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“Uncertain and Eerie”: Closure Cases Against Associations in Turkey



Members of the We Will Stop Femicides Platform and many women and LGBTQIA+ rights defenders gathered in front of the Çağlayan Courthouse in Istanbul to protest the closure case against the Platform before the hearing on October 5, 2022. The banner reads, “We Will Stop Femicides Platform Association cannot be shut down by unlawful cases.” (Photo by the We Will Stop Femicides Platform)



Me are watching



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FIDH and OMCT Europe would like to thank the Agence Française de Développement (AFD) for the support provided to their activities in Turkey.



This report was prepared within the framework of the project “A Bottom-up Approach to Protecting and Supporting Civil Human Rights Actors in Post-Pandemic Turkey” conducted by the Human Rights Foundation of Turkey (HRFT) in cooperation with the Human Rights Association (HRA), the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT). This project is funded by the European Union. HRFT, HRA, FIDH and OMCT are solely responsible for the relevant content, and this report cannot be considered to reflect the views of the European Union.

DIRECTORS OF PUBLICATION:

Alice Mogwe, Gerald Staberock

AUTHOR OF THE REPORT:

Güley Bor

CONTRIBUTORS:

Clara Ferrerons Galeano, Justine Lavarde, Polat Yamaner, Gülseren Yoleri

COORDINATION:

Manon Cabaup, Elena Crespi, Ulviyya Hasanova, Tuğçe İnce, Hüseyin Küçükbalaban

EDITING:

David Hans

DESIGN:

FIDH

DÉPÔT LÉGAL:

Septembre 2023

FIDH (ENGLISH ED.) = ISSN 2225-1804

Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N° 330 675)

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I. Introduction

The involuntary dissolution of an association, i.e. its termination by a court decision, is a drastic measure that must be applied only as a “last resort,” reserved for the most exceptional cases, such as when the very existence of an association would pose “an imminent threat of violence or other grave violation of the law.”¹ In Turkey, however, the involuntary dissolution of civil society organisations (CSOs) working in various fields, through both emergency decrees and court judgements, has in recent years become common practice. Indeed, both of these means are frequently used to target human rights defenders (HRDs) and to stifle civic space, in breach of Turkey’s obligations under international human rights law. Considering that the closure of LGBTQIA+ organisations in particular was threatened by right-wing politicians during the May 2023 election campaign, and that a broader alliance of right-wing parties led by the Justice and Development Party (*Adalet ve Kalkınma Partisi – AKP*) won the presidency and a parliamentary majority, it is to be expected that closure cases will be increasingly used as a weapon against civil society in the coming years. This creates a chilling effect on all rights-based CSOs, which already face a wide array of attacks and stigmatisation by the government, of which the threat of dissolution is just another example.

This report (“Report”) follows a series of three on shrinking civic space² published over the past three years by the Observatory for the Protection of Human Rights Defenders (“the Observatory,” a partnership of the International Federation for Human Rights (“FIDH”) and the World Organisation Against Torture (“OMCT”)), and their member in Turkey, the Human Rights Association (*İnsan Hakları Derneği – İHD*). Written on the basis of joint research conducted by the Observatory in cooperation with İHD and FIDH’s other member organisation in Turkey, the Human Rights Foundation of Turkey (*Türkiye İnsan Hakları Vakfı – TİHV*), this Report focuses on the phenomenon of closure cases against associations in Turkey as a particular form of administrative and judicial harassment against CSOs.

Through in-depth documentation and analysis of closure cases filed as of 2021 against four associations – the Religious Scholars Mutual Aid and Solidarity Association (*Din Alimleri Yardımlaşma ve Dayanışma Derneği – DİAYDER*), the Migration Monitoring Association (*Göç İzleme Derneği – GÖÇİZDER*), the We Will Stop Femicides Platform (*Kadın Cinayetlerini Durduracağız Platformu – KCDP*), and the Tarlabası Community Center (*Tarlabası Toplum Merkezi – TTM*) – the Report exposes a pattern of systematic use of such cases as a tool to narrow civic space both by targeting specific CSOs and by generating a chilling effect on civil society as a whole. The Report provides legal analyses of each of these cases in light of international human rights standards. Further, through interviews with representatives of the four associations conducted in June 2023, the Report traces the political issues that appear to underlie the cases – i.e. the Kurdish issue and women’s and LGBTQIA+ rights – and outlines the impact of these cases on the right to freedom of association. By sharing testimonies from people these four associations have supported, it also shows how the closure cases have impacted the individuals and communities that the four associations supported through their work. Finally, the Report makes specific recommendations to decision-makers at both the national and the international levels, including international organisations and international and regional human rights protection mechanisms, as well as to international donors, regarding how to address the impact of closure cases against CSOs in Turkey.

¹ Venice Commission & OSCE/ODIHR, Joint Guidelines on Freedom of Association, CDL-AD(2014)046 (December 17, 2014), Principle 10. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)046-e#:~:text=The%20Guidelines%20aim%20to%20ensure,facilitating%20their%20aims%20and%20activities.](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)046-e#:~:text=The%20Guidelines%20aim%20to%20ensure,facilitating%20their%20aims%20and%20activities.)

² For the first report, focusing on the right to freedom of assembly, and on the challenges faced by CSOs and HRDs in exercising this right in Turkey, see The Observatory & İHD, *A Perpetual Emergency: Attacks on Freedom of Assembly in Turkey and Repercussions for Civil Society* (July 2020). Available at: <https://www.fidh.org/en/region/europe-central-asia/turkey/turkey-attack-on-freedom-of-assembly-undermines-work-of-human-rights>. For the second report, focusing on the freedom of association, and providing a detailed overview of the legal and practical challenges faced by civil society and HRDs in exercising this right in Turkey, see The Observatory & İHD, *Turkey’s Civil Society on the Line: A Shrinking Space for Freedom of Association* (May 2021). Available at: <https://www.fidh.org/en/region/europe-central-asia/turkey/turkey-ongoing-crackdown-poses-existential-threat-to-independent-26851>. For the third report, focusing on the use of administrative proceedings and sanctions to silence and stigmatise HRDs and CSOs, see The Observatory & İHD, *Drowned in Procedure, Sentenced to Fail: Administrative Harassment Against Civil Society in Turkey* (June 2022). Available at: <https://www.fidh.org/en/region/europe-central-asia/turkey/administrative-harassment-weaponised-to-silence-civil-society>.

II. Methodology

Four in-depth semi-structured interviews were conducted in person in Istanbul with representatives of the four associations facing the closure cases mentioned above. Since the cases have been widely reported on by media, and with their informed consent, the names of the associations have been shared, whereas the names of the individual representatives have been anonymised for reasons of safety. To respect the privacy of the people and communities that respondent CSOs work with, the researchers shared questions in writing with three of the associations, to be conveyed to the persons they work with, and received anonymous replies. Quotes from people that KCDP supported, including survivors of gender-based violence and families of women killed by men, were already included in the hearing records of the closure case where they had testified as witnesses, and the researchers chose to resort to these pre-existing records to avoid subjecting the witnesses to unnecessary trauma by re-interviewing them.

TIHV submitted a formal request for information to the Ministry of Interior Affairs (MoI) Directorate General of Civil Society Relations, via the Presidential Communication Center (*Cumhurbaşkanlığı İletişim Merkezi – CİMER*), on June 20, 2023, seeking statistics and information concerning closure cases. On July 31, 2023, the Directorate General replied via CİMER that “Pursuant to Article 7 of the Law No. 4982 on the Right to Information, your request cannot be answered as it is determined that the requested information can be produced as a result of a separate and special study, research, examination or analysis.”³

Research was conducted under the auspices of the 42-month EU-funded programme, “A bottom-up approach for protecting and supporting civil human rights actors in post-pandemic Turkey,” which is managed by TIHV in cooperation with FIDH, IHD, and the OMCT. The project started in 2021 and aims to contribute to a transformative human rights struggle through the development and consolidation of democracy and the rule of law, and respect for all human rights and fundamental freedoms in Turkey through advocacy, solidarity, capacity and network building, media activities, sub-granting, and support programs.

The researchers would like to thank the individuals and institutions who participated in this study and shared their experiences, opinions, and demands.

³ E-mail from CİMER (July 31, 2023). Article 7/2 of the Law No. 4982 on the Right to Information states that public institutions “may respond negatively to applications made for information or documents that can be produced as a result of a separate study, research, examination or analysis.”

International Standards on Involuntary Dissolution of Associations

Functions of CSOs include creating various platforms for public debate, and drawing attention to and advocating for matters of public interest. For this reason, CSOs act as public watchdogs warranting multi-layered protection under international human rights law.⁴ This protection, recognised and awarded by a wide range of international law instruments, enables CSOs to carry out their activities, essential to the proper functioning of a democratic society, without hindrance or fear of reprisals.

The right to freedom of association is enshrined under Article 20 of the Universal Declaration of Human Rights (UDHR), Article 22 of the International Covenant on Civil and Political Rights (ICCPR), and Article 11 of the European Convention on Human Rights (ECHR), among other international law treaties and conventions. Together with other fundamental rights, including the rights to freedom of expression and freedom of assembly, the right to freedom of association constitutes the foundation of a democratic society. This right does not only recognise the right to form associations, but also encompasses the freedom to join, participate, and carry out activities in associations, without unreasonable hindrances.⁵ While the right to freedom of association is not absolute and may be subject to certain restrictions, such restrictions must be prescribed by law, pursue a legitimate aim,⁶ and be proportionate to the legitimate aim pursued. The restrictions should always be narrowly interpreted and should never entirely extinguish the right or impair its very essence. Interventions against an association affect both the association itself and its executives, members, and the communities they work with. Furthermore, individual violations of the right to freedom of association often represent a wider issue that aims not only to silence and punish the individual, but also to stifle civil society as a whole.⁷

It is well-established under international human rights law that the dissolution of associations should be a measure of last resort, used only when there is *clear and imminent danger to society that cannot be addressed through less severe means*.⁸ Involuntary dissolution should not be arbitrary, discriminatory, or based on political motivations.⁹ States must ensure that effective remedies are available for associations facing involuntary dissolution in violation of the right to freedom of association. In addition to filing challenges against dissolution before domestic courts, associations should be able to submit applications to regional human rights mechanisms or engage with international human rights bodies, to raise awareness and advocate for the restoration of their rights.

⁴ The European Court of Human Rights (ECtHR), Case of Magyar Helsinki Bizottság v. Hungary [GC], Application No. 18030/11 (November 8, 2016), paras. 166-67. Available at: <https://hudoc.echr.coe.int/eng?i=001-167828>.

⁵ Human Rights Committee, Belyatsky et al. v. Belarus, CCPR/C/90/D/1296/2004, (August 7, 2007), par. 7.2. Available at: <http://undocs.org/en/CCPR/C/90/D/1296/2004>.

⁶ Such as national security and public safety, prevention of disorder or crime, or protection of the rights and freedoms of others.

⁷ ECtHR, Case of Mammadli v. Azerbaijan, Application No. 47145/14 (April 19, 2018), paras. 96-105. Available at: <https://hudoc.echr.coe.int/eng?i=001-182178>.

⁸ Venice Commission & OSCE/ODIHR, supra note 1, Principle 10.

⁹ ECtHR, Case of Ecodefence and Others v. Russia, Application Nos. 9988/13 and 60 others (June 14, 2022), par. 139. Available at: <https://hudoc.echr.coe.int/fre?i=001-217751>.

III. Closure of Associations in Turkey

A. A Brief History: From the 2000s to the State of Emergency

Closure cases against associations in Turkey are not new. Many LGBTQIA+ organisations, for instance, were threatened with dissolution cases in the latter half of the 2000s. In 2005 and 2006, the Ankara Governorate requested that the prosecutor file dissolution cases against Kaos GL Association (*Kaos GL Derneği*) and the Pink Life Association (*Pembe Hayat Derneği*), which the prosecutor refused to do.¹⁰ The same thing happened with the Rainbow Association (*Gökkuşluğu Derneği*) in Bursa in 2006.¹¹ LambdaIstanbul was dissolved by the local court in Istanbul in 2008 based on Article 56/2 of the Turkish Civil Code (TCC), which prohibits the establishment of associations for “unlawful or immoral purposes.”¹² The Court of Cassation reversed this decision in a landmark judgement in 2009, which highlighted LGBTQIA+ persons’ right to freedom of association without discrimination.¹³ The Black Pink Triangle Association (*Siyah Pembe Üçgen Derneği*) faced a dissolution case in 2010, which was dismissed by the local court in Izmir; similarly, the local court in Van dismissed a dissolution case against the Youth and Ecology Association (*Gençlik ve Ekoloji Derneği*) in 2014.¹⁴

During the state of emergency rule in Turkey in 2016-2018, 1,598 associations, 129 foundations and 170 media institutions, including several human rights organisations, were shut down by emergency decrees (not by courts) for alleged ties to terrorist organisations.¹⁵ Members of many human rights organisations that had been closed by decree re-established new legal entities immediately after their closure (some with the same name and others with new ones) to continue their work without interruption, while seeking legal remedy against the closure of their organisations before the Inquiry Commission for State of Emergency Measures. The Commission was set up in 2017 as an *ad hoc* administrative mechanism for individuals dismissed from public service, and entities shut down by emergency decrees. It was criticized on several grounds for being ineffective, for lacking impartiality and independence, and for violating due process. The Commission’s work ended in January 2023 after rejecting 85.9% of the 127,292 applications it received.¹⁶ 1,102 applications concerned the closure of institutions, of which only 72 were accepted, with no breakdown available as to their legal status, and no information regarding the grounds on which the applications were accepted or rejected.¹⁷ There are no statistics available concerning the number of associations that resorted to administrative courts to appeal the Commission’s decisions.

B. The Recent Wave of Closure Cases

In recent years, media has started reporting on closure cases against associations, whereas the Mol has not released any statistics concerning the number of pending or concluded dissolution cases.¹⁸ According to publicly available information, since 2021 at least five associations faced one or more closure cases, and at

¹⁰ “Kaos GL ‘ahlaka aykırı’ değildi”, *Kaos GL* (December 21, 2006). Available at: <https://kaosgl.org/haber/lsquokaos-gl-ahlaka-aykirirsquo-degildirrsquo>; Pembe Hayat’ı kapatmaya ret, *Pembe Hayat* (November 2, 2006). Available at: <https://www.pembehayat.org/haberler/pembe-hayat-i-kapatmaya-ret-456>.

¹¹ Eşinsel örgütlenmesi karşıtı bir Vali daha, *Kaos GL* (May 23, 2006). Available at: <https://kaosgl.org/haber/escinsel-orgutlenmesi-karsiti-bir-vali-daha>.

¹² LambdaIstanbul LGTT Dayanışma Derneği’ne kapatma kararı, *Kaos GL* (May 29, 2008). Available at: <https://kaosgl.org/haber/lambdaistanbul-lgibttdayanisma-dernegirsquone-kapatma-karari>.

¹³ However, foreshadowing what was to come in the next decade, the court noted that the association should not “encourage lesbian, gay, bisexual, transvestite and transsexual behavior with the aim of spreading such sexual orientations.” Human Rights Watch, *UPR Submission Turkey* (November 2009). Available at: https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session8/TR/HRW_UPR_TUR_S08_2010_HumanRightsWatch.pdf.

¹⁴ Siyah Pembe Üçgen İzmir Kapatılmadı, *Kaos GL* (April 30, 2010). Available at: <https://kaosgl.org/haber/siyah-pembe-ucgen-izmir-kapatilamadı>; Ekogenc Derneği’ne açılan kapatma davasının gerekçeli kararı açıklandı: Cinsel yönelim ahlaksızlık değil, *Sivil Toplum Geliştirme Merkezi* (March 25, 2015). Available at: <https://www.stgm.org.tr/ekogenc-dernegine-acilan-kapatma-davasinin-gerekceli-karari-aciklandi-cinsel-yonelim-ahlaksizlik>.

¹⁵ TIHV, *Kuşatma Altındaki Yurttaşlık Alanı: Susturma, Baskılama ve Suçlulaştırma Pratikleri* (November 2021). Available at: https://tihv.org.tr/wp-content/uploads/2021/12/Kusatma_Altındaki_Yurttaslik_Alani.pdf; The Observatory & İHD, *A Perpetual Emergency*, supra, note 2.

¹⁶ Announcement on the Decisions of the Inquiry Commission on the State of Emergency Measures (January 12, 2023). Available at: <https://ohalkomisyonu.tccb.gov.tr/>.

¹⁷ *The Inquiry Commission on the State of Emergency Measures Infographics* (January 12, 2023). Available at: <https://ohalkomisyonu.tccb.gov.tr/#:~:text=%C4%B0nfografiklerine%20eri%C5%9Fmek%20i%C3%A7in-t%C4%B1klay%C4%B1n%C4%B1z,-7075%20SAYILI%20KANUNA>.

¹⁸ As of August 22, 2023, the Mol website states that 211,207 associations have been dissolved and 101,302 associations are active, and that there are no associations whose activities have been suspended. The website does not provide a date range for which these numbers are valid. Directorate General of Civil Society Relations of the Mol, Number of Active and Dissolved Associations (n.d.). Available at: <https://www.siviltoplum.gov.tr/faal-ve-fesih-dernek-sayilari>.

least one association was shut down as a result.¹⁹ This section provides snapshots of closure cases against four of these associations: DİAYDER, GÖÇİZDER, KCDP, and TTM.

a. Religious Scholars Mutual Aid and Solidarity Association – DİAYDER

“Imams read Kurdish *khutbah*²⁰ at the association. Because we are Kurdish, we understood everything they were saying. We were part of the congregation of the association, we prayed there. At least 400-500 people would come to Friday prayers, there were prayers held 4-5 times a day. We enjoyed those prayers a lot. When we heard about the closure case, it’s like our world collapsed, we took it to heart. What right do they have shutting down that mosque? After they closed the association, a lot changed for us. We didn’t go to just any mosque; we pray in our homes. That’s because none of [the imams of the other mosques] reacted to the closure [of DİAYDER].” – A participant in DİAYDER activities²¹

“We would always go to the association to pray, five times a day, on Fridays. The association was a very positive place. After they shut it down, we almost stopped praying, we don’t go to other mosques. We had become used to [DİAYDER]. They shut down the association, this is cruelty. It was only a place of worship.” – A participant in DİAYDER activities²²

Year & place of establishment:	2008, Istanbul
Purpose and main activities:	DİAYDER aims to develop mutual aid, solidarity and social relationships between religious scholars, and works towards democracy, peace, and freedom in Turkey. Its members and executives are Kurdish religious scholars who advocate for exercising their religion in their mother tongue and who promote democratic Islam. For this purpose, prior to its dissolution, DİAYDER ran <i>masjids</i> ²³ across Istanbul serving approximately 6,000 people, where sermons were delivered in Kurdish and touched upon issues of social justice, including the Kurdish issue. Rituals were usually conducted in accordance with the Shafi’i School of Sunni Islam which is followed by many Kurds.
Facts leading to the dissolution case:	The main opposition Republican People’s Party (<i>Cumhuriyet Halk Partisi – CHP</i>) candidate Ekrem İmamoğlu won the mayoral race for the Istanbul Metropolitan Municipality (<i>İstanbul Büyükşehir Belediyesi – İBB</i>) in the 2019 local elections after 25 years of conservative rule in Istanbul. İmamoğlu met with DİAYDER during the election period. Later, İBB communicated with DİAYDER (along with several other associations and religious organisations) as part of its religious and social services. As a result, DİAYDER helped distribute some of the municipality’s aid to families in need during Ramadan in April 2021, and encouraged İBB to hire Shafi’i funeral workers, which they eventually did, following usual procedures.

¹⁹ In addition to DİAYDER, GÖÇİZDER, KCDP and TTM, a closure case was launched in 2022 against the Mutual Aid, Solidarity, Unity and Culture Association with Families Who Lost Relatives in the Cradle of Civilizations (*Medeniyetler Beşiğinde Yakınlarını Kaybeden Ailelerle Yardımlaşma Dayanışma Birlik ve Kültür Derneği – MEBYA-DER*), an association based in Diyarbakır that works in all areas related to people who have been unlawfully and arbitrarily killed or forcibly disappeared in Turkey in violation of international human rights. The case is ongoing. Evrensel, MEBYA-DER’e kapatma davasının reddi istendi (April 20, 2022). Available at: <https://www.evrensel.net/haber/459798/mebya-dere-kapatma-davasinin-reddi-istendi>.

²⁰ A religious sermon delivered in mosques during Friday prayers and on other special occasions.

²¹ Excerpt of audio recording (July 13, 2023).

²² Ibid.

²³ A *masjid* is a place of worship for Muslims.

Related criminal proceedings:	<ol style="list-style-type: none"> 1. <u>Indictment dated December 2020, Istanbul 34. High Criminal Court:</u> Several DĪAYDER executives and members are charged with “membership in an armed terrorist organisation” based on technical surveillance dating back to 2009. Examples of actions which allegedly constitute crimes concern DĪAYDER members performing religious rituals during funerals of Kurdistan Workers’ Party (<i>Partiya Karkerên Kurdistanê – PKK</i>) members, organising civilian Friday prayers, and media appearances, articles, and speeches concerning the Kurdish issue and religious freedom. All defendants in this case, except for those also listed as defendants in the below case, were acquitted in June 2023. 2. <u>Indictment dated December 2021, Istanbul 14. High Criminal Court:</u> In a police operation against several DĪAYDER members in July 2021, 28 persons were detained and nine were arrested, including DĪAYDER’s chairperson. All those under arrest were later released, the latest being the chairperson, who was released after 19 months. In the bill of indictment, DĪAYDER executives and members and others are charged with “membership in an armed terrorist organisation” or “knowingly and wilfully aiding an armed terrorist organisation.” Many of the allegations concerning DĪAYDER in this case are repetitive of the allegations in the case before the Istanbul 34. High Criminal Court. In relation to IBB, DĪAYDER is accused of distributing aid cards to families of PKK members and of financing the PKK by seeking donations to the association, including from IBB employees. DĪAYDER contends that aid was distributed to people in need, and donations were willingly made for the maintenance of <i>masjids</i>. Other accusations include use of Kurdish words by DĪAYDER members in religious addresses during weekly Friday prayers and media appearances, press statements, and articles concerning the Kurdish issue. The case is ongoing.
Related administrative proceedings:	The Mol conducted an audit of DĪAYDER in January-February 2022 after the arrest of association executives. Seven association executives were fined 70,000 TRY each (approx. 2,400 EUR) for unauthorised aid collection, and objections to the administrative fine were dismissed. A criminal case was also launched against association executives following the audit, due to failure to properly keep association books and records, which is ongoing.
Case against association:	The prosecutor filed a dissolution case against DĪAYDER before the Bakırköy 1. Civil Court of First Instance on February 24, 2022, six days after the first hearing before the Istanbul 14. High Criminal Court, referring to the indictment in that case. The request for dissolution was based on Article 89 of the TCC ²⁴ and Article 30 of the Law on Associations, ²⁵ and claimed that the bills of indictment include “evidence and determinations that the association named DĪAYDER operates in the direction of the purposes and goals of the PKK/KCK armed terrorist organisation.” The prosecutor also demanded that the association’s activities be suspended as an interim measure. The court accepted the case and the interim measure request on June 28, 2022, reasoning that “the association has become the source of criminal activity.” The case is under appellate review.
Smear campaigns/targeting:	In December 2021, then-Minister of Interior (now MP) Süleyman Soylu stated that IBB hired workers who are members of DĪAYDER, “an association established upon the order of the [PKK leader],” which turned into a “special audit” by the Mol against IBB shortly after. Several pro-government media outlets targeted DĪAYDER and its executives, calling the scholars “alleged unofficial imams” that are “part of PKK’s alternative religious structure.” They also published sections of the bill of indictment dated December 2021 before it was accepted by the court, and while a confidentiality order was still in place.

²⁴ “If the purpose of the association becomes in breach of the law or morality, upon request by the public prosecutor or a relevant person, the court shall rule for the dissolution of the association. The court shall take all necessary precautions during the trial including suspension of activities.”

²⁵ “Associations;

a) May not carry out activities outside of the purpose indicated in their charter and the fields of work that are stated to realize this purpose.

b) May not be founded to serve purposes expressly forbidden by the Constitution and laws or execute actions which constitute a crime.

May not carry out training or educational activities to prepare for military service, national defence and general law enforcement services, may not open camps or educational spaces for such purposes. May not use special clothes or uniforms for their members.”

b. Migration Monitoring Association - GÖÇİZDER

“The first institution that I visited and met with when I arrived in Istanbul was GÖÇİZDER. A few times they helped connect me with people and organisations that can provide financial or in-kind support to me. They helped me find short-term employment when I was looking for a job. When the association executives were arrested, I didn’t have anyone left I could get in touch with. I heard they were evicted from their office after the closure case. GÖÇİZDER was somewhere I could go when I needed anything. The association shouldn’t be shut down; it should be supported.” – A person subjected to forced displacement²⁶

“GÖÇİZDER would visit people who were forced to migrate, try to help them. They would bring families who migrated together and help them build solidarity. It is an association that does good work and helps families who migrated.” – A person subjected to forced displacement²⁷

Year & place of establishment:	2017, Istanbul
Purpose and main activities:	GÖÇİZDER carries out studies to develop effective social solidarity among the masses of people subjected to migration in general and forced migration in particular, and to voice the demands of migration victims for a humane life. In addition to studies on forced internal displacement that took place in cities with Kurdish-majority populations during the height of the armed conflict in the 1990s and the curfews of 2015-2016, the association works with refugees in Turkey, especially those from Syria and Afghanistan.
Facts leading to the dissolution case:	GÖÇİZDER published two reports in 2019: <i>Legal Remedies Guide for Displaced Persons in Turkey</i> , and <i>Rights Violations Faced by Women During the Curfews and Forced Displacement</i> .
Related administrative proceedings:	In March 2020, the Mol audited GÖÇİZDER on the basis that the two reports “aim to legitimise the terrorist organisation” and “try to show the operations conducted by the State’s legitimate security forces as persecution of citizens.” As a result of this audit, the association’s chairpersons faced administrative fines as well as criminal convictions under the Law on Associations (which were deferred due to chairpersons’ lack of criminal record) for failure to properly keep association books and records and to notify the receipt of foreign funding (including from the EU) before spending it. The Mol auditors also referred their conclusory report to the prosecutor’s office.
Related criminal proceedings:	In a police operation against several GÖÇİZDER members and executives in June 2022, 23 persons were detained and 16 were later arrested under charges of “membership in an armed terrorist organisation.” ¹⁰ The bill of indictment dated September 2022 alleges that GÖÇİZDER reports documenting rights violations during displacement constituted “terrorist propaganda,” with references to quotes by displaced persons contained in the reports listed as a basis of this claim. The bill of indictment also claims that the association used EU funding to hold seminars and publish reports that insult the State, as well as to send money to families of PKK members. GÖÇİZDER contends that it documented forced displacement and published reports using the international human rights framework as a basis for their assessment, and that personal bank transfers made by association members that are irrelevant to the association are being framed as financing the organisation. All those under arrest were later released, the latest in January 2023. The case is ongoing before the Istanbul 26. High Criminal Court. Meanwhile, the Istanbul 3. Peace Criminal Court imposed a ban on the publishing and distribution of five GÖÇİZDER reports.
Case against association:	The prosecutor filed a dissolution case against GÖÇİZDER before the Bakırköy 15. Civil Court of First Instance on October 11, 2022. The request for dissolution was based on Article 89 of the TCC and Article 30 of the Law on Associations and claimed that the bill of indictment includes “evidence and determinations that the association named GÖÇİZDER operates in the direction of the purposes and goals of the PKK/KCK armed terrorist organisation.” ²⁸ The prosecutor also demanded that the association’s activities be suspended as an interim measure, which was rejected by the court. The court also decided to suspend the case pending the conclusion of the criminal case heard before the Istanbul 26. High Criminal Court. The closure case is ongoing.
Smear campaigns/targeting:	Pro-government media outlets targeted GÖÇİZDER members, publishing articles stating that they “made propaganda with EU funding,” including while a confidentiality order was still in place on the investigation file. They also published photographs of association members while they were being detained.

²⁶ Written response (July 6, 2023).

²⁷ Ibid.

c. We Will Stop Femicides Platform - KCDP

“To the contrary, I want this [association] to be supported more. Because after all, they showed me that I have rights [as a woman], my deceased daughter has rights, and that her murderer will be arrested. They supported me. [...] They walked with me, and I will walk with them till the end. [...] Calling them immoral, inappropriate, or unlawful means calling us that.” – Mother of 21-year-old Deniz Aktaş who was murdered in 2015 by her boyfriend Lokman Barış Çelik²⁹

“I said I wouldn’t cry anymore because the killer of my daughter was just put to prison thanks to [KCDP] [...] but I cry whenever I remember that they are saying the association is against the family structure. They buried my family in the ground and [the association] became my family. [...] They are calling [the association] immoral, that’s why I’m here today. They can’t call them immoral. I am here today because I wish we hadn’t met like this but there are people in my position and unfortunately there will be others too.” – Mother of 20-year-old Yağmur Önüt who was murdered in 2016 by her boyfriend Egemen Vardar³⁰

Year & place of establishment:	First set up as a platform in 2010; association established in 2012 in Istanbul.
Purpose and main activities:	Named after its goal to end femicides, KCDP gathers and publishes statistics on femicides and suspicious deaths of women, holds protests and gatherings, provides legal support to families of murdered women as well as women and LGBTQIA+ survivors of sexual and gender-based violence and survivors of child abuse, and advocates for policies that further gender equality and accountability for sexual and gender-based violence.
Facts leading to the dissolution case:	In October–November 2016, Diyarbakır Metropolitan Municipality Co-Mayor Gültan Kışanak, Peoples’ Democratic Party (<i>Halkların Demokratik Partisi – HDP</i>) co-Chair, and Van MP Figen Yüksekdağ and Democratic Regions Party (<i>Demokratik Bölgeler Partisi – DBP</i>) co-Chair Sebahat Tuncel were arrested as part of the post-coup attempt crackdown against Kurdish politicians and municipalities. KCDP shared social media posts condemning the arrests.
Smear campaigns/targeting:	A man who is an AKP member was detained for two days in January 2016 for failing to pay alimony to his ex-wife, and was released from detention after the AKP Kayseri Provincial Directorate paid the alimony. Upon his release in front of the prison, he made statements targeting women’s rights and women’s organisations. He later started a smear campaign against KCDP online, likely targeting KCDP because of their visible activism in support of gender equality. The AKP member filed multiple online complaints via the Prime Ministry Communication Center (<i>Başbakanlık İletişim Merkezi – BİMER</i> ³¹) in November 2016, claiming that “[KCDP] destroys the family structure by disregarding the family concept under the guise of protecting women’s rights, disregards women and children and gains interests over them, aims to create chaos in the society and increase victimhood, insulted the President, aims to destroy the family and society, broadcasts and defends women who join terror activities with people such as Sebahat Tuncel and Gültan Kışanak.” He also requested that KCDP be shut down as part of the state of emergency. Unknown persons also filed several other BİMER complaints against KCDP which are identical in terms of content, and even spelling and grammar errors, leading to the conclusion that they were orchestrated by the same man.

²⁸ The Observatory, *Turkey: Arbitrary detention of 22 members of the Migration Monitoring Association* (June 14, 2022). Available at: <https://www.fidh.org/en/issues/human-rights-defenders/turkey-arbitrary-detention-of-22-members-of-the-migration-monitoring>; The Observatory, *Turkey: Violations of the right to a fair trial and due process guarantees of Bilal Yıldız* (December 22, 2022). Available at: <https://www.fidh.org/en/issues/human-rights-defenders/turkey-violations-of-the-right-to-a-fair-trial-and-due-process>.

²⁹ Excerpt from transcript of the 5th hearing of the dissolution case against KCDP before the Istanbul 13th Civil Court of First Instance (April 5, 2023).

³⁰ Excerpt from transcript of the 1st hearing of the dissolution case against KCDP before the Istanbul 13th Civil Court of First Instance (June 1, 2022).

³¹ BİMER became CİMER following the new presidential system that came into force in July 2018, which abolished the prime minister position.

Related administrative proceedings:	<p>In January 2017, the Istanbul Provincial Directorate of Civil Society Relations (IPDCSR) audited the association. In March 2017, the IPDCSR notified the association of some procedural mistakes in bookkeeping and fined the chairperson. Simultaneously, and unbeknownst to KCDP, it sent a letter to the Istanbul Provincial Security Directorate, stating that a member of KCDP is also a member of another association based in Ankara that was shut down by an emergency decree, and asking for information regarding the allegations contained in the online complaints. The Security Directorate's response of March 2018 indicated that some members of KCDP's board of directors have "records" (without elaborating on what "records" mean), and that they found no other information regarding the specific association member. In March 2018, the IPDCSR asked the Istanbul Chief Public Prosecutor's Office to file for the dissolution of KCDP based on the online complaints, the "records" of the board of directors, and the fact that a member of KCDP is also a member of the association shut down by decree, claiming that KCDP "operates outside of its purpose and the association's purpose became against law and morality." In May 2018, the prosecutor's office returned the letter, stating that the request for dissolution should be sent together with concrete evidence and facts that constitute the basis of the request. In June 2018 and March 2019, the IPDCSR sent two more letters to the Security Directorate asking them to expand on the "records," and whether there is any "negative information" about any of KCDP's executives; in September 2018, they audited KCDP once again. In August 2021, the IPDCSR made another request to the prosecutor's office to dissolve KCDP, referring to "societal incident records" of KCDP board members prepared by the Security Directorate, and stating that the association, as a legal entity, is responsible for the actions of the persons who serve in the association's executive bodies, alleging that these bodies do not serve the same purpose as KCDP's activities.</p>
Related criminal proceedings:	<p>There are no criminal proceedings related to the association executives or members that mention the association. The "records" referred to by the Security Directorate concerns police records on association executives who were detained and later released without further investigation or prosecution. There is no legal basis for these "societal incident records" being kept by the police.</p>
Case against association:	<p>The prosecutor filed a dissolution case against KCDP before the Istanbul 13. Civil Court of First Instance on December 2, 2021. The request for dissolution was based on Article 89 of the TCC and Article 30 of the Law on Associations, and claimed that the association acts in breach of the association's purpose, the law, and morality. The case is ongoing.</p>

d. Tarlaşa Community Centre - TTM

“This closure case affected us so much. Our children were coming here to attend activities, now they can’t. This was the second home for children. [TTM’s] closure will create huge chaos, because [Tarlaşa] is a swamp. They enlighten our children, through art, events. [...] Our children come here and say ‘we can achieve this.’ I wish there was a TTM in every neighbourhood.” – A 35-year-old woman from Tarlaşa³²

“I was so sad [when I first heard about the closure case] because our children learn something here instead of wandering the streets. [...] No one comes to abandoned neighbourhoods like this and they prevent those who do. For example, they say you can learn literacy at school, but they don’t provide care for my child. [TTM] provides me with that option. I definitely don’t want TTM to close, I want this case to be over as soon as possible.” – A 36-year-old mother living in Tarlaşa³³

Year & place of establishment:	First set up as a pilot project of the Istanbul Bilgi University Center for Migration Research in 2006; association established in 2007 in Istanbul.
Purpose and main activities:	TTM aims to empower the residents of the Tarlaşa neighbourhood in Beyoğlu, Istanbul, who are excluded from social life and struggle with various disadvantages caused by poverty and migration, to support their access to their rights, and to reduce prejudice against the Tarlaşa neighbourhood. For this purpose, it provides social and psychological support programs to children, youth, and women, and creates a model for a rights-based community centre that can be replicated in similar neighbourhoods.
Facts leading to the dissolution case:	In June 2021, which is Pride Month, TTM announced on social media that it would hold a closed Zoom event for its volunteers on how to support LGBTQIA+ students and children, based on a publication by an LGBTQIA+ organization. ³⁴
Smear campaigns/targeting:	The post was picked up by <i>Milat</i> , a pro-government newspaper on June 25, 2021, which claimed that TTM was “engaged in LGBTI perversion and PKK propaganda to children” through “funds from abroad,” and mentioned two individual TTM volunteers by name. The author of the article also published several tweets targeting TTM and the volunteers, which brought a wave of harassment online that went on for several months. Other pro-government newspapers picked up on the article, and released others of a similar nature. On February 9, 2022, the same author published another article targeting TTM, IBB, and CHP based on a 2021 report that TTM submitted to a project led by IBB on the Beyoğlu district, stating that “IBB of CHP is trying to save TTM by gushing over the pervert centre and cooperating with them.” On April 14, 2022, a Nationalist Movement Party (<i>Milliyetçi Hareket Partisi – MHP</i>) MP made a speech in parliament that TTM “encourages homosexuality” and “aims to rip youth from social values to make them individuals that are foreign and hostile to their nation” and “create a genderless society.” ³⁵
Related criminal proceedings:	In July 2021, the chair of TTM’s board of directors was questioned by the police in relation to a criminal complaint alleging the crime of obscenity based on social media posts and news reports. In November 2021, the prosecutor decided not to pursue a criminal case. Also in November 2021, a criminal investigation was launched against the chairs of the association who served in the period 2018-2021 for alleged breaches of the Law on Associations based on the same facts referred to in the dissolution case (below). The investigation is ongoing.
Related administrative proceedings:	On the same day as the first <i>Milat</i> hit piece, social services visited TTM concerning the article, which was followed by a two-day audit by the IPDCSR and a five-week audit by the MoI. While the MoI audit was ongoing, a seven-person commission set up by the Beyoğlu District Governor’s Office, and accompanied by the police, visited TTM without prior notice for another one-day audit, which the MoI auditors were not informed about either. The commission and police forced their way into the office.

³² Written response (July 4, 2023).

³³ Written response (July 4, 2023).

³⁴ Kaos GL Derneği, *Eğitimciler İçin Kılavuz: LGBTİ+ Öğrencilerin Haklarını Nasıl Korumalı?* (2nd edition, November 2021). Available at: <https://kaosgldernegi.org/images/library/eg-itimciler-ic-in-kilavuz-web-1.pdf>

³⁵ TBMM Genel Kurul Konuşması (April 14, 2022). Available at: <https://www.tbmm.gov.tr/milletvekili/UyeGenelKurulKonusmalariDetay?eid=106377>.

Case against association:	<p>TTM faces two cases, both based on the reports prepared by Mol auditors.</p> <ol style="list-style-type: none"> 1. <u>Istanbul 8th Peace Civil Court, Determination of Non-Existence</u>: The Istanbul Governor's Office filed this case in October 2021 claiming that the purpose of TTM is intertwined with the Bilgi University pilot project, and now that the project is over, "it has become impossible for the association to realise its purpose of establishment." They claim that per Article 87/1 of the TCC,³⁶ the court should declare that the association is non-existent. TTM states that its charter includes several other purposes, such as eradicating poverty and discrimination in Tarlabası, which have clearly not been realised. The court-appointed expert favoured TTM's argument. The case is pending; the court will likely wait for the dissolution case to conclude. 2. <u>Istanbul 18th Civil Court of First Instance, Dissolution</u>: TTM became aware of this case after <i>Milat</i> newspaper reported on it as part of the IBB article in February 2022; they had not been notified before that. It was filed in February 2022 by the prosecutor's office based on Article 89 of the TCC and Article 30 of the Law on Associations, requesting the dissolution of the association on the grounds that "the purpose of the association became actively against morality and law, turning it into a centre where many crimes are committed." The evidence brought to corroborate allegations of such "crimes" are procedural errors in bookkeeping and reporting obligations, workshops for children that were categorised as unauthorised educational activities, and "seeking to influence the sexual identities of children [...] thereby normalising the sexual inclinations known briefly as LGBTI" through inclusive sex education classes for children and youth. The court also suspended TTM's activities as an interim measure, which was subsequently lifted at the first hearing following TTM's objection. The court-appointed expert's report referenced the Court of Cassation's 2008 LambdaIstanbul judgement stating that LGBTQIA+ persons can establish associations, yet did not explain its connection to the TTM case, and directed the court to examine the age group of the sex education participants. This case too is pending.
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³⁶ "Associations shall terminate automatically in the following cases:

1. The realization of the purpose, the impossibility of its realization or the expiration of the term,

[...]

Any interested person may request a peace judge to determine that the association has ceased to exist automatically."

IV. Exception or Rule? Closure Cases as Part of a Systematic Attack Against CSOs

A. Political Motivations Underlying the Closure Cases

Regardless of the formal motives behind each case described in the previous section, closure cases appear to target associations mainly due to their critical stances on government policies and practices, and their activism in favour of marginalised individuals and groups, in particular Kurds, women, and LGBTQIA+ people. In the current context of increased repression of civil society, closure cases thus appear – in tandem with other forms of judicial and administrative harassment – to be a revamped method by which the State obstructs civil society work, and stifles dissent and democratic debate in Turkey. Representatives of the four associations painted clear pictures of the reasons why they were targeted with these cases.

The sermons in DİAYDER *masjids* are held in Kurdish, follow the Shafi'i school, and promote a democratic understanding of Islam which touches upon notions of peace and justice, thus thwarting the centralisation and standardisation of Sunni Islam by the government, and promoting religious freedoms and linguistic rights:

“We are targeted with this closure case because the State is trying to take over Kurds economically and by using religion. [...] The State collects taxes from everyone, but they don't serve Alevis, Jews, or Christians. They reject both 'Kurdishness' and Shafi'ism. They want us to read their *khutbahs*.³⁷ We are not attached to the Religious Affairs Presidency; we are not attached to anyone. The people opened the *masjid* here, someone became the imam, and the people pay for the expenses.”³⁸

GÖÇİZDER's documentation work on migration, particularly forced displacement following the 2015-2016 curfews in Kurdish-majority cities, “explains migration in terms of its causes and its consequences.”³⁹ This includes criticising State policies that discriminate against Kurds and documenting human rights violations faced by internally displaced persons:

“There are many associations working in the field of migration and refugees. But this is an attack against the way we work. If you are only considering the lives of [displaced persons and refugees] here, there is no problem. But if you research how that person came to migrate there, you are also exposing a crime. There is an attack against those [organisations] that are right defenders, not against humanitarian organisations.”⁴⁰

KCDP's activism on gender equality includes criticising the government's policies on broader issues related to women's and LGBTQIA+ rights, as well as demonstrating solidarity with women who are targeted for their activism. KCDP's street protests are especially visible at a time when anti-gender groups have become increasingly vocal in their spreading of misogynistic and LGBTQIA+-phobic narratives that aim to promote traditional societal roles, and to further undermine women's and LGBTQIA+ equality and curtail their rights:⁴¹

“We were talking about the Istanbul Convention a lot [when the closure case was filed]. Alimony and the civil code were on the agenda. The LASTESIS protest happened, and our executives were detained by being handcuffed behind their backs.⁴² [...] We always discuss femicides,

³⁷ The State's increasingly powerful Religious Affairs Presidency (*Diyanet İşleri Başkanlığı - DİB*), which follows the Hanafi school, appoints all imams for Sunni mosques across Turkey. DİB-appointed imams follow *khutbahs* in Turkish prepared by DİB, which have increasingly become politicized to gain support for the AKP. Norwegian Helsinki Committee's Freedom of Belief Initiative, *An Appeal to Move Forward from Aspirations to Actions: Monitoring Report on the Right to Freedom of Religion or Belief in Turkey* (April 2022). Available at: <https://inancozgurlugugirisimi.org/wp-content/uploads/2022/04/iog-monitoring-report-on-forb-2022-en.pdf>; Filiz Gazi, Propaganda-laced sermons distance Turks from the mosque, *Duvar English* (September 17, 2019). Available at: <https://www.duvarenglish.com/society/2019/09/17/propaganda-laced-sermons-distances-turks-from-the-mosque>.

³⁸ Interview no. 2 with DİAYDER representative, Istanbul, June 12, 2023.

³⁹ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁴⁰ Ibid.

⁴¹ Berfu Şeker & Ezel Buse Sönmezocak, *Withdrawal from the Istanbul Convention: War on Gender Equality in Turkey*, Freedom House (June 2021). Available at: https://freedomhouse.org/sites/default/files/2021-06/06292021_Freedom_House_Turkey_Policy_Brief-2-Withdrawal-from-the-Istanbul-Convention.pdf.

⁴² Various women's groups in Turkey organized dance protests in 2019 after the protest against sexual violence by the feminist group LASTESIS in Chile went global. The protests were met with police violence and detentions, and six women – including KCDP executives and members – face criminal cases.

but we don't see it separate from the political power. This is political. Our criticism of the ruling power and democracy started to stand out. We criticized when women journalists were detained. We have members from Boğaziçi.⁴³ These are areas where rights violations intersect with women, so we voice these.”⁴⁴

TTM, as an organisation working with women and children in one of the most marginalised neighbourhoods in Istanbul, whose residents include internally displaced Kurds, Roma people and refugees, implements a community model based on principles of peaceful coexistence. For TTM, this means creating safe platforms for women and children from an LGBTQIA+-inclusive and gender equality perspective. Meanwhile, anti-gender narratives in Turkey – similar to global narratives – claim that children are being brainwashed by “gender ideology,” which is spreading “moral panic over the future of children”⁴⁵:

“[The filing of the closure case] was at a time when there was a lot of propaganda against the Istanbul Convention, about the family and children. They were even attacking advertisements and the colours of t-shirts during Pride Month. It was a good coincidence for them to talk about these using children, it served them well. Because children are a soft spot. They said that we are victimising Syrian children. Refugees, children, LGBTI+ people... It became a good example for them using vulnerabilities.”⁴⁶

Kurds, women, and LGBTQIA+ people are also at the heart of politics, as demonstrated by the May 2023 election campaign, which instrumentalised them for different purposes. During this time, several political figures – both from the ruling alliance and the opposition – resorted often to populist discourse and hate speech against marginalised groups, especially refugees from Syria and Afghanistan and LGBTQIA+ people, thus exacerbating the discrimination they face.⁴⁷ The HDP political party is itself facing a closure case that also requests a ban on political activity by 451 party members and executives,⁴⁸ many of whom are already subject to judicial harassment and in jail, in blatant disregard of outstanding judgements from the ECtHR qualifying their detention as unlawful under the ECHR, and calling for their release.⁴⁹ HDP supporters, Kurds for the most part, are also stigmatised.⁵⁰ Women's rights are turned into bargaining chips, with right-wing parties demanding the amendment of Turkey's violence against women law as a condition to support the AKP-led alliance in the elections, risking further curtailment of gender equality and fundamental rights.⁵¹ Against this backdrop, closure cases against associations are also instrumentalised for political purposes, which may continue in the period leading up to the March 2024 local elections.

In some cases, the cases brought against associations are used by the authorities to indirectly target their political opponents. For instance, the closure case against DİAYDER also relates to the government's targeting of IBB, CHP, and Ekrem İmamoğlu. DİAYDER's criminalisation ahead of the March 2024 local elections serves the government narrative that CHP, which runs IBB, is “supporting terrorists” and should be voted out, while alienating İmamoğlu from Kurdish voters by signalling that the municipality's provision of equal services to Kurds can easily become grounds for harassment and stigmatisation.⁵²

Keep the Volume Up, *Las Tesis Activists* (last updated March 31, 2022). Available at: <https://www.sessizkalma.org/en/defender/las-tesis-activists>.

⁴³ On the Boğaziçi protests, see TIHV, *Preliminary Assessment Report on Violations of Rights During the Protests against the Appointment of Rector to Boğaziçi University by the President* (February 24, 2021). Available at: <https://en.tihv.org.tr/alternative-shadow-reports/preliminary-assessment-report-on-violations-of-rights-during-the-protests-against-the-appointment-of-rector-to-bogazici-university-by-the-president/>.

⁴⁴ Interview no. 4 with KCDP representative, Istanbul, June 13, 2023.

⁴⁵ Nur Sinem Korou, *Right-Wing Populism and Anti-Gender Movements: The Same Coin With Different Faces*, Global Political Trends Center Istanbul Kültür University (May 2020). Available at: <https://www.iku.edu.tr/gpot/policy-brief-nur-sinem-kourou-right-wing-populism-and-anti-gender-movements-same-coin-different>.

⁴⁶ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

⁴⁷ Kays Abbas & Volkan Pekal, Mülteci karşıtı söylem saldırıları artıyor, *Evrinsel* (May 30, 2023). Available at: <https://www.evrinsel.net/haber/491080/multeci-karsiti-soylem-saldirilari-artiyor>; Ezgi Akin, Erdogan slams Turkey's LGBTQ community, weaponizes homophobia ahead of vote, *Al-Monitor* (May 4, 2023). Available at: <https://www.al-monitor.com/originals/2023/05/erdogan-slams-turkeys-lgbtq-community-weaponizes-homophobia-ahead-vote>.

⁴⁸ Ezgi Güngördü, Turkey's Constitutional Court Back to Old Tricks: The Closure Case Against the Peoples' Democratic Party, *Völkerrechtsblog* (April 26, 2023). Available at: <https://voelkerrechtsblog.org/turkeys-constitutional-court-back-to-old-tricks/>.

⁴⁹ ECtHR, Case of Yüksekdağ Şenoğlu and Others v. Türkiye, Application No. 14332/17 (November 8, 2022). Available at: <https://hudoc.echr.coe.int/eng/?i=001-220968>; ECtHR, Case of Selahattin Demirtaş v. Turkey (No. 2) [GC], Application No. 14305/17 (December 22, 2020). Available at: <https://hudoc.echr.coe.int/eng/?i=001-207173>; Submission by ARTICLE 19, Human Rights Watch, the International Commission of Jurists, the International Federation for Human Rights, and the Turkey Human Rights Litigation Support Project pursuant to Rule 9.2 of the Committee of Ministers' Rules for the Supervision of the Execution of Judgements providing initial observations on the implementation of Selahattin Demirtaş v. Turkey (No.2) (Application no. 14305/17) Grand Chamber judgement, 22 December 2020 (February 7, 2021). Available at: [https://hudoc.exec.coe.int/?i=DH-DD\(2021\)192revE](https://hudoc.exec.coe.int/?i=DH-DD(2021)192revE).

⁵⁰ Burcu Karakas & Umit Ozdal, Kurds fear Erdogan win amid sharper nationalist rhetoric, *Reuters* (May 25, 2023). Available at: <https://www.reuters.com/world/middle-east/kurds-fear-erdogan-win-amid-sharper-nationalist-rhetoric-2023-05-25/>.

⁵¹ Jessie Williams, What's at Stake For Women in Turkey's Election, *Open Democracy* (May 12, 2023). Available at: <https://www.opendemocracy.net/en/5050/turkey-erdogan-election-2023-womens-rights-we-will-stop-femicides/>.

⁵² It is also noteworthy that the smear campaign orchestrated by the pro-government *Milat* newspaper against TTM published a hit piece noting IBB's

B. Smear Campaigns and Stigmatisation

Targeting by government officials or smear campaigns by pro-government media are often the precursors of administrative and judicial harassment.⁵³ The judiciary, law enforcement, “citizen-informants,” and right-wing social media accounts also played a role in the spread of criminalising and harmful narratives concerning the four associations facing closure cases.

DİAYDER and GÖÇİZDER, both of which work with the Kurdish community in Istanbul and adopt a critical stance towards the State’s interference with religious freedom and its migration policies, by highlighting structural, systemic discrimination against Kurds and other marginalised groups in Turkey, faced the same fate as critical CSOs and HRDs in Kurdish-majority cities by being labelled as “terrorists.”⁵⁴ TTM’s work on children’s rights, which includes comprehensive sexuality education and acknowledges the discrimination faced by LGBTQIA+ children, caused them to face hate speech similar to that faced by LGBTQIA+ organisations.⁵⁵ KCDP’s vocal activism on gender equality issues and women’s rights, such as alimony and bodily autonomy, at a time when anti-gender narratives have gained higher visibility in Turkey, caused them to face accusations of “destroying the family.” As a result, both associations are labelled as “immoral.”

The labels of “terrorist” and “immoral” are significant because these are concepts mentioned, but only vaguely defined, in the anti-terrorism framework and associations legislation that provide the legal basis for the State’s harassment against these associations. The labels can co-exist: KCDP’s and its members’ vocal criticisms of the government and solidarity with Kurdish women politicians subjected to judicial harassment, and TTM’s work with Kurdish children in the neighbourhood, are also criminalised. GÖÇİZDER and TTM were also targeted by pro-government media for receiving international funding, with accusations that they are “making terrorist/LGBT propaganda” with foreign funds. This narrative stigmatising civil society for receiving foreign funding has been increasingly pushed by both the government and government-controlled media over the years.⁵⁶ Anti-gender movements in particular accuse women and LGBTQIA+ groups of “importing Western values” through “foreign funding,” echoing high-level government officials, including former Mol Soylu.⁵⁷ There are no effective remedies against these smear campaigns.⁵⁸ As a case in point, TTM’s criminal complaint of August 2022 against *Milat* newspaper and other instigators of the smear campaign against it ended, in November 2022, with a decision not to prosecute.

The way in which the smear campaigns have been orchestrated reveals the political motivations underlying the dissolution cases, as well as the ties between members of the ruling coalition, pro-government media, and the cases themselves. The fact that details both of investigations against DİAYDER and GÖÇİZDER members, and of the dissolution case against TTM, were published by pro-government media before the associations or the individuals themselves were informed and able to access the case files, strongly suggests the existence of such a link. Besides being a procedural violation, it points to the judiciary’s lack of independence from political power, and its collaboration with pro-government media in influencing public opinion regarding ongoing cases against persons and institutions the government deems risky. Law enforcement also plays a critical part in this, as demonstrated by pro-government media publishing photos of GÖÇİZDER members being detained. This media coverage, which appears to benefit from connections between law enforcement and pro-government media, points to the undue influence of mainstream political discourse over the security forces. It also appears to be in breach of the procedural rights of suspects, and undermines the presumption of innocence.⁵⁹ Moreover, law enforcement reportedly intrudes into local communities these associations work with. TTM heard that police stopped Tarlaşaşı residents and asked if they were sending their children to TTM, claiming that “TTM takes children to the mountain [to join the PKK] from the basement of their offices.”⁶⁰ Police also reportedly visited the *masjids* run by local communities that remained open even after DİAYDER was shut down, asking them why

support for TTM, whereas other pro-government outlets targeted the Şişli District Municipality run by CHP by linking them with TTM, even though Tarlaşaşı is located in the Beyoğlu district, whose municipality is run by AKP.

⁵³ “NGOs faithful to our national sensitivities’ vs. ‘groups connected with foreign circles’: Stigmatisation of Independent NGOs and Foreign Funding” in The Observatory & İHD, *Drowned in Procedure*, supra, note 2.

⁵⁴ “The Interconnectedness of Administrative and Judicial Harassment” in The Observatory & İHD, *Drowned in Procedure*, supra, note 2; “HRDs based in the South-East” in The Observatory & İHD, *Turkey’s Civil Society on the Line*, supra, note 2.

⁵⁵ Ali Erol, *Kaos GL’yi hedef alan hükümet medyasının 2022 senesi nefret seyri*, *Kaos GL* (January 11, 2023). Available at: <https://kaosgl.org/haber/kaos-gl-yi-hedef-alan-hukumet-medyasinin-2022-senesi-nefret-seyri>.

⁵⁶ “NGOs faithful to our national sensitivities’ vs. ‘groups connected with foreign circles’: Stigmatisation of Independent NGOs and Foreign Funding” in The Observatory & İHD, *Drowned in Procedure*, supra, note 2.

⁵⁷ Ibid.

⁵⁸ “Stigmatisation and Discrediting of Civil Society Actors” in The Observatory & İHD, *Turkey’s Civil Society on the Line*, supra, note 2.

⁵⁹ Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, CCPR/C/GC/32 (August 23, 2007), para. 30. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2FGC%2F32&Lang=en.

⁶⁰ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

they did not go to mosques managed by the Religious Affairs Presidency instead.⁶¹ These arbitrary and out-of-protocol police visits, against which no effective legal remedy is available, aim to spread the stigmatising narrative among persons and communities that these associations aim to support, and to unduly influence public opinion, pending a decision about the cases against them.

The online BİMER and later CİMER systems allowing citizens to submit complaints to or requests for information from the government also play a role in the stigmatisation and harassment of associations. These systems became mediums for both ordinary citizens and long-time “professional” informants to “inform” the government of any alleged suspicious activity by anyone, including neighbours, celebrities, and associations.⁶² Online complaints, often anonymous, are frequently what instigate administrative and judicial proceedings, as in the case of KCDP, where the chain of events leading to the dissolution case was triggered by multiple BİMER complaints. In 2022 and 2023, police officers visited the TTM office three times on the basis that there were CİMER complaints. In one of these visits, the police said the complaint was that TTM is “talking about sexuality to children”⁶³; in others, they did not provide information about the complaint’s content.

C. Abuse of Anti-Terrorism and Associations Legislation

Politically motivated closure cases were filed by abusing the anti-terrorism and associations legislation under Turkish law, violating the right to a fair trial, the right to an effective remedy, and the right to freedom of association.

In the cases of DİAYDER and GÖÇİZDER, the closure cases are directly linked with the criminal cases filed against the associations’ executives and members under “membership in an armed terrorist organisation.” The ECtHR has repeatedly ruled that several provisions of Turkey’s broad anti-terrorism framework, which include vaguely defined terms and offenses, lack foreseeability and violate the principle of legality, paving the way for arbitrariness.⁶⁴ The Commissioner for Human Rights of the Council of Europe, Dunja Mijatović, said her office “has consistently pointed to an overbroad interpretation by the Turkish judiciary of what constitutes terrorism or membership of an armed criminal organisation despite all the changes over the years.”⁶⁵ The weaponization of the anti-terrorism framework reveals itself in the bills of indictment against DİAYDER and GÖÇİZDER members, where alleged grounds for membership include using Kurdish words, organising peaceful gatherings, documenting human rights violations, and publishing on topics related to the Kurdish issue.

The prosecutors who requested dissolution referenced bills of indictment concerning individual association executives and members, in the cases of GÖÇİZDER and DİAYDER. In fact, the request for dissolution of GÖÇİZDER is half a page long and refers only to the allegations in the said bill of indictment. In the case of KCDP, the prosecutor relied on records kept by police, without any legal basis, about the association’s executives. Meanwhile, in the case of DİAYDER, the civil court referred to the allegations in the bills of indictment as grounds for its conclusion that the association should be dissolved for becoming a source of criminal activity. These facts demonstrate that both the prosecutors demanding the groups’ closure and the court in DİAYDER’s case attributed unsubstantiated allegations concerning individual association executives and members to the association, even when there is no established connection between the allegedly criminal actions and the association. And even if any individuals were to be convicted, “the individual wrongdoing of founders or members of an association, when not acting on behalf of the association, should lead only to their personal liability for such acts, and not to the prohibition or dissolution of the whole association.”⁶⁶

Prosecutors also launched these closure cases following conclusory reports sent to them by auditors from the Mol or the provincial civil society directorate, who have been increasingly subjecting CSOs to burdensome audits.⁶⁷ The public officials who prepared these reports made broad determinations that lack any causality, legal argumentation, or evidence that the associations are acting “unlawfully” and/or “immorally.” These are grounds for dissolution under the Turkish Civil Code that are too vague to be sufficiently foreseeable and or to provide

⁶¹ Interview no. 2 with DİAYDER representative, Istanbul, June 12, 2023.

⁶² Ayça Söylemez, Babasını da İhbar Eden Kadrolu Muhabir İ.Ö. Hapishanede “Kayboldu,” *Bianet* (January 27, 2020). Available at: <https://m.bianet.org/bianet/insan-haklari/219193-babasi-da-ihbar-eden-kadrolu-muhbir-i-o-hapishanede-kayboldu>; Sadık Güleç, The surreal story of a Turkish informant, *Duvar English* (January 29, 2020). Available at: <https://www.duvarenglish.com/domestic/2020/01/29/the-surreal-story-of-a-turkish-informant>.

⁶³ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

⁶⁴ ECtHR, Case of İmret v. Turkey (No. 2), Application No. 57316/10 (July 10, 2018). Available at: <https://hudoc.echr.coe.int/eng/?i=001-184499>; ECtHR, Case of Işıkırık v. Turkey, Application No. 41226/09 (November 14, 2017). Available at: <https://hudoc.echr.coe.int/eng/?i=001-178506>; ECtHR, Case of Bakır and Others v. Turkey, Application No. 46713/10 (July 10, 2018). Available at: <https://hudoc.echr.coe.int/eng/?i=001-184495>. For an overview of Turkey’s abuse of its anti-terrorism framework, see Öztürk Türkoğan, *Human Rights Defenders in an Iron Cage: The Anti-Terrorism Law in Turkey*, İHD (January 2022). Available at: https://ihd.org.tr/en/wp-content/uploads/2022/05/OzturkTurkogan_ATL-Report_OMCT_EN.pdf.

⁶⁵ Commissioner for Human Rights of the Council of Europe Dunja Mijatović, Report, following her visit to Turkey from July 1-5, 2019 (February 19, 2020), para. 36. Available at: <https://rm.coe.int/report-on-the-visit-to-turkey-by-dunja-mijatovic-council-of-europe-com/168099823e>.

⁶⁶ Venice Commission & OSCE/ODIHR, supra note 1, para. 254.

⁶⁷ “NGOs’ Experiences Following Law No. 7262” in The Observatory & İHD, *Drowned in Procedure*, supra, note 2.

legal certainty.⁶⁸ The auditors cited “unlawfulness” based on simultaneous terrorism-related investigations or prosecutions against association members/executives, unlawfully kept police records and profiling, anonymous BİMER/CİMER complaints, and minor procedural errors in the association’s administrative or financial affairs. They also restrictively interpreted the concept of “morality” – another vague concept under Turkish law frequently used to attack LGBTQIA+ people and organisations in particular – in the conclusory reports for KCDP and TTM.⁶⁹

Prosecutors do not appear to have scrutinised whether the dissolution request has a legitimate aim, or whether there exist strong indications that dissolution corresponds to a pressing social need and is proportionate to the legitimate aim pursued. In three of the requests for dissolution, the prosecutors have copy-pasted sections of the auditor’s reports without ostensibly having analysed the determinations reached by the auditors in light of the provisions regarding closure cases. Instead, the prosecutors appear to have followed exactly the conclusions of the auditors – who are themselves part of the Mol. The administration also carries significant weight in these proceedings. In the determination of non-existence case against TTM, the Mol itself is the claimant, and the Ministry of Family and Social Affairs intervened in the case. Both ministries also intervened in TTM’s dissolution case.

The DİAYDER case demonstrates that closure cases can be accepted by judges without thorough legal examination. The judge similarly engaged in no legal examination in the court’s ruling as to whether this restriction of the right to freedom of association is justified or not. The courts fell short of proper examination in regard to the existence of an imminent threat, too, when considering interim measures of suspension. DİAYDER’s activities were suspended alongside the dissolution decision by the first instance court, even though the court did not provide any reasoning as to the necessity of the suspension order. DİAYDER was thus effectively closed before the dissolution decision became final. TTM’s activities were suspended immediately by the court following the prosecutor’s request, without providing TTM an opportunity to respond. The court’s reasoning for the suspension was taken *verbatim* from the auditor’s report; it was later removed, following TTM’s objections.

Finally, in addition to the closure cases, association executives faced criminal convictions under the Law on Associations for minor procedural issues in bookkeeping, as well as administrative fines. These fines can also be exorbitant, as in the case of DİAYDER executives who were fined for unauthorised aid collection, another restrictive aspect of the legislation concerning associations.⁷⁰ Association executives are thus impacted by both the closure cases and the individual cases and sanctions that target them, which makes the consequences of these parallel procedures on civil society even more difficult to endure.

D. Impact of the Closure Cases

The closure cases have a continuous and significant impact on the associations’ activities, their relationships with other CSOs, the communities they work with, and civil society more broadly, even if three of them have not yet been concluded. For DİAYDER and GÖÇİZDER, the impact of the closure cases is substantially intertwined with that of the judicial harassment faced by the association’s executives and members.

DİAYDER experienced devastating consequences following the dissolution decision and the suspension of its activities, as *masjids* that DİAYDER helped run have shut down:

“[The dissolution] had a very negative impact. We had institutionalisation through the association. It had its advantages. For example, the people got to know the *masjids* through the association’s representation. But now everyone backed away. People are dispersed, it’s hard to bring them together.”⁷¹

⁶⁸ In December 2020, the parliament enacted Law No. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction (“Law No. 7262”), which contrary to what its name suggests, introduced several provisions restricting legitimate activities of civil society. Article 30/A of the Law on Associations introduced with Law No. 7262 authorizes the Minister of Interior to suspend an association’s activities subject to court approval, request the dissolution of an association, and appoint a trustee for the association. Interestingly, while the requests for dissolution of DİAYDER and GÖÇİZDER by the prosecutor reference Article 30/A of the Law on Associations in the “relevant legal provisions” section, there has been no other reference to Article 30/A throughout the proceedings (or in DİAYDER’s dissolution decision) but rather to Article 30(a) of the same law, in addition to references to the Turkish Civil Code. Since the same prosecutor submitted requests for dissolution of DİAYDER and GÖÇİZDER, this could mean that the reference to Article 30/A was made in error and the prosecutor meant Article 30(a) instead. There were no other indications in the closure case files that provisions added through Law No. 7262 were used, meaning that the existing framework for involuntary dissolution of associations is sufficient for arbitrary closure cases even without the additional powers introduced through Law No. 7262. The Observatory & IHD, *Drowned in Procedure*, supra, note 2.

⁶⁹ Kaos GL, *Human Rights of LGBTI+ People in Turkey: 2019 Report* (May 2020). Available at: <https://kaosgildernegi.org/images/library/2020human-rights-of-lgbti-people-2019-report-1.pdf>.

⁷⁰ For more on aid collection, see “Box #2 – Discrimination in aid collection and ‘public benefit’ status” in The Observatory & IHD, *Drowned in Procedure*, supra, note 2.

⁷¹ Interview no. 2 with DİAYDER representative, Istanbul, June 12, 2023.

The police operation against GÖÇİZDER and its members added to the effects of the closure case:

“We had to change the association’s office because the owner evicted us after the operation. When you stay in a particular location for a long time, that also becomes part of your work. So [the office change] also affected us.”⁷²

Even if the cases against TTM are ongoing, the sudden suspension of its activities on February 21, 2022, and which lasted until April 6, 2022, had negative effects equal to those linked to the association’s closure:

“We didn’t expect the suspension. We worked until the morning thinking they will seal off the association because of the memory of Gündem Çocuk.⁷³ All employees were let go so they wouldn’t lose their rights. [...] We re-opened after the first hearing of the dissolution case in May. After we returned, we were thinking ‘What do we do now? How do we work in the neighbourhood again?’ There is no money, we need to hire everyone back again, we need to tell the donors.”⁷⁴

The closure cases require time and effort, which means fewer resources for activities.⁷⁵ Meanwhile, the uncertainty caused by the pending dissolution cases affects future planning and financial sustainability as well:

“We are reluctant to apply for project [funding] because we don’t know if [donors] will fund [an association facing a closure case]. We had projects rejected when we thought they would be accepted. We rented a small space; we couldn’t look for somewhere bigger and better because we don’t know what will happen. We are struggling financially.”⁷⁶

“We couldn’t ensure [financial] sustainability, we couldn’t make any applications for project [funding]. Some donors told us they wouldn’t work with an association facing a [closure] case. It was a challenging process. At the same time, we were able to receive minor support from some institutions which we wouldn’t normally work with because we are at risk.”⁷⁷

Even though none of the associations described any major negative impacts of the closure cases on their relationships with the communities they served, these cases had a chilling effect on some of the associations themselves:

“I can’t write what I want to write anymore. We think five times before saying anything public.”⁷⁸

The chilling effect over association executives and members is also visible. The effect was stronger on DİAYDER due to the closure and the severe judicial harassment they faced:

“Our members are people of a certain age. Now they think something will happen to us if we go to this *masjid*.”⁷⁹

GÖÇİZDER members had mixed reactions:

“We had executives who held back, while others were more persistent to work. If we look at it relatively, there were more friends who stood by us by risking everything and continued working.”⁸⁰

TTM employees and volunteers were particularly affected by the baseless investigation against the chair, and some dropped their TTM membership. Conversely, because of the closure case, TTM – though just an association working in one neighbourhood in Istanbul – became known across the country and internationally:

“People we don’t even know are talking about TTM now.”⁸¹

⁷² Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁷³ Following the state of emergency declared in July 2016, the MoI suspended the activities of Gündem Çocuk, a children’s rights association, and sealed off its office. The association was later shut down by an emergency decree in November 2016. Kaos GL, Government stopped the activities of child rights organisation Gündem Çocuk! (November 15, 2016). Available at: <https://kaosgl.org/en/single-news/government-stopped-the-activities-of-child-rights-organisation-gundem-cocuk>.

⁷⁴ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

⁷⁵ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023; Interview no. 4 with KCDP representative, Istanbul, June 13, 2023.

⁷⁶ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁷⁷ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

⁷⁸ Ibid.

⁷⁹ Interview no. 2 with DİAYDER representative, Istanbul, June 12, 2023.

⁸⁰ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁸¹ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

The closure cases also have a chilling effect on civil society more broadly. The criminalisation of religious scholars and the dissolution of their association sends a clear message:

“We didn’t think they would dare [dissolve the association] because we are an association of imams. We thought it would hurt them in the end. [...] Now civil society organisations think, if even the devout are penalized, we will be penalized for sure.”⁸²

Meanwhile, the receipt of international and particularly EU funding was raised a lot in both the criminal proceedings and the smear campaign against GÖÇİZDER:

“This whole thing with funding started with us. After we were detained, they started bringing EU funding to the agenda a lot. This is a threat to all civil society. They are saying, ‘if you don’t abide by our limits, we’ll cut your funding and open an investigation.’”⁸³

Associations also see the closure cases and the judicial harassment as the government’s attempt to isolate social movements and organisations:

“It’s very telling that we were chosen. They think we are the hardest group to stand up for because of our establishment, our work, the fact that most of our members are Kurdish. They want to criminalise and isolate us via the PKK and also threaten other organisations.”⁸⁴

KCDP’s closure case explicitly cites their solidarity with Kurdish women politicians:

“They arrest everyone in the Kurdish movement to alienate them. Similarly, they are tarring the association with the brush of ‘terrorism,’ saying it is ‘in breach of morality and law’ in order to alienate people from the women’s movement, to frighten them, and to put distance between us and the families who are hurting and vulnerable. They criminalize you so no one would stand up for you and you become isolated.”⁸⁵

TTM raised the concern that their stigmatisation could spread onto others:

“We are re-thinking our relationships with other organisations because we think that they will target them too.”⁸⁶

In fact, the stigmatisation of these associations appears to have already strained their relationships with other organisations, particularly for GÖÇİZDER and TTM, which work in two areas – migration and children’s rights – that often require interacting with official bodies. GÖÇİZDER stated:

“We waited a lot for support from organisations from our own field. Rights defender organisations already stood up for us. It would have meant more for organisations working in migration to show support, but they didn’t much.”⁸⁷

TTM echoed this sentiment:

“Even though TTM is an organisation working on children’s rights, it was the LGBTI+ movement and human rights movement that stood up for us more in this case. It was sometimes nerve-wracking that children’s rights organisations and networks didn’t come together separately and show solidarity.”⁸⁸

The fact that these closure cases are targeting individual associations one-by-one – as opposed to through mass closure of associations via emergency decrees – adds to the isolation and undermines solidarity among CSOs:

“This singularity puts you in a more uncertain and eerie position.”⁸⁹

Of the four associations, KCDP appears to be least impacted by the closure case, at least in their relationship

⁸² Interview no. 2 with DİAYDER representative, Istanbul, June 12, 2023.

⁸³ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁸⁴ Ibid.

⁸⁵ Interview no. 4 with KCDP representative, Istanbul, June 13, 2023.

⁸⁶ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

⁸⁷ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁸⁸ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

⁸⁹ Ibid.

with the families and women the association works with. In fact, their solidarity with the association seems to have played a critical role in the proceedings:

“When we called the families [to testify in the closure case], no one said they wouldn’t come. Even those who were sick said they wanted to testify. [...] What’s different about us is that the families are talking about us [in court]. So there is a different voice in the file. The [witness] says ‘my daughter died,’ and the judge says ‘my condolences.’”⁹⁰

KCDP is also the largest of the four associations, operating nation-wide, with a large number of members who have a strong presence in street protests, and their response to this closure case includes both legal and international advocacy and protests, which may explain their greater resilience in the face of closure cases and other forms of harassment. These factors, together with the broader public legitimacy of the women’s movement, may have at least partly shielded KCDP from the effects experienced by the other three associations.

E. In Limbo: What’s Next for Associations Facing the Risk of Involuntary Dissolution?

The closure cases (and the appellate review of DİAYDER’s dissolution) were ongoing during the May 2023 parliamentary and presidential elections, which had brought a sliver of hope for the associations that a new government could reverse course and alleviate the pressure on civil society. All respondents noted having considered the possibility that an opposition win could end their harassment via closure cases. Since the AKP-led alliance won a parliamentary majority and Erdoğan secured a third presidential mandate, associations are stuck in legal limbo and concerned that the pressure will increase. Their concerns are justified: the day after the second round of the presidential elections, the instigator of the smear campaign against TTM tweeted that all LGBTQIA+ organisations and “associations funded from abroad” should be shut down. All four associations stated that even though legally they are confident that the cases are baseless, they believe the judges may decide politically. GÖÇİZDER stated:

“If [the ruling alliance] also wins the local elections [of March 2024], things will get worse. We think we might be shut down after the local elections.”⁹¹

In this environment, closure cases against associations may also become more widespread. In fact, shortly after the elections, an AKP official stated that the recent constitutional amendment proposal, which re-defines marriage as the union between a man and a woman, and will reportedly be presented to the General Assembly of the Parliament in its next session, starting October 2023, will pave the way for the mass closure of LGBTQIA+ organisations.⁹²

DİAYDER has already appealed against the dissolution decision, and GÖÇİZDER, KCDP, and TTM emphasized that they intend to rigorously defend themselves in the judicial system regardless of the possibility of a politically influenced outcome. This is because they see this as a struggle on behalf of all civil society:

“We planned for various scenarios in advance. If TTM gets shut down, we won’t quit the legal process. We will go all the way to the Constitutional Court. Regardless of the outcome, it’s important that these are recorded in writing, that all available processes are followed through. We are thinking a lot about how this can benefit civic space and we think there must be both domestic and international advocacy on closure cases.”⁹³

“Not allowing them to shut down the association would be a win for us, in the name of democracy, human rights and the Kurdish struggle.”⁹⁴

“It is our right not to be shut down. In case of a [favourable outcome], it would be a positive example for all associations facing closure.”⁹⁵

The associations also emphasized that they were adamant about continuing their work even in the event that they will be eventually dissolved:

⁹⁰ Interview no. 4 with KCDP representative, Istanbul, June 13, 2023.

⁹¹ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁹² Ayşe Sayın, AKP’de iki aşamalı anayasa değişikliği planı: Önce başörtüsü teklifi Meclis’e gelecek, *BBC Türkçe* (June 22, 2023). Available at: <https://www.bbc.com/turkce/articles/c729ly1e2yee>; Altan Sancar, İktidar, LGBTİ+ derneklerini kapatmaya hazırlanıyor, *Diken* (June 23, 2023). Available at: <https://www.diken.com.tr/iktidar-lgbti-derneklerini-kapatmaya-hazirlaniyor/>.

⁹³ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

⁹⁴ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁹⁵ Interview no. 4 with KCDP representative, Istanbul, June 13, 2023.

“If they think ‘we’ll shut them down and they’ll just go away,’ they are mistaken. As long as violence against women continues, families will call us and we will continue working.”⁹⁶

Kurdish institutions and political parties are particularly resistant to closures as they have systematically faced this form of harassment over the years, and established new institutions that succeeded those that were dissolved:

“Because of the tradition we come from, closure will not affect [our future work] that much. We are determined to work in the field of migration. Maybe it won’t be me, it will be someone else, but we will continue working.”⁹⁷

During this period of uncertainty and ongoing harassment, all associations pointed to solidarity as the most effective form of resistance against this attempt to target and isolate the organisations. Solidarity is also a source of strength for the associations which face numerous challenges, and encourages individuals who work at the associations to continue their work:

“Everyone should stand up for the associations [facing closure cases] and grow the solidarity. This is effective. It affects the judge, and it affects the Ministry of Interior which we know influences that judge. It affects State policy.”⁹⁸

“Solidarity was both very impressive and empowering. We didn’t know if everyone would stand with TTM. It was very beautiful to see us all [local organisations] together.”⁹⁹

“Solidarity affects both the organisation and the individuals in that organisation. You work wholeheartedly, you don’t even think about quitting. It’s also important in terms of morale to realise you’re not alone.”¹⁰⁰

Establishing these solidarity networks is also important in the event that other associations face similar cases. For organisations which are smaller and less well connected, having these networks in place will ensure their swift access to support.

The associations also raised international solidarity as a means to highlight the political nature of the closure cases, and to support the associations facing them. DİAYDER stated:

“It is important to us that international organisations show moral support. This [closure case] is a case of conscience.”¹⁰¹

In the case of KCDP and TTM, international support is also crucial to fight the anti-gender movements that push for the same narratives across borders:

“There must be more solidarity and visibility. We are facing this here, but there are anti-gender movements in Poland, Hungary, Romania. This is part of a global misogynist pandemic. International solidarity is important also to highlight this globalisation.”¹⁰²

One way of demonstrating that solidarity is to monitor the closure cases and observe the trials, which may have a deterrent effect in regard to any procedural violations that may take place:

“International support and solidarity are very effective. There were organisations from Europe who observed the court process. Even their presence in the courtroom has an effect over the court; we see this in other trials too. The courts already act very arbitrarily. When international observers are [in the courtroom] and they submit a letter to the court [that they are observing the trial], [judges’] demeanour towards defendants and [defence] lawyers change. They act kinder and follow procedural rules more.”¹⁰³

⁹⁶ Interview no. 4 with KCDP representative, Istanbul, June 13, 2023.

⁹⁷ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

⁹⁸ Ibid.

⁹⁹ Interview no. 3 with TTM representative, Istanbul, June 13, 2023.

¹⁰⁰ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

¹⁰¹ Interview no. 2 with DİAYDER representative, Istanbul, June 12, 2023.

¹⁰² Interview no. 4 with KCDP representative, Istanbul, June 13, 2023.

¹⁰³ Interview no. 1 with GÖÇİZDER representative, Istanbul, June 12, 2023.

V. Conclusions and Recommendations

A. Conclusions

Close examination of the closure cases filed against DİAYDER, GÖÇİZDER, KCDP, and TTM reveals that these cases have become new tools in the hands of the authorities to stifle and divide civil society that is critical of government policies. The cases – along with other forms of harassment – are systematically used to retaliate against, silence, and delegitimise the dissent voiced by these organisations, along with their demands for change. The closure cases are also instrumentalized by the government and its supporters to consolidate power. The cases all include and rely on State-orchestrated smear campaigns against the associations that label them as either “terrorist” or “immoral,” and sometimes both. These labels constitute the basis of the administrative and judicial harassment faced by the associations’ members and executives, and of the closure cases themselves. The vague definition of these concepts under Turkish law allows and paves the way for their systematic abuse as a means to target any form of dissent. Auditors and prosecutors rely on these labels to request the dissolution of associations without any scrutiny as to whether this request has the necessary factual and legal basis to satisfy the threshold of dissolution, and judges often uphold their claims based on equally faint argumentations, and on unsubstantiated evidence. Regardless of their outcome, the very existence of these closure cases, and the threat of them, unduly restricts the right to freedom of association and expression, as they impact the associations’ work and working relationships, as well as their social standing and credibility, and exert a chilling effect on the broader civil society. Indeed, the vagueness of the accusations, and the ensuing proceedings, contributes to a climate of fear, whereby CSOs become more reluctant to engage in activities that could expose them to attacks and to the threat of dissolution. Moreover, temporary suspensions of the associations’ activities by local courts’ order, and dissolution decisions adopted on baseless grounds, have an adverse impact on the associations’ work. Now that the May 2023 elections have passed with no change in the ruling power, hopes for a shift towards a strengthened rule of law and democracy have dimmed, and civil society is exposed to a very strong risk of further harassment. The interviewed associations expect the crackdown against civil society to continue, if not worsen, in the coming months, especially as the country heads to local elections in March 2024. Under these circumstances, solidarity with and support for associations facing closure cases, and with civil society in Turkey as a whole, is critical not only to end the abuse perpetrated against them, but also to prevent further attacks and uphold civil society’s key role in defending democratic values, the rule of law, and human rights in the country.

B. Recommendations

a. To the Government of Turkey

- To ensure an enabling legal, institutional, and administrative environment for civil society actors, which acknowledges the fundamental role they play in protecting democracy, the rule of law, and fundamental rights, and that ensures their protection;
- To refrain in all circumstances from publicly stigmatising, delegitimising, or discrediting civil society actors; and to address any attempt, whether by public officials or non-State actors, to stigmatise civil society actors and HRDs, including those who are marginalised due to their gender, ethnicity, religion, sexual orientation, gender identity, or other factors;
- To put an end to all acts of harassment against civil society actors for the exercise of their right to the freedoms of assembly and association, of expression, and to defend human rights;
- To put an end to the use of closure cases and suspension of activities to harass associations; and to ensure that CSOs have access to effective remedies under Turkish law to challenge their abuse and receive reparations for the financial loss, reputational damage, and other consequences suffered due to the harassment they were victims of;
- To repeal all provisions in domestic legislation, particularly in the anti-terrorism and civil society legislation, that allow for the criminalisation or punishment of dissent and participation in civil society activities, and that lead to the judicial or administrative harassment of civil society actors and HRDs.

b. To International Actors

Recommendations to the UN:

To the UN Special Procedures, including the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association, on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, and on the promotion and protection of human rights and fundamental freedoms while countering terrorism:

- To grant particular attention to the ongoing closure cases against associations and their impact on the exercise, in particular, of the rights to freedom of association and expression, as well as on other human rights, by monitoring the cases and reacting to the ongoing harassment against associations, their executives and members, through official statements and/or communications to the Government of Turkey regarding their cases and calling for the harassment to stop, the ongoing proceedings to be discontinued, and the charges brought against individual members and executives to be dropped;
- To extend a request to the Government of Turkey for a country visit by the UN Special procedures, independently by each mandate or jointly, to directly investigate and gather information on the cases and on the increasing restrictions on civil society, meet the defendant associations and other stakeholders, observe the proceedings against the associations themselves, their executives and members, and formulate recommendations;
- To make concrete recommendations to the Government of Turkey regarding necessary legislative and policy changes that should be implemented in order to create a safe and enabling environment for civil society, and to comply with Turkey's international human rights obligations.

To the UN Human Rights Committee:

- To monitor the abuse of closure cases to unduly restrict the rights to freedom of association, assembly and expression, as well as the right to defend human rights in Turkey, and the impact of these cases and dissolution decisions on civil society actors and HRDs.

To the UN Office of the High Commissioner for Human Rights:

- To maintain international scrutiny of the increased repression of civil society in Turkey, including by publicly and privately urging the Government of Turkey to cease the use of closure cases to harass CSOs;
- To undertake a visit to Turkey at the earliest opportunity so as to engage directly with the Government of Turkey as well as HRDs and CSO representatives, particularly those at risk, and to publicly share the findings of the visit and ensure continued follow up by his Office on key human rights issues, including as a priority the increasing restrictions on the rights to freedom of association, assembly, and expression;
- To raise the situation of CSOs in Turkey in the opening speech of the High Commissioner at the next Human Rights Council session;
- To take necessary steps to put the situation of CSOs in Turkey, particularly the increased repression against civil society that the closure cases are emblematic of, in light of the May 2023 elections, on the agenda of future sessions of the Human Rights Council.

Recommendations to the Council of Europe:

To the Parliamentary Assembly:

- To keep the shrinking civic space and the situation of CSOs and HRDs in Turkey on its agenda and continue monitoring the developments, particularly following the May 2023 presidential and parliamentary elections, with a view to assessing the impact of judicial, administrative, and other forms of harassment, including closure cases against associations, on the work of civil society and HRDs in Turkey. This includes adopting resolutions focusing on civic space, particularly on harassment against civil society actors and HRDs through closure cases, and including specific recommendations in this regard, as well as following up on previous ones on civic space and HRDs in Council of Europe Member States, including Turkey.¹⁰⁴

¹⁰⁴ Parliamentary Assembly Committee on Legal Affairs and Human Rights, Situation of human rights defenders in Council of Europe Member States, AS/Jur

To the Committee of Ministers:

- To keep the shrinking civic space and the situation of CSOs and HRDs in Turkey on its agenda and continue monitoring the developments, with a view to assessing the impact of judicial, administrative, and other forms of harassment, including closure cases, on the work of civil society and HRDs in Turkey, and to issue resolutions on and recommendations to halt the harassment against civil society actors and HRDs, including closure cases, in collaboration with other Council of Europe bodies and other international organisations;
- To thoroughly monitor the execution of relevant ECtHR judgements relating to cases of HRDs and CSOs, including those regarding violations of the rights to freedom of association, assembly, and expression, and other fundamental rights, and to launch an infringement procedure under Article 46 ECHR if it finds that Turkey has failed to comply with its obligations under the Convention to execute ECtHR judgements by refusing to implement the judgement or solve the problem that led to the breach of Convention rights.

To the Commissioner for Human Rights:

- To keep regularly monitoring the situation with regard to civil society and HRDs, including the rights to freedom of assembly, association, and expression, the ongoing harassment of CSOs, including through closure cases and in the context of countering terrorism, and to issue official statements and/or communications to the Government of Turkey regarding such cases;
- To follow up on her last country visit to Turkey in 2019 to document the situation in which civil society and HRDs operate and the challenges that they face in relation to their exercise of the rights to freedom of association, assembly, and expression, including closure cases, and on the recommendations included in the report issued following the visit. This includes extending a request to Turkey for a new country visit to update the findings of the 2019 report, including with regard to the situation of CSOs and HRDs and the ongoing harassment against them in the aftermath of the May 2023 presidential and parliamentary elections in Turkey;
- To keep intervening in cases before the ECtHR regarding the continued harassment against HRDs and civil society in Turkey, including infringement proceedings initiated by the Committee of Ministers for failure by the State to implement previous judgements;
- To continue to firmly condemn the stigmatisation and harassment of women and LGBTQIA+ people and organisations in Turkey, including in the context of closure cases, by following up on previous recommendations issued to the Government of Turkey in this regard and by issuing new ones.

Recommendations to the European Union:

To the European Parliament, particularly to the Committee on Foreign Affairs, the Subcommittee on Human Rights, and the Delegation to the EU-Turkey Joint Parliamentary Committee:

- To keep the shrinking civic space and the situation of HRDs in Turkey on its agenda and to continue monitoring the developments, with a view to assessing the impact of existing laws, policies, and practices, including closure cases, on the work of civil society and HRDs, particularly following the May 2023 presidential and parliamentary elections, and to raise the issue in the context of their relations with the authorities in Turkey and with other EU institutions;
- To adopt a resolution and issue public statements focusing specifically on the issue of continued harassment against CSOs and HRDs, including closure cases against CSOs, citing individual cases and including specific recommendations to the authorities in Turkey and to the other EU institutions in this regard;
- To address the issue of civic space and the harassment against CSOs, particularly closure cases, in the context of its annual report on the situation of human rights in Turkey;
- To hold a public debate in the European Parliament on the situation of CSOs and HRDs in Turkey, focusing in particular on various forms of harassment, including closure cases as a way to crack down on civil society and restrict its work, with the active participation of representatives of CSOs from Turkey facing harassment and closure cases.

To the European Commission and the European External Action Service:

- To regularly monitor respect for the rights to freedom of association, assembly and expression, as well as the situation of civil society and HRDs in Turkey, with a view to assessing the impact that judicial, administrative, and other forms of harassment against CSOs, including closure cases against associations, have on civil society and on the individuals and communities that benefit from its work, as part of their monitoring of the progress made by Turkey towards meeting the criteria required of candidate countries to accede to the EU, notably in the area of the rule of law and fundamental rights, and to address these issues in the upcoming country report due later in 2023, together with clear, specific, and concrete recommendations to the Government of Turkey in this regard;
- To raise concerns regarding the shrinking civic space in Turkey, including the restrictions on freedom of association, assembly, and expression, and the harassment of CSOs and HRDs, with a specific focus on closure cases, both publicly through official communications and in their diplomatic relations with the Government of Turkey, and both bilaterally and in multilateral fora, including in the context of High Level Political Dialogues, and based on information provided by civil society actors;
- To continue to support civil society in Turkey and stand alongside targeted HRDs and CSOs, including by ensuring that resources are available to CSOs and HRDs active on democracy, the rule of law, and human rights, including those working on sensitive issues and facing harassment, including the threat of dissolution; to tailor their support to CSOs and HRDs in Turkey based on an assessment of their specific needs, including by providing support through flexible funding and institutional funding that can be used to pay administrative fines, legal fees, and other costs related to closure cases, to support civil society's resilience in the face of increased harassment, and to provide unrestricted resources to support other CSO work;
- To urgently implement all appropriate measures at all levels to develop and promote an enabling framework for HRDs and CSO representatives to access visas for the EU to facilitate their work and communication with EU institutions and other international actors;
- To address the stigmatisation of CSOs that seek, receive, and use international funding in their cooperation with the authorities in Turkey; to ensure that funding received by CSOs does not further expose them to harassment by the authorities; and to offer specific support and protection to HRDs and CSOs who are harassed due to funding they receive from the EU, including through rapid response mechanisms, emergency funding, and temporary relocation;
- To publicly reaffirm the importance of supporting civil society and HRDs, including in the context of cooperation with the Government of Turkey in other areas, including security and counter-terrorism, migration and trade, and to use its leverage to exact high standards of respect for human rights and civil society when cooperating with Turkey; to publicly express concern regarding in particular the ongoing global trend of abuse by States of counter-terrorism legislation and policies to target and harass civil society and HRDs, and to urge the Government of Turkey to refrain from abusing counter-terrorism laws to crack down on CSOs; to conduct human rights impact assessments of commercial and trade agreements to assess their impact on human rights and the environment, including on civil society work, prior to, during, and after their implementation; to refrain from using human rights as a bargaining chips in exchange for cooperation in other areas, particularly on migration, and to withdraw the EU-Turkey agreement, which the Government of Turkey has leveraged to push forward its anti-democratic and anti-human rights agenda and to intensify the repression against civil society, political opponents, and all dissenting voices in Turkey.

To the EU Delegation in Ankara:

- To ensure full implementation of the EU local strategy to support and defend HRDs in Turkey, including through close monitoring of and prompt reaction to the attacks against CSOs and HRDs, including closure cases against associations, regular attendance at their trials, and regular communication on their cases with the authorities, at all levels.

To EU Member States:

- To support CSOs and HRDs as per the European Union Guidelines on Human Rights Defenders;
- To publicly condemn the shrinking civic space and continued attacks against CSOs and HRDs in Turkey, both collectively as members of regional and international organisations such as the United Nations, the

Council of Europe, the European Union, and the Organisation for Security and Cooperation in Europe, and bilaterally in their diplomatic relations with Turkey, and to urge the Government of Turkey to uphold human rights and the role of civil society as the cornerstones of democracy and the rule of law that it committed to respecting and implementing;

- To enhance scrutiny by international and regional organisations they are members of regarding the issue of shrinking civic space and the situation of HRDs in Turkey, in particular on the impact that judicial, administrative, and other forms of harassment, including closure cases, have on human rights, particularly on the rights to freedom of association, assembly, and expression of civil society and HRDs, by calling for the matter to be addressed as a matter of priority in the appropriate venues, including at Council level, in the context of discussions on EU-Turkey relations.

Recommendations to the OSCE:

To the OSCE Parliamentary Assembly:

- To keep the shrinking civic space and the situation of HRDs in Turkey on its agenda and to continue monitoring the situation, with a view to assessing the impact of the restrictions on freedom of association, assembly, and expression, and of judicial, administrative, and other forms of harassment, including closure cases, on the work of civil society and HRDs in Turkey, and to issue statements and/or resolutions focusing specifically on this issue, especially on closure cases against associations, and including specific recommendations to the Government of Turkey in this regard.

To the OSCE Office for Democratic Institutions and Human Rights (“ODIHR”):

- To monitor the implementation of the OSCE ODIHR Joint Guidelines on Freedom of Association¹⁰⁵ by Turkey, and to adopt a report on their respect by this State Party with specific recommendations to the Government of Turkey in this regard to address any instances of non-compliance. This should include a focus on involuntary dissolutions of associations and their impact on the exercise of the right to freedom of association in Turkey;
- To request that the Expert Panel on Freedom of Assembly and Association monitor compliance by Turkey, both in law and in practice, with the guidelines, and to issue recommendations to the Government of Turkey in that regard;
- To publicly and promptly react to attacks against HRDs and CSOs and violations of their rights in Turkey, including in the context of closure cases.

c. To International Donors

- To support civil society actors and HRDs in Turkey, including those who are targeted through closure cases, and with a particular attention to those more marginalised because they are more isolated, less connected to the international community, and receive less support, including by establishing more efficient channels of communication and consultation with civil society actors in Turkey to directly and regularly assess their needs and tailor their support to them;
- To engage in dialogue with the authorities in Turkey with a view to contributing to ending the stigmatisation and other forms of harassment of CSOs for receiving foreign funding and other resources or support from external partners;
- To explore alternative methods, with the participation of HRDs and CSOs working in Turkey, to fund civil society in Turkey, that would circumvent the obstacles that derive from a restrictive environment, including the risk of closure cases, and the stigmatisation of CSOs and HRDs receiving international funding.

¹⁰⁵ Supra, note 1.



The Human Rights Association (IHD, İnsan Hakları Derneği) was founded on July 17, 1986, by 98 people, including lawyers, journalists, intellectuals, but mainly relatives of political prisoners.

The sole objective of IHD is to carry out activities in defense of human rights and freedoms. In 1992, the statute was changed to cover humanitarian aspects as laid out in the Geneva Conventions. Since then, IHD has also criticized human rights violations of armed groups. IHD, together with its headquarters, 27 branches and 7 representations, is Turkey's biggest non-governmental human rights organisation and has been a member of FIDH since 1996, EuroMed Rights since 1997, OMCT's SOS-Torture Network since 2019 and the World Coalition Against Death Penalty since 2023. IHD is also a founding member of Human Rights Joint Platform (IHOP) which was established in 2005.

Necatibey Caddesi, No: 82 / 11-12 (6. Kat) Demirtepe/ANKARA

Tel: +90 (0312) 230 35 67-68-69 / posta@ihd.org.tr



The Human Rights Foundation of Turkey (HRFT) is an internationally recognized civil society organization that has been supporting access to 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. HRFT adopts a holistic treatment approach and abides by the "well-being" definition of the World Health Organization, which includes the physical, psychological, and social well-being of a person. The Foundation has five treatment centers in Istanbul, Izmir, Ankara, Diyarbakır and Van, and a reference center in Cizre.

In addition to its treatment and rehabilitation efforts, HRFT also operates effective documentation, investigation, and prevention of torture. HRFT played a pioneering role in the preparation of the "UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", commonly known as the "Istanbul Protocol". HRFT regularly organizes the Istanbul Protocol training for health and medical professionals within Turkey and abroad. In 2008, HRFT published the "Torture Atlas", along with the Association of Forensic Medicine Specialists and Turkish Medical Association. The Torture Atlas is the only document of its kind focusing on the medical documentation of torture. Since its establishment, HRFT has conducted lobbying and advocacy efforts to contribute to the establishment of effective mechanisms for monitoring and prevention of torture. Since 2000, HRFT has been organizing symposiums and panels on collective trauma, within the scope of its "truth, justice, and reparation" approach.

HRFT conducts the Project of "A Bottom-up Approach for Protecting and Supporting Civil Human Rights Actors in Post-Pandemic Turkey", in cooperation with the Human Rights Association (IHD), International Federation of Human Rights (FIDH) and World Organization against Torture (OMCT) and supported by the European Union. Within the scope of this Project, HRFT established Regional Solidarity and Coordination Groups, to directly identify 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. Within the framework of this Project, HRFT carries out multiple activities with the goal of enhancing the capacity of the human rights movement to create transformative impact in an extremely challenging context and contributing to the actualization of the right to defend human rights. This Project started in March 2021, and will end in August 2024.

Mithatpaşa Caddesi No: 49/11 (6. Kat) Kızılay/ANKARA

Tel: +90 (312) 310 66 36 / tihv@tihv.org.tr

Establishing the facts

Investigative and trial observation missions – Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchanges – FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies – FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion – FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

17 passage de la Main-d'Or - 75011 Paris - France

TÉL. : + 33 1 43 55 25 18 / www.fidh.org

Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS -Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

8 rue du Vieux-Billard - PO Box 21 - CH-1211 Geneva 8 - Switzerland

TEL: +41 22 809 49 39 / www.omct.org



THE OBSERVATORY

Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened cooperation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- > A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- > The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- > International missions of investigation and solidarity;
- > A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- > The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- > Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- > Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

This system, called Emergency Line, can be reached through:

E-MAIL: alert@observatoryfordefenders.org

FIDH TEL: + 33 1 43 55 25 18

OMCT TEL: + 41 22 809 49 39



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