



INFORMATION NOTE ON REPRESSION, OBSTACLES AND CHALLENGES FACED BY HUMAN RIGHTS DEFENDERS IN TURKEY

1 January 2022 - 30 April 2022

This information note was drafted by the Human Rights Foundation of Turkey¹ in order to bring the escalating repression, obstacles and challenges faced by human rights defenders² in Turkey into view and to reinforce solidarity with human rights defenders. Information collected by Regional Solidarity and Coordination Groups, established to identify cases of repression and challenges faced by human rights defenders in Adana, Ankara, Diyarbakır, İstanbul, İzmir, Van and in nearby cities with an eye to enhance solidarity with defenders, forms the basis of the note. It should nevertheless be noted that repression and challenges faced by human rights defenders in Turkey might be more baffling than those stated in this information note.

Human rights defenders and civil society actors in Turkey face repression, obstacles and challenges on the grounds of their work undertaken to prevent human rights violations and to materialize human rights as well as the fact that they bring human rights violations into view while carrying out activities to stop authorities' policies and practices against human rights. These obstacles emerge through such methods as judicial harassment, administrative harassment, threats, targeting and reprisals, bans on peaceful assemblies and demonstrations and will briefly be explained under these titles respectively.

When the total sum is taken into account **1.415 individuals** were targeted by at least one or more than one interventions including judicial harassment, administrative harassment, threats and reprisals because of activities they undertook and/or were involved in within the human rights field between 1 January 2022 and 30 April 2022.^{3, 4}

Judicial Harassment

Human rights defenders' activities are impeded through the instrumentalization of judicial power. Judicial harassment emerges in the form of initiating trumped-up investigations and proceedings, unlawful and arbitrary arrests and detentions, and raids and searches at civil society organizations. The deterrent impact of such criminal law measures resorted to against human rights defenders exerts pressure on the advocacy field in its entirety and shrinks civic space.

Within this scope, between 1 January 2022 and 30 April 2022:

- **1.374 individuals** faced judicial harassment because of their activities in the human rights field.
 - **Criminal proceedings** were initiated into **998** individuals on the grounds of their activities in the human rights field. Criminal proceedings into **218** individuals started between 1 January 2022 and 30 April 2022. Pending criminal proceedings into **780** individuals were maintained in this same timeframe as well, while judicial harassment was perpetuated. **23** individuals were sentenced to imprisonment, while **82** individuals were acquitted. The total imprisonment sentences handed down to convicted human rights defenders was **1 aggravated life sentence and 211 years, 4 months and 10 days.**

- **Criminal investigations** were launched into **376** human rights defenders. While criminal investigations were launched into **367** individuals between 1 January 2022 and 30 April 2022, pending investigations into **9** were maintained during the same timeframe. Non-prosecution decisions were rendered for **4** individuals.
- **321** individuals' right to liberty and security of person was violated on the grounds of their activities in the human rights field. **305** individuals were taken into **custody** within this context, while **16** others were **detained**.

It is seen that violating Law No. 2911 on Meetings and Demonstrations, resisting a public officer, inciting the public to hatred and enmity, praising an offence and offender, provoking commission of an offense, insulting the president are usually used as grounds in criminal procedures undertaken within the context of human rights advocacy activities. Further, it is also observed that various criminal offenses regulated under the counter-terrorism legislation are prevalently and broadly used against human rights defenders. Such pattern, within the scope of which human rights advocacy activities are evaluated within the definition of terrorism to eliminate their legitimacy in addition to top-level criminalization of human rights advocacy, is integrally seen in the collected data.

*At the final hearing of the **Gezi Park trial**, which was reinitiated in 2021 following the quashing of the acquittal ruling by a first-degree appeals court, Osman Kavala was sentenced to life in prison without parole without any discretionary mitigation for attempting to overthrow the government, while Mücella Yapıcı, Çiğdem Mater, Hakan Altınay, Can Atalay, Mine Özerden, Yiğit Ali Ekmekçi and Tayfun Kahraman were sentenced to 18 years in prison for aiding to overthrow the government.*

*Criminal proceedings against 46 individuals -including the families of the disappeared, Human Rights Association's (İHD) executives and members who had been taken into custody facing police brutality at the 700th vigil of the Saturday Mothers that has been arbitrarily banned- is **pending**.*

8 March women's marches, protests in favor of the Istanbul Convention, peaceful assemblies and demonstrations held against discrimination and violence against women and LGBTI+ were violently suppressed, rights defenders working to end gender-based violence and discrimination faced custody, criminal investigations and proceedings.

*In the early hours of 16 March 2022 police raided the homes of 24 women's rights defenders and activists in Diyarbakır and arbitrarily took them into custody. On 18 March 2022, 11 of them were detained. The police **questioned** the women about assemblies, protests, gatherings and press conferences held in Diyarbakır, including those on the occasion of 1 September 2021 World Peace Day, 25 November 2021 International Day for the Elimination of Violence against Women, 8 March 2022 International Women's Day and Turkey's withdrawal from the Istanbul Convention.*

During the timeframe covered by this information note, arrest and detention measures as well as criminal investigations and proceedings resorted to against human rights defenders, notably students, who staged protests demanding their rights to housing, to adequate standard of living compatible with human dignity, to education and academic autonomy, have become means of repression and silencing. “We cannot make ends meet,” “We cannot afford housing,” and Boğaziçi University protests were among the outstanding human rights advocacy protests in this sense.

Repression of civil society organizations working in the field of human rights has been maintained in this period as well; criminal investigations and prosecutions into the members and executives of these organizations as well as their legal personalities targeted curbing their advocacy activities.

Three separate lawsuits were brought against lawyer Öztürk Türkdoğan, who has been serving as the chairperson of İHD for the last 15 years, on the charges of “membership in an armed terrorist organization,” “insult” and “degrading the Turkish nation, state of the Turkish Republic, and institutions and organs of the state.” Türkdoğan was subsequently acquitted in the “membership in an armed terrorist organization” lawsuit.

A lawsuit was brought against Aytül Uçar, a medical secretary at HRFT’s İzmir representative office, Erdoğan Akdoğan, Emine Akbaba, İrem Çelikbaş, İsmail Temel and Mehmet Kasar for extending support to Boğaziçi University protests on the grounds of “resisting to prevent public duty, not complying with orders by the security forces for the dispersal of an unlawful demonstration and insulting a public officer.”

Firat Akdeniz, a member of the Enforced Disappearances and Political Murders by Unknown Assailants Commission at İHD’s local Diyarbakır Branch and Eğitim-Sen, faced criminal proceedings on the grounds of membership in an illegal organization for his participation in peaceful assemblies against human rights violations and protests for freedom of association. Akdeniz was sentenced to 6 years and 3 months imprisonment.

A press conference in Van planned in memory of Dr. Rümeyza Berin Şen, a resident at Ankara City Hospital’s OBGYN clinic who lost her life in a traffic accident right after her shift, was obstructed on the grounds of a blanket event ban in the city that has been in effect for more than 5.5 years now. Sevim Çiçek, a secretary at HRFT’s Van representative office, and Dr. Hüseyin Yaviç, president of Van-Hakkâri Medical Chamber, were taken into custody for attempting to hold a press conference and their trial began in May 2022.

Statements and protests by lawyers and bar associations in order to protect human rights have been maintained as grounds to initiate criminal proceedings while lawyers serving at the executive and steering boards of bar associations and those volunteering at lawyers’ associations kept standing trial on the grounds of their human rights advocacy activities.

The trial attempting to criminalize and repress rights advocacy is pending against 22 defendants with detained lawyers Selçuk Kozağaçlı, the chairperson of Progressive Lawyers’ Association, and lawyer Barkın Timtik and lawyer Oya Aslan.

Administrative Harassment

Administrative harassment, which refers to the use of administrative audits, investigations and sanctions as means of repression and silencing against human rights defenders, is commonly adopted against public officers who are human rights defenders, against human rights defenders using public services, and against bodies with legal personalities working in the field of human rights in Turkey. In cases where administrative audit is ipso facto utilized as a punitive tool, administrative investigations and sanctions directly aim at stonewalling human rights advocacy.

Within this scope, between 1 January 2022 and 30 April 2022:

■ A total of **18** individuals faced administrative harassment due to their activities in the human rights field.

- **3** identified administrative harassment cases are about dissolution of association lawsuits based on human rights activities. Pending prosecution and the fact that associations cannot keep on working in practice provide for the perpetuation of administrative harassment.

Tarlabası Community Center (TTM), which has been working in children's rights field for fifteen years, is going through a process that started with smear campaigns in the media with news pieces incorporating hate speech and targeting followed by administrative harassment. The center faces two separate dissolution cases on the grounds of "undertaking unlawful and immoral activities" requesting for declaration of the non-existence of the association as well.

We Will Stop Femicide Platform Association, which has been working to stop femicide and violence against women, also faces a dissolution case with charges of "undertaking unlawful and immoral activities." The association said in a statement that the charges against the organization were made up of allegations that it "destroyed the family structure by disregarding the concept of family under the disguise of defending women's rights" as well as written appeals that were "not based on any material fact."

- **4** identified cases of administrative harassment are about human rights defenders with refugee statuses who were handed down deportation decisions based on their human rights activities.

Threats, Physical Violence, Targeting and Reprisals

Human rights defenders constantly face threats and insults by public officials on the grounds of their advocacy activities while they are targeted and subjected to physical violence and reprisals because of their advocacy. These acts emerge in the form of physical surveillance, subjection to physical violence by the law enforcement, constant subjection to identity and background checks, deprivation of liberty, enforced informant-making attempts or being targeted by public authorities.

Within this scope, between 1 January 2022 and 30 April 2022:

■ 23 individuals were subjected to threats, physical violence, targeting and reprisals because of their human rights advocacy.

The General Directorate of Security's Anti-Terrorism Department announced in its official social media account that it filed a criminal complaint against Prof. Dr. Şebnem Korur Fincancı, the chairperson of Turkish Medical Association's (TMA) Central Council and executive board member of the HRFT. The law enforcement's announcement that it filed a criminal complaint based on terrorism charges over the social media right after TMA's peaceful protests and activities on 14-15 March 2022 that also garnered great interest and support from the public is nothing but a blatant targeting of Prof. Dr. Şebnem Korur Fincancı and the TMA in her person.

Banned, Intervened or Obstructed Peaceful Assemblies and Demonstrations

Repression, threats and coercion faced by human rights defenders mostly occur during or in relation to assemblies and demonstrations. Ban orders rendered by local authorities (governors and district governors) on assemblies and demonstrations as well as interventions by the law enforcement must be regarded as direct obstacles erected before human rights defenders because freedoms of expression and association along with freedom of assembly, which are the foundations of a democratic society, are the primary means and methods of human rights advocacy. The fact that peaceful assemblies and demonstrations have become impossible to stage due to bans and interventions has therefore rendered the expression of human rights as social demands impossible as well.

Within this scope, between 1 January 2022 and 30 April 2022:

■ 74 peaceful assemblies and demonstrations pertaining to the protection of human rights defenders could not be held due to ban orders delivered by public authorities or through interventions and obstructions by the law enforcement.⁵

These events have a diverse set of objectives which include but are not limited to assemblies, demonstrations, press conferences on current or past socially important incidents; peaceful assemblies and demonstrations held on the occasion of annual human rights days like 8 March International Women's Day; press conferences, assemblies and demonstrations organized in the fields of the right to life, torture, impunity, prisoners' rights, economic and social rights. Obstacles raised before these protests and events include physical intervention and obstruction by the law enforcement on the grounds that they were "unauthorized" as well as bans on protests and events handed down by local authorities.

Interventions by the law enforcement into peaceful assemblies and demonstrations resorting to physical violence amount to human rights defenders' subjection to torture and other forms of ill-treatment and violate individuals' physical and psychological integrity as well as their right to liberty and security of person. Such intervention into assemblies and events result in the prevention of

socialization of human rights advocacy and a deterrent effect is exerted over defenders.

All the above-mentioned instances of repression and obstruction lead to the creation of a climate that harbors violence, hate, discrimination and hostility against human rights defenders while bringing along emaciation of the legitimacy of human rights before the public and their criminalization as well.

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End Notes

¹ HRFT is an internationally recognized civil society organization that has been offering treatment and rehabilitation services for those subjected to torture and other forms of ill-treatment along with their families, and has been working to prevent human rights violations most notably torture since 1990.

² The UN Declaration on Human Rights Defenders, adopted the UN General Assembly on 9 April 1998, defines the concept of human rights defender as those who act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms through peaceful means individually and collectively at the national and international levels or those who exercise such right. The Declaration lists the constituents of human rights defenders as individuals, groups and organizations. This information note was drafted based on information and data collected by Regional Solidarity and Cooperation Groups based on the criteria set forth in the Declaration.

³ These data were collected by Regional Solidarity and Cooperation Groups formed within the scope of the project. The data were obtained in interviews conducted by group members with concerned defenders, families and lawyers of defenders, through limited media reviews, as well as interviews with other organizations and individuals working in the field of human rights in related cities.

⁴ Although the Documentation Center at the HRFT adopts the definition of the concept of human rights defender referred to in endnote i, data on rights defenders may vary as the violations cited in "Annual Human Rights Reports" are classified under different rights.

⁵ According to data collected by the Documentation Center at the HRFT, 163 peaceful assemblies and protests were intervened into while 43 others were obstructed between 1 January and 30 April 2022. 1,488 persons, including 98 children, were taken into custody during these interventions while at least 17 persons were injured. Further, 180 persons were taken into custody at house raids carried out because of investigations initiated into them for participating in assemblies and protests, while 4 were detained and 57 were released under judicial control. Apart from the general ban decisions delivered by civil administrations in cities and districts, at least 11 peaceful assemblies and protests were banned by local authorities including the Feminist Night March in İstanbul.

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