




ARBITRARY DETENTION

TURKEY'S NEVER- ENDING PLAGUE

SOLIDARITY WITH OTHERS

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This report was prepared based on a contribution that our association made to a mid-term report for Turkey's Universal Periodic Review (UPR) in the UN Geneva office. It aims to present an overview of the arbitrary detention issue in the country since its last UPR in January 2020 with concrete cases.



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Introduction

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Mass detention

Between January 1, 2020 and October 31, 2022, Turkish prosecutors ordered at least 5663 detentions¹ as part of investigations into people with suspected ties to the faith-based Gülen movement².

Although these were presented as counterterrorism operations in line with the government's designation of the movement as a terrorist group, the detainees were often targeted on the basis of unsubstantial or absurd evidence such as depositing money at Bank Asya³, a bank that was shut down over its affiliation with the Gülen movement; downloading and using Bylock, a mobile messaging app that Turkish authorities claim is exclusively used among members of the group⁴; having possession of one-dollar bills⁵; or providing financial aid to families of people jailed for alleged Gülen links⁶.

By continuing to detain people over ByLock use, Turkish authorities disregarded a European Court of Human Rights (ECtHR) ruling⁷ which said that the act of using the app cannot by itself be interpreted as grounds for reasonable suspicion.

In October 2020, an opinion⁸ released by the Working Group on Arbitrary Detention noted "a significant increase in the number of cases brought to it concerning arbitrary detention in

¹ Mass detentions database, Solidarity with OTHERS, <https://www.solidaritywithothers.com/mass-detentions>

² The Turkish government accuses the movement of orchestrating a failed military coup in July 2016. The group denies any involvement in it.

³ "FETÖ üyesi eski futbolcu Beylikdüzü'nde yakalandı," İhlas Haber Ajansı, October 22, 2022, <https://www.ihb.com.tr/haber-feto-uyesi-eski-futbolcu-beylikduzunde-yakalandi-1113134/>

⁴ "Ankara'da FETÖ soruşturmasında 4 şüpheli hakkında gözaltı kararı verildi," Anadolu Ajansı, October 20, 2022, <https://www.aa.com.tr/tr/gundem/ankarada-feto-sorusturmasinda-4-supheli-hakkinda-gozalti-karari-verildi/2715950>

⁵ "Konya'da FETÖ üyelerinin toplantısına baskın: 8 örgüt üyesi tutuklandı," Sabah, November 8, 2022, <https://www.sabah.com.tr/gundem/2022/11/02/konyada-feto-uyelerinin-toplantisina-baskin-8-orgut-uyesi-tutuklandi>

⁶ "Tutuklu yakınlarına yardım yapan 15 KHK'lı tutuklandı," Boldmedya, May 21, 2022, <https://boldmedya.com/2022/05/21/tutuklu-yakinlarina-yardim-yapan-15-khkli-tutuklandi/>

⁷ Akgün v. Turkey, ECHR, July 20, 2021, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22002-13343%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22002-13343%22]})

⁸ "Opinions adopted by the Working Group on Arbitrary Detention at its eighty-eighth session, 24-28 August 2020," Distributed on September 18, 2020, Human Rights Council,

Turkey,” recalling that widespread or systematic imprisonment in violation of the rules of international law may amount to crimes against humanity.

Prosecutors also issued detention warrants against members, executives and supporters of the Peoples’ Democratic Party (HDP) and other pro-Kurdish political groups critical of the government. These often coincided with heightened anti-Kurdish rhetoric following major clashes between Turkish security forces and the outlawed Kurdistan Workers’ Party (PKK)⁹ or widespread rise of nationalistic sentiment among the public. For instance, after the reported killing of 13 Turkish nationals held hostage by the PKK in northern Iraq in February 2021, Turkish police carried out¹⁰ raids in 40 provinces and detained 718 people, including provincial and district chairs of the HDP.

In the first 10 months of the year, more than 500 people were detained as part of the investigations into the Kurdish political movement¹¹.

Many of detentions were ordered based on questionable evidential basis, such as speeches given or slogans chanted at demonstrations¹² and social media messages¹³ that were interpreted as terrorist propaganda.

Imprisonment of people with significant health problems

Turkish authorities continued their well-documented practice of keeping ailing prisoners behind bars and disregarding their health problems. These practices appeared to be all the more systematic in the cases of those jailed for alleged Gülen links or pro-Kurdish political activism.

In many cases these abusive detentions ended in deaths, either behind bars, in hospitals or shortly after the prisoners’ remarkably belated release. Below are some examples¹⁴.

https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_51_Advance_Edited_Version.pdf

⁹ Since the breakdown of the peace talks between the Turkish government and the PKK in the summer of 2015, the Turkish government has been accusing the Kurdish political movement of being aligned with the militant group. In addition to Turkey, the European Union and the United States also consider the PKK as a terrorist organization.

¹⁰ “Pro-Kurdish politicians among 718 detained in Turkish counterterrorism operations,” Turkish Minute, February 15, 2021, <https://www.turkishminute.com/2021/02/15/kurdish-politician-among-718-detained-in-turkish-counterterrorism-operations/>

¹¹ Observed by “Turkey Rights Monitor,” a weekly human rights newsletter published by the Brussels-based Solidarity with OTHERS, <https://www.solidaritywithothers.com/turkey-rights-monitor>

¹² “2-4 Temmuz 2022 Günlük İnsan Hakları Raporu,” The Human Rights Foundation of Turkey (TİHV), July 4, 2022, <https://tihv.org.tr/gunluk-ih-raporlari/2-4-temmuz-2022-gunluk-insan-haklari-raporu/>

¹³ “28 Temmuz 2022 Günlük İnsan Hakları Raporu,” The Human Rights Foundation of Turkey (TİHV), July 28, 2022, <https://tihv.org.tr/gunluk-ih-raporlari/28-temmuz-2022-gunluk-insan-haklari-raporu/>

¹⁴ For purposes of brevity, only few recent examples were included and many other reported cases were left out.

Nusret Muğla

Nusret Muğla, an 84-year-old man suffering from a number of health problems including heart disease, high blood pressure, prostate cancer and renal and balance problems, was arrested¹⁵ in January 2021 after the Supreme Court of Appeals (Yargıtay) upheld his previously handed down prison sentence on account of his links to the Gülen movement.



Nusret Muğla

Incarcerated in the western Turkish province of Manisa, Muğla told¹⁶ his family in a telephone conversation in December 2021 that his prison cell did not have proper heating or basic necessities. Reports indicated that he was kept in quarantine cells for long periods of time in spite of his need for frequent medical attention.

Muğla was admitted to the hospital on February 12, 2022 after displaying symptoms of Covid-19. He lost¹⁷ his life the next day.

Yusuf Bekmezci

Yusuf Bekmezci, an 82-year-old businessman suffering from Alzheimer's, high blood pressure, sleep apnea, prostate cancer and partial deafness was being held in pretrial detention in an İzmir prison on charges of terrorism, due to his affiliation with the Gülen movement.



Yusuf Bekmezci

His daughter, Şeyma Bekmezci, campaigned¹⁸ on social media to draw public attention to his father advanced age and serious health problems.

In January 2022, Bekmezci's family announced¹⁹ that he was hospitalized in İzmir and taken into intensive care after undergoing an operation during which his heart stopped. He was revived after 15 minutes of heart massage and electroshock. A few days later, an İzmir court

¹⁵ "Ailing 84-year-old imprisoned after appeals court upholds politically motivated conviction," Turkish Minute, January 8, 2021, <https://www.turkishminute.com/2021/01/08/84-y-old-imprisoned-after-appeals-court-upholds-politically-motivated-conviction/>

¹⁶ "Ailing 84-year-old inmate complains of poor prison conditions and lack of heat in cell," Turkish Minute, December 7, 2021, <https://www.turkishminute.com/2021/12/07/iling-84-year-old-inmate-complains-of-poor-prison-conditions-and-lack-of-heat-in-cell/>

¹⁷ "84-year-old Nusret Muğla dies after contracting COVID-19 in prison," Stockholm Center for Freedom, February 14, 2022, <https://stockholmcf.org/84-year-old-nusret-mugla-dies-after-contracting-covid-19-in-prison/>

¹⁸ "82-year-old philanthropist with Alzheimer's condemned to die in prison," Turkish Minute, March 10, 2021, <https://www.turkishminute.com/2021/03/10/philanthropist-alzheimers-condemned-to-die-in-prison/>

¹⁹ "Family of ailing philanthropist calls on authorities to release the 82-year-old man," Turkish Minute, January 7, 2022, <https://www.turkishminute.com/2022/01/07/family-of-ailing-philanthropist-calls-on-authorities-to-release-the-82-year-old-man/>

rejected²⁰ an appeal for his release, which was lodged in order for him to receive proper medical care. The court rejected the appeal in spite of a report issued by the Council of Forensic Medicine (ATK) which found Bekmezci not fit to remain in prison, on the grounds that there was too much evidence against him and that he was a flight risk.

Bekmezci lost²¹ his life in the hospital on February 20, 2022.

Abdülazim Özdemir

Abdülazim Özdemir, a 50-year-old engineer, was diagnosed with stage 4 cancer while incarcerated in a Kırıkkale prison where he was serving a sentence of six years, three months for alleged links to the Gülen movement.

According to a letter²² sent by his spouse to an MP, Özdemir was first misdiagnosed as his health condition was falsely identified as kidney stone. Later, a surgery that he urgently needed was belated for two to three months, during which time he lost significant weight. He was diagnosed with stage 4 cancer in early January 2020 and was released from prison the next month.



Abdülazim Özdemir

Özdemir died²³ on April 16, 2022 in Ankara.

Bazo Yılmaz

Bazo Yılmaz, a 67-year-old Kurdish politician, was incarcerated in a Şanlıurfa prison, serving a nine-year sentence handed down on terrorism-related charges.

Suffering from chronic obstructive pulmonary disease (COPD), Yılmaz was bedridden and was receiving oxygen support²⁴. In February 2021, the Council of Forensic Medicine (ATK) issued a report that found him fit to remain in prison. The Constitutional Court rejected an appeal against the report.



Bazo Yılmaz

Yılmaz lost his life behind bars on August 18, 2022.

²⁰ "Turkish court rejects ailing philanthropist's appeal for release from prison," Turkish Minute, January 12, 2022, <https://www.turkishminute.com/2022/01/12/kish-court-rejects-ailing-philanthropists-appeal-for-release-from-prison/>

²¹ "19-21 Şubat 2022 Günlük İnsan Hakları Raporu," Human Rights Foundation of Turkey (TİHV), February 21, 2022, <https://tihv.org.tr/gunluk-ih-raporlari/19-21-subat-2022-gunluk-insan-haklari-raporu/>

²² "Cezaevinde kanser olan KHK'lı mühendis Abdülazim Özdemir hayatını kaybetti," Boldmedya, April 17, 2021, <https://boldmedya.com/2021/04/17/cezaevinde-kanser-olan-khkli-muhendis-abdulazim-ozdemir-hayatini-kaybetti/>

²³ "Engineer jailed over Gülen links dies of cancer after belated release from prison," Turkish Minute, April 20, 2021, <https://www.turkishminute.com/2021/04/20/jaBailed-over-gulen-links-died-of-cancer-after-belated-release-from-prison/>

²⁴ "Ağır hasta tutuklu Bazo Yılmaz hayatını kaybetti," Evrensel, August 19, 2022, <https://www.evrensel.net/haber/468423/agir-hasta-tutuklu-bazo-yilmaz-hayatini-kaybetti>

Tacettin Başer

Tacettin Başer, a 58-year-old farmer, was serving a prison sentence of seven years, six months due to his alleged links to the Gülen movement.

Incarcerated in a Çorum prison, Başer was hospitalized in July 2022 after he fainted behind bars. Diagnosed with Burkitt's lymphoma, a fast-growing form of cancer, Başer lost his life in early September 2022, just 15 days after his release from prison²⁵.



Tacettin Başer

Reports revealed that Başer's health-related complaints had begun as early as February 2022 and that his diagnosis was belated for six months as his earlier hospitalizations ended with him being sent back to prison with prescriptions for painkillers.

Imprisonment of pregnant or post-partum women

Turkey's laws stipulate the postponement of prison sentences for women who are pregnant or who have given birth within the last year in a half, even if they are found guilty.

Turkish authorities repeatedly disregarded this legal requirement, particularly in the cases of political prisoners arrested for their alleged links to the Gülen movement. Some recent examples were Merve Hande Kayış²⁶, the mother of 13-month twins; Huriye Acun²⁷, a seven months pregnant former teacher; Arzu Nur Özkan²⁸, a seven-month-pregnant former teacher; Dudu Arduç²⁹, a four months pregnant woman; Esra Aşçı³⁰, the mother of a 16-month-old boy; Aslı Ünlü³¹, a five-month-pregnant woman; Ceyda Nur Eroğlu³², a nine-month-pregnant woman;

²⁵ "Ölümün eşiğinde tahliye edilen kanser hastası Tacettin Başer vefat etti," Boldmedya, September 2, 2022, <https://boldmedya.com/2022/09/02/olumun-esiginde-tahliye-edilen-kanser-hastasi-tacettin-baser-vefat-etti/>

²⁶ "Turkish authorities unlawfully arrest woman with twin babies over alleged Gülen links," Turkish Minute, April 26, 2021, <https://www.turkishminute.com/2021/04/26/turkish-authorities-arrest-woman-with-twin-babies-over-alleged-gulen-links/>

²⁷ "Pregnant woman sent to prison over Gülen links despite regulations," Turkish Minute, July 8, 2021, <https://www.turkishminute.com/2021/07/08/pregnantwomansent-to-prison-over-gulen-links-despite-regulations/>

²⁸ "I worry about my unborn baby's life, pregnant inmate with health problems says," Turkish Minute, August 14, 2021, <https://www.turkishminute.com/2021/08/14/iworryabout-my-unborn-babys-life-pregnant-inmate-with-health-problems-says/>

²⁹ "Pregnant woman kept in prison over Gülen links despite regulations," Turkish Minute, November 9, 2021, <https://www.turkishminute.com/2021/11/09/pregnant-woman-kept-in-prison-over-gulen-links-despite-regulations/>

³⁰ "Mother of toddler sent to prison over Gülen links despite regulations," Turkish Minute, November 19, 2021, <https://www.turkishminute.com/2021/11/19/er-of-toddler-sent-to-prison-over-gulen-links-despite-regulations/>

³¹ "Turkish authorities arrest pregnant women, sparking public outrage," Turkish Minute, April 12, 2022, <https://www.turkishminute.com/2022/04/12/turkish-authorities-arrest-pregnant-women-sparking-public-outrage/>

³² "9-month-pregnant woman imprisoned over Gülen links despite regulations," Turkish Minute, May 7, 2022, <https://www.turkishminute.com/2022/05/07/9-month-pregnant-woman-imprisoned-over-gulen-links-despite-regulations/>

Eda Nur Akkaya,³³ a seven months pregnant woman; and Sevda Ersoy³⁴, a four months pregnant woman.

Arbitrary denial of parole

Since a recent amendment introduced in December 2020 to the laws on execution of sentences, prison parole boards have been denying parole to political prisoners on such arbitrary grounds as “not displaying remorse.”

In February 2021, just two months after the enactment of the legislation, reports on the Turkish media highlighted³⁵ that 13 parole-eligible prisoners were already being kept behind bars across the country. Another report in November 2021 put³⁶ the number of prisoners at 66.

The Association of Lawyers for Freedom (ÖHD) reported in May 2021 that a prison parole board in Van was asking³⁷ prisoners personal questions about their political beliefs during the interviews conducted to assess their eligibility. According to the report, these questions included whether the prisoners were planning to continue working for the Peoples’ Democratic Party (HDP), a pro-Kurdish political party whose members frequently get targeted in mass detentions.

Another report³⁸ published in August 2021 said that a parole board in İzmir was asking inmates such personal questions as which prophet they followed or whether they “liked” Abdullah Öcalan, the jailed leader of the outlawed Kurdistan Workers’ Party (PKK).

Another report³⁹ published in April 2022 revealed the arbitrary grounds upon which a Diyarbakır prison denied parole to two eligible Kurdish political prisoners. According to the report, the reasons cited in the official documents included not asking to meet with a spiritual counsel, chanting slogans related to terrorist organizations, displaying a negative attitude, seeming open to manipulation by one’s social circles, not carrying one’s prison ID on one’s person at all times.

³³ “7 aylık hamile Eda Nur Akkaya tutuklandı,” Boldmedya, September 11, 2022, <https://www.boldmedya.com/2022/09/10/7-aylik-hamile-eda-nur-akkaya-tutuklandi/>

³⁴ “4 aylık hamile Sevda Ersoy tutuklandı,” Boldmedya, September 20, 2022, <https://boldmedya.com/2022/09/19/4-aylik-hamile-sevda-ersoy-tutuklandi/>

³⁵ “3 Şubat 2021 Günlük İnsan Hakları Raporu,” the Human Rights Foundation of Turkey (TİHV), February 3, 2021, <https://tihv.org.tr/gunluk-ih-raporlari/3-subat-2021-gunluk-insan-haklari-raporu/>

³⁶ “Over 65 Turkish political prisoners behind bars despite completing sentences,” Ahval English, November 21, 2021, <https://www.ahvalnews.com/inmates/over-65-turkish-political-prisoners-behind-bars-despite-completing-sentences>

³⁷ “Political prisoners arbitrarily denied parole in Van Prison,” Turkish Minute, May 19, 2021, <https://www.turkishminute.com/2021/05/19/politicalprisoners-arbitrarilydenied-parole-in-van-prison/>

³⁸ “Turkish prisoners asked if they ‘like PKK leader,’ follow Islam to qualify for early release,” Duvar English, August 24, 2021, <https://www.duvarenglish.com/turkish-prisoners-asked-if-they-like-pkk-leader-follow-islam-to-qualify-for-early-release-news-58584>

³⁹ “Turkish prison administration prevent parole for Kurdish prisoners,” Ahval English, April 9, 2022, <https://ahvalnews.com/turkey-prisons/turkish-prison-administration-prevent-parole-kurdish-prisoners>

In August 2021, lawyer Sümeyra Bulduk announced⁴⁰ on social media that 12 prisoners were being arbitrarily denied release despite their eligibility for parole. The prisoners, family members of police chiefs involved in a 2013 corruption probe targeting high-ranking members of the government, were convicted on terrorism charges. Bulduk said that they were not released despite the fact that their sentences were overturned by the Supreme Court of Appeals (Yargıtay).

Bilal Konakçı, a bomb disposal expert who was severely injured in a work accident in 2009, was sentenced to imprisonment due to his alleged links to the Gülen movement and was arrested⁴¹ in February 2021 after his conviction was upheld by the Supreme Court of Appeals. Almost entirely disabled and barely able to use the bathroom because of his motor problems, Konakçı was kept behind bars despite his eligibility for parole, until he was granted⁴² amnesty by the president in October 2022.

Hayrettin Yılmaz, a 65-year-old cancer patient, lost his life behind bars in March 2021 in Afyon after the authorities delayed⁴³ his parole despite the severity of his health condition.

In August 2022, an Ankara prison denied⁴⁴ parole to jailed Kurdish politician Mukaddes Kubilay on the grounds that she had exchanged greetings with families of other convicts.

Those denied parole included even Nesip Yapıcı⁴⁵, an inmate suffering from throat cancer who underwent a major surgery.

⁴⁰ "Families of police chiefs who led 2013 corruption probes denied parole," Turkish Minute, August 10, 2021, <https://www.turkishminute.com/2021/08/10/families-police-chief-who-led-2013-corruption-probes-denied-parole/>

⁴¹ "Turkish authorities arrest disabled bomb disposal expert on terrorism conviction," Turkish Minute, February 23, 2021, <https://www.turkishminute.com/2021/02/23/authorities-arrested-disabled-bomb-disposal-expert-on-terrorism-conviction/>

⁴² "Erdoğan yetkisini kullandı: 20 aydır cezaevinde bulunan yüzde 98 engelli Bilal Konakçı'nın cezasını kaldırdı," Boldmedya, October 6, 2022, <https://boldmedya.com/2022/10/06/erdogan-yetkisini-kullandi-20-aydir-cezaevinde-bulunan-yuzde-98-engelli-bilal-konakcinin-cezasini-kaldirdi/>

⁴³ "Turkish cancer patient dies in prison after 'procedure' delays his release," Duvar English, March 15, 2021, <https://www.duvarenglish.com/turkish-cancer-patient-dies-in-prison-after-procedure-delays-his-release-news-56635>

⁴⁴ "Imprisoned Kurdish politician denied release for 'saying hello to other prisoners' families," Bianet English, August 15, 2022, <https://bianet.org/english/law/265878-kurdish-politician-denied-conditional-release-for-saying-hello-to-other-prisoners-families>

⁴⁵ "Cezasını tamamlayan gırtlak kanseri Nesip Yapıcı neden tahliye edilmiyor?" Boldmedya, October 4, 2022, <https://boldmedya.com/2022/10/03/cezasini-tamamlayan-girtlak-kanseri-nesip-yapici-neden-tahliye-edilmiyor/>



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