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TURKEY RIGHTS MONITOR

MONTHLY WRAP-UP

October 2022



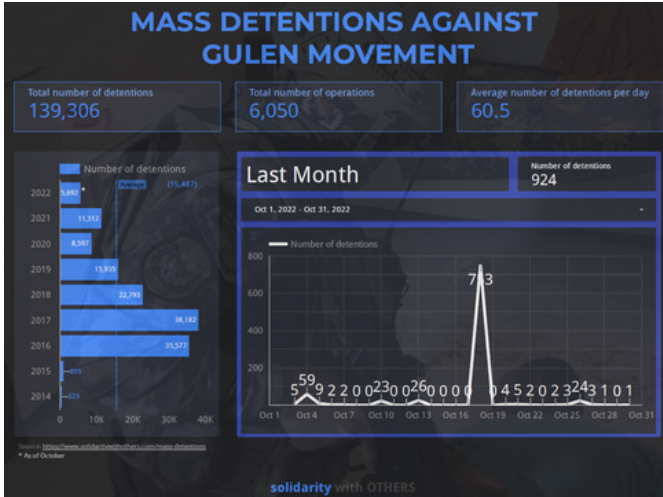
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Arbitrary Detention and Arrest

Mass Detention of People Over Alleged Gülen Links



Throughout the month, prosecutors ordered at least 924 detentions against people with alleged links to the faith-based Gülen movement. In October 2020, an opinion released by the UN Working Group on Arbitrary Detention (No. 51/2020) said that widespread or systematic imprisonment of individuals with alleged links to the group may amount to crimes against humanity.

Imprisonment of People With Significant Health Problems

The authorities kept behind bars several people, often political prisoners, in spite of their considerable symptoms or medical reports finding them unfit to remain in prison. These included Nesip Yapıcı, a parole-eligible inmate suffering from throat cancer who recently underwent surgery; Abdullah Aslan, a former teacher jailed for alleged links to the Gülen movement who is suffering from a brain tumor and who underwent his third brain surgery in August; and Şerife Sulukan, a former teacher jailed for alleged links to the Gülen movement who is suffering from severe paralysis. In the beginning of October, Sulukan was briefly in intensive care after undergoing a heart surgery and sent directly back to jail afterwards.

Ali Osman Ünal, a former public sector worker jailed for alleged Gülen links who was released four months after being diagnosed with pancreas cancer, lost his life.

Similarly, Ehetin Kaynar, another imprisoned cancer patient, lost his life in a hospital two months after his release.



Ali Osman Ünal

In a rare positive turn of events, the president granted amnesty to Bilal Konakçı, a former police officer and bomb disposal expert who is severely disabled due to a work-related accident and who was serving a sentence of more than seven years in prison on account of his Gülen links.



Bilal Konakçı

Another welcome development was the release Aysel Tuğluk, a Kurdish politician who was diagnosed with dementia behind bars.

Yet, Tuğluk's release was still significantly belated as the authorities had previously ignored several credible reports highlighting her worsening health condition over the past several months.

Arbitrary Denial of Parole

Since a recent amendment introduced to the laws on execution of sentences, prison parole boards have been denying parole to political prisoners on arbitrary grounds such as “not displaying remorse.” Reports during the month revealed the denial of parole to Nesip Yazıcı, an prisoner incarcerated in Konya who is suffering from throat cancer and who recently underwent surgery.

On the other hand, the authorities finally released Kurdish politician Gülser Yıldırım. Yet her release came four months after she became parole-eligible.



Gülser Yıldırım

European Court of Human Rights Judgments

The Strasbourg court rejected Turkey’s request to refer to the Grand Chamber a judgment that condemned Turkey over the detention of former Amnesty Turkey branch head Taner Kılıç on terrorism-related charges. Charged with having Gülen links, Kılıç was sentenced to more than six years in prison, a sentence that he has appealed.



Taner Kılıç

The ECtHR also delivered a new verdict on the post-coup detention of judges and prosecutors, this time faulting Turkey over the application of 167 former members of the judiciary.

The ruling came in addition to six similar ones, raising the number of judges and prosecutors whose applications have been upheld by the Strasbourg court in their cases against Turkey to 847.

Enforced Disappearances

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



Yusuf Bilge Tunç

During the month, the Constitutional Court delivered two judgments concerning enforced disappearance allegations.

In the first one, the top court ruled that the police and the prosecutors failed to conduct an effective investigation into the disappearance of a former intelligence officer who was reported missing in November 2016.

In the second ruling, the court rejected an application about Özgür Kaya, a former teacher who in February 2019 was reported missing in Ankara and who resurfaced six months afterwards at Ankara police headquarters, visibly weakened and weary. The court dismissed the complaint on the grounds that Kaya had retracted an application that his family members had filed on his behalf with the European Court of Human Rights (ECtHR) at the time of his disappearance.

Freedom of Assembly and Association

Detention of People Over Their Participation in Gatherings

Turkey Rights Monitor reported at least 429 detentions that occurred throughout the month during or after demonstrations that were met with police intervention.

More than one third of the detentions took place during demonstrations calling for the release of the jailed leader of the outlawed Kurdistan Workers' Party (PKK). Some of these events turned violent due to excessive use of force by the police. Video footage showed MPs Habip Eksik and Sait Dede being battered. Reports indicated afterwards that Eksik's leg and nose were broken as a result of the violence.



MP Habip Eksik

Some of the gatherings were organized in reaction to allegations that Turkey's military used chemical weapons in its fight against the PKK in northern Iraq as well as to the detention of leading rights advocate Şebnem Korur Fincancı for calling for an investigation into the allegations. Nearly 100 detentions occurred during these protests.

Other demonstrations were staged to express support for sick or hunger striking prisoners, to support women's rights protests that broke out in Iran, to mark the anniversary of a 2015 bomb attack in Ankara, to protest the assassination of a journalist in Iraqi Kurdistan, to protest the authorities over a deadly blast in a coal mine. Some were held by workers protesting their employees, local inhabitants protesting construction projects or companies operating in their locality.

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

Prosecution of People Over Their Participation in Gatherings

An İstanbul court sentenced Mert Karadağ to five months in prison over his participation in Boğaziçi University protests.

An Antalya court acquitted 48 labor union activists who stood trial for staging a demonstration.

Arbitrary Banning of Gatherings by Authorities

Provincial and district governors continued their practice of denying authorization to political, cultural, musical and sporting events on arbitrary grounds or, in some cases, without a reason.

Most of these bans targeted organizers or artists perceived to be critical of the government.

These gatherings included:

- An event planned in Adana by the pro-Kurdish People's Democratic Party (HDP) to mark its anniversary
- An exhibition that was scheduled to be held in a church in Mardin
- A concert in Bursa by musician İlkay Akkaya
- An event in Mersin for solidarity with relatives of prisoners.

Local authorities also continued to issue blanket bans on all outdoor gatherings, mostly in predominantly Kurdish provinces. These saw a significant increase in October amid widespread public outcry over the Turkish military's alleged use of chemical weapons in northern Iraq. At least 14 such bans were imposed by 12 different provincial governors for a total duration of 132 days.

Date	Governor's Office	Duration
October 5	Van	8 days
October 15	Hakkari	15 days
October 19	Muş	15 days
October 19	Diyarbakır	1 day
October 20	Adıyaman	10 days
October 20	Şanlıurfa	3 days
October 20	Gaziantep	7 days
October 20	Tunceli	4 days
October 20	Bitlis	15 days
October 20	Şırnak	2 days
October 20	Bingöl	15 days
October 20	Elazığ	7 days
October 23	Şanlıurfa	15 days
October 31	Hakkari	15 days



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

Ankara prosecutors demanded the dismissal and replacement of the executives of the Turkish Medical Association (TTB), after chairperson Şebnem Korur Fincancı was arrested for urging an investigation into the military's alleged use of chemical weapons in northern Iraq.

Freedom of Expression and Media

Rights Violations and Harassments Against Members of the Press

Turkish courts handed down prison sentences to at least five journalists on account of their publications or social media posts.

Çetin Kurşun was sentenced to 13 years in prison on terrorism-related charges.



Çetin Kurşun

Faruk Eren and Furkan Karabay were both sentenced to two years, three months on charges of insulting a public official, for reporting on the appointment of certain prosecutors.

Mehmet Emin Kurnaz received a suspended sentence of 11 months, 20 days in prison for insulting the president and his far-right ally in a report on allegations of mafia-state collusion.

İsmail Arı was sentenced to two years for reporting on alleged irregularities at Turkish Red Crescent and his sentence was also suspended.

In addition, journalist Yusuf Karadaş was ordered to pay damages to a defense company due to an opinion column he authored and Mehmet Kızmaz was ordered to pay damages to a pro-government foundation for publishing a news report on it.

Courts acquitted four journalists (Görkem Kınacı, Uğur Şahin, Uğur Koç, İnci Aydın) who had been standing trial due to their publications.

An appeals court overturned a prison sentence of 13 years that was previously handed down to journalist Mehmet Baransu over his coverage of a military conspiracy. Yet, Baransu remained behind bars due to other sentences which he had also received on account of his journalistic work.



Mehmet Baransu

On October 25, the authorities detained 11 journalists (Diren Yurtsever, Selman Güzelyüz, Zemo Ağgöz, Berivan Altan, Hakan Yalçın, Emrullah Acar, Ceylan Şahinli, Habibe Eren, Öznur Değer, Derya Ren, Deniz Nazlım) working for pro-Kurdish news outlets Mezopotamya and Jinnews. Nine were arrested by a court on four days later while the others were released under judicial control or to house arrest.

Mert Soydan, Dilan Babat and Fırat Can Arslan were detained while covering events and demonstrations.

Ümit Zileli was briefly detained on charges of insulting the president.

Crimean Tatar journalist Gulsum Khalilova was briefly detained by airport police in İstanbul, reportedly at the request of Russia. Turkish authorities also reportedly arrested 34 Egyptian journalists who are critical of the Egyptian government with which Ankara has recently been trying to normalize diplomatic ties.

Turkish prosecutors launched new investigations into Pınar Gayip over her social media commentary about a mine explosion in northern Turkey and Bahattin Seçilir due to a news report about last year's armed attack on a HDP provincial bureau that claimed the life of a party employee.

Hayri Tunç, Meral Danyıldız, Zeynep Kuray, Rukiye Güzel, Hakan Yalçın, Eylem Nazlıer and Gülistan Dursun were physically assaulted by the police while covering events and demonstrations.

Deniz Önal, a local journalist based in Tekirdağ, was physically assaulted by a relative of a district mayor due to a news report published on his newspaper.

A pro-government daily published a secretly taken photo of exiled journalist Abdullah Bozkurt who lives in Sweden.



Abdullah Bozkurt

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

Other than journalists, Turkish courts sentenced at least four people due to their public or online comments.

An Ankara court sentenced Kurdish politician Selahattin Demirtaş to two-and-a-half years in prison due to his remarks that allegedly insulted a prosecutor who had indicted him.



Selahattin Demirtaş

A Van court handed down a suspended prison sentence of one year, three months to Kurdish musician Şilan Dora on charges of disseminating terrorist propaganda, due to a song she sang at a rally.



Şilan Dora

Murtaza Demir, an NGO executive, was sentenced to one year, two months, 17 days in prison on charges of insulting the president on social media and in a column he authored.

An unidentified individual received a suspended prison sentence of three months, two days on charges of denigrating the religious values of the public on social media.

In addition to those sentenced to imprisonment, opposition leader Kemal Kılıçdaroğlu was ordered to pay damages to the president for raising allegation of corruption in a public tender.

On the other hand, courts acquitted Turgut Öker, the leader of a Europe-based Alevi platform who was standing trial for spreading terrorist propaganda on social media, as well as 10 members of the main opposition party who were standing trial due to the circulation of a party brochure that raised corruption allegations.

An Ankara prosecutor demanded prison sentences of up to 12 years for 12 retired admirals who are facing criminal charges over a joint statement that they released about a waterway project endorsed by the government.

The authorities detained at least eight people on account of their social media posts. Most of them were accused of spreading terrorist propaganda while one of them, Mika Can Raun, was detained for posting a video in which he was seen throwing a Turkish banknote into the toilet. Later released under judicial control, Raun faces charges of denigrating a sign of state sovereignty.

The General Directorate of Security (EGM) announced investigations into 12 social media accounts due to their comments about a coal mine explosion in northern Turkey that claimed the lives of 41 workers.

In addition to those detained over their online commentary, at least four people were detained for their public remarks.

Cemil Taşkesen, a man who was previously detained and released after referring to his region as Kurdistan in a video where he was filmed talking to an opposition politician, was detained again in Siirt. He faces charges of disseminating propaganda.

Çağlayan Bozacı, the son of one of the victims of a 2015 bomb attack, was detained due to a speech he gave during a commemoration event.

An unidentified person was detained by the police in İstanbul after shouting slogans against the president outside a courthouse.

Şebnem Korur Fincancı, the head of the Turkish Medical Association (TTB) and a leading human rights defender, was detained on allegations of spreading terrorist propaganda after she called for an investigation into the military's alleged use of chemical weapons against militants of the outlawed Kurdistan Workers' Party (PKK) in northern Iraq. Fincancı was arrested by a court the next day.



Şebnem Korur Fincancı

İzmir prosecutors launched an investigation into lawyer Aryen Turan due to a speech she gave during a bar association meeting in which she highlighted the alleged use of chemical weapons by the military.



Aryen Turan

Sanctions on Media Outlets

The Radio and Television Supreme Council (RTÜK), Turkey's broadcasting regulator, imposed fines on Tele1, Halk TV and KRT TV channels for airing debate programs about a corruption allegation.

RTÜK also imposed a three-day broadcast ban on Tele1 due to the remarks of guest appearance and opposition MP Sera Kadıgil who criticized the government agency for religious affairs (Diyanet). The sanction was later annulled by an Ankara court.

Online Censorship

A new bill that stipulates prison sentences for those found guilty of publicly disseminating “false or misleading information,” was approved by the parliament and signed into law by the president, despite an urgent opinion released by the Venice Commission that urged Turkish authorities to refrain from enacting it.

Turkish courts imposed access bans on at least 44 URLs containing news reports and opinion pieces, two tweets, and two web pages used by news agencies for publication.

The censorship decisions typically targeted news and articles that contained allegations of corruption, bribery, misconduct, nepotism and sexual assault implicating members of the ruling party or high-ranking bureaucrats.

The courts in their judgments relied on the pretext of protecting personal rights or the right to be forgotten, despite self-evident public interest involved in most of the publications.

For instance, some of the censored news reports concerned:

- A military commander who was arrested for alleged sexual assault against 15 soldiers
- A ruling party member who was appointed as a prosecutor despite his past criminal record
- A former lawyer for the president whose name was involved in bribery allegations

The courts also regularly blocked access to new web pages launched by the pro-Kurdish Etkin news agency (ETHA) and the left-wing Kızıl Bayrak news website for news publication.

Freedom of Movement

A German newspaper reported that Turkish authorities are refusing to allow more than 120 German citizens, many of whom are Turkish or Kurdish Germans, to leave the country due to their criticism of the Turkish government or their affiliation with some groups not liked by the government.

Human Rights Defenders

The European Court of Human Rights (ECtHR) rejected Turkey’s request to refer to the Grand Chamber a judgment that faulted Turkey over the detention of former Amnesty Turkey branch head Taner Kılıç on terrorism-related charges.

Charged with having links to the Gülen movement, Kılıç was sentenced to six years, three months in prison. He has appealed the verdict.

As mentioned in the Freedom of Expression section, prominent human rights advocate Şebnem Korur Fincancı was detained and arrested after urging a probe into the military’s alleged use of chemical weapons in northern Iraq.

Judicial Independence & Rule of Law

Judicial or Prosecutorial Misconduct

A Denizli prosecutor reportedly launched an investigation into a man for attending the funerals of two people who had been accused of having links to the Gülen movement.

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

The European Court of Human Rights (ECtHR) faulted Turkey over the detention of 167 judges and prosecutors after a failed coup in July 2016, ordering the Turkish government to pay damages to each applicant. The ruling came in addition to six previous similar ones and the number of judges and prosecutors whose applications have been upheld by the ECtHR in their cases against Turkey has risen to 847.

The Council of State ruled to reinstate 178 judges and prosecutors who had been removed from their jobs.

Kurdish Minority

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

The Turkish government continued its heavy crackdown on Kurdish political opposition, which was triggered by the breakdown of peace talks between the government and the outlawed Kurdistan Workers' Party (PKK) in 2015.

The authorities continued to detain, prosecute and convict Kurdish politicians and political activists, usually on terrorism-related charges on the basis of their suspected ties to or alleged propaganda on behalf of the PKK.

As mentioned in the section on freedom of expression, politician Selahattin Demirtaş was sentenced to two-and-a-half years over his remarks about a prosecutor who had indicted him.

A Diyarbakır court sentenced Kurdish politician Leyla Güven to 11 years, seven months, 15 days in prison on charges of disseminating terrorist propaganda.

Meanwhile, a Constitutional Court ruling found Güven's re-arrest despite her election to parliament in 2018 in violation of her right to liberty and security.

Former district mayor Belgin Diken was sentenced to more than six years in prison on terrorism-related charges.

Diken is one of the dozens of elected mayors in the predominantly Kurdish southeast who were removed from office by the interior ministry and replaced by government-appointed trustees.

As mentioned in the Freedom of Expression section, Kurdish musician Şilan Dora was handed down a suspended prison sentence of more than one year for spreading terrorist propaganda, due to a song she sang at a rally.

As part of the investigations into the Kurdish political opposition, the authorities detained at least 15 people, mostly members and provincial executives of the Peoples' Democratic Party (HDP).

As mentioned in the section on arbitrary detention, jailed Kurdish politician Gülser Yıldırım was released four months after becoming parole-eligible while former MP Aysel Tuğluk was released months after being diagnosed with dementia behind bars.

The crackdown also targeted pro-Kurdish media as the police detained 11 journalists working for pro-Kurdish news outlets Mezopotamya and Jinnews.

Nine of the detainees were later arrested while the others were released under judicial control or to house arrest.

Some of the journalists were reportedly mistreated in custody.

Berivan Altan was rear-handcuffed and verbally assaulted by the Ankara police and Öznur Değer was physically assaulted at the police headquarters.

Derya Ren, one of the journalists who were arrested, was physically assaulted by prison guards in Diyarbakır after resisting a strip-search.

Prison Conditions

Denial of Healthcare and Medication

Prison administrations denied healthcare and required medication or nutrients to inmates in at least four instances.

A Denizli prison denied healthcare to sick inmate Ekim Polat.

An Adana prison denied hospital referrals to inmates who refused to undergo mouth searches.

A Kocaeli prison obstructed the treatment of cancer patient Ahmet Dizlek.

Abdulkali Harmancı, a prisoner incarcerated in Erzurum, was reportedly denied the nutrients that he specifically needs due to a health condition.

Misconduct by Prison Administrations and Officials

The guards confiscated inmates' personal items in at least five instances. These incidents occurred in prisons in Afyon, Bayburt and Bolu. The Afyon prison confiscated a letter written by inmate Hüsametdin Uğur to member of parliament and rights defender Ömer Faruk Gergerlioğlu and imposed a disciplinary sanction on Uğur.

A women's prison in Diyarbakır imposed disciplinary sanctions on 36 prisoners due to their participation in a joint hunger strike. The sanction was later annulled by a court.

Another Diyarbakır prison sent inmate Yunus Özak to a one-person cell for 11 days due to the contents of a letter he wrote.

An İzmir prison imposed a three-month visitation ban on an inmate due to his remarks to a relative during a visitation.

A prison disciplinary board in Bursa imposed a three-month visitation ban on Abdullah Öcalan, the jailed leader of the outlawed Kurdistan Workers' Party (PKK).

Reports indicated that an İstanbul prison did not respond to petitions submitted by jailed Kurdish MP Semra Güzel and did not allow her to participate in joint activities with other prisoners.

A Bolu prison launched a disciplinary investigation into 136 inmates for protesting rights violations in the facility.

Other Issues

Several reports pointed to the unfavorable conditions in Turkey's prisons, including an incident of food poisoning in a women's prison in Diyarbakır.

Jailed journalist Ziya Ataman announced in a letter that he was being held in a one-person cell and that his access to outdoors was limited to only 1.5 hours a day.

Refugees and Migrants

Refoulement and Discriminatory Practices by Turkish Authorities

In early October, President Recep Tayyip Erdoğan announced that more than half a million Syrians have voluntarily returned to the safety zones established in northern Syria by the Turkish military since 2016. Earlier reports on these returns had revealed that many of the Syrians had been coerced into returning due to the increasing hostility and hate crimes targeting migrants in Turkey as well as an intensified anti-migrant rhetoric in political circles.

Towards the end of the month, Human Rights Watch (HRW) reported that Turkish authorities had arbitrarily arrested, detained, and deported hundreds of Syrian refugees to Syria between February and July 2022.

The Interior Ministry prohibited foreign nationals from registering themselves in eight districts of İstanbul.

Reports indicated that Turkish authorities arrested 34 Egyptian dissident journalists, raising fears of deportation amid the Turkish government's attempts to normalize diplomatic relations with Cairo.

Turkish migration authorities released Mohammed Abdullah, the owner of a Somali restaurant who was recently detained and taken to a deportation center after being the target of racial harassment by the police.

Pushback and Mistreatment of Migrants at Turkish-Greek Borders

Greek authorities announced that they rescued 92 migrants almost naked and bruised after allegedly being forced across the Evros river from Turkey into Greece. Turkish authorities denied the allegation.

At sea, Turkish coast guard rescued 78 migrants that were pushed back by Greece.

Rights Talk with MEP Tineke Strik

In the latest episode of Rights Talk, we spoke to Ms. Tineke Strik, professor of citizenship and migration law at Radboud University in the Netherlands and a Dutch Member of European Parliament known for her outspoken criticism of illegal migrant pushbacks at Europe's external borders.

The systematic nature of pushbacks was repeatedly documented in recent years by various credible sources. Would it be fair to say that the Greens' signature campaign was initiated because there has been no improvement on the matter despite all the substantial evidence?



Exactly, this is the case. We are evidencing these pushbacks for years now. Because of the silence from the side of the European Commission and also other Member States simply watching and implicitly encouraging these practices, they have become more and more systematic, they have become more and more open. There is an atmosphere of impunity at the moment. We are talking about the violation of the core element of the right to asylum, because if you cannot enter an asylum procedure, if you are not allowed to ask for asylum, there can also be no assessment of your need of protection and there can be no protection. So it is of vital importance that the Commission starts to acknowledge these reports and undertakes action towards Greece.

When we talk about pushbacks there are national authorities such as border forces of individual countries and the coastguards, and then there is Frontex, the European Union agency for border protection. How complicit is Frontex in the pushbacks?

There are some reports about active involvement of Frontex in pushbacks but I think the main shortcoming and concern is that they are there on the ground, that they see what's happening and that they don't intervene, that they do not take any action to stop pushbacks from happening. We even see reports about Frontex intercepting or apprehending people and then handing them over to the authorities, which is followed by a pushback by the border guards. If these things are happening, if Frontex is not capable or maybe willing to stop these pushbacks from happening, to speak up, to report it and to really follow with concrete actions, we think that they should simply leave the host country.

Because otherwise, if they continue to co-operate, then they really become complicit. It is a legal obligation for Frontex. It is in the regulation. They have to suspend operation at the moment that there are human rights violations by the host Member States. This is why we call upon Frontex for more than a year now to seriously reconsider their activities in Greece and to also withdraw their presence in Hungary where they are still supporting return operations.

“ If Frontex is not capable or maybe willing to stop pushbacks from happening, we think that they should simply leave the host country. ”



We know that you were also among the co-signatories of a letter sent to European Commissioner Ylva Johansson. Why do you think the EU mechanisms failed to ensure accountability for Frontex's role in the pusbacks? What is holding the European Commission back?

We have done a done an inquiry in the European Parliament on the role of Frontex and we have made a report, which was adopted by majority, where we identified all the failures within the agency. We also looked at the role of other actors, like the management board of Frontex, which is actually responsible in the end, the European Commission and the Member States together.

The European Commission has several responsibilities: steering the agency through the management board on one hand and acting as a guardian of the treaty to enforce compliance by Frontex on the other. We criticized the passive role of the Commission but it is difficult to find out exactly why they are so reluctant to take a more proactive approach. We also see it with the Member States. They know what is going on.

But still they only say things like “you should monitor better” or offer some dialogue, some talks etc. I think in the end it is a lack of political will. The European Commission consists of representatives of all the Member States. There is also a Greek commissioner in the hierarchy of Commissioner Johansson and he is very vigilantly protecting the Greek authorities for instance.

Other Member States violating human rights also try to ensure within the Commission that they are not confronted with outspoken reactions from the European Commission.

I have the feeling that the European Commission very much looks at the Council, at the Member States, what they want and what they do. They do not want to conflict with the Member States. There it is very clear, there is even sometimes governments from the north of Europe that actually applaud the strengthened the border control, including the pushbacks. They say “You are doing the right thing, you are doing a good job for us.” Because if you push back people, it would also mean they cannot travel onward to the north of Europe.

Von Der Leyen, the President of the European Commission, went to Greece one and a half year ago and said “You are the shield of Europe.” The symbolism is very well recognized by the authorities of the external borders and they know what other Member States expect from them. So, in that sense, I think you can say that also the EU institutions are complicit in these serious violations that are still going on and this is of course a very serious problem if you look at the talks about European values that we all need to uphold.

Frontex has also come under the attention of the EU Anti-Fraud Office, OLAF, which carried out an investigation and produced a report. But the report has not been disclosed to the public even though it seems to have led to the resignation of the Frontex executive director. Do you think European citizens have a right to access the contents of such a report, which concerns an agency that is funded by their taxes?

I fully agree. This is part of the democratic control and democratic control can only be effective if the public is also involved, if there can be public debate and if there can be clear positions to be taken by all actors involved. So, I find it a disgrace that it is not disclosed. You can disclose a report while at the same time protecting personal data. This happens all the time.

Therefore, I requested for access as a citizen to Frontex. It has been refused all the time. I went to the EU ombudsman. There, Frontex said “No, they have to go to OLAF.” I have now filed a request with OLAF. The report is out for half a year now and all these reactions, these long delays in answering requests clearly show that there is a huge reluctance to give full access to the report.

This is also hindering us because we wanted to include the findings of the OLAF report in the resolution of the European Parliament. We cannot even talk openly about the report.

So, I think we need to know and be able to publicly discuss what failures have been made in the agency. Because we need to know that in order to know if the improvements will be sufficient and how the agency can be more accountable for what they are doing.

You mentioned President Von Der Leyen’s visit to Greece. You have also visited Greece on several occasions. Who do you talk to during these visits?

I went to Evros this time. Before, I went to Samos and Lesbos. But now I really wanted to see the Evros region to learn more about the pushbacks at the Evros river. We tried to speak with the border guards, with the head of the police in the Evros region. But they refused and they used several arguments all the time. So, that showed to me very well that they simply do not want to speak and give any openness on what is going on there. We managed to talk with Frontex. There, it became very clear that Frontex sees its role as purely serving the host Member States, serving the border guards. They can only go there where the border guards allow them to be. Of course, they will not allow them to be in places where pushback takes place. I was a bit negatively surprised that Frontex accepts that, that it doesn’t see a role for itself to also demand that they can go to places where reported pushbacks take place. Their attitude actually results in being ignorant of what is going on, if they do not take all those reports from NGOs and journalists seriously. There I talked with them and later on I visited the Fylakios reception and registration center, where it was also clear they really did not want us to talk with the people who were detained there.

In Athens, we talked with many NGOs so we got a clear picture of what is going on and we had a meeting with minister Mitarachi [Notis Mitarachi, Greek Minister for Immigration and Asylum]. There, I expressed full solidarity with him if it comes to the unfair distribution system of asylum seekers. I said “Look, we could be allies in fighting this unfair system that the first country of entrance has the responsibility. But it does not dismiss you from respecting the core obligations of the asylum law and the refugee convention.” Of course he didn’t answer most of my questions, but I found it remarkable that he implicitly admitted the pushbacks are taking place. He actually said “If we would not conduct these policies that you do not like we would have many more refugees in the country and in Europe.”

How more clear can we be that this is taking place and this showing that the Commission and the all other Member States must know what is going on?

One argument that we hear is that Turkey is a safe country for migrants. We see it on social media, we heard it when Greek Prime Minister famously scolded a Dutch journalist last year. And the EU has indeed been allocating large sums of money for the reception of migrants in Turkey. What is your take on this argument that Turkey is a safe country?

In the beginning it was only declared as a safe country for Syrian refugees. But since one and a half year Greece also considers Turkey as a safe country for asylum seekers from Afghanistan, Iraq, Iran, Pakistan and this is actually the most problematic because I also visited Turkey one and a half year ago and it was very clear that Afghan asylum seekers cannot even register themselves, that they cannot enter an asylum procedure at all. Therefore, they stay irregularly in Turkey and they run the risk every day that they can be apprehended and deported back to Kabul. Because there are many joint return flights to Kabul taking place of people who never entered an asylum system.

It is the same for Iraq and Iran. There is hardly a functioning asylum procedure in Turkey.

For Syrians, there is a temporary program to give them some benefits and schooling for the kids but it is not sufficient. The number is very high. There is huge amount of poverty among them, they live below the level of poverty. They face a lot of difficulties in accessing the labor market in a formal way. There is only very small percentage of them that really has a permit to work. So most of them are exploited at the labor market in very bad circumstances.

What is maybe more important, even more important if you think of the protection needs, there is at the moment a very repressive discussion towards refugees in Turkey. The opposition parties but also Erdoğan is changing his attitude and saying "Syrian refugees should turn to Syria again." And there is a real threat for them to be sent back to northeast Syria where as we know that the war is still going on. And it's a highly insecure and dangerous area that they would be returned to.

That would amount to a violation of the refugee convention.

In our regular monitoring and weekly newsletter we have been also observing an increase in the hate crimes against migrants in Turkey. It seems to be fueled by the opposition, we see a lot of hateful rhetoric on their part and because Turkey is nearing an election cycle, seems like the government feels compelled to announce deportation measures. When we talk about the Turkish-Greek border we often think of people from Syria, Afghanistan etc. But there are also Turkish nationals who flee their own country. They also get caught up in this brutality. Just in September alone, we reported two tragedies connected to the pushback of Turkish asylum seekers: Eda Nur Akkaya, a seven months pregnant political asylum seeker who was immediately arrested after being pushed back and there is a 27-year-old man, Yunus Emre Ayyıldız, who disappeared after falling into the Evros river during a pushback and he is, as far we know, still unaccounted for. Can we talk about a graver human rights violation here? Because it seems like people are being sent directly to prison.

It is difficult to say one is graver than the other but this is a very very serious and concerning development indeed. I also have been in contact with people who already were sentenced in Turkey or being associated with terrorism and, not having a fair process, they have to flee in order to avoid disproportionate sanctions or persecution in other ways. If you are pushed back, you can only be lucky if you do not fall into the hands of the Turkish police and security forces at that moment. At the same time, they cannot flee their country in a normal way, in a formal way, because if they would go through the airport for instance, they would also have been caught and taken to jail or apprehended. So they are really locked up, so to say, in a state of persecution and this is indeed very serious. I also discussed this with the Greek authorities but then they simply say "No, of course we do not push them back because we see Turkey as the enemy." But it is happening. It is continuously happening at the border. There is no difference made on the basis of nationality. So, they are completely unprotected. And this is a real issue because once they manage to enter the EU and they ask for asylum, most of them do get asylum. So, it is very clear that the Member States also see them as legitimate refugees who need to flee Turkey.

Lastly, I would like to ask what as we civil society groups and individuals living in Europe can do to support your struggle. Is there a contribution that we can make to your work against pushbacks?

Definitely. This is also why we launched the campaign with the petition, urging all citizens who do not agree with these inhuman policies to sign up and to show that they do not agree.

Because what we always notice is that politicians who think it is OK to violate these rights, they always refer to the public opinion and say “There is no societal support anymore for asylum seekers.”

And this is why we need the public support to attack these practices, to challenge their position and to say “If we really take European values seriously, we should stop these pushbacks and treat asylum seekers in accordance with our European values.

So, it is very important that people speak up by signing this petition.

In this petition we call upon the Commission for instance to stop the funding of human rights violations because it is all being done with EU money, and also to take countries who violate the rights to court.

I think that would be a very strong signal if hundreds of thousands of people would say “This is unacceptable. You cannot act in this way on behalf of me. It is not happening on behalf of European citizens.”

Because they are the fundament of the European democracy and the European policies in the end.

So, sign the petition but also send articles to journals, make your position known through social media.

And with voting, with elections. Ask candidate politicians what they do against this, what their position is, and make sure that the right politicians are elected so that there is sufficient support also in parliaments, in national parliaments, the European parliaments, to stop these practices from happening.

Torture and Ill-Treatment

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

Throughout the month, at least 15 incidents of torture and mistreatment at the hands of police officers, gendarmes or soldiers were reported.

Eight of these incidents took place during violent police intervention in demonstrations. At least six journalists and two members of parliament became victims of police brutality during the incidents. MP Habip Eksik's leg and nose were broken. The police in Ankara broke the ribs of a protester named Hasan Akman.

The remaining seven incidents of police brutality were reported to have occurred in custody or during house raids that were carried out.

The victims included a minor in Hakkari as well as Kurdish journalists Berivan Altan and Öznur Değer. The minor, who was reportedly mistreated by soldiers, was denied a medical report by a local hospital. In one incident, the Hakkari police strip-searched seven women who were taken into custody for participating in a demonstration.

Contributing to the prevailing atmosphere of impunity surrounding the police brutality was a statement by Interior Minister Süleyman Soylu who in a public speech in early October instructed law enforcement officers to “break the legs” of caught drug dealers.

On the other hand, the general assembly of the Ankara Bar Association voted to disclose a previously produced report on allegations of torture at Ankara police headquarters in January 2022. The report was kept confidential by the previous bar management, which had left to the resignation of several high ranking members, and it concerned alleged mistreatment of a number of people detained over suspected links to the Gülen movement.

Torture and Ill-Treatment in Prison

Throughout the month, at least 16 incidents of torture and mistreatment in prison were reported.

These included five instances where inmates were strip-searched. In three of these, inmates Naci Kaya, Sariye Taşkesen and Derya Ren were physically assaulted by guards for resisting the practice. Nagehan Yüksel, a teacher jailed for alleged links to the Gülen movement, was referred to a disciplinary board for revealing it in a letter she sent to a member of parliament.

In five incidents, inmates were physically or verbally assaulted during or after their transfers between facilities. Two incidents occurred during ward searches and one took place during visitation.

In two particularly disturbing cases, the guards in a Kocaeli prison battered and verbally threatened Ahmet Dizlek, an inmate suffering from stomach cancer whose treatment has been obstructed by the prison administration.

In a suspicious development, Süphan Çabuk, a sick inmate incarcerated in Rize, lost his life after being hospitalized. Reports alleged that he had on his body bruises indicative of physical violence and that his autopsy report was not disclosed to his family.

Transnational Repression

Mistreatment of Citizens Living Abroad

Family members of Uğur Demirok, a Turkish businessman based in Azerbaijan, announced that he had been missing for a month. Reports cited eyewitnesses who claimed having seen Demirok being forced into a van by a group of masked individuals. Azeri authorities told the family that Demirok was taken to Turkey while Turkish authorities gave contradictory statements.

Demirok's fate remains unknown and he is feared to have been abducted as part of the Turkish government's extrajudicial and intelligence-led renditions of citizens from abroad.



Uğur Demirok and his family

Sabah, a pro-government daily, continued to publish secretly taken photos of known government critics living in Europe. The newspaper published photos of Abdullah Bozkurt, an investigative journalist known for his publications on the Turkish government's alleged ties to radical armed groups, and Murat Çetiner, a former police chief who is one of the political dissidents whose extradition Turkey is demanding from the Swedish government in exchange for dropping its objection to Stockholm's NATO membership.

Cross-border Military Operations

Reports on the pro-Kurdish media claimed that Turkey carried out a chemical attack on militants of the outlawed Kurdistan Workers' Party (PKK), releasing video footage allegedly showing militants exposed to chemical weapons.

The government seemed to be bent on stifling any public discussion on the allegations as the authorities detained and arrested leading rights defender Şebnem Korur Fincancı for calling an investigation into the allegation while the police violently intervened in several protests that broke out in reaction.



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