces in Turkey. In the year 2023, at least 190 demonstrations were reported to have been intervened by law enforcement agencies. These interventions ranged from peaceful gatherings to protests against government policies, human rights violations, and other socio-political issues.

For instance, during Newroz celebrations in İstanbul, Mardin, and İzmir, law enforcement detained a significant number, totaling 272 individuals⁴³. Similarly, during May Day demonstrations in İstanbul, police apprehended at least 239 participants⁴⁴. Additionally, interventions occurred in İstanbul, İzmir, and Ankara to manage gatherings commemorating victims of a 2015 bomb attack, resulting in the detainment of 181 individuals⁴⁵. Moreover, in instances such as demonstrations in İstanbul and Tunceli advocating for justice regarding disappearances in police custody during the 1990s, a combined total of 30 people were briefly detained by authorities.⁴⁶

During these interventions, a total of 3081 individuals were detained by the police or gendarmerie. The government often justifies such detentions under the guise of maintaining public order and security. However, critics argue that these actions can infringe upon fundamental rights such as freedom of assembly and expression.

The detentions often led to legal proceedings, including trials and potential sentencing, further highlighting the complex dynamics surrounding freedom of assembly and association in Turkey.

PROSECUTION OF PEOPLE OVER THEIR PARTICIPATION IN GATHERINGS

The prosecution of individuals for their involvement in gatherings represents a critical aspect of civil liberties and legal rights, particularly concerning freedom of assembly and expression. While governments have a legitimate interest in maintaining public order, it is essential to balance this with respect for civil liberties and democratic principles. The disproportionate

⁴³ 18 – 20 Mart 2023 Günlük İnsan Hakları Raporu. The Human Rights Foundation Turkey (TİHV). <https://tihv.org.tr/gunluk-ih-raporlari/18-20-mart-2023-gunluk-insan-haklari-raporu/>

⁴⁴ 29 Nisan – 2 Mayıs 2023 Günlük İnsan Hakları Raporu. The Human Rights Foundation Turkey (TİHV). <https://tihv.org.tr/gunluk-ih-raporlari/29-nisan-2-mayis-2023-gunluk-insan-haklari-raporu/>

⁴⁵ 21 Temmuz 2023 Günlük İnsan Hakları Raporu. The Human Rights Foundation Turkey (TİHV). <https://tihv.org.tr/gunluk-ih-raporlari/21-temmuz-2023-gunluk-insan-haklari-raporu/>

⁴⁶ 22 – 24 Temmuz 2023 Günlük İnsan Hakları Raporu. The Human Rights Foundation Turkey (TİHV). <https://tihv.org.tr/gunluk-ih-raporlari/22-24-temmuz-2023-gunluk-insan-haklari-raporu/>

prosecution of protesters can undermine public trust in the justice system and inhibit political participation.

In Turkey, numerous cases have been reported involving the prosecution of individuals who participated in protests, demonstrations, and public gatherings. These cases often entail legal proceedings, including trials, hearings, and administrative actions, resulting in various penalties and sanctions.

In the year 2023, at least 119 individuals sentenced to prison ranged from 10 months up to three years, one month and 15 days⁴⁷ for involving in protests across different regions of Turkey.

An İstanbul court sentenced 14 people to six months in prison due to their attendance in Boğaziçi University protests⁴⁸. An İzmir court sentenced 30 former university students to more than three years each in prison for taking part in protests over a mining disaster in 2014⁴⁹.

Also, an İstanbul court sentenced eight people, including a former HDP MP, to six years, three months in prison on terrorism-related charges due to their attendance in protests and events, while acquitting nine others who were tried in the same case⁵⁰. The Supreme Court of Appeals (Yargıtay) upheld a 124-year prison sentence handed down to Mazlum İçli for allegedly taking part in Kurdish protests in 2014. The sentence was handed down despite video footage presented in court showing İçli at a wedding at the time of the protests. He was 14 years old at the time⁵¹.

These convictions reflect the diverse range of legal consequences faced by individuals for exercising their rights to assemble and express dissenting views.

LOCAL AUTHORITIES' ARBITRARY BLANKET BANS ON GATHERINGS

Provincial and district governors persistently employed a strategy of imposing sweeping bans on all outdoor gatherings, often citing concerns related to national security and public order. This trend, observed across various regions of Turkey, has increasingly become a routine aspect of public life, particularly evident in predominantly Kurdish provinces. However, the practice extended beyond these regions, with governorates in other parts of the country also resorting to such measures. These bans were frequently implemented in anticipation of scheduled or spontaneous gatherings anticipated to attract substantial crowds and potentially harbor significant criticism of the government and its policies.

⁴⁷ 4 Nisan 2023 Günlük İnsan Hakları Raporu. The Human Rights Foundation Turkey (TİHV). <https://tihv.org.tr/gunluk-ih-raporlari/4-nisan-2023-gunluk-insan-haklari-raporu/>

⁴⁸ 4 – 6 Şubat 2023 Günlük İnsan Hakları Raporu. The Human Rights Foundation Turkey (TİHV). <https://tihv.org.tr/gunluk-ih-raporlari/4-6-subat-2023-gunluk-insan-haklari-raporu/>

⁴⁹ 'An İzmir court sentenced 30 former university students to more than three years each in prison for taking part in protests over a mining disaster in 2014.'. Turkish Minute. March 16, 2023. <https://www.turkishminute.com/2023/03/16/former-students-get-3-year-in-prison-for-protesting-turkeys-worst-mining-disaster/>

⁵⁰ 23 Haziran 2023 Günlük İnsan Hakları Raporu. The Human Rights Foundation Turkey (TİHV). <https://tihv.org.tr/gunluk-ih-raporlari/23-haziran-2023-gunluk-insan-haklari-raporu/>

⁵¹ 'Top appeals court upholds 124-year sentence for young man over Kobani protests.'. Turkish Minute. August 17, 2023. <https://www.turkishminute.com/2023/08/17/top-appeal-court-upheld-124-year-sentence-for-young-man-over-kobani-protests/>

Local authorities issued at least 57 such bans, amounting to a total of 389 days.

Below is a list of such bans recorded by Turkey Rights Monitor:

Date	Governorship	Number of Days
Jan 3	Kars	7
Jan 4	Hakkari	15
Jan 6	Tunceli	7
Jan 13	Hakkari	15
Jan 27	Çanakkale	1
Jan 28	Hakkari	15
Jan 28	Siirt	15
Jan 28	Mardin	15
Feb 3	Mardin	1
Feb 4	Van	4
Feb 4	Şırnak	10
Feb 13	Mardin	15
Feb 13	Hakkari	15
Feb 13	Siirt	15
Feb 28	Mersin	15
Mar 3	Osmaniye	15
Mar 8	İstanbul	1
Mar 31	Siirt	10
Apr 2	Muş	5
Apr 3	Şırnak	2
Apr 4	İstanbul	1
Apr 20	Ankara	1
Apr 20	İstanbul	1
Apr 27	Kocaeli	1
May 8	Rize	1
May 11	Ankara	1
Jun 6	İstanbul	1
Jun 13	Siirt	15
Jun 15	İstanbul	7
Jun 15	Eskişehir	30
Jun 16	İstanbul	1
Jun 16	Aydın	3
Jun 16	Muğla	10
Jun 17	İzmir	30
Jun 17	İstanbul	1
Jun 21	Balıkesir	1
Jun 21	Hakkari	15
Jun 22	İstanbul	2
July 3	Antalya	7
July 6	İstanbul	1
July 7	Hakkari	15
July 8	Adana	3
July 12	Siirt	15

July 15	Hatay	1
July 20	Aydın	4
July 24	İstanbul	1
July 27	Sinop	4
July 28	Tunceli	1
August 1	Tunceli	1
August 4	İstanbul	1
August 4	Adana	1
August 5	Van	2
August 5	Samsun	1
August 8	Tunceli	1
August 11	Adana	1
August 11	Van	2
August 18	Kocaeli	7
August 18	Adana	1
August 18	Van	2
September 7	Bursa	6
September 12	İzmir	1
September 14	Dersim	1
September 14	İstanbul	1
September 22	Van	2
September 24	Adana	1
September 29	Van	2
October 6	Van	4
October 6	Şırnak	10
October 9	Ankara	1
October 12	Mardin	7
October 13	Eskişehir	2
October 20	Van	2
Nov 18	Diyarbakır	1
Nov 21	Şırnak	7
Nov 30	Urfa	3
Dec 27	Bingöl	6
Dec 27	Siirt	6

FREEDOM OF EXPRESSION AND MEDIA

Freedom of expression is protected under Art. 10(1) of the ECHR, securing “freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”⁵² Although Turkey is a party to the Convention, the pressure that journalists and media outlets have been encountering under the Erdogan regime

⁵²The Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 4 November 1950, entered into force 3 September 1953)(referred as the ECHR), art. 10(1).

has been indicative of threats to their rights.⁵³ Most particularly, what can be referred as the “internet freedom” has been incessantly besieged by the government.⁵⁴

ONLINE CENSORSHIP

The Disinformation Law,⁵⁵ otherwise recognized as the “censorship law”, consisting of new amendments which establish criminal speech offenses caused an enormous regression in protection of freedom of expression in the context of internet freedom since its enactment on 3 October 2022.⁵⁶ The new legislation introduces changes to the Internet Law, the Press Law, and the Turkish Penal Code in order to impose more stringent government oversight on online news websites by 40 Articles it codifies.⁵⁷ Under the new enactment and most precisely under Art 29 of the Disinformation Law, if a person is deemed to spread misinformation on online platforms, they can receive a penalty of imprisonment ranging from one to three years.⁵⁸ The Article 29 of the Disinformation Law introduces a new offense under the Turkish Penal Code under the following terms:

“Any person who publicly disseminates untrue information concerning the internal and external security, public order and public health of the country with the sole intention of creating anxiety, fear or panic among the public, and in a manner likely to disturb public peace, shall be sentenced to imprisonment from one year to three years. If the offense is committed by concealing the true identity of the perpetrator or within the framework of an organization’s activities, the punishment mentioned above is increased by one-half.”⁵⁹

CURTAILING FREE SPEECH IN PUBLIC AND ONLINE

Due to the lack of clarity on certain concepts within the article, there is considerable leeway regarding acts and information that can be subsumed within these vague concepts.⁶⁰ For instance, there is no legal definition of what is “untrue information” or there is no legal explanation about what could be a threat to the “the internal and external security, public order and public health of the country.”⁶¹ Additionally, there is no legal explanation of what might cause anxiety or feelings of fear among the public.⁶² The lack of clarity stems from the fact that

⁵³ *Journalism in Turkey: Between political pressure and low wages*. TGS. (2023, July 13). <https://tgs.org.tr/journalism-in-turkey-political-pressure-and-low-wages/#:~:text=43%25%20of%20journalists%20in%20Turkey,mobbing%2C%20and%20inadequate%20working%20conditions>.

⁵⁴ *Journalism in Turkey: Between political pressure and low wages*. TGS. (2023, July 13). <https://tgs.org.tr/journalism-in-turkey-political-pressure-and-low-wages/#:~:text=43%25%20of%20journalists%20in%20Turkey,mobbing%2C%20and%20inadequate%20working%20conditions>.

⁵⁵ Law No. 7418; accessible via <https://www.resmigazete.gov.tr/eskiler/2022/10/20221018-1.htm>.

⁵⁶ *Turkey: Dangerous, dystopian new legal amendments*. Human Rights Watch. (2022, October 14). <https://www.hrw.org/news/2022/10/14/turkey-dangerous-dystopian-new-legal-amendments>.

⁵⁷ Law No. 7418.

⁵⁸ Law No. 7418, art. 29.

⁵⁹ Law No. 7418, art. 29.

⁶⁰ *Analysis: At least 24 journalists faced legal action in a year under “Disinformation” law*. Expression Interrupted. (2023, October 20). <https://www.expressioninterrupted.com/analysis-at-least-24-journalists-faced-legal-action-in-a-year-under-disinformation-law/>.

⁶¹ *A human rights approach to tackle ...* Amnesty International: A Human Rights Approach to Tackle Disinformation . (2022, April 14). <https://www.amnesty.org/en/wp-content/uploads/2022/04/IOR4054862022ENGLISH.pdf>.

⁶² *A human rights approach to tackle ...* Amnesty International: A Human Rights Approach to Tackle Disinformation . (2022, April 14). <https://www.amnesty.org/en/wp-content/uploads/2022/04/IOR4054862022ENGLISH.pdf>.

the article does not distinguish between the content creator and those who might distribute by their likes or shares.⁶³

Furthermore, given the absence of the rule of law in Turkey, the implementation of what is false information has been interpreted in favor of the Erdogan regime and the ruling political party to preserve their political interests against the opposition.⁶⁴ The date of the enactment, 13 October 2022, which is slightly in advance of the 2023 presidential elections has since raised concerns about the true intention of the Disinformation Law.⁶⁵ This illustrates justified concerns about the freedom of cyberspace in Turkey.⁶⁶

Additionally, the severity of the penalty, which is imprisonment ranging from one to three years, is considered threatening to individuals and has a chilling effect on how they might want to exercise their rights.⁶⁷ Regarding the criminal sanctions, the ECtHR considers the seriousness of the crime and the previous offenses committed by the person accused of committing the crime.⁶⁸ Even large amounts of monetary punishments in civil proceedings can be enough to violate Article 10 of the ECHR when the amount of such punishment is out of proportion to the income of the applicant and if there is no evidentiary support to the person who is being defamed.⁶⁹

Lawyers argue that criminal law in such cases should remain as the *ultimate ratio* - last resort.⁷⁰ Moreover, critics argue that the spread of false information is likely to occur on online platforms and there should be predominantly media literacy and if it fails, there should be self-regulation in lieu of criminal sanctions to control user behavior.⁷¹ The referred self-regulation includes subsidizing fact-checking organizations such as “teyit.org” or Dogruluk Payi.⁷²

⁶³ *A human rights approach to tackle ...* Amnesty International: A Human Rights Approach to Tackle Disinformation . (2022, April 14). <https://www.amnesty.org/en/wp-content/uploads/2022/04/IOR4054862022ENGLISH.pdf>.

⁶⁴ *Analysis: At least 24 journalists faced legal action in a year under “Disinformation” law.* Expression Interrupted. (2023, October 20). <https://www.expressioninterrupted.com/analysis-at-least-24-journalists-faced-legal-action-in-a-year-under-disinformation-law/>.

⁶⁵ *Analysis: At least 24 journalists faced legal action in a year under “Disinformation” law.* Expression Interrupted. (2023, October 20). <https://www.expressioninterrupted.com/analysis-at-least-24-journalists-faced-legal-action-in-a-year-under-disinformation-law/>.

⁶⁶ Esen , B. (2022, August 14). *Turkey’s New Disinformation Law: An alarming trend towards cyber-authoritarianism.* Stiftung Wissenschaft und Politik (SWP). <https://www.swp-berlin.org/publikation/turkeys-new-disinformation-law-an-alarming-trend-towards-cyber-authoritarianism>.

⁶⁷ *Analysis: At least 24 journalists faced legal action in a year under “Disinformation” law.* Expression Interrupted. (2023, October 20). <https://www.expressioninterrupted.com/analysis-at-least-24-journalists-faced-legal-action-in-a-year-under-disinformation-law/>.

⁶⁸ *MGN Limited v United Kingdom* (App. 39401/04), 18 January 2011, *Tesic v Serbia* (App. 4678/07), 11 February 2014.

⁶⁹ *Skalka v Poland*, (App. 43425/98), 27 May 2003, para 41.

⁷⁰ *Analysis: At least 24 journalists faced legal action in a year under “Disinformation” law.* Expression Interrupted. (2023, October 20). <https://www.expressioninterrupted.com/analysis-at-least-24-journalists-faced-legal-action-in-a-year-under-disinformation-law/>.

⁷¹ *Analysis: At least 24 journalists faced legal action in a year under “Disinformation” law.* Expression Interrupted. (2023, October 20). <https://www.expressioninterrupted.com/analysis-at-least-24-journalists-faced-legal-action-in-a-year-under-disinformation-law/>.

⁷² *Analysis: At least 24 journalists faced legal action in a year under “Disinformation” law.* Expression Interrupted. (2023, October 20). <https://www.expressioninterrupted.com/analysis-at-least-24-journalists-faced-legal-action-in-a-year-under-disinformation-law/>.

RIGHTS VIOLATIONS AND HARASSMENT AGAINST MEMBER OF THE PRESS

On 1 November 2023, Tolga Sardan, a journalist for T24 news website - an independent media outlet - was arrested on the basis of Article 29 of the Disinformation Law, which is among the most prominent arrests under the Disinformation Law.⁷³ His arrest was due to a journalistic article he published on 31 October titled: “What is the ‘judicial report’ submitted by the National Intelligence Agency (MİT) to the Presidency?” through which he addresses and discusses a report which was allegedly commissioned by the National Intelligence Agency (MİT) and which was on corruption in the justice system.⁷⁴ The Center for Combating Disinformation under the Presidency’s Communications Directorate refuted the existence of the MİT report and access to the journalistic article was blocked on 2 November 2023.⁷⁵ This article was the latest in a series of investigative reports, which had been uncovering the corruption in the Turkish justice system.⁷⁶ His work was considered by the vast majority of the international human rights organizations including Amnesty International and Human Rights Watch as contributing to legitimate public concern.⁷⁷ After his arrest, it was depicted that more than 20 journalists have been the target of the Disinformation Law.⁷⁸

DETENTIONS, ABUSIVE PROSECUTIONS AND ATTACK

Turkey had been designated by certain human rights organizations as the worst country for the freedom of the press between 2016 and 2018, subsequent to the coup attempt in Turkey.⁷⁹ Turkey is also known to reach record high numbers of journalists who have been jailed, resulting in the closure of 100 media outlets in 2019.⁸⁰ Although many journalists have been released since 2022, there are colossal numbers of journalists who have been either under investigation or waiting to be tried by the courts.⁸¹ Since the enactment of the Disinformation Law on 3 October 2022, the numbers concerning investigations, trials and arrests have been on exponential increase against journalists regardless of whether their articles contain as complex

⁷³ Ecpmf. (2023, November 2). *Turkey: International Groups Condemn Arrest of journalist Tolga şardan*. European Centre for Press and Media Freedom. <https://www.ecpmf.eu/turkey-international-groups-condemn-arrest-of-journalist-tolga-sardan/>

⁷⁴ *Turkey: Journalist arrested over judicial corruption article*. Human Rights Watch. (2023, November 2). <https://www.hrw.org/news/2023/11/02/turkey-journalist-arrested-over-judicial-corruption-article>.

⁷⁵ *Turkey: Journalist arrested over judicial corruption article*. Human Rights Watch. (2023, November 2). <https://www.hrw.org/news/2023/11/02/turkey-journalist-arrested-over-judicial-corruption-article>.

⁷⁶ *Turkey: Journalist arrested over judicial corruption article*. Human Rights Watch. (2023, November 2). <https://www.hrw.org/news/2023/11/02/turkey-journalist-arrested-over-judicial-corruption-article>.

⁷⁷ *Turkey: Journalist arrested over judicial corruption article*. Human Rights Watch. (2023, November 2). <https://www.hrw.org/news/2023/11/02/turkey-journalist-arrested-over-judicial-corruption-article>.

⁷⁸ *Turkey: Journalist arrested over judicial corruption article*. Human Rights Watch. (2023, November 2). <https://www.hrw.org/news/2023/11/02/turkey-journalist-arrested-over-judicial-corruption-article>.

⁷⁹ Staff, C. (2024, February 13). *Drop in jailed Turkish journalists belies a long-simmering press freedom crisis*. Committee to Protect Journalists. <https://cpj.org/2024/02/drop-in-jailed-turkish-journalists-belies-a-long-simmering-press-freedom-crisis/#:~:text=In%20CPJ%27s%202023%20annual%20prison,t%20tell%20the%20full%20story>; Duran, A. E. (2016, April 26). *Turkey: A “danger Zone” for Journalists*. Retrieved from <https://www.dw.com/en/turkey-a-danger-zone-for-journalists/a-19215761>; *Silencing Turkey’s media*. Human Rights Watch. (2023, March 28). <https://www.hrw.org/report/2016/12/15/silencing-turkeys-media/governments-deepening-assault-critical-journalism>

⁸⁰ Staff, C. (2024, February 13). *Drop in jailed Turkish journalists belies a long-simmering press freedom crisis*. Committee to Protect Journalists. <https://cpj.org/2024/02/drop-in-jailed-turkish-journalists-belies-a-long-simmering-press-freedom-crisis/#:~:text=In%20CPJ%27s%202023%20annual%20prison,t%20tell%20the%20full%20story>.

⁸¹ Staff, C. (2024, February 13). *Drop in jailed Turkish journalists belies a long-simmering press freedom crisis*. Committee to Protect Journalists. <https://cpj.org/2024/02/drop-in-jailed-turkish-journalists-belies-a-long-simmering-press-freedom-crisis/#:~:text=In%20CPJ%27s%202023%20annual%20prison,t%20tell%20the%20full%20story>.

matters as Tolga Sayisman.⁸² Only in October 2023, it was observed that at least 24 journalists were detained under the Disinformation Law.⁸³

STIFLING OF JOURNALISM IN THE TURKISH CONTROLLED NORTHERN CYPRUS

The Turkish officials have been targeting journalists residing in Northern Cyprus, particularly in the Turkish-controlled part, with the intention of extending their operations to suppress critical voices.⁸⁴

Ali Kismir, the president of the Cyprus Turkish Journalists' Union and an affiliate of the European and International Federations of Journalists (EFJ-IFJ), was tried on October 6, 2023, for an article he published in 2020.⁸⁵ The article criticized the politics of Northern Cyprus and Ersin Tatar, the then-presidential candidate for the political party AKP, of which Erdogan was a member.⁸⁶ Kismir faces 10 years in prison and stands accused of insulting and mocking the security forces.⁸⁷ In his journalistic article published by the newspaper *Afrika*, he alleged that Turkish officials gathered in security forces buildings to hold meetings to interfere with the Turkish Cypriot elections.⁸⁸

Previous to the charges brought against him, he had already been targeted by politicians in Northern Cyprus and faced online censorship, being called a “traitor” in addition to being called the “enemy of Turkey”.⁸⁹

HARASSMENT AND INTIMIDATION AGAINST JOURNALISTS LIVING IN EXILE

The intimidation inflicted by the Turkish government extends beyond Turkish borders.⁹⁰ Journalists living in exile encounter ongoing threats from the Turkish government, causing distress and anxiety for their safety.⁹¹ Such intimidation manifests itself in various forms, including threats, armed attacks, and trials in absentia against journalists in exile.⁹² One of the

⁸² *In Turkey, 3 journalists detained for “disinformation,” 1 jailed, 3 others under investigation.* Committee to Protect Journalists. (2023, November 2). <https://cpj.org/2023/11/in-turkey-3-journalists-detained-for-disinformation-one-jailed-3-others-under-investigation/>

⁸³ *Analysis: At least 24 journalists faced legal action in a year under “Disinformation” law.* Expression Interrupted. (2023a, October 20). <https://www.expressioninterrupted.com/analysis-at-least-24-journalists-faced-legal-action-in-a-year-under-disinformation-law/>.

⁸⁴ *Northern Cyprus: Basin Sen Union leader faces heavy jail charges for criticising Turkish politics / IFJ.* International Federation of Journalists. (2023, December 21). <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/northern-cyprus-basin-sen-union-leader-faces-heavy-jail-charges-for-criticising-turkish-politics>.

⁸⁵ *Journalist facing jail term in defamation trial next month in Northern Cyprus.* RSF. (2023, September 7). <https://rsf.org/en/journalist-facing-jail-term-defamation-trial-next-month-northern-cyprus>.

⁸⁶ *Journalist facing jail term in defamation trial next month in Northern Cyprus.* RSF. (2023, September 7). <https://rsf.org/en/journalist-facing-jail-term-defamation-trial-next-month-northern-cyprus>.

⁸⁷ *Journalist facing jail term in defamation trial next month in Northern Cyprus.* RSF. (2023, September 7). <https://rsf.org/en/journalist-facing-jail-term-defamation-trial-next-month-northern-cyprus>.

⁸⁸ *Journalist facing jail term in defamation trial next month in Northern Cyprus.* RSF. (2023, September 7). <https://rsf.org/en/journalist-facing-jail-term-defamation-trial-next-month-northern-cyprus>.

⁸⁹ *Northern Cyprus: Basin Sen Union leader faces heavy jail charges for criticising Turkish politics / IFJ.* International Federation of Journalists. (2023, December 21). <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/northern-cyprus-basin-sen-union-leader-faces-heavy-jail-charges-for-criticising-turkish-politics>.

⁹⁰ *Erdogan's persecution of journalists does not stop at Turkiye's borders.* RSF. (2023, May 6). <https://rsf.org/en/erdogan-s-persecution-journalists-does-not-stop-turkiye-s-borders>.

⁹¹ *Erdogan's persecution of journalists does not stop at Turkiye's borders.* RSF. (2023, May 6). <https://rsf.org/en/erdogan-s-persecution-journalists-does-not-stop-turkiye-s-borders>.

⁹² *Erdogan's persecution of journalists does not stop at Turkiye's borders.* RSF. (2023, May 6). <https://rsf.org/en/erdogan-s-persecution-journalists-does-not-stop-turkiye-s-borders>.

most coercive retaliations that the Erdogan regime employs is targeting these journalists through INTERPOL red notices.⁹³

INTERPOL red notices function as a means to inform other member countries of INTERPOL regarding crime-related information.⁹⁴ There are several types of notices, and what distinguishes red notices from other notices is that the issuing country seeks the location and arrest of the person in question who is wanted for prosecution by issuing red notices.⁹⁵ The General Secretariat of INTERPOL issues these notices at the request of a member country's national central office (INTERPOL National Central Bureau).⁹⁶ This information is made available to all other member countries under the Notices database, which is solely for police use and not for public access unless the member country requests the official INTERPOL websites to publish such information to alert the public.⁹⁷

However, INTERPOL denied this request on the basis that it was politically motivated.⁹⁸ INTERPOL emphasized its duties, which are codified under Art. 2 and Art. 3 of its constitution.⁹⁹

Art. 2(1) reads:

*"...to ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the 'Universal Declaration of Human Rights'."*¹⁰⁰

Art. 3 restricts the competence of INTERPOL:

*"It is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character."*¹⁰¹

INTERPOL is not able to distinguish politically motivated requests accurately, as demonstrated in the case of Akin Olgun, whose situation has been less notorious compared to that of Can Dündar.¹⁰² Akin Olgun is a journalist who sought asylum in England back in 1995 and currently holds dual citizenship in both England and Turkey.¹⁰³ In October 2022, he was arrested on the

⁹³ Wilks, A. (2021, July 5). *Turkey issues Interpol "red notice" for prominent journalists in exile*. The National. <https://www.thenationalnews.com/world/mena/turkey-issues-interpol-red-notice-for-prominent-journalists-in-exile-1.782866>.

⁹⁴ *View red notices*. INTERPOL. <https://www.interpol.int/en/How-we-work/Notices/Red-Notices/View-Red-Notices>

⁹⁵ *About red notices*. About. <https://www.interpol.int/en/How-we-work/Notices/Red-Notices#:~:text=Red%20Notices%20are%20issued%20for,the%20country%20issuing%20the%20request>.

⁹⁶ *About red notices*. About. <https://www.interpol.int/en/How-we-work/Notices/Red-Notices#:~:text=Red%20Notices%20are%20issued%20for,the%20country%20issuing%20the%20request>.

⁹⁷ *Databases*. INTERPOL. <https://www.interpol.int/en/How-we-work/Databases#:~:text=We%20manage%20a%20range%20of,and%20threats%20such%20as%20firearms>.

⁹⁸ (2021, August 8). *Interpol Says No New Red Notice Request from Turkey on Exiled Journalist Can Dündar*. Retrieved from <https://www.duvarenglish.com/interpol-says-no-new-red-notice-request-from-turkey-on-exiled-journalist-can-dundar-news-57759>.

⁹⁹ Constitution of the ICPO-INTERPOL I/CONS/GA/1956 (2023).

¹⁰⁰ Constitution of the ICPO-INTERPOL I/CONS/GA/1956 (2023), art. 2(1).

¹⁰¹ Constitution of the ICPO-INTERPOL I/CONS/GA/1956 (2023), art. 3.

¹⁰² *Erdogan's persecution of journalists does not stop at Turkiye's borders*. RSF. (2023, May 6). <https://rsf.org/en/erdogan-s-persecution-journalists-does-not-stop-turkiye-s-borders>.

¹⁰³ *Erdogan's persecution of journalists does not stop at Turkiye's borders*. RSF. (2023, May 6). <https://rsf.org/en/erdogan-s-persecution-journalists-does-not-stop-turkiye-s-borders>.

Greek island of Kos due to Turkish authorities convincing INTERPOL to issue a red notice.¹⁰⁴ He was brought to the attention of the Government on the basis of a social media post, which shared information that Erdogan's son-in-law, Berat Albayrak, resigned from being the minister of treasury and justice and moved to London following such resignation.¹⁰⁵ His red notice was, however, based on a case brought against him in 1994 in Turkey, which was reinvestigated after his post on social media concerning Berat Albayrak.¹⁰⁶

CRACKDOWN ON BROADCASTING

the Radio and Television Supreme Council (RTÜK) intensified its crackdown on independent media outlets, imposing fines and broadcast bans on government-critical TV channels. The year began with fines totaling TL 17.33 million (€868,000) on five critical channels.¹⁰⁷ RTÜK targeted channels for airing programs critical of the government and highlighting allegations of mistreatment in prisons. The repression escalated in February with fines and broadcast bans on channels covering earthquakes. In April, more fines were imposed for criticizing government policies, and a broadcast ban was issued for content "encouraging" violence against women.

RTÜK continued targeting opposition stations throughout the year, imposing a total of 570 sanctions.¹⁰⁸ Additionally, the Ministry of Family and Social Services intervened, lodging complaints about sensitive TV series content. In December, RTÜK banned FOX TV temporarily for airing a critical series about Islamic cults. The relentless enforcement of restrictions on media freedom underscores a troubling trend of curtailed press freedom and restricted freedom of expression in Turkey. Despite domestic and international outcry, RTÜK persisted in its efforts to silence dissenting voices, further eroding democratic principles and undermining the vitality of the media landscape.

The continuous crackdown on broadcasting reflects a broader pattern of censorship and suppression of dissenting voices in Turkey. RTÜK's actions not only stifle freedom of the press but also hinder public access to diverse and independent sources of information. By penalizing channels for airing critical content and imposing broadcast bans on dissenting voices, the government effectively controls the narrative and limits public discourse. This authoritarian approach to media regulation poses a significant threat to democracy and fundamental human rights, undermining Turkey's democratic institutions and eroding public trust in the media.

FREEDOM OF MOVEMENT

In 2023, Turkey faced problems regarding freedom of movement, marked by a series of concerning events. Opposition figures, exemplified by HDP MP Kemal Bülbül, encountered barriers to international travel imposed by airport authorities in Istanbul. Such restrictions on mobility underscored persistent hurdles for dissenting voices within the country.

¹⁰⁴ *Erdogan's persecution of journalists does not stop at Türkiye's borders*. RSF. (2023, May 6). <https://rsf.org/en/erdogan-s-persecution-journalists-does-not-stop-turkiye-s-borders>.

¹⁰⁵ Bektas, A. *Bir "Kırmızı Bülten" de Gazeteci Akın Olgun'a | "Muhalliflere Kırmızı Bülten Şiddeti Var."* Retrieved from <https://www.evrensel.net/haber/475805/bir-kirmizi-bulten-de-gazeteci-akin-olgunu-muhalliflere-kirmizi-bulten-siddeti-var>.

¹⁰⁶ Bektas, A. *Bir "Kırmızı Bülten" de Gazeteci Akın Olgun'a | "Muhalliflere Kırmızı Bülten Şiddeti Var."* Retrieved from <https://www.evrensel.net/haber/475805/bir-kirmizi-bulten-de-gazeteci-akin-olgunu-muhalliflere-kirmizi-bulten-siddeti-var>.

¹⁰⁷ <https://bianet.org/haber/rtuk-fined-five-tv-outlets-54-times-in-2022-272238>

¹⁰⁸ <https://www.turkishminute.com/2023/12/19/turkish-broadcasting-watchdog-imposed-570-sanction-on-tv-stations-in-2023/>

Furthermore, the denial of entry to French journalist Guillaume Perrier highlighted the continued obstacles faced by media personnel operating within Turkey. This incident raised questions about the government's commitment to upholding press freedom and allowing critical voices to engage in journalistic activities unhindered.

The European Court of Human Rights intervened in cases involving the revocation of passports, ruling against Turkey and emphasizing the importance of judicial oversight in protecting individuals' rights. Yet, despite such interventions, instances of foreign observers, including parliamentarians tasked with monitoring elections, being denied entry suggest ongoing challenges to electoral transparency.¹⁰⁹

Additionally, the government's use of security concerns to justify travel restrictions, as seen in the case of Indian academic Mohan Ravichandran, demonstrated a broader pattern of stifling dissenting voices.¹¹⁰ Coupled with travel bans imposed on journalists, such as Faruk Eren and Furkan Karabay, these actions underscored persistent efforts to suppress press freedom and limit critical discourse within the country.¹¹¹ These incidents collectively emphasized the unresolved issues and ongoing challenges to human rights and democratic principles in Turkey.

FREEDOM OF RELIGION

In 2023, Turkey faced ongoing challenges regarding religious freedom, particularly impacting minority communities. Instances of violence and discrimination underscored the persistent threats faced by individuals practicing their faiths. Mesut Türkmen, a member of the Kurtuluş Church in Malatya, became a target of an armed attack, symbolizing the grave risks confronting religious minorities in certain areas.¹¹²

Antisemitic remarks made by a city council member from the ruling party further highlighted the prevalence of discriminatory attitudes within positions of authority. Such rhetoric not only fosters intolerance but also contributes to a hostile environment for religious minorities, including Jewish communities. Additionally, acts of vandalism against religious sites in Istanbul, coupled with a recent USCIRF report identifying Alevis as the most targeted religious community for attacks on religious property, underscored the systemic nature of religious discrimination and violence faced by minority groups.

These incidents collectively emphasize the urgent need for comprehensive measures to protect the rights of religious minorities and promote a climate of tolerance and respect within Turkey. Addressing these challenges requires proactive efforts to combat discrimination, uphold the sanctity of religious sites, and ensure the safety and security of all individuals regardless of their religious beliefs.

¹⁰⁹ <https://www.turkishminute.com/2023/03/21/ecthr-fault-turkey-for-canceling-academics-passports-after-2016-coup/>

¹¹⁰ <https://tihv.org.tr/gunluk-ih-raporlari/6-haziran-2023-gunluk-insan-haklari-raporu/>

¹¹¹ <https://www.turkishminute.com/2023/09/07/travel-ban-imposed-on-2-journalist-after-complaint-top-court-judge/>

¹¹² <https://tihv.org.tr/gunluk-ih-raporlari/18-ekim-2023-gunluk-insan-haklari-raporu/>

HUMAN RIGHTS DEFENDERS

Turkey saw a persistently hostile environment for human rights defenders, marked by ongoing attacks and legal harassment against those advocating for fundamental rights and freedoms. Despite international scrutiny and condemnation, the Turkish government continued its crackdown on civil space, targeting individuals and organizations committed to defending human rights.

One of the prominent cases this year involved human rights defender Şebnem Korur Fincancı, who faced a sentencing of two years, eight months, and 15 days in prison on charges of disseminating terrorist propaganda.¹¹³ Fincancı's advocacy for an investigation into allegations of chemical weapon usage by the Turkish military in northern Iraq led to her arrest, exemplifying the risks associated with outspoken activism in Turkey.

Additionally, the retrial of 11 human rights defenders, including Taner Kılıç, honorary chair of Amnesty International's Turkey section, demonstrated the persistent legal battles faced by activists.¹¹⁴ While some were acquitted in retrials, others, like Vetha Aydın Yüksel, continued to face imprisonment for their human rights advocacy, underscoring the government's determination to suppress dissenting voices.

Moreover, the targeting of opposition lawmakers, such as Sezgin Tanrıkulu and Ömer Faruk Gergerlioğlu, further exemplified the government's efforts to silence critics and stifle democratic discourse. The arrest of Syrian human rights defender Ahmed Katie on espionage charges added to concerns about the deteriorating climate for human rights defenders and activists operating within Turkey.¹¹⁵

Despite some legal victories and parliamentary initiatives aimed at protecting human rights defenders, the overall landscape remained fraught with risks and challenges. The continued repression of activists and the politicization of human rights issues underscored the urgent need for Turkey to uphold its international obligations and ensure the safety and freedom of those working to promote and protect human rights within the country.

JUDICIAL INDEPENDENCE AND RULE OF LAW

As Turkey traversed the legal terrain of 2023, the year unfolded with a series of pivotal events that underscored both the strengths and vulnerabilities of its judicial system. From contentious decisions shaping international commitments to challenges to fundamental freedoms, the legal landscape of Turkey remained a focal point of national and international scrutiny. This comprehensive review delves into key developments, shedding light on the erosion of legal safeguards, constraints on freedom of expression, international scrutiny, and the imperative for reforms in Turkey's legal framework.

¹¹³ <https://www.turkishminute.com/2023/01/11/turkey-top-doctor-convicted-chemical-weapons-trial/>

¹¹⁴ <https://www.turkishminute.com/2023/03/08/retrial-of-right-activists-begins-in-istanbul-after-high-court-overturms-their-convictions/>

¹¹⁵ <https://tihv.org.tr/gunluk-ih-raporlari/13-aralik-2023-gunluk-insan-haklari-raporu/>

EROSION OF LEGAL SAFEGUARDS AND INTERNATIONAL COMMITMENTS

The year unfolded with contentious legal battles over Turkey's withdrawal from the İstanbul Convention, showcasing the judiciary's affirmation of executive powers in international agreements. This decision, which refused to annul a 2021 presidential decree, not only highlighted the court's recognition of the president's unilateral authority but also raised significant concerns about the erosion of legal safeguards and the state's commitment to upholding human rights obligations. By affirming the president's ability to withdraw from international agreements without parliamentary scrutiny, the judiciary signaled a consolidation of executive authority that could potentially undermine checks and balances.

Moreover, Ankara's reluctance to investigate allegations of police brutality and prison abuses added another layer of complexity to Turkey's legal landscape. The refusal of the Adana Governor's Office to authorize an investigation into police officers involved in a violent intervention during a protest march underscored the challenges in ensuring accountability within law enforcement agencies. This reluctance to address allegations of misconduct not only perpetuated a culture of impunity but also undermined public trust in the justice system.

In parallel, the judiciary's decisions regarding cases of alleged torture and mistreatment in prisons revealed a troubling pattern of indifference towards human rights violations. Ankara prosecutors declining to prosecute prison guards accused of strip-searching journalists and İstanbul prosecutors dismissing complaints filed by inmates mistreated by prison guards exemplified the systemic barriers to accessing justice for victims of abuse. This lack of accountability not only perpetuated the cycle of impunity but also signaled a disregard for international human rights standards.

Overall, these developments underscored the pressing need for comprehensive reforms to strengthen legal safeguards, enhance accountability mechanisms, and uphold Turkey's international human rights commitments. Without meaningful reforms to address these systemic challenges, Turkey risks further erosion of the rule of law and undermining its standing in the international community.

INTERNATIONAL SCRUTINY AND JUDICIAL OVERSIGHT

Against the backdrop of domestic challenges, Turkey faced heightened international scrutiny regarding its legal practices and adherence to human rights standards. Landmark decisions by the Constitutional Court, such as annulling articles of emergency laws and ruling against violations of individual rights, demonstrated a semblance of judicial oversight and adherence to international legal norms. However, the country's frequent clashes with European courts and organizations underscored persistent concerns about its commitment to upholding democratic values and the rule of law.

The Constitutional Court's decisions to annul several articles of emergency laws imposed after the failed coup in 2016 marked significant strides towards restoring legal safeguards and protecting individual rights. By invalidating provisions that curtailed fundamental freedoms and facilitated arbitrary dismissals from public service, the court reaffirmed its role as a check on executive power and a guardian of constitutional rights. These rulings signaled a willingness to confront past abuses of emergency powers and uphold the principles of democracy and rule of law.

Despite these positive developments, Turkey's relationship with European courts and organizations remained fraught with tension and controversy. The European Court of Human Rights (ECtHR) delivered numerous judgments faulting Turkey for human rights violations, ranging from arbitrary detentions to restrictions on freedom of expression. These rulings highlighted persistent shortcomings in Turkey's legal framework and raised questions about its commitment to implementing ECtHR judgments and upholding its obligations under the European Convention on Human Rights.

Furthermore, Turkey's refusal to comply with certain ECtHR rulings, particularly regarding the release of political prisoners and respecting the confidentiality of lawyer-client communications, deepened its rift with European institutions. The ongoing standoff over the release of philanthropist Osman Kavala¹¹⁶ and the acquittal of Yüksel Yalçınkaya¹¹⁷, despite multiple ECtHR judgments ordering his release, underscored Turkey's reluctance to abide by international legal standards and its defiance of European court decisions.

Overall, while Turkey's Constitutional Court demonstrated some willingness to uphold judicial oversight and protect individual rights, its broader legal landscape remained fraught with challenges. Persistent clashes with European courts and organizations highlighted the need for Turkey to address systemic issues affecting its legal system and reaffirm its commitment to democratic principles and the rule of law on the international stage. Without meaningful reforms and greater adherence to international legal norms, Turkey risks further erosion of its standing in the global community and continued scrutiny of its legal practices.

KURDISH MINORITY

BACKGROUND

Following the failure of peace negotiations between the Turkish government and the PKK in 2015, the authorities have been implementing a rigorous and unyielding suppression of the Kurdish political movement.

The persecution of the Peoples' Democratic Party (HDP), which is believed to represent a significant fraction of Kurdish individuals who oppose the governing party, has been a focal point. Government officials and top bureaucrats have consistently accused the HDP of serving as the "political wing" of the PKK. Most of the HDP's elected mayors in the provinces with a Kurdish majority have been ousted by the Interior Ministry and replaced with trustees nominated by the government, clearly infringing upon the voting rights of the Kurdish population.

Subsequent to the swift removal of mayors, criminal inquiries were initiated in courts, usually due to the mayors' and other HDP members' alleged connections with the PKK. For example, Selahattin Demirtaş and Figen Yüksekdağ, who formerly served as co-chairs of the HDP, have been incarcerated since November 2016. The oppressive legal actions also specifically focused on Kurdish media organisations, particularly the Mezopotamya news agency, which often serves as the only channel for reporting on human rights violations occurring in Turkey's primarily Kurdish southeastern region.

¹¹⁶ <https://turkishminute.com/2023/10/13/pace-urged-turkey-uphold-strasbourg-court-ruling-release-osman-kavala/>

¹¹⁷ <https://www.echr.coe.int/fr/w/grand-chamber-judgment-concerning-turkiye>

As previously stated, Turkey's excessively broad anti-terrorism legislation, along with the well documented executive dominance over the court, facilitated the widespread accusation of individuals associated with Kurdish political networks, irrespective of their active participation in the armed conflict. Conversely, in the majority of trials that were accessible to the public, the defendants were usually charged based on their speeches, participation in non-violent events, and social media commentary. Prosecutors and courts interpreted these factors as evidence of their alleged connections to terrorism.

MASS DETENTIONS AGAINST KURDISH POLITICAL NETWORKS

The mass detention operations often focused on those affiliated with the HDP, as well as Kurdish journalists, press staff, and media members. Furthermore, it is noteworthy that mass detentions were extensively used during the Newroz festivities. A total of 1083 individuals were detained during the course of the year.

HATE SPEECH AND HATE CRIMES

The highly inflammatory and jingoistic rhetoric adopted by the ruling elite and the pro-government media that conflated Kurdish dissent with terrorism undermined intercommunal coexistence and led to an increase in hate crimes against Kurds. In 2023, Turkey Rights Monitor recorded a total of 17 such physical or verbal assaults against Kurds.

OTHER MINORITIES

Other minority communities in Turkey continued to confront a range of challenges, including discrimination, hate crimes, and restrictions on their rights and freedoms. Despite international scrutiny and condemnation, incidents of violence and intimidation persisted, exacerbating the vulnerability of these marginalized groups.

Throughout the year, members of the LGBTQ+ community faced ongoing discrimination and obstruction by authorities, as well as hate speech and violence. Tragically, the year began with the murder of trans woman Ece E.¹¹⁸ in İzmir, highlighting the persistent threat of violence faced by transgender individuals. Additionally, the government's censorship and suppression of LGBTQ+ events and activities further restricted the community's ability to express themselves and advocate for their rights.

Religious minorities also endured targeted attacks and discrimination. Instances of vandalism against churches and religious sites, such as the Hasköy Aya Paraskevi Church Foundation and the Aya Yorgi Church in İstanbul, underscored the ongoing challenges faced by Christian communities.¹¹⁹ Moreover, discrimination against Alevi communities persisted, with reports of discriminatory practices in post-earthquake reconstruction efforts and targeted harassment against Alevi leaders and villages.

Despite some positive developments, such as court rulings in favor of minority rights and advocacy efforts by civil society organizations, the overall landscape for other minority communities in Turkey remained fraught with risks and challenges. Urgent action is needed to address systemic discrimination, ensure the safety and protection of minority groups, and

¹¹⁸ <https://bianet.org/haber/transphobic-hate-murder-in-izmir-272445>

¹¹⁹ <https://tihv.org.tr/gunluk-ih-raporlari/17-ocak-2023-gunluk-insan-haklari-raporu/>

uphold their rights and freedoms in line with international standards and Turkey's commitments to human rights.

PRISON CONDITIONS

Turkey's jail system has been under fire in recent years for systemic abuse of inmates, overcrowding, and poor sanitation.

According to the Directorate General of Prisons and Detention Houses, Turkish prisons are holding 51,320 more prisoners than their overall capacity. The official data revealed that Turkish prisons are holding 341,294 people, although they can safely accommodate only 289,974.¹²⁰

DENIAL OF HEALTHCARE AND MEDICATION

The denial of healthcare and medication in Turkish jails is a concerning trend, according to reports, suggesting that systemic problems are compromising the well-being of prisoners. Examples of prisoners being denied access to necessary medical care and medication highlight the abuse and indifference they endure. This denial puts prisoners' health at grave risk in addition to causing them needless pain. Moreover, these practices transgress the fundamental rights of prisoners to appropriate healthcare and dignity, underscoring the pressing necessity of reforms within the Turkish prison system to guarantee that all prisoners receive essential medical care.

Furthermore, these incidents point to larger structural flaws in the Turkish prison administration, including a lack of accountability and oversight. The denial of necessary medical care reveals a culture of disregard and apathy for the welfare of prisoners, further undermining public confidence in the criminal justice system. To solve these systemic problems, immediate action is required. This includes enhancing accountability and monitoring systems and making sure that all inmates, regardless of their circumstances, receive essential medical care. 53 such instances, according to Turkey Rights Monitor, included inmates being refused hospital treatment.

UNDUE ISOLATION OF PRISONERS

Prisoners' already difficult situations are made worse by the excessive isolation they endure in Turkish jails, which also exacerbates their declining physical and emotional well-being. Cases, where prisoners are housed in single-occupancy cells with no means of social contact, underscore the detrimental effects of isolation on their mental and physical health. Additionally, research suggests that solitary prisoners lack access to support networks, which exacerbates their feelings of hopelessness and loneliness. To solve this problem, immediate improvements are required, including the adoption of measures to lessen isolation and encourage significant social interactions among prisoners.

Additionally, the practice of isolating convicts is a reflection of larger structural flaws in the Turkish prison system, such as a disregard for the mental health requirements of detainees. The continued practice of excessive isolation highlights the critical need for changes that would emphasize inmate mental health and guarantee that they receive respect and dignity. To lessen

¹²⁰ “Torture, Inhuman Treatment and Conditions in Turkish Prisons: 2023 in Review”, February 2, 2024 <https://stockholmcf.org/torture-inhuman-treatment-and-conditions-in-turkish-prisons-2023-in-review/>

the negative consequences of isolation and to facilitate the rehabilitation and reintegration of prisoners into society, prisons must put policies in place that encourage social networks and support systems.

According to Turkey Rights Monitor Data, at least 13 such isolations were reported throughout 2022.

ABUSES BY PRISON ADMINISTRATIONS AND OFFICIALS

Reports of mistreatment by prison officials and administrations in Turkish jails point to a troubling trend of misusing authority while disregarding the rights of inmates. According to reports, prisoners' essential liberties and dignity are violated by arbitrary limits placed on their activities, such as forbidding communication during group activities. Furthermore, denying inmates access to basic necessities like clean water and medical care perpetuates a culture of disregard and indifference for the welfare of prisoners. The Turkish jail system has structural flaws that are brought to light by these abuses, making immediate reforms necessary to maintain accountability and basic human rights norms.

Moreover, the ongoing occurrence of mistreatment by prison officials and administrations highlights the necessity for enhanced oversight protocols and accountability procedures. There is a lack of compliance with established rules and standards when sick prisoners are refused access to medical care and necessary resources. In order to ensure respect for the rights and dignity of inmates, extensive training programs for prison staff must be implemented as part of the urgent action needed to address these systemic concerns. Strong surveillance systems should also be put in place to quickly identify and handle any cases of abuse and guarantee that all inmates receive the respect and decency they are due.

Due to arbitrary factors including verbal objections, complaints, and protests from the prisoners, at least 53 disciplinary punishments containing such restrictions were imposed.

REFUGEES AND MIGRANTS

Turkey hosts a significant number of refugees and asylum-seekers under international protection. The current population includes approximately 3.6 million registered Syrian refugees along with around 320,000 persons of concern from other nationalities. This makes Turkey the country with the largest refugee population worldwide for the ninth consecutive year. The majority of these refugees are from Syria, seeking safety and stability in their new home.¹²¹

The incidents related to migrants from Afghanistan have garnered attention, shedding light on the challenges they face. Tragically, on August 21, two Turkish soldiers were sentenced to a total of 69 years in prison for raping an Afghan refugee during her pushback from Turkey to Iran¹²². This incident underscores the vulnerability of migrants, especially women, to abuse and exploitation during their journey and at the hands of authorities. Additionally, on March 26, an 18-year-old Afghan woman filed a criminal complaint alleging that she was raped by

¹²¹ <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>

¹²² "2 soldiers arrested in eastern Turkey for allegedly raping Afghan refugee" , January 5, 2023, <https://www.turkishminute.com/2023/01/05/soldiers-arrested-eastern-turkey-for-allegedly-raping-afghan-refugee/>

four other detainees while being held in a repatriation center in Iğdır¹²³. Shockingly, reports indicate that no action has been taken by the authorities, leaving the woman in the same place as her alleged offenders. These cases highlight the urgent need for improved protection mechanisms and accountability measures to safeguard the rights and dignity of Afghan migrants in Turkey.

In Turkey, Syrian refugees have also encountered many difficulties and dangers, especially in the wake of the recent earthquakes in the area. There have been reports of forced deportations and acts of torture by Turkish officials, among other forms of cruelty and discrimination. Furthermore, there has been an upsurge in physical attacks, prejudice, and hate speech directed against Syrian refugees living in earthquake-affected areas. In spite of these challenges, records show that Syrian residents have applied for refuge in Turkey at a rate of 145 percent more than the year before. The circumstances highlight how critical it is to meet the protection requirements of Syrian migrants and provide their access to safe housing, legal counsel, and humanitarian aid.

Incidents involving Afghan migrants have highlighted their precarious situation and the risks they face, particularly in relation to labor exploitation and violence. In November, an Afghan man working in an illegal coal mine in northern Turkey was fatally beaten to prevent authorities from discovering the illicit activities¹²⁴. This sad event highlights the vulnerability and exploitation of Afghan workers in Turkey, who frequently face mistreatment and hazardous working circumstances. Furthermore, there have been allegations of Afghan refugees being forcibly transferred to the northern region of Syria, putting them in even greater risk and uncertainty. These incidents highlight the necessity of improved protection measures, such as access to legal counsel and channels for pursuing remedies, in order to guarantee the security and welfare of Afghan migrants residing in Turkey.

HATE SPEECH AND HATE CRIMES

In the first half of the year, hate crimes and hate speech directed towards Syrian refugees were on the rise in Turkey, which is concerning. Numerous reports from different sources emphasized the difficulties, such as physical aggression, mistreatment, and prejudice, that Syrian refugees experience. The urgent need to combat hate speech and hate crimes against Syrian refugees in Turkey was highlighted in a report produced by the Stockholm Center for Freedom.

The survey by the Association for Migration Research also showed that Syrian refugees in southern Turkey's earthquake-affected areas experienced multiple forms of discrimination, which made their precarious conditions worse. These events highlight how crucial it is to combat xenophobia and prejudice against refugees by promoting awareness, educating the public, and enforcing strict laws to protect them and help them integrate into society. The total number of incidents related to hate speech and hate crimes targeting refugees in Turkey during this period reached 21.

¹²³ "No action taken despite allegation of rape in repatriation center in Iğdır", March 28, 2023, <https://bianet.org/haber/no-action-taken-despite-allegation-of-rape-in-repatriation-center-in-igdir-276461>

¹²⁴ "Afghan miner killed in northern Turkey to cover up illegal mine", November 13, 2023, <https://www.turkishminute.com/2023/11/13/afghan-miner-killed-in-northern-turkey-to-cover-up-illegal-mine-report/>

PUSHBACK OF MIGRANTS AT TURKISH-GREEK BORDERS

The detention of migrants at the Turkish-Greek borders continued to be a divisive topic, with reports exposing several instances of transgressions against international law and human rights. Seven Turkish asylum seekers had crossed into Greece, and the European Court of Human Rights stepped in to urge the Greek government not to deport them out of concern that they might encounter more resistance.

Rights organizations also expressed concerns about how migrants were handled at the crossings, claiming that Turkish border guards had shot, tortured, and used excessive force against Syrians who were trying to escape their country. Questions concerning the safety and legality of such acts were also raised by stories of forced deportations, including the transfer of Syrian refugees to regions of Syria under Turkish control. These incidents underscore the need for greater accountability, transparency, and respect for human rights in managing migration flows and ensuring the protection of migrants' rights along Turkey's borders. The total number of incidents related to the pushback of migrants at the Turkish-Greek borders during this period reached 32.

TORTURE AND ILL-TREATMENT

Despite a slight decrease in reported cases from the previous year, concerns persist regarding the prevailing climate of impunity surrounding these incidents, indicating ongoing challenges in addressing torture and ill-treatment in prisons and detention centers within Turkey in 2023.

In a deeply troubling development on August 8th, two inmates within Elazığ High-Security Prison carried out¹²⁵ a targeted attack on eight other inmates with affiliations to either the faith-based Gülen movement or the outlawed Kurdistan Workers' Party (PKK). Identified as "men of the deep state," the assailants inflicted serious injuries during the assault, notably targeting an inmate arrested in connection with the Gülen movement. The attack underscores the alarming vulnerability faced by individuals associated with targeted groups within Turkey's prison system. Further reports indicate that the assailants incapacitated guards during the attack, raising concerns over the security protocols within the facility. Such incidents not only highlight the immediate danger to political prisoners but also exacerbate broader concerns regarding the abuse of state power and the potential for further punitive measures against those perceived as dissenting voices.

Turkey Rights Monitor reported at least 94 alleged incidents of torture involving the police, gendarmerie, soldiers, or law enforcement officials, with 40 of them taking place in custody, and 91 taking place in prisons.

TRANSNATIONAL REPRESSION

BACKGROUND

Transnational repression continues to be a significant concern in Turkey's human rights landscape in 2023, exemplified by a series of incidents targeting individuals critical of the government residing abroad. Government officials have openly acknowledged and pursued critics living outside Turkey's borders, employing various tactics such as judicial requests,

¹²⁵ <https://www.turkishminute.com/2023/08/09/post-coup-victim-attacked-inmate-in-eastern-turkey-prison/>

extradition demands, and even abduction operations. The practice primarily targets perceived members of the Gülen movement but also extends to Kurdish and other political dissidents. Turkey's international influence, coupled with cooperation mechanisms like Interpol, has facilitated the harassment, intimidation, and in some cases, capture of individuals abroad. This trend persists despite international scrutiny and condemnation, with Turkey ranking prominently as a perpetrator of transnational repression.

The Parliamentary Assembly of the Council of Europe (PACE) adopted¹²⁶ a resolution condemning Turkey's transnational repression against individuals with alleged links to the Gülen movement. PACE expresses concern over Turkey's relentless pursuit of anyone related to the Gülen movement, condemning all forms of transnational repression as a growing threat to the rule of law and human rights. The resolution highlights Turkey's misuse of tools like renditions, abuse of extradition proceedings, Interpol Red Notices, and anti-terror financing measures to target perceived critics abroad. Despite international calls to end such practices, Turkey's efforts at transnational repression against critics abroad appear unabated.

The depth of Turkey's involvement in transnational repression is further highlighted¹²⁷ by a report from Freedom House, revealing alarming statistics. According to the report, Turkish authorities have been implicated in 132 incidents of direct and physical transnational repression since 2014, comprising 15 percent of the global total. This makes Turkey the world's second most prolific perpetrator of such repression, with a significant focus on individuals associated with the Gülen and Kurdish movements.

In another significant development, human rights defenders and NGOs have issued¹²⁸ a joint letter urging Interpol to address Turkey's misuse of its databases, particularly the Stolen and Lost Travel Document (SLTD) system. Coordinated by the Arrested Lawyers Initiative, the letter underscores concerns about Turkey's deliberate misuse of Interpol's SLTD database to target political dissidents abroad. The signatories highlight the urgent need for Interpol to implement measures to prevent such abuse, emphasizing the fundamental human right of freedom of movement and the importance of upholding Interpol's constitutional obligations.

ATTACKS ON FOREIGN-BASED CITIZENS

Throughout 2023, foreign-based citizens critical of the Turkish government faced relentless attacks and intimidation tactics. Instances of physical assault, harassment, and espionage underscored a systematic campaign aimed at silencing dissent beyond Turkey's borders.

In January, German prosecutors rejected¹²⁹ a Turkish court's request for assistance in the trial of singer Ferhat Tunç, citing concerns over freedom of expression. Similarly, Sweden rebuffed¹³⁰ Turkey's extradition demands for individuals linked to political dissidence, highlighting international resistance to Turkish pressure tactics.

¹²⁶ <https://www.turkishminute.com/2023/06/23/pace-express-concern-over-turkey-pursuit-anyone-related-to-gulen-movement-condemns-transnational-repression/>

¹²⁷ <https://www.turkishminute.com/2023/04/07/132-incident-of-direct-physical-transnational-repression-perpetrated-by-turkey-since-2014-freedom-house/>

¹²⁸ <https://www.statewatch.org/news/2023/june/interpol-must-halt-turkey-s-use-of-databases-to-pursue-dissidents/>

¹²⁹ <https://www.turkishminute.com/2023/01/11/germany-rejects-turkeys-request-for-judicial-assistance-in-trial-of-kurdish-singer/>

¹³⁰ <https://www.turkishminute.com/2023/07/13/swedens-supreme-court-blocks-2-extraditions-to-turkey/>

The year witnessed diplomatic tensions, as evidenced¹³¹ by Germany summoning the Turkish ambassador over hate speech by ruling party MP Mustafa Açıkgöz, targeting supporters of the PKK and the Gülen movement.

Throughout the year, blacklisting¹³² of individuals abroad and pursuit of Interpol Red Notices¹³³ further demonstrated Turkey's relentless pursuit of perceived threats beyond its borders. Reports by organizations like Freedom House continued¹³⁴ to shed light on Turkey's role in transnational repression, emphasizing the urgent need for international scrutiny and accountability mechanisms.

ABDUCTIONS

Abductions and forced returns, such as that of businessman Uğur Demirok from Azerbaijan to Turkey, exemplified extrajudicial measures used to quash opposition voices. On February 3, Uğur Demirok, abducted from Azerbaijan and forcibly returned to Turkey, was sentenced¹³⁵ by an Istanbul court to two years and two months in prison on terrorism charges.

Revelations by Turkey's National Intelligence Organization (MIT) confirmed¹³⁶ forcible returns of individuals linked to the Gülen movement, while a report by Freedom House exposed Turkey as a prolific perpetrator of transnational repression.

In a distressing sequence of events, Koray Vural, a businessman active in Tajikistan's educational and commercial sectors, was forcibly abducted in Dushanbe with reports implicating Turkey's National Intelligence Organization (MIT) in his disappearance. Eyewitnesses described the alarming scene as Vural was seized by a group of individuals and subsequently flown to Istanbul the following day. Revelations of Turkish diplomats' prior profiling of Vural and subsequent involvement in his rendition underscored the systemic nature of transnational repression employed by the Turkish government against dissenters. On October 5th, confirmation arrived¹³⁷ that Vural had indeed been renditioned by the MIT, sparking international condemnation and calls for accountability. His case epitomizes the broader pattern of state-sponsored abductions and violations of human rights norms perpetrated by Turkey.

CROSS-BORDER MILITARY OPERATIONS

Turkey's cross-border military operations in 2023 were characterized by airstrikes and drone strikes, particularly targeting Kurdish-controlled areas in Syria and northern Iraq. These operations were carried out under the pretext of combating Kurdish militant groups, particularly the Kurdistan Workers' Party (PKK) and its affiliates, which Turkey views as terrorist organizations.

¹³¹ <https://www.turkishminute.com/2023/01/17/germany-warned-turkey-over-akp-mps-hate-speech-targeting-pkk-member-gulenists/>

¹³² <https://www.turkishminute.com/2023/10/24/turkey-blacklist-441-critic-living-abroad-over-gulen-links/>

¹³³ <https://www.turkishminute.com/2023/11/08/turkey-sought-interpol-red-notice-for-teacher-over-social-media-commentary-gulen-links/>

¹³⁴ <https://www.turkishminute.com/2023/04/07/132-incident-of-direct-physical-transnational-repression-perpetrated-by-turkey-since-2014-freedom-house/>

¹³⁵ <https://tihv.org.tr/gunluk-ih-raporlari/4-6-subat-2023-gunluk-insan-haklari-raporu/>

¹³⁶ <https://www.turkishminute.com/2023/09/30/turkey-both-home-to-and-perpetrator-of-transnational-repression-report/>

¹³⁷ <https://www.turkishminute.com/2023/10/05/turkey-intel-agency-renditioned-gulenist-businessman-from-tajikistan-staterunmedia/>

In March, Turkish-backed fighters in northern Syria shot¹³⁸ at a Kurdish family celebrating the festival of Nevruz, resulting in fatalities and injuries. Subsequent months witnessed increasing tensions as residents of Manbij and other areas protested¹³⁹ against Turkish airstrikes, calling for international intervention to establish a no-fly zone. Reports indicated civilian casualties as Turkish drones targeted Kurdish-held territories, exacerbating the conflict.

In August, the United States imposed¹⁴⁰ sanctions on Turkish-backed Syrian militias accused of human rights abuses in Afrin, Syria. These militias were allegedly involved in extortion, abductions, and running detention centers where victims were tortured. Meanwhile, in Iraq, a drone strike originating from Turkey killed¹⁴¹ Kurdish counterterrorism officers, prompting condemnation from Iraqi officials for violating sovereignty.

In 2023, Turkey's cross-border military operations highlighted its ongoing efforts to combat perceived threats posed by Kurdish militant groups. However, these operations have resulted in civilian casualties, strained relations with neighboring countries, and drawn international criticism for alleged human rights violations. The targeting of civilian infrastructure, including hospitals, raises concerns about the humanitarian impact of Turkey's military actions in the region.

ABUSIVE EXTRADITION REQUESTS

Turkey's extradition requests in 2023 have drawn significant attention due to concerns over their abusive nature, particularly targeting individuals affiliated with the Gülen movement. These requests have sparked legal battles and diplomatic tensions between Turkey and countries such as Sweden, highlighting broader issues of human rights violations and transnational repression.

In January, Sweden rejected¹⁴² Turkey's extradition requests for four Turkish citizens, including former police chief Murat Çetiner, citing lack of criminal offenses under Swedish law and concerns over political persecution. Similar rejections occurred in July when Sweden's Supreme Court blocked the extradition of two individuals linked to the Gülen movement, emphasizing that their actions were not considered crimes in Sweden. Turkey's insistence on extradition as a precondition for Sweden's NATO membership further exacerbated tensions between the two countries.

The Justice Minister of Turkey, Yılmaz Tunç, disclosed¹⁴³ that the government had sought the extradition of 1,269 individuals from 112 countries over alleged Gülen movement links. This revelation underscores Turkey's widespread efforts to target perceived Gülenists living abroad, raising concerns over the abuse of extradition processes for political purposes.

Turkey's abusive extradition requests highlight the erosion of rule of law and respect for human rights under President Erdoğan's administration. The targeting of Gülen movement affiliates abroad, coupled with extralegal measures such as forced renditions, undermines principles of

¹³⁸ <https://www.turkishminute.com/2023/03/21/pro-turkey-fighter-kill-4-syria-kurds-celebrating-nevruz-rights-group/>

¹³⁹ <https://www.turkishminute.com/2023/06/08/syrian-resident-in-manbij-protest-against-turkish-airstrike-call-for-international-no-fly-zone/>

¹⁴⁰ <https://www.turkishminute.com/2023/08/18/us-impose-sanction-2-turkish-backed-syrian-militia-and-the-groups-leaders/>

¹⁴¹ <https://stockholmcf.org/iraq-says-drone-that-killed-three-kurdish-officers-came-from-turkey/>

¹⁴² <https://www.turkishminute.com/2023/01/13/sweden-refused-extraditing-people-turkeys-list-including-former-police-chief/>

¹⁴³ <https://www.turkishminute.com/2023/08/24/turkey-seeks-extradition-1269-from-112-countries-over-alleged-gulen-link/>

international law and threatens the safety and freedoms of individuals living outside Turkey. Diplomatic tensions arising from these requests further strain Turkey's relations with other countries, particularly those within NATO.

WOMEN'S RIGHTS

Turkey has been grappling with persistent challenges regarding women's rights, particularly concerning gender-based violence and legal frameworks aimed at protecting women. The year 2023 witnessed ongoing debates and developments surrounding these issues, with significant attention drawn to femicides, legal reforms, and the impact of Turkey's withdrawal from the Istanbul Convention.

Throughout 2023, Turkey continued to face a severe problem of gender-based violence, including femicides. Reports from various sources, such as the We Will Stop Femicide Platform and the Stockholm Center for Freedom, consistently highlighted¹⁴⁴ alarming statistics of women being murdered or subjected to violence by men. Despite increased awareness and advocacy efforts, the number of femicides remained high, indicating persistent challenges in addressing this issue effectively.

Turkey's legal framework and policy debates concerning women's rights remained contentious in 2023. President Recep Tayyip Erdoğan's decision to withdraw Turkey from the Istanbul Convention in March 2021 continued¹⁴⁵ to spark national and international outrage. Critics argued that this move weakened protections for women and hindered efforts to combat gender-based violence. Furthermore, calls for further rollbacks in women's rights protections, including the repeal of domestic laws safeguarding women at risk of violence, added to the ongoing debates surrounding women's rights in Turkey.

The judicial responses to cases of gender-based violence and femicides drew significant criticism¹⁴⁶ in 2023. Despite compelling evidence against perpetrators, there were instances of lenient sentences, acquittals, and failure to hold perpetrators accountable. These outcomes further underscored concerns about impunity for perpetrators of gender-based violence and highlighted the need for judicial reform and accountability mechanisms to ensure justice for victims.

In summary, the year 2023 saw Turkey grappling with persistent challenges in upholding women's rights, particularly concerning gender-based violence and legal protections. Despite ongoing advocacy efforts and public awareness campaigns, the high incidence of femicides and shortcomings in the judicial system underscored the urgent need for comprehensive reforms to safeguard women's rights and ensure accountability for perpetrators of gender-based violence.

¹⁴⁴ <https://www.turkishminute.com/2023/11/24/more-than-3000-women-in-turkey-fell-victim-to-femicide-in-10-years/>

¹⁴⁵ <https://stockholmcf.org/former-governor-acquitted-of-gender-based-violence-charges-despite-evidence/>

¹⁴⁶ <https://www.turkishminute.com/2023/09/07/31-women-in-turkey-fell-victim-to-femicide-august/>

CONCLUSION

As the events of 2023 in Turkey unfolded, they painted a complex and multifaceted picture of the country's human rights landscape, judicial system, treatment of minorities, refugee policies, and women's rights. Despite international scrutiny and condemnation, Turkey faced persistent challenges across these domains, revealing deep-seated issues related to governance, accountability, and respect for fundamental rights and freedoms.

From the crackdown on dissenting voices and human rights defenders to the erosion of legal safeguards and constraints on judicial independence, Turkey grappled with systemic challenges that undermined the rule of law and democratic principles. The targeting of minority communities, including the Gülen movement, Kurds, and LGBTQ+ individuals, highlighted the vulnerabilities faced by marginalized groups and the urgent need for inclusive and rights-based policies.

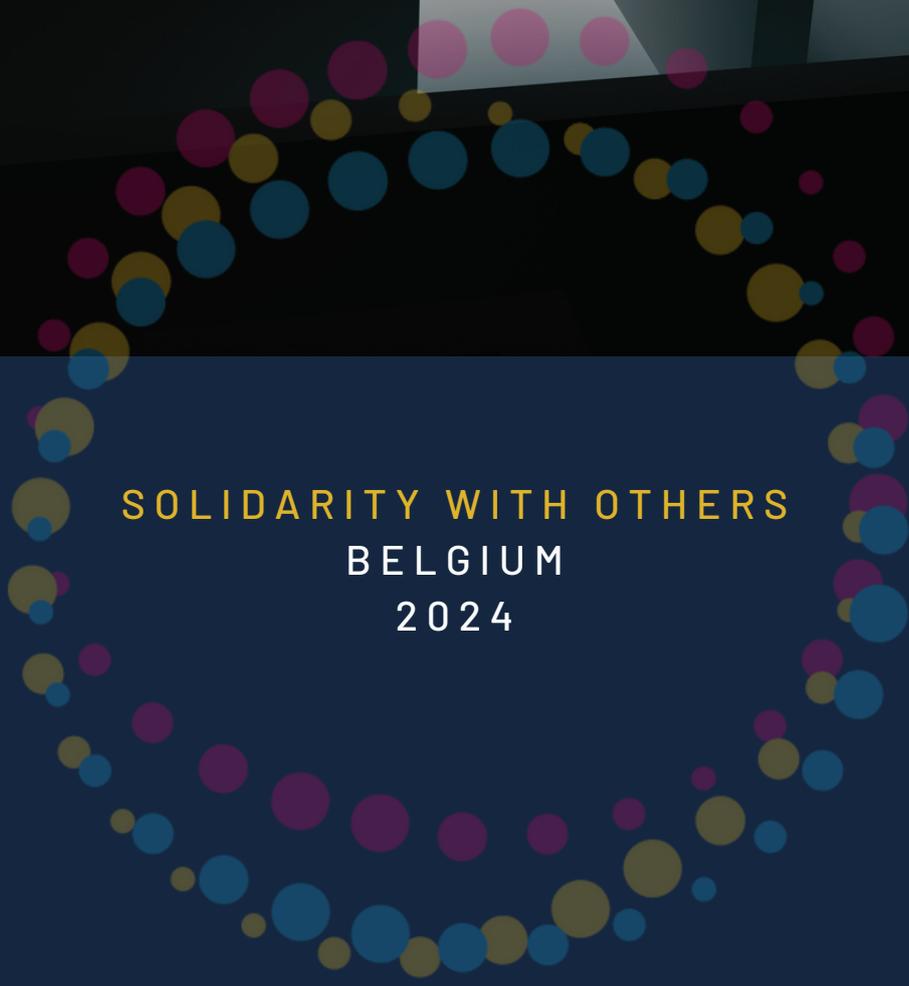
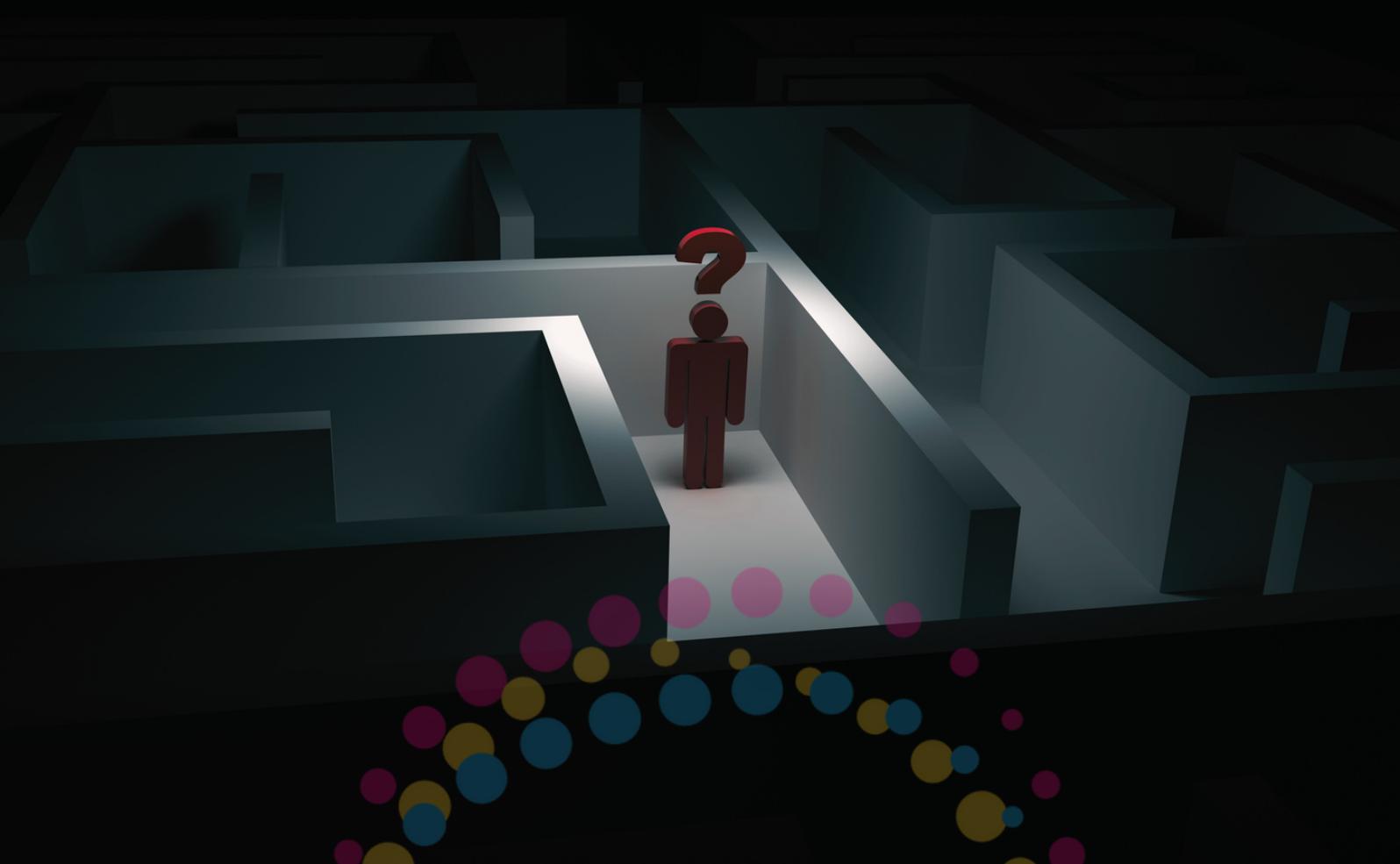
The plight of refugees and migrants, particularly Syrians and Afghans, shed light on the humanitarian crises unfolding within Turkey's borders and the need for improved protection mechanisms and international cooperation. Simultaneously, the phenomenon of transnational repression underscored Turkey's efforts to silence critics beyond its borders, raising concerns about extrajudicial measures and abuses of power.

Amidst these challenges, Turkey's women's rights landscape remained fraught with obstacles, as gender-based violence and femicides persisted despite advocacy efforts and public awareness campaigns. The decision to withdraw from the Istanbul Convention symbolized broader debates over women's rights and legal protections, reflecting tensions between conservative policies and international human rights standards.

In conclusion, the events of 2023 highlighted the urgent need for comprehensive reforms to address systemic challenges, uphold human rights, and strengthen democratic institutions in Turkey. Moving forward, concerted efforts are required to promote accountability, protect vulnerable communities, and ensure that Turkey upholds its international commitments to human rights and democracy. Only through meaningful reforms and a commitment to justice and inclusivity can Turkey build a more equitable and rights-respecting society for all its citizens.

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