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REVIEW—TURKEY**

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## Table of Contents

<b>I.</b>	<b>A RECORD OF HUMAN RIGHTS AFFAIRS SINCE 2015</b> .....	3
	A. State of Emergency and Crackdown on Civil Society.....	3
	B. Repression in the Kurdish Region.....	5
<b>II.</b>	<b>CURRENT HUMAN RIGHTS ISSUES</b> .....	5
	A. Torture, Ill Treatment, and Impunity.....	5
	B. Arbitrary Arrest and Unfair Trials.....	6
	C. Freedom of Conscience, Expression, Association, and Assembly.....	7
	D. Independence and Impartiality of the Judiciary.....	8
	E. Forced Evictions & International Abduction.....	10
	F. Unlawful Seizures of Private Properties.....	11
	G. Ineffective Remedies.....	11
<b>III.</b>	<b>RECOMMENDATIONS</b> .....	12

## I. A RECORD OF HUMAN RIGHTS AFFAIRS SINCE 2015

### A. State of Emergency and Crackdown on Civil Society

The July 2016 coup attempt in Turkey was the basis through which the Turkish government enacted a state of emergency with catastrophic effects on the country's human rights record. During this state of emergency, lasting over two years, hundreds of thousands of civil servants, judges, prosecutors, teachers, military personnel, and academics were dismissed from their jobs. Thousands of people have been arbitrarily arrested, investigated, tried, and convicted.<sup>1</sup>

Even though the legal state of emergency is no longer in force, the derogation from international human rights covenants and the arbitrary nature of such charges has resulted in people in Turkey being denied access to effective legal remedies for human rights violations.<sup>2</sup> The Turkish State is obliged to provide mechanisms of protection to the judiciary in order to be functional as independent and effective remedies. The emergency decree has also notably limited certain civil and political rights, including freedom of expression, freedom of assembly, and procedural rights. Many changes in key legislations have continued and to have effect even after the state of emergency was lifted.<sup>3</sup>

The derogation of rights was indistinct<sup>4</sup>, applied in unrelated areas<sup>5</sup>, and disproportionate; because the powers granted went beyond the necessities of the situation.<sup>6</sup> The European Court of Human Rights (hereafter ECHR) stated in a recent case that “[t]he duration of the state of emergency was excessive, emergency measures were converted into permanent changes to the legal framework, the overall impact of the measures was excessive and indiscriminate and there

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<sup>1</sup> For the scope of the purge see [http://www.ihop.org.tr/wp-content/uploads/2018/04/SoE\\_17042018.pdf](http://www.ihop.org.tr/wp-content/uploads/2018/04/SoE_17042018.pdf)

<sup>2</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East - January - December 2017, March 2018, para 42.; ICJ Geneva Declaration on Upholding the Rule of Law of Judges and Lawyers in Times of Crisis of 2008, Principle 1

<sup>3</sup> European Commission, Turkey 2018 Report, Doc. No. SWD(2018) 153 final, 17 April 2018, p 3. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf>

<sup>4</sup> Sahin Alpay v Turkey, ECtHR, Application no. 16538/17, 20 March 2018, para. 73. Under international law, a declaration of state of emergency must identify the particular human rights provisions from which it has derogated. Turkey has failed to do this in respect of the ECHR. International Commission of Jurists (ICJ), Turkey: Lifting of state of emergency a welcome start, now restore rule of law, July 18, 2018. Available at <https://www.icj.org/turkey-lifting-of-state-of-emergency-a-welcome-start-now-restore-rule-of-law/> According to the ICJ, the derogations by Turkey to the right to an effective remedy (article 2.3 ICCPR), the right to humane treatment in detention (article 10 ICCPR), and the protection of minorities (article 27 ICCPR) are prima facie invalid, as they refer to nonderogable rights.

<sup>5</sup> Raphaël COMTE, State of emergency: proportionality issues concerning derogations under article 15 of the European Convention on Human Rights, PACE report, Doc. No. 14506, 27 February 2018, para 91. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24505&lang=en>

<sup>6</sup> State of emergency: proportionality issues concerning derogations under article 15 of the European Convention on Human Rights, Resolution 2209(2018) <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24680&lang=ru> para 16.

were delays in implementing a timely effective remedy.”<sup>7</sup> Amnesty International reported that the government used the state of emergency to engage in a sustained and escalating crackdown against civil society by arresting human rights defenders, shutting down organizations, and creating a “climate of fear.”<sup>8</sup>

According to the Human Rights Joint Platform (HRJP), since the coup attempt, more than 130,000 public employees had been dismissed or suspended; more than 4,000 judges and prosecutors had been dismissed; thousands of private educational institutions--including schools, tutoring academies, and dormitories--had been closed along with 15 private universities and 19 unions and trade confederations; 200 media companies had been shut down; and nearly 1,500 associations or foundations had been closed.<sup>9</sup>

As of March 2018, according to the Savings Deposit Insurance Fund of Turkey, the government had seized approximately 1,124 businesses worth an estimated 49.4 billion lira (\$9.4 billion) since the 2016 coup attempt. Real estate confiscated from dissolved legal entities was worth an additional 15 billion lira (\$2.9 billion).<sup>10</sup>

As of July 2018, it was reported that the government had detained 228,137 persons in connection with the 2016 coup attempt. Vice President Fuat Oktay stated that 47,778 individuals remained detained as “FETO” suspects. There is no doubt that these individuals are held as political prisoners.<sup>11</sup>

According to the HRJP, as of April 2018, more than 45,000 social media accounts had been investigated and took legal action against 17,000 on charges of “propagandizing for and praising a terror organization.”<sup>12</sup> The government restricted foreign travel for hundreds of thousands of citizens accused of links to the Gulen movement. Although the state of emergency was lifted on July 25, 2018, it remains unclear how many more remained unable to travel.<sup>13</sup>

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<sup>7</sup>State of emergency: proportionality issues concerning derogations under article 15 of the European Convention on Human Rights, Resolution 2209(2018) <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24680&lang=ru>

<sup>8</sup> <https://www.amnesty.org/en/documents/eur44/8200/2018/en/>

<sup>9</sup> Human Rights Joint Platform, Situation Report- State of Emergency in Turkey 21 July 2016 – 20 March 2018, available at [http://www.ihop.org.tr/en/wp-content/uploads/2018/04/SoE\\_17042018.pdf](http://www.ihop.org.tr/en/wp-content/uploads/2018/04/SoE_17042018.pdf)

<sup>10</sup> Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>

<sup>11</sup> As of July 2018, Bianet compiled the arrests, detentions, discharges and their reflections in the international reports since the coup attempt on July 15, 2016. 2 Years of July 15 Coup Attempt with Figures, Reports, available at <http://bianet.org/english/politics/199231-2-years-of-july-15-coup-attempt-with-figures-reports>. The courts had convicted 16,684, and another 14,750 were in prison awaiting trial.

<sup>12</sup> Human Rights Joint Platform, Situation Report- State of Emergency in Turkey 21 July 2016 – 20 March 2018, available at [http://www.ihop.org.tr/en/wp-content/uploads/2018/04/SoE\\_17042018.pdf](http://www.ihop.org.tr/en/wp-content/uploads/2018/04/SoE_17042018.pdf)

<sup>13</sup> Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>

## **B. Repression in Kurdish region**

There have been serious human rights violations in the Kurdish-majority regions of Southeastern Turkey. The Turkish government has imposed highly restrictive curfews on civilians and Turkish security forces have engaged in extensive politically charged anti-terrorism operations. Since 2016, the Turkish government has imprisoned presidential candidate Selahattin Demirtas, former co-chair of the Kurdish-majority HDP (The Peoples' Democratic Party). 10 current and former HDP parliamentarians and 46 HDP co-mayors have also been imprisoned, and hundreds more HDP officials are detained. The government also removed from office numerous locally elected opposition politicians in Kurdish-majority areas on national security grounds. According to media reports, the government removed the elected mayors of 99 municipalities from office.<sup>14</sup> The Office of UN Commissioner for Human Rights (OHCHR) stated in areas under curfew or in "special security zones," security forces detained citizens without official record, leaving detainees at greater risk of arbitrary abuse.<sup>15</sup>

## **II. CURRENT HUMAN RIGHTS ISSUES**

### **A. Torture, Ill Treatment, and Impunity**

Cases of torture and ill-treatment of prisoners were widely reported since the 2016 coup attempt. There are widespread reports of police beating detainees, subjecting them to prolonged stress positions, threatening detainees with and engaging in rape, threats to lawyers, and interference with medical examinations.<sup>16</sup>

Many people have been exposed to brutal interrogation techniques aimed at extracting forced confessions or coercing detainees to incriminate others.<sup>17</sup> Reported abuse included severe beatings, electrical shocks, exposure to ice water, sleep deprivation, threats, insults and sexual assault.<sup>18</sup> No serious measures appeared to have been taken by the authorities to investigate these allegations or to hold perpetrators accountable. Instead, complaints asserting torture were

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<sup>14</sup> Bianet, 2 Years of July 15 Coup Attempt with Figures, Reports, July 2018 available at <http://bianet.org/english/politics/199231-2-years-of-july-15-coup-attempt-with-figures-reports>.

<sup>15</sup> Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E> According to the report, a number of police officers who refused to participate in arbitrary arrests, torture, and other repressive acts under the state of emergency were dismissed or arrested on charges of supporting terrorism.

<sup>16</sup> <https://www.hrw.org/world-report/2018/country-chapters/turkey>

<sup>17</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22718&LangID=E>

<sup>18</sup> <https://www.amnesty.org.uk/aftermath-failed-turkey-coup-torture-beatings-and-rape>

dismissed by the prosecutor citing a state of emergency law of 6755 (Article 37),<sup>19</sup> which exempts officials from criminal responsibility for acts undertaken in the context of the state of emergency.<sup>20</sup>

Prison facilities are overcrowded and there is a lack of access to adequate health care. For example, Halime Gulsu, a political prisoner arrested on February 20, 2018 for allegedly helping the Gulen movement, died in prison, reportedly due to deprivation of her medication for lupus erythematosus.<sup>21</sup> The government has not released data on inmate deaths due to physical conditions or actions of staff members. The Council of Europe's Committee for the Prevention of Torture (CPT) visited the country in May 2017 and interviewed a large number of prisoners at various sites. The government has not approved the public release of the CPT report and findings. Turkey has been blocking publication of the CPT report and has not approved the public release of the CPT report and findings due to the content of documented torture cases.<sup>22</sup>

## **B. Arbitrary Arrest & Unfair Trial**

The Turkish law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court. However, many reports demonstrated that the government has generally not complied with these requirements. As of September 2018, it is reported that since July 15, 2016, more than 600,000 persons had been subjected to some type of "criminal procedure".<sup>23</sup> A majority of these were reportedly detained for alleged ties to the Gulen movement. In many of these cases, due process was disregarded and access to the evidence underlying the accusations against suspects have been limited.<sup>24</sup>

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<sup>19</sup> <https://t24.com.tr/haber/15-temmuz-un-dokunulmazlik-maddesine-karsi-cagri-partilere-ve-yuksek-yargi-organlarina-mektup.818748>

<sup>20</sup> Amnesty International announced on July 24, 2016 that they had gathered credible evidence that detainees in Turkey were being subjected to "beatings and torture, including rape, in official and unofficial detention centers in the country." Human Rights Watch (HRW) documented 13 specific abuse incidents concerning Turkey's post-coup detainees in a report titled "A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture." In an updated report titled "In Custody: Police Torture and Abductions in Turkey" by HRW on October 12, 2017, HRW detailed credible evidence of 11 cases of serious abuse in detention, involving scores of individuals, and concluded that "torture and ill-treatment in police custody in Turkey has become a widespread problem."

<sup>21</sup> Available at <https://stockholmcf.org/turkish-teacher-jailed-over-gulen-links-dies-in-prison-due-to-lack-of-medication/>

<sup>22</sup> Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>. <https://www.coe.int/en/web/cpt/turkey>

<sup>23</sup> e.g., questioning, investigation, detention, arrest, judicial control, or a ban on travel. Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>

<sup>24</sup> Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>

In the case of *Alparslan Altan v. Turkey*<sup>25</sup> the ECHR held a judgement that there was a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights on account of the unlawfulness of the applicant's initial pre-trial detention. The ECHR also held that there was a violation of Article 5 § 1 on account of the lack of reasonable suspicion that he had committed an offence at the time of the applicant's initial pre-trial detention.<sup>26</sup>

Human Rights Watch reported that people continued to be arrested and remanded to pretrial custody on terrorism charges.<sup>27</sup> Amnesty International stated that the pretrial detentions are lengthy and have a punitive nature and fair trial violations continued routinely.<sup>28</sup>

Freedom House categorizes Turkey as a non-free country. According to the Freedom House, "[i]n many cases, lawyers defending those accused of terrorism offenses were arrested themselves."<sup>29</sup> The Human Rights Watch reported in April 2019 that in many cases authorities pressured or intimidated lawyers.<sup>30</sup> The Council of Bar and Law Societies of Europe (CCBE) reported in April 2019 that 1,546 lawyers have been prosecuted, with 274 among them convicted in first-instance of membership of a terrorist organization, and 598 held in pretrial detention for varying periods.<sup>31</sup>

### **C. Freedom of Conscience, Expression, Association, and Assembly**

Individuals are not able to criticize the state or government publicly without risk of civil or criminal suits or investigation. Sympathetic expressions to certain religious, political, or cultural viewpoints are restricted. The ones who are critical of the government or write or speak on sensitive topics risk government investigation.<sup>32</sup>

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<sup>25</sup> The European Court of Human Rights, Chamber Judgment, *Alparslan Altan v. Turkey* (application no. 12778/17) 16th April 2019.

<sup>26</sup> The case concerned the detention of a Turkish Constitutional Court judge following the attempted coup of 15 July 2016. <http://www.iaj-uim.org/news/hcthr-sais-detention-of-alparslan-altan-a-judge-at-the-turkish-constitutional-court-was-unlawful-and-in-breach-of-the-convention/>

<sup>27</sup> Available at <https://www.hrw.org/world-report/2019/country-chapters/turkey#b23b91>

<sup>28</sup> Amnesty International, *The State of the World's Human Rights, 2017/2018* Available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>

<sup>29</sup> Available at <https://freedomhouse.org/report/freedom-world/freedom-world-2019>

<sup>30</sup> Human Rights Watch, *Lawyers on Trial Abusive Prosecutions and Erosion of Fair Trial Rights in Turkey*, April 2019. available at [https://www.hrw.org/sites/default/files/report\\_pdf/turkey0419\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/turkey0419_web.pdf)

<sup>31</sup> Available at [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/HUMAN\\_RIGHTS/HR\\_Position\\_papers/E\\_N\\_HR\\_20190405\\_Joint-Statement-on-the-situation-of-lawyers-in-Turkey.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS/HR_Position_papers/E_N_HR_20190405_Joint-Statement-on-the-situation-of-lawyers-in-Turkey.pdf)

See also the Arrested Lawyers Initiative, report April 2019, available at <https://arrestedlawyers.org/2019/04/01/new-report-incarceration-of-turkish-lawyers-unjust-arrests-and-convictions-2016-2019/>

<sup>32</sup>Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2018*. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>

Mainstream media and television stations are largely controlled by pro-government companies, or the government itself.<sup>33</sup> Internet freedom is limited. The government has continued to restrict access to the internet and refuses to unblock selected online content. According to the Freedom House, the government uses the government-employed “armies of opinion shapers” to spread pro-government views online.<sup>34</sup> In 2017, the BTK banned Wikipedia from operating in the country due to two terrorism-related articles.

The government further restricts the freedom of association. Under the state of emergency and using provisions of the antiterror law, the government shut down associations and foundations for alleged threats to national security. The HRJP reported that the government closed nearly 1,500 non-governmental associations or foundations for alleged threats to national security.<sup>35</sup>

#### **D. Independence and impartiality of the judiciary**

Since the coup attempt, there have been a series of alarming developments affecting the institutions of the Turkish judicial system.<sup>36</sup> Once an exemplary democratic country and an exciting potential candidate for the European Union, the judicial system of Turkey has been repressed by retrogressive amendments to the national legislative framework.<sup>37</sup> The executive control in practice of the governing institutions of the judiciary service has increased drastically.<sup>38</sup> There has been an increasing executive interference with the judiciary and the actions taken by the government through state of emergency provisions have severely jeopardized the independence of the judiciary.

The independence of the judiciary has been severely compromised by the arrest, dismissal, and arbitrary transfer of judges and prosecutors, in addition to repeated instances of violence and threat against lawyers serving as defense counsel to those accused.<sup>39</sup> Almost 5000 judges and prosecutors were arbitrarily dismissed and permanently banned from working in the

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<sup>33</sup> Reporters without Borders, Dogan media group sale completes government control of Turkish media, March 22, 2018 <https://rsf.org/en/news/dogan-media-group-sale-completes-government-control-turkish-media>

<sup>34</sup> Freedom House, Freedom on the Net 2017: Manipulating Social Media to Undermine Democracy, available at <https://freedomhouse.org/report/freedom-net/freedom-net-2017>

<sup>35</sup> Human Rights Joint Platform, Situation Report- State of Emergency in Turkey 21 July 2016 – 20 March 2018, available at [http://www.ihop.org.tr/en/wp-content/uploads/2018/04/SoE\\_17042018.pdf](http://www.ihop.org.tr/en/wp-content/uploads/2018/04/SoE_17042018.pdf)

<sup>36</sup> 2018 report available at <https://www.icj.org/wp-content/uploads/2018/12/Turkey-Access-to-justice-Publications-Reports-2018-ENG.pdf> and see also <https://www.icj.org/turkey-lifting-of-state-of-emergency-a-welcome-start-now-restore-rule-of-law/>

<sup>37</sup> 2016 report available at <https://www.icj.org/wp-content/uploads/2016/07/Turkey-Judiciary-in-Peril-Publications-Reports-Fact-Findings-Mission-Reports-2016-ENG.pdf>

<sup>38</sup> Available at <https://www.venice.coe.int/files/turkish%20declaration%20June%202015.pdf>

<sup>39</sup> Available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24140&LangID=E>



public sector or even in their profession as a whole.<sup>40</sup> Many of them were put in pretrial detention without a fair trial.<sup>41</sup>

The closure of YARSAV (Association for Judges and Prosecutors) disrupted the freedom of association and freedom of expression of judges and prosecutors, and in particular, their right to form and join independent professional associations. Murat Aslan, a former judge and head of YARSAV, has been pressured, coerced, and arbitrarily put in jail without a fair trial.<sup>42</sup>

Such appalling attack is not only an assault on the legal profession but also on the effective operation of the Turkish justice system<sup>43</sup> and the rule of law.<sup>44</sup> This extreme retrogression shows its face on the repressive and hostile measures against the freedom of expression of media, academia and the general public. The Turkish judicial system serves the AKP's political agenda for political control and suppression of dissenting groups. Following decisions of the Constitutional Court, national courts, and even the judgments of the ECtHR, President Erdogan has stated many times that he “does not accept” and “will not abide by” the ruling of those courts.<sup>45</sup>

Despite its commitments and obligations to international law<sup>46</sup>, the Turkish government's hostile conduct against the legal profession has led to an ineffective and traumatized justice system where the foundations of the rule of law and the protection of human rights have extremely deteriorated.<sup>47</sup> Legislative and practical measures have terribly weakened the independence of judges, prosecutors and lawyers, which has created a delicate and erratic rule of law in the country. There are now unprecedented levels of pressure and fear in the judiciary.

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<sup>40</sup> Turkey: Purged beyond return? No Remedy for Turkey's Dismissed Public Sector Workers, available at <https://www.amnesty.org/en/documents/eur44/9210/2018/en/>

<sup>41</sup> Turkey: Judges, Prosecutors Unfairly Jailed. Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup, available at <https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed>

<sup>42</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24140&LangID=E> see also <https://www.icj.org/turkey-system-of-criminal-peace-judges-not-independent-or-impartial-says-new-joint-briefing-paper/>

<sup>43</sup> <http://www.platformpj.org/analysis-why-should-not-the-echr-accept-the-turkish-constitutional-court-as-an-effective-remedy/>

<sup>44</sup> [https://worldjusticeproject.org/sites/default/files/documents/RoLI\\_Final-Digital\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/RoLI_Final-Digital_0.pdf) Turkey ranked among the Worst 15 among 113 Countries on Rule of Law Index published in 2016 by the World Justice Project, trailing Iran and Russia.

<sup>45</sup> Erdoğan rejects European court's decision over Demirtaş, <http://www.hurriyetdailynews.com/european-court-urges-turkey-to-free-demirtas-139022>; See also Comment of 28 February, The Independent, Turkey's President Erdogan rejects court ruling to free journalists, 28 February 2016, <http://www.independent.co.uk/news/world/europe/turkey-recep-tayyip-erdogan-rejects-court-ruling-to-free-journalists-can-dundar-and-erdem-gul-a6901726.html> .

<sup>46</sup> UN Basic Principles of the Independence of the Judiciary <https://www.ohchr.org/en/professionalinterest/pages/independencejudiciary.aspx> Turkey must be assessed in the framework of its obligations under international human rights law.

<sup>47</sup> <https://www.icj.org/wp-content/uploads/2018/12/Turkey-Access-to-justice-Publications-Reports-2018-ENG.pdf>

The opportunist attacks on the judiciary by the government resulted in allowing violations of human rights to go unaddressed by the Turkish justice system in which impunity for human rights violations has become an unfortunate reality. The amnesty law of 6755, enacted in 2017 (particularly Article 37), and derogation from certain international human rights instruments lack an effective recourse for the prosecution of human rights abuses.

### **E. Forced Evictions & International Abduction**

Since the attempted coup, Turkish government has engaged in extraterritorial and extrajudicial actions in order to silence dissidents in Turkey and in other countries.<sup>48</sup> The Gulen Movement has been the main target of the government. There are many examples of abductions and physically violent incidents in several countries, as well as threats by pro-government gangs referring to the supporters abroad.<sup>49</sup> In July 2018, Foreign Minister Mevlut Cavusoglu confirmed that the National Intelligence Organization (MIT) had facilitated the return of more than 100 Gulen followers from 18 countries.<sup>50</sup>

Human rights groups have reported that 28 individuals have disappeared or were the victims of politically motivated kidnapping attempts.<sup>51</sup> For example, Umit Horzum disappeared in December 2017. In April, 133 days after his disappearance, unknown individuals delivered him to police. Following 11 days in police custody, the court released him on April 27, 2018. Salim Zeybek is another one of the victims who has been missing for a long time. The government has not replied to his family's appeal of investigation and failed to search for his whereabouts since February 2019.

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<sup>48</sup> Abductions and Deportations around the World: Memduh Cikmaz - Sudan. Enver Kilic and Zabit Kisi – Kazakhstan. Mesut Kacmaz and his family – Pakistan. Mustafa Emre Cabuk – Georgia. Muhammet Furkan Sokmen – Myanmar (also known as Burma). Turgay Karaman, Ihsan Aslan, Ismet Ozcelik, Tamer Tibik and Alettin Duman – Malaysia. Mustaf Erdem, Yusuf Karabina, Kahraman Demirez, Cihan Ozkan, Hasan Huseyin Gunakan and professor Osman Karakaya– Kosovo. Mustafa Ceylan – Azerbaijan. Yusuf Inan and Salih Zeki Yigit – Ukraine. Veysel Akcay – Mongolia. [http://silencedturkey.org/wp-content/uploads/2018/07/AST\\_7-28-18\\_REPORT10\\_Erdogans-long-arms-abroad.pdf](http://silencedturkey.org/wp-content/uploads/2018/07/AST_7-28-18_REPORT10_Erdogans-long-arms-abroad.pdf)

<sup>49</sup> Sedat Peker, a pro-government gang leader, threatening the Academics for Peace by telling ‘We will shed your blood and swim in it!’ has been acquitted. <https://bianet.org/english/law/199221-sedat-peker-acquitted-of-trial-of-threatening-academics>

<sup>50</sup> Those individuals were deported without due process. For example, Turan and Meydan Television reported two Turkish citizens were transferred from Azerbaijan to Turkey without due process in February 2018. Kyivpost.com reported, MIT brought back from Ukraine two alleged “FETO” members and that a Turkish government official thanked Ukraine’s security services for their assistance. In cooperation with Kosovo authorities, MIT brought six suspects from Kosovo to Turkey in 2018. Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>

<sup>51</sup> Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>

## F. Unlawful Seizures of Private Properties

Property rights in Turkey are no longer protected.<sup>52</sup> The followers of the Gulen Movement, specifically the businesspeople who supported the movement, became the victim of the government's purge. Their businesses have been taken away from them and given to the state-appointed trustees strongly linked to the Erdogan government. Eventually, assets derived from these businesses are confiscated by the government with unfounded allegations. The Turkish government has published the number of confiscated businesses. Muhiddin Güral, the head of Savings Deposits Insurance Fund (TMSF), a government organization that operates the confiscated companies, reported in July 2018 that, at the time, 937 companies were managed by trustees, reaching TL 19.4 billion (USD \$3.3 billion) in equity and TL 50 billion (USD \$8.5 billion) in assets.<sup>53</sup>

## G. Ineffective Remedies

The Commission of Inquiry on Practices under the State of Emergency, established in January 2017, was designed to adjudicate appeals of wrongfully dismissed civil servants.<sup>54</sup> The commission reported that, as of November, it had received 125,678 applications, adjudicated 42,000 cases, approved 3,000, and rejected 39,000.<sup>55</sup> However, the process is nontransparent, arbitrary, slow, and does not respect citizens' rights. Due process is disregarded in which prohibiting defendants from seeing the evidence against them or presenting exculpatory evidence in their defense.<sup>56</sup>

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<sup>52</sup> <https://www.reuters.com/article/us-turkey-security-erdogan-business/turkeys-erdogan-vows-to-cut-off-revenues-of-gulen-linked-businesses-idUSKCN10F0YZ>

<sup>53</sup> <https://www.turkishminute.com/2019/03/05/companies-seized-over-gulen-links-valued-at-tl-58-billion/>; see also <https://www.dailysabah.com/business/2018/03/20/german-company-interested-in-two-trustee-managed-firms-in-turkey>. The numbers mentioned do not even include the assets of 127 individuals, 19 unions, 15 private universities, 49 hospitals, 174 media outlets, 1,419 foundations, and another 2,271 education companies confiscated by the government.<sup>53</sup> The total value of all assets confiscated is estimated to be about TL 100 billion (USD 17 billion). Among the businesses targeted were two Fortune 500 companies, clothing makers Aydinli Group and Eroglu Holding, which both run large retail chains. Aydinli had sales of 928 million lira (\$317 million) in 2015. Eroglu reported revenue of 490 million lira last year.<sup>53</sup> Dumankaya and Fi Yapi, real estate development companies under the management of the TMSF, are also another example which the Turkish government admittedly try to benefit from the unlawful seizures of private properties.

<sup>54</sup> Kerem Altiparmak, Is the State of Emergency Inquiry Commission, established by Emergency Decree 685, an Effective Remedy? Available at

<http://www.ihop.org.tr/en/wp-content/uploads/2017/03/IS-THE-STATE-OF-EMERGENCY-INQUIRY-COMMISSION.pdf>

<sup>55</sup> Available at [https://soe.tccb.gov.tr/Docs/OHAL\\_Report\\_2018.pdf](https://soe.tccb.gov.tr/Docs/OHAL_Report_2018.pdf)

<sup>56</sup> Amnesty International, Purged beyond Return, No Remedy for Turkey's Dismissed Public Sector Workers, available at [https://www.amnesty.org.tr/public/uploads/files/Dismissals%20report\\_EN\\_version.PDF](https://www.amnesty.org.tr/public/uploads/files/Dismissals%20report_EN_version.PDF)

### III. RECOMMENDATIONS

**In light of these conclusions, the Huddled Masses recommends as follows:**

**We urge the Turkish government:**

- 1) to refrain from all actions and rhetoric contrary to the separation of powers.
- 2) to respect the role and independence of the judiciary and the integrity of the composition and independent decision-making of courts.
- 3) to revise the system of judicial appointments for the purposes of establishing the independence of the judiciary.
- 4) to apply international law standards, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the UN Basic Principles on the Independence of the Judiciary, and the UN Guidelines on Prosecutors.
- 5) to ensure and apply due process standards.
- 6) to condemn torture and other ill-treatment in places of detention and take concrete steps to combat it and hold perpetrators accountable.
- 7) to take necessary legal, administrative and practical measures to ensure protection of individuals who might be at risk and subject to possible abduction, enforced disappearance, and extrajudicial killings.
- 8) to take all measures to protect lawyers and other human rights defenders under threat from violence, harassment, or persecution.
- 9) to cooperate with international institutions and to establish international and independent inquiry commission to investigate the coup attempt incident.
- 10) to take all measures to function the national human rights monitoring mechanisms, such as the Ombudsman Institution, Human Rights Department of the Ministry of Justice, Victim's Rights Department, Parliament's HRC, etc.
- 11) to allow national and international NGO's to function in the country.
- 12) to return the arbitrarily deprived properties to owners.
- 13) to overturn the article 37 of the law 6755, which prohibits any investigation, criminal or civil appeals against the officials or de facto organs of the government for their possible involvement of crimes against humanity.