

WEATHERING THE STORM

Defending human rights in Turkey's climate of fear

AMNESTY
INTERNATIONAL





Flowers on the Human Rights sculpture, Yüksel Street Ankara. Since May 2017 the sculpture, which depicts a woman reading the UN Declaration of Human Rights, has been encircled by police barriers, to prevent it being used as location for protests.
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“I have a small bag ready at home. Every morning I contact two people [to let them know I am still here]. I am prepared for what may come.”

Şebnem Korur Fincancı, human rights defender and forensic doctor, facing prosecution for participating in the solidarity campaign for the Kurdish newspaper *Özgür Gündem*, February 2018.

A chilling climate of fear is sweeping across Turkish society as the Turkish government continues to use the state of emergency to shrink the space for dissenting or alternative views.

Those who are defending human rights are on the front line – both as the targets of authorities’ attacks and at the heart of courageous resistance to attempts to silence all opposition.

The state of emergency, declared in July 2016 as a temporary exceptional measure in the wake of a violent attempted coup, has been repeatedly renewed and now forms an increasingly permanent feature of how Turkey is governed. The bloody coup attempt resulted in the deaths of more than 240 people. These crimes have not just targeted individuals, they have also represented an attack of human rights and freedoms. The need to protect people from such violence is clear and those responsible for unlawful killings must be brought to justice. However, justice cannot be achieved by riding roughshod over the very rights that the government has an obligation to uphold. The consequences for civil society, human rights and the people and organizations seeking to defend those rights have been profound and devastating. Mass dismissals and the arbitrary and abusive use of the criminal justice system, including anti-terrorism laws, have affected huge swathes of the population.

Amnesty International has documented a wide range of human rights violations that have taken place under the state of

emergency and during the crackdown after the coup attempt, for example on the arbitrary dismissal of numerous public sector workers in *No end in sight – Purged public sector workers denied a future in Turkey* as well as on the serious allegations of the use of torture in the immediate aftermath of the attempted coup, *Independent monitors must be allowed to access detainees amid torture allegations*.

This briefing focuses in particular on the ways in which the rights to freedom of expression, assembly and association, to liberty and security and to fair trials have been eroded. Repressive measures were initially directed at those suspected of participating in the coup attempt including journalists, followed by academics, judges and prosecutors. While these attacks have continued, the net has widened to increasingly include the relatively small but vibrant independent civil society in Turkey. This includes several prominent human rights defenders like Taner Kılıç, then Chair and now Honorary Chair of Amnesty International Turkey, and Amnesty International Turkey Director, İdil Eser, arrested in June and July 2017. Almost a year later, Taner Kılıç remains imprisoned while İdil Eser has been released while their trial proceeds. This briefing places these and many other cases in the context of a deliberate and widespread attack on civil society, meant to instil a climate of fear and to shrink the space for dissent, expression and activism.

At a time of widespread human rights violations, the vital work of civil society activists, including human rights defenders, is being curtailed by the authorities’ use of arbitrary detention and prosecution, threats of violence and intimidation, the closure of organizations and the banning of public events. Articles in pro-government media and attacks on social media targeting civil

society actors in smear campaigns are often a precursor for arrest or prosecution. As a result, sections of society most at risk of human rights abuses – such as women and girl survivors of sexual and gender-based violence, LGBTI people, refugees and migrants – are denied crucial support and solidarity as they struggle to defend their rights. The climate of fear that exists leads to self-censorship, with activists being afraid to speak up because they might be thrown in jail or attacked for what they said.

It is precisely because the human rights defenders in this briefing play such a crucial role in society, and their work impact so many, that the government has such an interest in curtailing their actions. Indeed, because the targeting of human rights defenders is so pernicious and its effects reach far and wide into many areas of society, that the international community has a responsibility to help protect this space for expression, dissent, protest, services and other human rights work of independent civil society and human rights defenders in Turkey.

It is time for Turkey to lift the current state of emergency and the draconian measures that came with it that go beyond legitimate measures to combat threats to national security, before there is no independent, critical civil society left in Turkey. The Turkish authorities must ensure the release of human rights defenders and other civil society actors, who have been detained and prosecuted in the absence of credible evidence, and refrain from prosecuting anyone in the future for their legitimate human rights work. The authorities must roll back the climate of fear and intimidation by positively recognizing human rights and all who stand up for them. The international community must use all its powers and influence to reverse the downward trend of human rights in Turkey.

WHAT IS THE STATE OF EMERGENCY?

The state of emergency, bolstered by over 30 executive decrees that bypassed parliamentary and judicial scrutiny, provides the context and legal opportunity for a worsening crackdown on civil society, an unprecedented wave of detentions and prosecutions, and the erosion of fair trial rights in Turkey.

These statistics show the scale and unmistakable pattern of the crackdown.



107,000+

public sector employees, among them trade unionists and human rights defenders, summarily dismissed for their activism or for exercising their right to freedom of expression.

100+

of those dismissed, had been reinstated by the State of Emergency Commission by the end of February 2018.

THE STATE OF EMERGENCY AT A GLANCE

- Declared on 20 July 2016.
- Renewed seven times, for three months each time.
- Provides the government the ability to rule through executive decrees which have the force of law and are subject to almost no scrutiny by the Parliament or the courts.
- Over 30 executive decrees issued.
- Turkey has derogated from some of its human rights obligations, like rights to liberty, fair trials and to humane treatment of detainees.

100,000+

people have faced criminal investigations and potential prosecution.

50,000+

people imprisoned pending trial.

180+

media outlets closed down; many had their assets confiscated.

120+

journalists and media workers detained or imprisoned, at any one time, since July 2016.

265+

academics prosecuted for signing an appeal for peace, as of 1 April 2018.

1,300+

associations and foundations closed down.

A BROKEN LEGAL SYSTEM

Within days of the state of emergency being declared, high-profile journalists and commentators were rounded up and subsequently prosecuted. Large numbers of experienced and trained judges, prosecutors and other state officials were detained, accused of supporting Fethullah Gülen, the self-exiled cleric blamed by the government for the coup attempt. This purge of the judiciary, as well as the prosecutions of lawyers, a disregard for constitutional court decisions and many more problems in the judiciary, has seriously undermined the ability of the criminal justice system to deliver fair and impartial processes.

The cases of academic Mehmet Altan and columnist Şahin Alpay are indicative of the extent to which the rights to redress and fair trial have been severely affected. In January 2018, first instance courts refused to implement two separate Constitutional Court rulings that the men were unlawfully detained. In February, Mehmet Altan was convicted and sentenced to life imprisonment without parole. In contrast, Şahin Alpay was released, subject to house arrest, on 16 March, following a second Constitutional Court ruling that his rights had been further violated by the trial court's failure to implement its January ruling.

“The Constitutional Court has condemned the attitude that has kept me in prison for 18 months and ruled that my rights are violated. Had the Constitutional Court been my trial court, I would have been acquitted three times over.”

Mehmet Altan, addressing the court on the day of his conviction, 16 February 2018

On 20 March, the European Court of Human Rights issued its rulings on their cases, finding violations of the rights to liberty and security and to freedom of expression. At the time of writing, Mehmet Altan remains in prison awaiting the outcome of his appeal.

SILENCING CIVIL SOCIETY ACTORS

Broadly worded, vague anti-terrorism laws have been used to criminalize dissenting opinion. Many of those caught in an ever-widening net of legal repression have been prosecuted and imprisoned despite the absence of any material evidence that they had indeed committed a recognisable criminal offense.

Prominent individuals such as civil society leader Osman Kavala and Celalettin Can, a human rights defender and once advisor to the government on the peace process between the state and the armed Kurdistan Workers Party (PKK), are currently in prison awaiting trial on such charges.

Also among those charged under these laws are several other prominent human rights defenders, including Amnesty International's Taner Kılıç, then Chair and now Honorary Chair of Amnesty International Turkey, and Amnesty International Turkey Director, İdil Eser, arrested in June and July 2017. Almost a year later, Taner Kılıç remains imprisoned while İdil Eser has been released while their trial proceeds. See more on their cases on page 10.

ATTACKS ON LAWYERS

There are no official statistics about the number of lawyers being investigated, prosecuted and detained awaiting trial, but it is estimated that several hundred lawyers are facing criminal proceedings under the post-coup crackdown. Some 110 members of the Contemporary Lawyers Association (ÇHD) and Lawyers for Freedom Association (ÖHD), two associations that have been closed down by executive decree, are subject to restrictions in carrying out their duties as lawyers because they are facing criminal proceedings.

“Because I am being prosecuted myself, I cannot represent people in the investigation stage – so when I went to see a couple of lawyers who were being held in police custody, I was not allowed. I am effectively not a lawyer at that point.”

Levent Pişkin, a lawyer who represented the Istanbul provincial branch of People's Democratic Party (HDP) and the Party's imprisoned former co-leader, Selahattin Demirtaş. Together with four others, he is facing prosecution for “membership of a terrorist organization” and “propaganda for a terrorist organization”, March 2018.

“After the Constitutional Court decision on Mehmet Altan... I wrote a tweet welcoming the outcome... I immediately received messages from people saying ‘what are you thinking? You are drawing attention to yourself. They will put you in jail. You are jeopardising everyone else too.’”

Orhan Kemal Cengiz, human rights lawyer who represented Mehmet Altan currently facing prosecution himself

INTERNATIONAL STANDARDS

THE RIGHTS TO FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The **right to freedom of expression** protects the right of everyone to seek, receive and impart information and ideas of all kinds. Any restrictions on the exercise of the right to freedom of expression must be set out clearly, be accessible and formulated in law, only for certain specified legitimate purposes, be demonstrably necessary and proportionate and must not jeopardize the right itself.

The **rights to freedom of peaceful assembly and association** mean that everyone has the right to gather publicly or privately and collectively, express, promote, pursue and defend common interests.

To be lawful, any restrictions on this right must be necessary and proportionate, meaning that there must be a pressing social need, in order to protect a legitimate concern.

THE UN DECLARATION ON HUMAN RIGHTS DEFENDERS

The UN Declaration on Human Rights Defenders clearly spells out the state's ultimate responsibility for creating the conditions where human rights defenders can carry out their legitimate work in a safe and enabling environment. The Declaration also stresses the importance of being able to freely scrutinize and criticize the state when it violates human rights.

In line with the Declaration, Amnesty International considers that anyone who defends or promotes human rights at whatever level, without resorting to or advocating hatred, discrimination or violence, is a human rights defender. Defenders come from all walks of life and the focus of their work ranges across the spectrum of human rights, from protecting the environment, to defending minorities, to promoting the rights to non-discrimination of women and LGBTI people.

A close-up portrait of Osman Kavala, a man with a full grey beard and curly dark hair, looking slightly to the right. He is wearing a light blue button-down shirt. The background is blurred.

 Osman Kavala
(© Kerem Uzel/NARPHOTOS)

ARBITRARY DETENTION

“The aim is to maintain the climate of fear. When you are in police detention, you are very scared for your family. We are all scared... It’s arbitrary, it’s not predictable, it cannot be effectively challenged so there is impunity.”

Osman İşçi, General Secretary of the Human Rights Association, February 2018.

Human rights defenders, and indeed anybody critical of the government, fear, with justification, that at any moment they may be taken into police custody and subsequently remanded in pre-trial detention on baseless charges. Many defenders have either been detained themselves or will know someone who has.

Osman Kavala, a prominent civil society activist has been arbitrarily detained since October 2017. Over the past three decades, Osman Kavala has provided support to many independent human rights organizations and helped establish a number of civil society organizations, including the Helsinki Citizens’ Assembly (now the Citizens’ Assembly), an NGO working to advance human rights, and

Anadolu Kültür, a cultural association that promotes understanding across Turkey’s diverse communities.

On 1 November, after 13 days in detention at the Istanbul Security Directorate Headquarters, he was questioned for 12.5 hours and referred to an Istanbul court, which remanded him in prison. The preliminary charges against him were “attempting to abolish, replace or prevent the implementation of the constitutional order through use of force and violence” and “attempting, by use of force and violence, to abolish the government, or prevent it from fulfilling its duties” (Articles 309 and 312 respectively of the Penal Code). An indictment had still not been issued at the time of writing.

Osman Kavala was taken to Silivri High Security Prison No. 9, where he remains awaiting trial. His lawyer’s objections to his imprisonment have been rejected and an application for his release to the Constitutional Court, lodged on 29 December 2017, was pending at the time of writing. Owing to a secrecy order on his file,

the details of the investigation against him are not known, impeding his lawyers’ ability to prepare an effective defence. And in a pattern seen in other cases detailed in this briefing, a smear campaign has been mounted against him in the pro-government media using details leaked from the investigation.

According to publicly available information, Osman Kavala was questioned about and accused of having links with the alleged organizers of the failed coup attempt; these accusations were not substantiated and there is no publicly available credible evidence to support them. His questioning also focused on his alleged leadership role in, and financing of, the 2013 protests against the demolition of Gezi Park in Istanbul. The allegation that Osman Kavala organized or financed these very diverse protests is not credible. However, even if it were, organizing overwhelmingly peaceful protests is not a crime. In the absence of credible evidence of criminal wrongdoing, in compliance with international law and standards, Amnesty International is calling for Osman Kavala’s immediate and unconditional release.

SILENCING PEACEFUL OPPOSITION TO THE MILITARY OFFENSIVE ON AFRIN

Those who express dissenting opinions on issues of concern to Kurdish people have long been subjected to prosecution in Turkey. One of the latest examples of this is the detention and prosecution of those critical of Turkey's military operation in Afrin, Northern Syria.

On 20 January 2018, Turkey began a military offensive in Afrin directed at the People's Protection Units (YPG), an armed group linked to the banned PKK. When individuals, including human rights defenders and journalists, expressed opposition to the military offensive, senior members of the government and the President responded by labelling them "lovers of terrorism". Statements by officials were followed by anonymous threats and intimidation, as well as criminal investigations and the detention of hundreds of people for social media posts and other public statements critical of the Turkish military operation. According to the Ministry of the Interior, by 26 February, 845 people had been detained for social media posts, 643 people were subject to judicial proceedings and 1,719 social media accounts were under investigation in connection with Afrin.

One stark example of this intolerance of dissent was the treatment meted out to the Turkish Medical Association (TTB), a

professional body of 83,000 physicians, some 80% of all doctors in Turkey. On 24 January 2018, the TTB issued a statement calling for an end to the Turkish military operation in Afrin.

On the morning of 30 January police raided the TTB headquarters and the homes of TTB Chair Raşit Tükel and 10 other members of the TTB Central Council. They were accused of "making propaganda for a terrorist organization" and "inciting the public to hatred and enmity". All had been provisionally released by 5 February while the investigation continues; they are required to report to a police station once a month. Amnesty International is calling for the criminal investigations against members of the TTB to be dropped.

The wave of detentions then spread to encompass those who had expressed support for the TTB's position by sharing their views with the hashtag #TTBninYanındayız (#WeStandWithTTB).

For example, Ali Erol, a leading human rights activist and founding member of the LGBTI rights organization KAOS-GL, was detained on 1 February 2018 and held in police custody for five days. During questioning at the Ankara Security Directorate Anti-Terrorism Branch, Ali Erol was asked about a tweet and two retweets: his tweet was a photo of an olive tree, shared with anti-war hashtags – a reference to "Operation olive branch", the name of the military operation in

Afrin; one of the retweets was the text of Article 20 of the International Covenant on Civil and Political Rights (ICCPR) which prohibits propaganda for war.

"Being detained and deprived of your liberty is punishment when all you have done is express a peaceful opinion."

Ali Erol, speaking to Amnesty International, February 2018

Ali Erol was released on 6 February. He is subject to bail conditions and required to report weekly to a police station. He remains under criminal investigation for "making propaganda for a terrorist organization and "inciting the people to hatred and enmity".

ARBITRARY DETENTION

Article 9 of the International Covenant on Civil and Political Rights (ICCPR) prohibits arbitrary arrest, detention or imprisonment.

When considering whether or not a detention is arbitrary, the UN Working Group on Arbitrary Detention has adopted criteria including:

- Where there is no legal basis for detention; this includes people held without charge or trial or despite a judicial order for their release or kept in prison after the expiry of their sentence.
- Where there have been grave violations of the detainee's right to fair trial, such as the right to legal counsel.
- Where the deprivation of liberty results from the exercise of rights or freedoms guaranteed in international human rights law, such as the rights to freedom of expression or association.
- Where the law under which the person is detained is not in line with international standards, for example if it is vague, or excessively broad.





Deniz Yücel, Turkey correspondent for the German newspaper Die Welt, speaking shortly after his sudden release in February 2018, the day after a meeting between Turkish Prime Minister Binali Yıldırım and German Chancellor Angela Merkel. A day earlier, an Istanbul court had accepted a three-page indictment in which he was charged with “inciting the public to hatred and enmity” and two counts of “making propaganda for a terrorist organization” on the grounds that his articles had supported the aims of two proscribed organizations. The only evidence presented was a few short extracts from six articles he had written for Die Welt between June and December 2016, none of which could be considered a crime under international human rights law and standards. (© Müller-Stauffenbergullstein bild via Getty Images)

“I still don’t know why I spent a whole year in prison or why I have just been released. The only explanation that I and thousands around the world can see is that I was held hostage and that neither decision was judicial but entirely political.”

Deniz Yücel

ABUSIVE PROSECUTIONS UNDER ANTI-TERRORISM LAWS

The state of emergency and the fact that Turkey considers important rights suspended, have paved the way for excessive and abusive use of certain laws to detain and prosecute human rights defenders and other critical voices in society.

In particular the vaguely worded anti-terrorism laws are used to silence, harass and intimidate dissenting voices in Turkey. The definition of terrorism in Turkish law is not in line with the proposed model definition by the UN Special Rapporteur on Human Rights and Counter Terrorism. For example it does not limit acts defined as terrorism to lethal or serious physical violence against members of the general population. Clarity of definition is crucial because people need to be able to know what is and isn't illegal, and because it leaves space open, as in cases against human rights defenders or other critical actors, for politically motivated prosecutions.

Article 7/2 of the Anti-Terrorism Law criminalizing speech deemed to be “making propaganda for an armed terrorist organization” has been used extensively to target journalists, academics, political activists and others for their writings and social media posts. For example, some 1,128 academics who signed a peace appeal in January 2016 were investigated under Article 7/2, with 265 prosecuted as of 1 April 2018. While these laws were used before in this way, the state of emergency has led to an increase in the number of people detained and the length of time they are detained for pending trial.



TANER KILIÇ AND THE ISTANBUL 10

On the morning of 6 June 2017, **Taner Kılıç**, the then Chair of Amnesty International Turkey, was arrested at his home in the western city of Izmir. Three days later, he was remanded in custody on the baseless allegation that he was a “member of the Fethullah Gülen Terrorist Organization (FETÖ) and acted on its behalf”. The imprisonment of Taner Kılıç, a lifelong human rights defender, a refugee rights lawyer and a prominent figure in Turkey’s civil society, sent shock waves across the country and beyond. However, calls for his immediate release from within Turkey and abroad have been ignored.

The main accusation against Taner Kılıç is that he allegedly downloaded and used the encrypted messaging app ByLock, which the authorities allege was used by the Gülen movement. Following forensic examinations of his mobile phone and telephone records, four independent experts have shown that the allegation is baseless. The state has not presented any credible evidence

to support the allegation. And in any case, the presence of a messaging application cannot be considered as evidence of a “terrorist” offence.

Taner Kılıç remains in pre-trial detention at the time of writing, despite an initial ruling on 31 January 2018 by the trial court that he be released from pre-trial detention. Shockingly, the same court overturned its own ruling the next day, without any explanation or further justification, a volte-face that raises serious questions of political interference in the court’s decision making.

The group of human rights defenders known as the **Istanbul 10** were arrested on 5 July 2017 from a human rights workshop on Büyükada, an island close to Istanbul.

They included İdil Eser, Director of Amnesty International Turkey; co-ordinator of the Women’s Coalition İknur Üstün, Turkey’s foremost International Criminal Court expert; dismissed academic Günal Kurşun; Özlem Dalkıran, founding member



 Murat Çelikkan (© Private)

of Amnesty International Turkey; Nejat Taştan, co-ordinator of the Equal Rights Monitoring Association; Şeymus Özbekli, a human rights lawyer; Nalan Erkem, a lawyer and member of Citizens' Assembly; and Veli Acu from the Human Rights Agenda Association. Two workshop facilitators, IT strategy consultant Ali Gharavi, a Swedish national, and non-violence and wellbeing trainer, Peter Steudtner, a German national were also detained.

On 18 July, after almost two weeks in police detention, Nejat Taştan and Şeymus Özbekli were conditionally released and the remaining eight defenders were remanded in prison pending trial, where they remained until their conditional release at the first hearing in their trial on 25 October 2017. The case of the Istanbul 10 was fully merged with the case of Taner Kılıç and the next hearing in the case is scheduled for 21 June 2018.

The targeting of İdil Eser and Taner Kılıç is the first time in Amnesty International's history that two of its leaders in a country have been detained and prosecuted at the same time. The state's actions against a well-known human rights organization with such seemingly politically motivated and baseless allegations intends to send a clear message to human rights defenders in Turkey: criticism of rights violations will not be tolerated.

MURAT ÇELIKKAN

"My sentence was not postponed... because the court deemed that I 'did not show sufficient remorse'. I didn't do anything wrong so why would I? But I would not be honest if I said my imprisonment did not affect me... It has. I am not signing critical statements for example. In today's Turkey, even merely existing is a struggle."

Murat Çelikkan, speaking to Amnesty International, February 2018

Journalist and human rights defender

Murat Çelikkan has been involved in various human rights organizations, including the Human Rights Association, Amnesty International Turkey and the Citizens' Assembly, since their inception. He is a founding member and co-director of the Truth Justice Memory Centre (Hafıza Merkezi), established in 2011 to build a comprehensive database of enforced disappearances, and an advocate of a peaceful solution to the Kurdish question. In February 2018, he received the Civil Defender of the Year award from the Stockholm-based organization Civil Rights Defenders, which aims to highlight the situation of defenders at risk.

Murat Çelikkan was among 100 journalists and prominent individuals who participated in the solidarity campaign for the now closed Kurdish daily newspaper *Özgür Gündem* in 2016. Murat Çelikkan became its symbolic editor-in-chief for one day on 24 May 2016 to protest against the judicial harassment of the newspaper's journalists. Of those who took part in the solidarity campaign, 50 have been subject to criminal investigation and 38, including Murat Çelikkan, have been prosecuted for articles published in the paper on the days they were taking part in the campaign. They were charged under the Anti-Terrorism Law with "making propaganda for an armed terrorist organization" (Article 7/2) and "printing or publishing statements by terrorist organizations" (Article 6/2).

On 6 June 2017, Murat Çelikkan was sentenced to 18 months' imprisonment; the verdict was confirmed on appeal

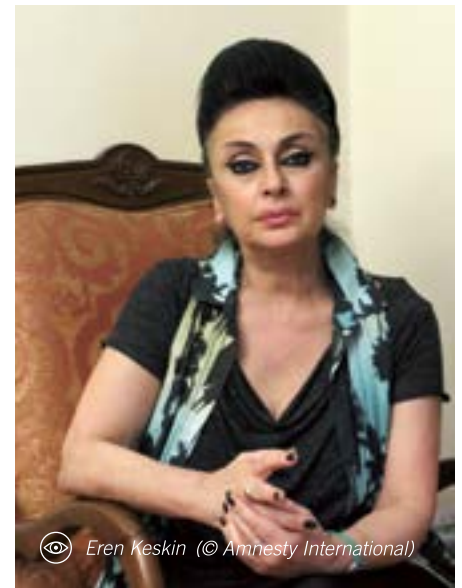
on 20 June 2017 and no further appeal is possible. On 14 August 2017, Murat Çelikkan presented himself at Kırklareli Prison, where he remained until his conditional release on 21 October 2017.

EREN KESKIN

"Every time the woman who looks after my elderly mother calls me, I think she is going to tell me that the police have arrived. I try to express my views freely but I am also acutely aware of thinking twice before speaking or writing."

Eren Keskin, lawyer, prominent member of the Human Rights Association and founder of the Legal Aid Bureau against Sexual Harassment and Rape in Detention, February 2018

Eren Keskin is facing over 140 separate prosecutions for articles published when she was symbolic editor-in-chief of *Özgür Gündem*. In one of the cases, she was found guilty of "insulting the President" for a headline that appeared in the aftermath of the bombing of a peace rally in Ankara on 10 October 2015 in which over 100 people were killed. The article headline read: "Tens of thousands return to the square where peace was massacred to shout: 'Murderer Erdoğan'". If convicted in all cases, she estimates the fines could total 800,000 Turkish Lira (approximately €170,000).



 Eren Keskin (© Amnesty International)



ORHAN KEMAL CENGİZ

Orhan Kemal Cengiz, a human rights lawyer and founder and former President of the Human Rights Agenda Association, was detained in July 2016 and subsequently charged with “attempting to overthrow the constitutional order”, and “attempting to overthrow the Parliament and the government or to prevent them from carrying out their work” and “membership of an armed terrorist organization”, charges punishable by life imprisonment without the possibility of parole.

Before it was closed down, *Zaman* newspaper, which was linked to the Gülen movement, was taken over by state appointed trustees in March 2016. Orhan Kemal Cengiz challenged the seizure of the paper in the Constitutional Court. He also took the case of writer and former newspaper editor Ahmet Altan and his brother Mehmet Altan, an academic, to the European Court of Human Rights.

When the indictment against *Zaman* writers and journalists was published 10 months after his detention, Orhan Kemal Cengiz was shocked to see his name listed at the end as a defendant, as there is not a single specific allegation about him in the 64-page court document, and he was not a writer for the paper. Amnesty International believes that the charges against Orhan Kemal Cengiz are

unfounded and that he is being targeted for his human rights work as a lawyer representing *Zaman* newspaper and the Altan brothers.

DR ÖMER FARUK GERGERLİOĞLU

Dr Ömer Faruk Gergerlioğlu is the former head of the human rights organization Mazlum-Der and one of the victims of the mass dismissals that have affected whole swathes of the population. He worked as a physician in the western province of Kocaeli until he was suspended by the provincial Governor on 13 October 2016 and then permanently dismissed by executive decree No. 679 a year later in October 2017. He is facing an ongoing prosecution for “insult” for an open letter he wrote to Kocaeli Governor protesting at his suspension.

On 21 February 2018, in a separate case, Dr Ömer Faruk Gergerlioğlu was convicted of “making propaganda for a terrorist organization” and sentenced to 2.5 years in prison. The charges related to a news article he shared on Twitter on 20 August 2016; the article was published on the internet-based news portal T24 and was entitled “PKK: if the state takes the initiative, peace can be achieved within a month” and reproduced the PKK’s statement. A photograph accompanying the article depicted three men holding AK-47 rifles and was cited as “evidence” that Dr Gergerlioğlu was “making the PKK’s propaganda by displaying the armed members of the terrorist organization in a way that is complimentary and enticing”.

The court decision states that Dr Gergerlioğlu is the author of the article, which is not the case. To date, the news site T24 has not been prosecuted for the article that Dr Gergerlioğlu’s shared.



Orhan Kemal Cengiz
(© Private)



Dr Ömer Faruk Gergerlioğlu
(© cihan)

Eren Keskin is also one of nine defendants in a separate *Özgür Gündem* ongoing prosecution on charges including terrorism-related offences which can carry a sentence of up to 24 years’ imprisonment. Appeals against two previous convictions, carrying a total of more than four years’ imprisonment, were pending before the Supreme Court of Appeals at the time of writing.

On 16 January 2018, in a separate prosecution, another five journalists from the *Özgür Gündem* solidarity campaign were given prison terms totalling nine years and nine months, currently pending on appeal.



EMERGENCY RULE USED TO SHUT DOWN NON-GOVERNMENTAL ORGANIZATIONS

'They are shouting and screaming. We closed 370 associations. Why? They will sit there, aiding terrorist organizations and we will see them as legitimate? We slapped the lock on their door, it's done. Let's see if you can reopen them'.

Minister of the Interior Süleyman Soylu,
14 November 2016

Over 1,300 NGOs have been permanently closed down by executive decree under the state of emergency for unspecified links to "terrorist" organizations. The organizations that have been closed down have been unable to effectively challenge the decisions in administrative courts. Without their legal association status, it is very difficult for them to operate and carry out their vital work.

Among those targeted are Turkey's leading child rights NGO, Gündem Çocuk; 11 women's rights organizations; lawyers' organizations such as the Contemporary Lawyers' Association (ÇHD) and Lawyers for Freedom Association (ÖHD); and organizations providing humanitarian support to displaced people and refugees.

GÜNDEM ÇOCUK ASSOCIATION

Gündem Çocuk was established in 2005 and bases its work on the UN Convention on the Rights of the Child. It published reports on a wide range of rights violations and provided legal support and representation in sexual abuse and child death cases.

It was among 370 NGOs whose activities were suspended for three months on 11 November 2016 under the State of Emergency Law on grounds of "general security and public order"; no individual

reasoning was given. Their offices were sealed by order of the Governor of Ankara. Nine days later, before Gündem Çocuk's lawyers could effectively challenge the suspension, it was permanently closed down under an executive decree.

The association challenged their closure in an administrative court, but this was rejected as outside the court's mandate under the state of emergency. At the time of writing, an appeal was before the special commission established to examine appeals by those dismissed from public service and organizations closed down under the state of emergency.

Gündem Çocuk was one of a number of human rights organizations that joined a delegation to the southeastern town of Cizre in March 2016. The aim of the delegation was to document and report rights violations in the context of the round-the-clock indefinite curfew imposed on the town between 14 December 2015 and 2 March 2016 during clashes between the Turkish armed forces and the PKK. Those active in the association believe it was Gündem Çocuk's involvement in the publication of the report on the visit to Cizre that is behind the decision to close it down, but no specific reason was given officially.

THE VAN WOMEN'S ASSOCIATION (VAKAD)

"There is now a huge gap in the provision of advice and support to survivors. It really breaks my heart. We set up this legal, independent organization, and none of us has any kind of link to any armed groups of any kind."

Zozan Özgökçe, founding member and spokesperson for VAKAD

VAKAD was closed down under executive decree on 22 November 2016, five days after its activities were suspended by the Van governorate, in eastern Turkey. VAKAD's advice centre provided services to around 300 women every year, worked in schools to raise children's awareness of sexual abuse and provided training in leadership and financial literacy for women.

At the time of VAKAD'S closure, its leadership was about to sign a contract with the European Union on a three-year project on preventing violence against women to work with up to 8,000 women in 92 villages, focusing on hard-to-reach communities.

All these activities, as well as a language project VAKAD was carrying out with the UN High Commissioner for Refugees, ceased with the closure of the organization. Today, no one is doing this vital, life-saving work in the region.



Zozan Özgökçe (© Private)



THREATS, SMEARS AND INTIMIDATION TO SILENCE DISSENT

While not a new phenomenon, the vilification of human rights defenders to intimidate them and undermine their work has intensified under the state of emergency.

There are many examples of high-profile government representatives publicly (and falsely) accusing defenders of, among other things, being “terrorists”, “defenders of the coup”, “unpatriotic”, “foreign agents”, “fifth columnists”, “spies”, “enemies of the state” or of opposing national or moral values.

These words have impact in Turkey: not only do they label people for life, they incite violence against human rights defenders, putting them at greater risk of attack – including physical assault and killings – by pro-government groups or other non-state actors.

“I have had to leave the city where I had spent several decades working both as doctor and a human rights defender. My family was uprooted, my child had to leave his school... I was socially excluded from the mosque committee and from the board of governors at my son’s school... I have had insults and serious threats on social media... 17 months on, my criminal complaints about the threats, insults... have still not been investigated. Despite all this, I know that my message for peace and justice is the right one. I will not stop speaking out.”

Dr Ömer Faruk Gergerlioğlu, the former head the human rights organization Mazlum-Der speaking to Amnesty International, March 2018

The use of social media to silence critical voices through threats and intimidation is a constant feature of life under the state

of emergency for human rights defenders and activists who are critical, or perceived to be critical, of the government. The active targeting of activists online is often a precursor to their detention and prosecution.

“Today most LGBTI+ people in Turkey are living in more fear than ever before. With the overall crackdown on freedom of expression, LGBTI+ people feel that the spaces for them to be themselves are drastically shrinking... they see no hope, no future.”

A woman LGBTI+ rights activist, March 2018

LGBTI organizations have reported a sharp increase in campaigns of intimidation and harassment targeting individuals or planned events. For example, in January 2018 an event focusing on sexual health in Samsun, northern Turkey, was cancelled by the organizers following a campaign of homophobic attacks on social media. Municipalities run by the main opposition Republican Peoples Party (CHP) are reported to shy away from organizing events or taking public positions on LGBTI rights for fear of the attacks.

“At the time of my detention, I was heavily targeted in pro-government media with very negative and inflammatory articles... But I am a journalist. I am guided by the ethics and principles of journalism, and I will continue to do my job.”

Sibel Hürtaş, journalist briefly detained for her broadcasts about military operation in Afrin, March 2018

Following the publication of their statement opposing the military attack on Afrin, the Ankara head office of the Turkish Medical Association (TTB) received a large number of threats of violence by email and phone, as well as on social media. Individual members of TTB’s executive committee were targeted on social media, threatened with physical violence and called “traitors”. President Recep Tayyip Erdoğan also attacked the TTB during a speech on 26 January 2018, calling them the “so-called Turkish Medical Association, the terrorist lovers”.



Sibel Hürtaş (© Private)

DEFENDING HUMAN RIGHTS IN THE SOUTHEAST OF TURKEY

Speaking out for the human rights of Kurdish people has always been a perilous enterprise in Turkey.

Over the past three decades armed clashes between state forces and the PKK have claimed countless lives and resulted in the displacement of hundreds of thousands of people. In 2013, the announcement of a ceasefire and the subsequent peace process gave hope to millions in the region and across the country. The collapse of this fragile process in the summer of 2015 marked a return to a period of intense difficulties for

human rights defenders, journalists and activists in the southeast. The following months saw round-the-clock curfews, intense fighting in densely populated urban areas which, according to the UN High Commissioner for Human Rights, claimed around 2,000 lives, including 800 security personnel, and mass displacements of people living in towns such as Sur, Cizre and Nusaybin.

Today, under the state of emergency and in light of the severe crackdown on civil society in general, the few remaining independent voices advocating for human rights in the region live with an even more severe, ever-present threat of detention and prosecution.

"I believe that people from all backgrounds and political persuasions coming to the courthouse on the day of my appearance played a role in my release from police custody. It showed I am not alone."

Human rights defender and journalist Nurcan Baysal speaking to Amnesty International in February 2018

Nurcan Baysal was detained on 22 January 2018. She was released on 24 January after being questioned about five tweets criticizing the military operation in Afrin. She was later charged with "incitement of the public to hatred and enmity" for the tweets. The first hearing in the case is set for 17 May 2018.



 Nurcan Baysal (© Private)



JINHA, which is exclusively run by women, was established to focus specifically on news relating to women and to make their voices heard. It was closed in October 2016 by state of emergency decree. Şüjin, a new women-only news agency set up in its place, was also closed down by emergency decree in August 2017. Undeterred, the women established Jin News, which continues to provide news from a Kurdish women’s perspective.

Raci Bilici, Deputy Chair of the Human Rights Association and Chair of its Diyarbakir branch, was suspended from his post as a mathematics teacher in a secondary school in September 2016; his wife, also a teacher, was also suspended. Following his suspension, he was targeted in the pro-government *Akit* newspaper and began to receive death threats by phone. In February 2017, he decided to resign from his teaching post for his and his family’s safety.

He has been charged with “membership of a terrorist organization” for alleged activities on behalf of the Democratic Society Congress (DTK), one of the organizations that had been in communication with the state authorities during the peace process. If convicted, he could face up to 15 years in prison. The third hearing in the trial will take place in July 2018.

“I have now received a letter from the authorities in which they say my phone had been tapped for two years. A court authorized the wiretap every month, each time stating they had not found anything! I and the other leaders [of the Human Rights Association] are being prosecuted so that the public stops taking us seriously.”

Raci Bilici, speaking to Amnesty International in February 2018

Zehra Doğan, artist and editor of the Women’s News Agency (JINHA), is serving a prison sentence of two years, nine months and 22 days for “making propaganda for a terrorist organization”. The charge relates to her journalism and her painting of the aftermath of a military operation in the town of Nusaybin, Mardin province.



Raci Bilici (© Private)



Zehra Doğan (© Refik Tekin)





The killing on 28 November 2015 of Tahir Elçi, a prominent human rights defender and President of Diyarbakır Bar Association, brings into sharp focus the dangers faced by human rights defenders in the region. Two and a half years later, an investigation into his fatal shooting continues without significant progress.

For the last 30 years, Elçi was a leading human rights lawyer and outspoken advocate for peace, human rights and justice in Turkey.

(© Berk Ozkan/Anadolu Agency/Getty Images)

UNFAIR RESTRICTIONS TO THE RIGHT TO FREEDOM OF ASSEMBLY

Over the last five years, unfair restrictions on the right to freedom of assembly and the use of excessive force to repress protests have become routine.

The state of emergency and the repeated use of blanket bans on public gatherings in several cities have severely restricted the ability of organizations to hold peaceful public assemblies. For example, in Diyarbakır, the ban on all public demonstrations imposed in August 2016 remains in place.

BANS ON LGBTI EVENTS

“In Izmir in Istanbul and Ankara we can still meet each other but it is getting very hard. We used to have about 30 associations around the country, most of them are now closed and not functioning.”

Woman LGBTI activist and organizer of Istanbul Pride

In the last three years, several Pride events have been banned in Istanbul and Ankara.

On 15 November 2017, the Ankara governorate used state of emergency powers to ban the **German LGBTI Film Festival** scheduled for 16-17 November because “due to social sensitivities, certain sections of society could be provoked to react against groups and individuals participating in the events”. The organizers believe the ban was issued in response to a threatening and extremely abusive homophobic social media campaign initiated by the Humanitarian Help Foundation (IHH).

On 18 November, the Ankara Governorate used the State of Emergency Law to announce an indefinite ban on all public events by LGBTI organizations in the city, citing “social sensitivities”, “public safety”, “safeguarding general health and morals” and “safeguarding the rights and freedoms of others.

A further ban was imposed on Pink Life’s short film projections in Istanbul on 24 November 2017. The reasons given for the ban by the governorship of the central Beyoğlu district, Istanbul, were the lack of notification, “general morals” and “a clear and present danger to public

order”. The organizers faced further bans and restrictions when they proposed alternative dates and venues.

The current clampdown on the activities of LGBTI organizations marks a stark departure from recent years which saw increasing participation in Istanbul Pride events, with tens of thousands attending the last Pride March in June 2014. The blanket bans on activities threaten the very existence of these organizations and reverse these recent progressive steps to counter prevailing homophobia and transphobia.



CONCLUSION

The human rights landscape during the 21 months of the state of emergency in Turkey is a desolate one characterized by mass detentions, prosecutions, intimidation and the silencing of independent civil society. Those who continue to speak out and stand up for human rights are paying a heavy price.

The impact of the repression of civil society, including human rights defenders, is immense and it is deliberate. Once vibrant and expanding LGBTI organizations feel they are being pushed underground once again. Speaking and writing to express dissenting opinions are now dangerous activities. And when human rights defenders are targeted, imprisoned, gagged and silenced, those who are at greatest risk of human rights violations – such as LGBTI people, women survivors of violence, children and refugees and migrants – are deprived of those who support them in their struggle to defend their rights.

By shutting down dissent and targeting civil society in the ways described here, Turkey is flouting its obligations under international human rights law.

Turkish civil society need to know they are not alone in their struggle for survival, that governments around the world value their crucial work and that they will be protected against unjust prosecutions, detention and attacks.



Demonstrators march along the main shopping and pedestrian street of İstiklal, Istanbul during an International Women's Day rally on 8 March, 2018. (© Chris McGrath/Getty Images)



Demonstrators running away from tear gas at the Pride March on June 25, 2017 in Istanbul. The 2017 Pride March was banned by authorities for the third successive year. Organisers defied the order and people attempted to march to Taksim Square but were met by a heavy police presence. Peacefully assembled crowds were dispersed by police with tear gas and rubber bullets. Dozens were arrested. (© Chris McGrath/Getty Images)



RECOMMENDATIONS

TO THE TURKISH AUTHORITIES:

- Immediately and unconditionally release Taner Kiliç and other human rights defenders and civil society actors held under anti-terrorism laws and without credible evidence of any criminal wrongdoing.
- Refrain from prosecuting human rights defenders and other civil society actors for their legitimate human rights work.
- Ensure threats and intimidation of human rights defenders and other civil society actors are investigated and those responsible are brought to justice in line with international law and standards.
- Refrain from using language that vilifies and discriminates against human rights defenders and other civil society actors.
- Publicly acknowledge the work of human rights defenders and other actors in civil society and recognize the legitimacy of their work.
- Lift the current state of emergency and repeal executive decrees that go beyond legitimate measures to combat threats to national security.
- Ensure that human rights organizations arbitrarily closed down under the state of emergency are reopened and their confiscated assets restored.

TO THE INTERNATIONAL COMMUNITY:

- Regarding the EU and its member states: Ensure that all political dialogues and bilateral discussions are used to raise concern regarding the crackdown on civil society; ensure that these discussions and human rights clauses where applicable are enforced when developing bilateral relations with Turkey, including the upgrading of the EU-Turkey Customs Union; ensure that the Instrument for Pre-Accession funding (IPA) does not contribute to human rights violations, including by suspending projects managed by the Turkish Ministry of Justice.
- Regarding the Council of Europe: Ensure that the Committee of Ministers uses all tools at its disposal including urgent debates as well as ensuring the execution of judgments of the ECtHR to address the crackdown on civil society. The enhanced monitoring adopted by Parliamentary Assembly of the Council of Europe in April 2017 should be implemented in practice, with frequent visits and reports. The Secretary General should raise these concerns forcefully through high level political dialogue.
- Regarding the United Nations Human Rights Mandate Holders: Continue and expand monitoring including visits to Turkey, reporting, and communications regarding the situation in Turkey, in particular regarding the state of emergency and civil society.
- Regarding States on the Human Rights Council: Continue and expand action, including collective action, under the agenda of the Human Rights Council, in particular Items Three (Promotion and Protection of all Human Rights) and Four (Human Rights Situations that Require the Council's Attention).
- Regarding individual states: raise individual cases as well as the broader concerns outlined in this briefing clearly and forcefully in their bilateral relations with Turkey.



Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

Riot police block protesters demonstrating in support of two hunger-strikers who were taken into custody in May, in Ankara on June 8, 2017. On May 24, 2017 a Turkish court has placed under arrest on terror charges an academic Nuriye Gulmen and a teacher Semih Ozakca who have been on a long hunger strike to protest against their dismissal in a purge after last year's failed coup, reports said. (© ADEM ALTAN/AFP/Getty Images)

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