



Home Office

Country Policy and Information Note

Turkey: Gülenism

Version 1.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

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1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state due to a person's actual or perceived involvement with the Gülenist political movement.

1.2 Points to note

1.2.1 The movement is also known in Turkey as the 'Hizmet' (the 'Service') and is considered by Turkey as a terrorist organisation known as the 'Fetullahçı Terör Örgütü, FETÖ' ('Fethullahist Terrorist Organization (FTO)') which is also sometimes referred to as the 'Parallel Devlet Yapılanması (PDY)' (the 'Parallel State Structure').

1.2.2 For the purposes of this note it is referred to as the Gülenist movement.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision-makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

2.2.1 If there are serious reasons for considering that the person has been involved in committing a serious crime, for example involvement in the July 2016 coup attempt in Turkey, then decision-makers must consider whether one of the Exclusion clauses is applicable.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.2 Assessment of risk

2.2.1 The Gülenist movement is not a political party; it is a term used to describe those who follow the US-based Islamic cleric Fethullah Gülen. The Gülenist movement is believed to have a large number of sympathisers in Turkey, possibly in the millions, and people espousing Gülenist views or links have

founded a wide range of organisations, including hundreds of schools, tutoring centres, hospitals and relief agencies. Sympathisers and graduates of Gülenist institutions are believed to hold influential positions in institutions from the police and security services to the judiciary and political parties (see [Introduction to the movement](#)).

- 2.2.2 President Erdoğan and Fetullah Gülen formed a strong alliance in 2007 but this alliance ended in 2013 when pro-Gülen judges levelled corruption charges against President Erdoğan. Between 2013 and 2015 President Erdoğan began to take action against Gülenists by, for example, closing Gülenist schools (see [Rift between Fethullah Gülen and President Erdogan](#)).
- 2.2.3 Fethullah Gülen has long been accused by leading Justice and Development Party (AKP) lawmakers and President Erdoğan of forming and heading a terrorist organisation with the aim of toppling the Turkish government through insiders in the police and other state institutions (see [Gülen movement declared terrorist \(May 2016\)](#)).
- 2.2.4 In May 2016 President Erdoğan announced that the Gülen movement was an illegal terrorist organisation and the group was included in the Turkish National Security Council's list of organisations that pose a threat to Turkey in April 2015. However, it should be noted that this list has no basis in law. Turkish courts are now hearing cases of those allegedly involved in the attempted coup, some of whom have been charged with terrorist offences. It remains to be seen whether convictions on terrorism charges will hold (see [Gülen movement declared terrorist \(May 2016\)](#)).
- 2.2.5 The attempted coup in Turkey on 15 July 2016, leadership of which was widely attributed by Turkish society to a Gülenist faction within the military, was quickly quashed. The government condemned the coup, as did all four of Turkey's major political parties, including the nationalist, centrist, and left-wing opposition, and much of the general public (see [Events of 15 July 2016](#)).
- 2.2.6 Following the coup attempt, President Erdoğan announced a nationwide state of emergency, effective for three months from 20 July 2016. This was subsequently extended in October 2016 for three months and once again on 3 January 2017 for a further period of three months. The state of emergency has given the government powers to remove both Gülenists and those perceived as being Gülenists from across state institutions (see [State of emergency](#) and [Emergency decrees](#)).
- 2.2.7 Since the attempted coup, and in particular since the declaration of a state of emergency, there has been a focus on any persons or groups perceived as being linked to the Gülenist movement, particularly in the education, media, military and justice sectors. Tens of thousands of people have been suspended or dismissed from their jobs, including senior military officers, government officials, police officers and school teachers. By late September 2016 around 32,000 people had been detained pending investigation and criminal investigations were underway in relation to 70,000 (see [Action taken against perceived political opponents](#)).
- 2.2.8 There have been reports that in some cases detainees have been held pre-charge for four or more days by the police without being able to contact

either their families or legal representatives, and that they have not been permitted to see their lawyers until shortly before being brought to court or being questioned by prosecutors (see [Legal framework and legal processes](#)).

- 2.2.9 There have also been reports that people may be detained for being a suspected Gülenist even when they have not engaged in, or supported, or been involved with the coup attempt (see [Gülenists held responsible for the coup attempt](#), [Association with Gülenism](#), [Arbitrary detention](#) and [Judges and prosecutors \(alleged violations\)](#)). There are also reports of relatives and friends of Gülenists being detained (see [Association with Gülenism](#)).
- 2.2.10 The UN Special Rapporteur on torture made an official visit to Turkey in November and December 2016. Following his visit he stated that he had received many allegations of torture and other ill-treatment and medical examinations of some of the inmates confirmed that the alleged ill-treatment had taken place. He further stated that testimonies suggested that torture and other forms of ill-treatment were widespread in the days and weeks immediately following the coup attempt. However, the Special Rapporteur noted that after this initial phase, the ill-treatment appears to have ceased. He received no allegations of ongoing torture or ill-treatment of those inmates who were arrested in relation to the coup attempt, other than occasional verbal threats (see [Allegations of torture](#)).
- 2.2.11 Detention conditions have been reported as being overcrowded and access to health care and dental and psychiatric support limited given the number of detainees (see [Conditions of detention](#)).
- 2.2.12 The UN has urged the Turkish authorities to ensure evidence against those under investigation be presented swiftly before a judge so that the courts can make a legal determination (see [Alleged violations of human rights](#)).
- 2.2.13 It is legitimate for the Turkish state to take action against those involved in a coup attempt against the democratically-elected government and to use all lawful and proportionate means to do so.
- 2.2.14 The onus is on the person to show that on the particular facts of their case, they are at real risk of mistreatment and that this amounts to persecution on the basis of their actual or imputed political beliefs.
- 2.2.15 Where there is a real risk of mistreatment simply on the basis that the person is a Gülenist / suspected Gülenist / relative or friend of a Gülenist, rather than due to any personal involvement in, or support for, the coup, this may amount to persecution on the grounds of political opinion. Mistreatment may include arrest, detention and prosecution. Decision-makers must also consider whether there are any individual factors in the case which indicate that any prosecution would deny the person access to a fair trial and whether any punishment would be either disproportionate or discriminatory on the basis of the person's political opinion.
- 2.2.16 For information about Turkish prisons, see the country policy and information note on [Turkey: Prison conditions](#).
- 2.2.17 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Protection

- 2.3.1 As the person's fear is of persecution or serious harm from the state, they will not be able to avail themselves of the protection of the authorities.
- 2.3.2 See also the country policy and information note on [Turkey: Background, including actors of protection and internal relocation](#).
- 2.3.3 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Internal relocation

- 2.4.1 As the person's fear is of persecution or serious harm at the hands of the state, they will not be able to internally relocate to escape that risk.
- 2.4.2 See also the country policy and information note on [Turkey: Background including actors of protection and internal relocation](#).
- 2.4.3 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 Leadership of the attempted coup in Turkey on 15 July 2016 was widely attributed by Turkish society to a Gülenist faction within the military. Since the attempted coup, and in particular since the declaration of a state of emergency, the state has taken action against many individuals or groups perceived as linked to the Gülenist movement.
- 3.1.2 In May 2016 President Erdogan announced that the Gülen movement was an illegal terrorist organisation but this is not yet recognised in law and it remains to be seen whether convictions on the grounds of terrorism will hold for those allegedly involved in the attempted coup.
- 3.1.3 Tens of thousands of people have been suspended or dismissed from their jobs, including senior military officers, government officials, police officers and school teachers. Others have been jailed pending investigation and criminal investigations are underway in relation to many others.
- 3.1.4 There have been reports that those detained include individuals who may have supported the Gülenist movement, but not been involved in any illegal activity, including the coup attempt. There have also been reports that

relatives and friends of suspected Gülenists have been detained. Where there is a real risk of mistreatment simply on the basis that the person is a Gülenist/ suspected Gülenist/ relative or friend of a Gülenist, rather than due to any involvement in the coup or other unlawful activity, this is likely to amount to persecution on grounds of political opinion.

- 3.1.5 There have been reports that in some cases detainees have not been allowed access to their legal representatives for four days or longer. There have also been reports of some detainees being ill-treated whilst in custody, although the UN Special Rapporteur on torture, following an official visit to Turkey in November/December 2016, found that ill-treatment in detention is no longer taking place.
- 3.1.6 The onus is on the person to show that on the particular facts of their case any treatment they might face on return to Turkey would amount to persecution because of their political opinion. This may include denial of access to a fair trial and punishment which would be either disproportionate or discriminatory.

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4. Gülen movement

4.1 Introduction to the movement

4.1.1 A BBC report from July 2016 defined the Gulen movement as:

'A well-organised community of people - not a political party - named after the US-based Islamic cleric Fethullah Gulen.

'He is regarded by followers as a spiritual leader and sometimes described as Turkey's second most powerful man. The imam promotes a tolerant Islam which emphasises altruism, modesty, hard work and education. He is also a recluse with a heart condition and diabetes who lives in a country estate in the US state of Pennsylvania.

'The movement - known in Turkey as Hizmet, or service - runs schools all over Turkey and around the world, including in Turkic former Soviet Republics, Muslim countries such as Pakistan and Western nations including Romania and the US, where it runs more than 100 schools.

'Followers are said to be numerous in Turkey, possibly in the millions, and are believed to hold influential positions in institutions from the police and secret services to the judiciary and Mr Erdogan's ruling AK Party itself.'¹

4.1.2 CNN published the following in July 2016:

'Gulen has a loyal following - known as Gulenists - in Turkey, who all subscribe to the Hizmet movement.

'Hizmet is a global initiative inspired by Gulen, who espouses what The New York Times has described as "a moderate, pro-Western brand of Sunni Islam that appeals to many well-educated and professional Turks." Nongovernmental organizations founded by the Hizmet movement, including hundreds of secular co-ed schools, free tutoring centers, hospitals and relief agencies, are credited with addressing many of Turkey's social problems.'²

4.1.3 Two other documents provide useful history/background information on the Gulen movement: [Foreign Policy: Gulen Movement](#) and [Carnegie Endowment: Gulen Movement](#).

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4.2 Rift between Fethullah Gülen and President Erdogan

4.2.1 The Brookings Institution published the following in August 2016:

¹ BBC News. 'Turkey coup: What is Gulen movement and what does it want?', dated 21 July 2016 <http://www.bbc.co.uk/news/world-europe-36855846> Date accessed: 8 August 2016

² CNN. 'Failed coup in Turkey: what you need to know,' dated 18 July 2016. <http://edition.cnn.com/2016/07/18/middleeast/turkey-failed-coup-explainer/> Date accessed: 3 November 2016.

'The alliance between Erdogan and Fetullah Gulen consolidated in earnest only in the aftermath of the 2007 e-coup, when generals once again threatened to overthrow a legitimately elected government. In the eyes of the staunchly secularist army, the election of Abdullah Gul to the presidency, represented a red line. These were days when Turkey was still polarized over the headscarf issue, and Gul's wife did not pass this militant test of Kemalist secularism. In the wake of AKP's landslide electoral victory in 2007 and the constitutional court's (another Kemalist stronghold) attempt to ban the AKP, the alliance between Erdogan and Gulen turned into a formidable coalition against the Kemalist establishment. This alliance ultimately launched the Ergenekon investigation against militantly secularist generals in the armed forces.

'Pro-Gulen elements within the military—mostly at the colonel level in 2008—no doubt provided much-needed inside information and legal evidence for these investigations, which emasculated, sidelined, and purged a significant segment of politically interventionist military officers. However, some evidence provided by the Gulenists turned out to be fabricated or tampered with. This illegal situation led to the politicization and ultimately delegitimization of the Ergenekon investigation. Nevertheless Erdogan and the AKP stood by the Gulen movement and strongly supported the Ergenekon investigation.

'Once their common enemy was destroyed, the AKP-Gulen alliance began to crack. The alliance came to a bitter end in 2013 when pro-Gulen judges levelled corruption charges against Erdogan. Shortly after the corruption crisis, the AKP labelled the Gulen movement a state within a state, a parallel structure, and a terrorist organization determined to overthrow the democratically elected government of Turkey. Once his coalition with Gulen ended, Erdogan sought to restore his strained relations with the army. His Machiavellian nature became clearly evident when he declared that the Ergenekon and Balyoz investigations led by Gulenists "framed" the armed forces.

'The next two years, between 2013 and 2015, created a toxic political environment in the country. A relentless witch-hunt began against Gulenists. Educational institutions, media groups, business associations, bureaucrats, judges, and intellectuals associated with the Gulen movement have all become the target of a destructive political campaign.'³

4.2.2 In December 2013, Time reported:

'Erdogan has now decided to hit the Gulenists where it hurts. In mid-November [2013], the prime minister announced that he would close down the country's private exam prep schools, or dershanes, roughly a quarter of which are run by Gulen's followers. The schools, he said, are perpetuating social inequalities between those who can and cannot afford them, creating

³ The Brookings Institution. 'The failed coup and Turkey's Gulenist predicament,' dated 9 August 2016. <https://www.brookings.edu/opinions/the-failed-coup-and-turkeys-gulenist-predicament/> Date accessed: 9 February 2017

a parallel system of education. The government has since moderated its tone, emphasizing that dershanes would be allowed to operate until 2015, at which point they would be “transformed” into private schools.

‘For young Turks, the dershanes are a necessary fact of life, offering hours of daily tutoring for the tortuous high school and college entrance exams... For the Gulenists, the schools are also a major source of financial revenue and a way to attract young followers. The decision to close them, they say, is an attack on private enterprise...

‘With the controversy in full swing, the Gulenists and the Erdogan faithful, once wary of allowing tensions between them to boil over, are now trading blows on an almost daily basis.’⁴

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4.3 Gülen movement declared terrorist (May 2016)

4.3.1 Hurriyet Daily News reported in May 2016 that the Gülen movement would be registered as a terrorist organisation (N.B: this is not the same as proscription, which must be decided by a Court of law). Hurriyet stated:

“We took a new decision yesterday. We said that it [the Gülen movement] is an illegal terrorist organization,” said Erdoğan at an event in the Central Anatolian province of Kırşehir on May 27 [2016].

“We took a recommendation decision regarding the Fethullahist Terrorist Organization. We have sent it to the government and we’re now waiting for the cabinet decision. We will register it as a terrorist organization. It will be tried in the same category as the PYD [Democratic Union Party] and the PKK [outlawed Kurdistan Workers’ Party],” he said, referring to other groups that Turkey formally lists as “terrorist.”

‘Erdoğan also claimed that the movement had tried to “tear the nation and the ummah apart,” but the Turkish government would “never allow it to do so.” “Some of them have escaped and some of them are in jail,” he said.

‘Gülen has long been accused by leading Justice and Development Party (AKP) lawmakers, President Erdoğan and his inner circle of forming and heading a terrorist organization to topple the Turkish government through insiders in the police and other state institutions. A Turkish court in December 2014 issued an arrest warrant for Gülen, who has lived in self-imposed exile in the United States since 1999.’⁵

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⁴ Time. ‘Turkey’s Erdogan battles the Gulen movement, his one-time ally,’ dated 4 December 2013 <http://world.time.com/2013/12/04/turkeys-erdogan-battles-with-countrys-most-powerful-religious-movement/> Date accessed: 9 February 2017

⁵ Hurriyet Daily News. ‘Turkey to add Gülen movement to list of terror groups: President,’ dated 27 May 2016. <http://www.hurriyetdailynews.com/turkey-to-add-gulen-movement-to-list-of-terror-groups-president-.aspx?pageID=238&nID=99762&NewsCatID=338> Date accessed: 21 September 2016.

5. Coup attempt of July 2016

5.1 Events of 15 July 2016

5.1.1 A Turkish Stanford University lecturer noted the following in July 2016:

‘According to multiple sources, on July 15 [2016] the Turkish National Intelligence Agency (MIT) and the General Staff noticed “irregular activity” among a faction of the military. In a concerted effort, the faction partially blockaded the Bosphorous Bridge and attacked the state-owned Turkish Radio & Television (TRT) in Istanbul, bombed the General Staff Building, the National Assembly, the MIT compound, the Special Forces Headquarters in Ankara, and the hotel where President Recep Tayyip Erdoğan was vacationing in Muğla; and exchanged fire with the military, police, and civilians in major cities. Calling itself “Yurtta Sulh Konseyi” (The Council of Peace in the Homeland, or YSK), the faction announced through TRT and the General Staff’s website that it took over the government.

‘Soon after, Prime Minister Binali Yıldırım and President Erdoğan took to cable news channels and social media, calling civilians to resist the YSK, which utilized military helicopters, planes, and tanks. The General Staff, police, and the government regained substantial control of the situation by the end of July 16. The President and the government instructed civilians not to leave the streets until further notice. Since then, tens of thousands of military personnel, judges, prosecutors, teachers, and state employees are taken under custody or dismissed from their posts. There have been reports of mistreatment of those under custody, and attacks on neighborhoods populated by religious minorities and Syrian refugees. After consultation with the National Security Council and the Cabinet, the President announced a nation-wide state of emergency for 3 months effective July 20, 2016.’⁶

5.1.2 An article published in July 2016 Jamestown Foundation provided a summary of events:

‘The attempted coup by factions of the Turkish military calling themselves the “Turkish Peace Council” backfired and failed in less than 24 hours. Friday’s abortive takeover bid was led by a group of military officials with influence in the Air Force and Gendarmerie; and the center of the action was the Akıncı Air Base, near the capital city of Ankara.

‘Analysts speculate that the coup’s motivation and its timing was driven by an operation to arrest of a number of army officers on July 9 (Haberturk, July 9), coupled with rumors that July 16 would bring even many more arrests. This led the plotters to launch their uncoordinated attempt on July 15 (Cumhuriyet, July 15). Essentially, the attempt was disorganized and chaotic, which is how the government was able to quash it so quickly.

‘The primary aim of the plotters was to convince top Turkish military commanders, including Chief of the General Staff Hulusi Akar, to join. If he had, the coup would have achieved sufficient operational capabilities for

⁶ Stanford (University) Global Studies. ‘Deciphering the Coup Attempt in Turkey,’ 19 July 2016 <https://sgs.stanford.edu/news/deciphering-coup-attempt-turkey> Date accessed: 8 August 2016

success since all the army units would likely have followed. But when the majority of the high-ranking Turkish military leadership declined to back the operation, the solution was to hold them hostage. The leaders of the coup then used the General Staff to send instructions to all army units, thereby creating the impression that the putsch was institutionally backed and supported by all high-ranking officers (Cumhuriyyet, July 17).

‘The failure to gain that institutional support from most of the top brass in part predetermined the fate of the coup. But an important role in quashing the attempt was also played by the commander of Turkey’s First Army, General Ümit Dündar. According to security analyst Metin Gurcan, General Dündar informed President Recep Tayyip Erdoğan about the plot. He convinced the president to come to Istanbul instead of going to Ankara, assured him of his security, and informed him that Army units and many others opposed the coup (T24.com.tr, July 17). Dündar has been rewarded for his loyalty: he was made acting Chief of Staff to replace General Hulusi Akar (Hurriyet Daily News, July 16), indicating that head of state fully trusted Dündar’s account of events.

‘The second reason for the coup’s failure was its timing. It was originally planned for the following morning, July 16, but the chief of the General Staff learned of the plan at 17:00, on July 15 (Milliyet, July 17). This led the plotters to believe that government units and Turkish intelligence would have the same information, and that they would need to act quickly if they were to have any chance of success. The decision to hastily launch the attempt at 22:00 on July 15 led to several failures: they could not capture many strategic institutions, while the maneuvers were chaotic and not pinned to strategic targets. Instead, the insurrectionists made the error of opening fire on the National Assembly, where all the members of parliament gather. This destroyed their chances of gaining the political support they had expected. Ultimately, the putschists were doomed from the start, given their failure to design a strategy that ensured, first of all, institutional support. The resistance of the police forces and the intelligence services also helped to defeat the coup.’⁷

5.1.3 Time magazine published the following in July 2016:

‘Turkey’s political parties, key government institutions, and much of the public at large sided against the coup, uniting an otherwise deeply divided country, but the question now is how long a rare moment of consensus will last. On Friday night some of Erdogan’s bitterest enemies stood by him. All four major political parties, including the nationalist, centrist, and left-wing opposition, rejected the putsch. In a parliament where only weeks earlier lawmakers engaged each other in a physical brawl, there was unity.

‘Responding to an appeal from Erdogan—made on FaceTime and relayed via CNNTurk—demonstrators took to the streets, facing off with soldiers who

⁷ Jamestown Foundation. ‘Turkey’s Failed Coup: Motivations and Implications’, dated 19 July 2016. http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=45646&tx_ttnews%5BbackPid%5D=7&cHash=d952a371aaf32bf71ebbe7cb1a4d5093 Date accessed: 19 August 2016

had been [sent] to enforce the power grab. Some of those protesters were killed, among the 280 people who died that night. At the same time the instigators of the coup failed to mobilize popular support or bring on board other key institutions within the state. No pro-coup protesters appeared to confront those opposing the soldiers and tanks in the street.⁸

5.1.4 CNN reported as follows on 18 July 2016:

'Late Friday [15 July 2016], tanks rolled onto the streets of the capital, Ankara, and Istanbul. Uniformed soldiers blocked the famous Bosphorus Bridge connecting the European and Asian sides of Istanbul.

'Media outlets, including CNN Turk, said they'd been forced off air, and social media experienced outages. Shortly before midnight local time, a faction of the military issued a statement, saying the "political administration that has lost all legitimacy has been forced to withdraw."

'President Recep Tayyip Erdogan addressed the nation via FaceTime. Speaking to a CNN Turk anchor who held her phone so viewers could see it, he urged people to take to the streets to stand up to the military faction behind the uprising... Within a few hours - during which gunshots were heard at the presidential palace - the Turkish National Intelligence unit claimed the coup was over. But not before 290 people were killed and more than 1,400 people were injured.⁹

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5.2 State of emergency

- 5.2.1 On 21 July 2016, President Erdogan declared that a state of emergency would be in place for three months. The BBC noted that 'The state of emergency gives President Erdogan radically enhanced powers for three months. He and the cabinet will be able to enact laws bypassing parliament; the constitutional court will be unable to challenge them; there could be restrictions on publications and freedom of assembly; and broader powers of arrest.'¹⁰
- 5.2.2 The same article argued that the government would be allowed to rule by decree, with the powers of regional governors increased.¹¹
- 5.2.3 Hurriyet Daily News reported that the state of emergency had been extended on 3 October 2016:

⁸ Time. 'After Failed Coup a Vengeful Recep Tayyip Ergogan Has Turkey's Future in His Hands', dated 18 July 2016 <http://time.com/4410962/after-failed-coup-a-vengeful-recep-tayyip-erdogan-has-turkeys-future-in-his-hands/> Date accessed: 8 August 2016

⁹ CNN. 'Failed coup in Turkey: what you need to know,' dated 18 July 2016. <http://edition.cnn.com/2016/07/18/middleeast/turkey-failed-coup-explainer/> Date accessed: 3 November 2016.

¹⁰ BBC News. 'Turkey coup attempt: state of emergency announced,' dated 21 July 2016. <http://www.bbc.co.uk/news/world-europe-36852080> Date accessed: 14 November 2016.

¹¹ BBC News. 'Turkey coup attempt: state of emergency announced,' dated 21 July 2016. <http://www.bbc.co.uk/news/world-europe-36852080> Date accessed: 14 November 2016.

'The Turkish government has extended the state of emergency, first implemented in the aftermath of the July 15 coup attempt, for an additional three-month period, Deputy Prime Minister Numan Kurtulmuş announced on Oct. 3...A number of political figures had already voiced their support for an extension of the state of emergency.

'Addressing neighborhood heads in Ankara on Sept. 29, Erdoğan said Turkey's fight with terror needed more time as it is so "deep" that it could not be solved in just three months. The Nationalist Movement Party (MHP) also expressed its support for the extension, saying the fight against those behind the July 15 coup attempt was continuing at all levels and that this was "natural and right."

'However, main opposition Republican People's Party (CHP) head Kemal Kılıçdaroğlu objected to the extension period, voicing concerns over the growing number of complaints of "reckless measures" resulting from decree laws under the state of emergency...'¹²

- 5.2.4 On 4 January 2017, International Business Times reported that 'The Turkish parliament voted to extend the state of emergency in the country following the deadly Istanbul nightclub massacre, which claimed the lives of at least 39 people.

'On Tuesday (3 January), lawmakers approved the three-month extension – which will come into effect at 1am local time on 19 January – as the country continues to struggle to control law enforcement and rising terror threats following the failed 2016 military coup attempt.'¹³

- 5.2.5 Under Articles 120 and 121 of the Turkish Constitution, a State of Emergency may be declared initially for a period of up to six months. It can then be extended by up to four months at a time, with no limit on the number of extensions.¹⁴
- 5.2.6 See [Emergency decrees](#) and [Alleged violations of human rights](#) for further information on these subjects.

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5.3 Emergency decrees

- 5.3.1 The Council of Europe's Commissioner for Human Rights issued a statement entitled 'Measures taken under the state of emergency in Turkey,' dated 26 July 2016, which stated:

'I note that Turkey has submitted a formal notice of derogation to the European Convention on Human Rights (ECHR) as foreseen under Article

¹² Hurriyet Daily News. 'Turkey extends state of emergency for additional three months,' dated 3 October 2016. <http://www.hurriyetdailynews.com/turkey-extends-state-of-emergency-for-additional-three-months.aspx?PageID=238&NID=104549&NewsCatID=338> Date accessed: 14 November 2016.

¹³ International Business Times. 'State of emergency extended in Turkey following ISIS nightclub massacre,' dated 4 January 2017. <http://www.ibtimes.co.uk/state-emergency-extended-turkey-following-isis-nightclub-massacre-1599211> Date accessed: 9 February 2017.

¹⁴ Hellenic Resources Network. The Constitution of the Republic of Turkey. Part 3, Chapter 2, Articles 120 and 121. http://www.hri.org/docs/turkey/part_iii_2.html Date accessed: 19 December 2016.

15 of the Convention. ... I have no sympathy for the coup plotters. I think that those who actively plotted to overthrow democracy must be punished. I am also not putting into question Turkey's right to declare a state of emergency, nor to derogate from the ECHR. But I must stress that, as recalled by the Secretary General of the Council of Europe, such derogations are not limitless: the European Court of Human Rights (ECtHR) remains the ultimate authority to determine whether measures taken during the state of emergency are in conformity with the ECHR. One of the criteria used by the Court in this context is whether the measures derogating from the ECHR are taken only to the extent strictly required by the exigencies of the situation.

'The tests of necessity and proportionality used by the ECtHR are understandably altered in such situations, but they are not removed altogether and will apply to the measures foreseen in the aforementioned Decree. While it will of course be ultimately up to the ECtHR to decide on their compatibility with the Convention, I have very serious misgivings on both counts.

'Already in the past, the ECtHR had had the opportunity to examine measures taken by Turkey during states of emergency, finding for example that, despite a derogation, holding a suspect for fourteen days or more in detention without access to a judge was not necessitated by the exigencies of the situation. The Court had notably considered that such detentions without access to a judge left persons vulnerable not only to arbitrary interference with their right to liberty, but also to torture (Aksoy v. Turkey, judgment of 18 December 1996).

'It is therefore particularly striking in the light of this case-law that the present Decree authorises detentions without access to a judge for up to thirty days. This period is exceptionally long and will apply not only to those suspected of involvement in the coup attempt, but all persons suspected for involvement in terrorist offences and organised crime, during the validity of the state of emergency. At the same time, while acknowledging that procedural guarantees applicable to police custody have improved since the abovementioned judgment, I am also concerned about the practical application of this measure, noting in particular the findings of the European Committee for the Prevention of Torture in 2013 that suspects in Turkey may not in all cases have access to a lawyer immediately from the very outset of deprivation of liberty so as to prevent torture and ill-treatment. This is all the more worrying in the light of concerns regarding allegations of torture I expressed in my previous statement.

'I consider that the aforementioned Decree ["Kanun Hükmünde Kararname", KHK/667] contains several other aspects that raise very serious questions of compatibility with the ECHR and rule of law principles, even taking into account the derogation in place:

- 'Restrictions to the right of access to a lawyer, including the confidentiality of the client-lawyer relationship for persons in detention, which could affect the very substance of the right to a fair trial, and restrictions to visitation rights (Article 6);

- 'The scope of the Decree, which concerns not only the coup attempt, but the fight against terrorism in general; both for physical and legal persons, punishments foreseen in the Decree apply not only in cases of membership or belonging to a terrorist organisation, but also for contacts with such an organisation (Articles 1, 2, 3 and 4);
- 'Simplified procedures to dismiss judges, including judges of the Constitutional Court and Supreme Courts, without any specified evidentiary requirements (Article 3);
- 'The immediate closure of 1,125 associations, 104 foundations, 19 trade unions, 15 universities, 934 private schools, and 35 private medical establishments. I note that it is not the activities of these bodies that are suspended or placed under trustee control: they are disbanded and their assets revert automatically to state authorities. The Decree further provides a simplified administrative procedure for the disbanding of further organisations (Article 2);
- 'A simplified administrative procedure to terminate the employment of any public employee (including workers), with no administrative appeal and no evidentiary requirements (Article 4);
- 'Automatic cancellation of passports of persons being investigated or prosecuted, without court order (Article 5);
- 'Cancellation of rental leases between public bodies and persons considered to be a member of or in contact with a terrorist organisation, a measure that is likely to affect not only the suspects but also their families (Article 8).

'Another worrying feature of the Decree is that it foresees complete legal, administrative, criminal and financial impunity for administrative authorities acting within its framework (Article 9) and the fact that administrative courts will not have the power to stay the execution of any of these measures (Article 10), even if they consider that such measures are unlawful. These two provisions effectively remove the two main safeguards against the arbitrary application of the Decree. In my view, given the extremely broad and simplified procedures, arbitrariness is in all likelihood unavoidable and damages caused to any physical or legal person may therefore be irrevocable. Such urgency and derogation from ordinary guarantees of due process might be necessary for certain groups, for example for military personnel in the light of the shocking events of 15 July, but perhaps not for others.

'I therefore fear that the combination of such a wide scope, extremely wide and indiscriminate administrative powers affecting core human rights, and the erosion of domestic judicial control may result in a situation where the very foundations of rule of law are put in jeopardy, and where the ECtHR will have to face a huge number of new cases coming from Turkey. Violations of

other core Council of Europe standards, and in particular of the European Social Charter, are also likely.¹⁵

5.3.2 In a memorandum dated 7 October 2016, The Council of Europe's Commissioner for Human Rights noted that 'It is ... clear that these measures [which came about by a series of emergency decrees] created, directly or indirectly, sweeping interferences with the human rights of a very large number of persons.'¹⁶

5.3.3 On 5 August 2016, Human Rights Watch reported:

'...there have been restrictions on the right of lawyers to meet with people in police custody and pretrial detention. The restrictions were made law in a government decree on July 27, allowing prosecutors to bar detainees from meeting with a lawyer during the first five days of police custody. A July 23 decree extended police custody to up to 30 days.'¹⁷

5.3.4 Human Rights Watch also reported on the emergency decree of 23 July 2016:

'The July 23, 2016 decree orders the closure of thousands of private educational institutions, hospitals, and clinics, and associations allegedly linked to a movement inspired by Fethullah Gülen... The decree allows the permanent discharge of judges, prosecutors, and civil servants without any investigation or possibility of legal challenge...

'The decree was published and became law – no. 667, published in the Official Gazette – on July 23. It is the first such decree by the Council of Ministers headed by President Recep Tayyip Erdoğan under Turkey's three-month state of emergency, which entered into force on July 21. On July 22, the Turkish government notified the Council of Europe that it was also "derogating" from – that is, temporarily imposing extraordinary limitations on – the guarantees under the European Convention on Human Rights (ECHR), to which it is a party, which the convention says a government can only do "in times of public emergency threatening the life of a nation."

'The decree identifies 35 private health clinics and hospitals; 1,043 private schools and student hostels; 1,229 foundations and associations; 15 private universities; and 19 trade unions, federations, and confederations for

¹⁵ Council of Europe. Commissioner for Human Rights. 'Measures taken under the state of emergency in Turkey,' dated 26 July 2016. <http://www.coe.int/en/web/commissioner/-/measures-taken-under-the-state-of-emergency-in-turkey?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fcommissioner%2Fcountry-report%2Fturkey> Date accessed: 17 November 2016.

¹⁶ Council of Europe. Commissioner for Human Rights. 'Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey,' by Nils Muižnieks, Council of Europe Commissioner for Human Rights, dated 7 October 2016 (paragraph 9). [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH\(2016\)35&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2016)35&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true) Date accessed: 17 November 2016.

¹⁷ Human Rights Watch. 'Turkey: Judges, Prosecutors Unfairly Jailed,' dated 5 August 2016. Available at: <https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed> Date accessed: 8 November 2016.

closure. The decree states they are closed on the grounds that they “belong to, are connected or are in communication with the Fethullah Terrorist Organization (FETÖ/Parallel State Structure), which has been identified as a threat to national security...”¹⁸

- 5.3.5 Human Rights Watch issued a joint NGO letter, dated 20 October 2016, which stated:

‘Abuse of emergency provisions to silence criticism

‘Provisions of the emergency decrees affect the exercise of the right to freedom of expression and have been used to facilitate the arrest and harassment of journalists, writers and media workers, including:

1. ‘Empowering higher levels of administration to shut down any media organization;
2. ‘Enabling the government to impose curfews, ban public meetings, gatherings and rallies, and restrict access to private and public spaces;
3. ‘Enabling the authorities to cancel or confiscate passports of anyone under investigation. On 1 September, an amendment to the decree extended this power, enabling the authorities to cancel or confiscate the passports of spouses and partners of those under investigation.

‘Restrictions imposed under the state of emergency go beyond those permissible under international human rights law, including unjustifiable limitations on media freedom and the right to freedom of expression.’¹⁹

- 5.3.6 The impact of the emergency decrees was examined in more detail in the ‘Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey,’ written by the Council of Europe’s Commissioner for Human Rights, dated 7 October 2016, and available [here](#).
- 5.3.7 See also [Infringements of human rights](#) for further information on this subject. See [Suspensions, dismissals and closures](#) and [Arrests and detentions](#) for further information about the situation for journalists.

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5.4 Gülenists held responsible for the coup attempt

- 5.4.1 The BBC reported that it was unclear who was behind the coup attempt, but noted that President Erdogan held Gülenists responsible, although Fethullah Gülen had denied responsibility and condemned the coup.²⁰
- 5.4.2 In a memorandum dated 7 October 2016, the Council of Europe’s Commissioner for Human Rights noted:

¹⁸ Human Rights Watch. ‘Turkey: rights protections missing from emergency decree,’ dated 26 July 2016. <https://www.hrw.org/news/2016/07/26/turkey-rights-protections-missing-emergency-decree> Date accessed: 14 November 2016.

¹⁹ Human Rights Watch. ‘Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter,’ dated 20 October 2016 <https://www.hrw.org/news/2016/10/20/turkey-state-emergency-provisions-violate-human-rights-and-should-be-revoked> Date accessed: 15 November 2016.

²⁰ BBC News. ‘Turkey’s coup attempt: what you need to know,’ dated 17 July 2016. <http://www.bbc.co.uk/news/world-europe-36816045> Date accessed: 3 November 2016.

'There is wide agreement in Turkish society that the Fethullah Gülen movement was responsible for this coup attempt. The Turkish authorities affirmed that FETÖ/PDY, the "Fethullahist Terrorist Organisation"/"Parallel State Structure", was a secret, criminal organisation bent on taking over the democratic institutions and destroying the constitutional order in Turkey. They also stated that very strong evidence was available that members of the movement were behind the coup attempt, as well as numerous other illegal activities. There is also widespread agreement that the movement had infiltrated, in addition to the army, many sectors of society, including numerous state institutions and the judiciary.'²¹

5.4.3 A BBC report from July 2016 noted a statement from President Erdogan:

"We will continue to cleanse the virus from all state institutions, because this virus has spread. Unfortunately like a cancer, this virus has enveloped the state," Recep Tayyip Erdogan told mourners at a funeral in Istanbul for victims of the coup.

'...The president repeated an accusation that cleric Fethullah Gulen was behind the plot, and called for him to be extradited from the US. Mr Gulen strongly denies any involvement.'²²

5.4.4 In the memorandum of 7 October 2016, written by the Council of Europe's Commissioner for Human Rights, the Commissioner stressed that there was a 'need, when criminalising membership and support of this organisation [FETO/PDY], to distinguish between persons who engaged in illegal activities and those who were sympathisers or supporters of, or members of legally established entities affiliated with the movement, without being aware of its readiness to engage in violence... many people are justifiably afraid of facing sanctions while not having committed any illegal acts themselves.

'The Commissioner therefore urges the authorities to dispel these fears by communicating very clearly that mere membership or contacts with a legally established and operating organisation, even if it was affiliated with the Fethullah Gülen movement, is not sufficient to establish criminal liability and to ensure that charges for terrorism are not applied retroactively to actions which would have been legal before 15 July.'²³

²¹ Council of Europe. Commissioner for Human Rights. 'Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey,' dated 7 October 2016 (paragraph 6).

[https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH\(2016\)35&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2016)35&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true) Date accessed: 17 November 2016

²² BBC News. 'Turkey coup arrests hit 6,000 as Erdogan roots out "virus"', dated 17 July 2016.

<http://www.bbc.co.uk/news/world-europe-36818401> Date accessed: 8 August 2016

²³ Council of Europe. Commissioner for Human Rights. 'Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey,' dated 7 October 2016 (paragraph 21).

[https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH\(2016\)35&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2016)35&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true) Date accessed: 17 November 2016

5.4.5 Radio Free Europe/Radio Liberty reported in August 2016 that ‘Turkish prosecutors have filed a 2,527-page indictment against self-exiled cleric Fethullah Gulen for his alleged involvement in a coup attempt last month that left some 240 people dead.

‘The indictment filed on August 16 calls for Gulen to be given two life sentences and an additional 1,900 years in prison for "attempting to destroy the constitutional order by force" and "forming and running an armed terrorist group.”²⁴

5.4.6 In October 2016, Reuters reported on Turkey’s attempt to have Fethullah Gulen extradited:

‘Turkey has handed over to the U.S. Justice Department further documents to back its request for the extradition of U.S.-based Muslim cleric Fethullah Gulen, who Ankara accuses of orchestrating a failed July 15 coup attempt, Turkey’s justice minister said on Thursday...

‘The [US] Justice Department has not taken any steps to initiate extradition proceedings against Gulen based on the information that Turkey has provided so far. Turkey has criticized the United States for not moving faster on the matter.’²⁵

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5.5 Action taken against perceived political opponents

5.5.1 On 2 October 2016, BBC News noted that ‘Since the failed coup, the government has cracked down on any individuals or groups believed to have links to Fethullah Gulen. Tens of thousands of people from every level of society have been purged from their jobs, including senior military officers, government officials and school teachers.

‘Critics of President Recep Tayyip Erdogan say he has used the coup attempt as an [sic] way of removing his opponents.’²⁶

5.5.2 The United States Country Report on Human Rights Practices for 2016 stated that the vast majority of those detained or arrested were accused of ties to the Gulen movement, as opposed to direct participation in the coup attempt itself.²⁷

5.5.3 The UN Office of the High Commissioner for Human Rights noted that ‘Since the attempted coup on 15 July, and in particular since the declaration of

²⁴ Radio Free Europe/Radio Liberty. ‘Turkish prosecutors seek 2,000-year term for Gulen,’ dated 16 August 2016. Available at: <http://www.rferl.org/a/turkey-gulen-2000-year-term-coup/27925807.html> Date accessed: 7 November 2016.

²⁵ Reuters. ‘Turkey says gives US new documents on Gulen extradition request,’ dated 27 October 2016. <http://www.reuters.com/article/us-turkey-security-usa-gulen-idUSKCN12R2LG> Date accessed: 3 November 2016.

²⁶ BBC News. ‘Turkey detains brother of Fethullah Gulen in coup crackdown,’ dated 2 October 2016. <http://www.bbc.co.uk/news/world-europe-37535104> Date accessed: 9 November 2016.

²⁷ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 1.d). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 22 March 2017

state of emergency on 20 July, Turkish society has seen an escalation of detentions and purges, in particular in the education, media, military and justice sectors.²⁸

5.5.4 On 27 September 2016, Radio Free Europe/Radio Liberty reported that ‘The government has detained more than 40,000 people on suspicion of connection with the coup and has fired tens of thousands more from government jobs.’²⁹ The United States Country Report on Human Rights Practices for 2016 stated that ‘In the three months following the coup attempt, police detained more than 75,000 individuals and formally arrested more than 41,000.’³⁰ On 31 October 2016, the BBC stated that about 110,000 people had been sacked or suspended since the coup attempt.³¹ On 19 August 2016, Radio Free Europe/Radio Liberty further noted that more than 20,000 had been formally arrested.³² On 24 October 2016, Human Rights Watch noted that ‘By late September, Turkey’s Justice Minister announced that around 32,000 people had been jailed pending investigation and criminal investigations were underway in relation to 70,000.’³³

5.5.5 Radio Free Europe/Radio Liberty reported on arrests of Gulenists on 28 September 2016:

‘Turkey’s justice minister said more than 32,000 people have been arrested for suspected links to Fethullah Gulen, the self-exiled cleric in the United States whom Ankara blames for the July failed coup attempt...

‘Bozdag said the prospect of trying more than 30,000 people will test the Turkish legal system, adding that trials will take place across the entire country. “It is not clear how the trials will be carried out,” Bozdag said.’³⁴

5.5.6 A New York Times report from July 2016 noted:

²⁸ UN Office of the High Commissioner for Human Rights. ‘UN experts urge turkey to adhere to its human rights obligations even in time of declared emergency,’ dated 19 August 2016. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20394> Date accessed: 15 November 2016.

²⁹ Radio Free Europe/Radio Liberty. ‘Turkey Targets Security Agency In Anti-Gulen Crackdown,’ dated 27 September 2016. <http://www.rferl.org/a/turkey-targets-intelligence-agency-gulen-crackdown/28016360.html> Date accessed: 21 October 2016.

³⁰ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 1.d). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265482> Date accessed: 22 March 2017

³¹ BBC News. ‘Turkey detains opposition Cumhuriyet journalists,’ dated 31 October 2016. <http://www.bbc.co.uk/news/world-europe-37820442> Date accessed: 9 November 2016.

³² Radio Free Europe/Radio Liberty. ‘Turkey postcoup crackdown targets academics, bank regulators,’ dated 19 August 2016. <http://www.rferl.org/a/turkey-postcoup-crackdown-targets-academicx-bank-regulators/27933500.html> Date accessed: 7 November 2016.

³³ Human Rights Watch. ‘A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture,’ dated 24 October 2016 (‘Coup attempt and aftermath.’) <https://www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture> Date accessed: 8 November 2016.

³⁴ Radio Free Europe Radio Liberty. ‘Turkey says more than 32,000 to be tried over coup,’ dated 28 September 2016. <http://www.rferl.org/a/turkey-gulen-32000-people-arrested-coup-attempt-trials/28018293.html> Date accessed: 21 October 2016.

'The Turkish government's crackdown after a military coup attempt widened into a sweeping purge on Monday, cutting a swath through the security services and reaching deeply into the government bureaucracy and the political and business classes.

'...The magnitude of the backlash by Mr. Erdogan suggested that the depth of support for the coup was far greater than it initially appeared, or that the president was using the opportunity to root out all perceived adversaries, or both.

'...Mr. Erdogan stuck with a single-minded determination to punish anyone deemed disloyal. It was not clear how the state would keep functioning with so many crucial posts suddenly left vacant and paranoia and finger-pointing rampant. The government suspended vacations for the country's three million civil servants, an effort that seemed intended to make sure the machinery of the state did not halt...

'The suspended judges, the senior official said, were allied with the military faction behind the coup. And like others, the official said, they were actually on lists of suspected enemies compiled by the government even before the coup took place.

'Turkish officials have acknowledged that the number of people rounded up was likely much greater than the actual roll of conspirators. But they maintain that it is necessary to prevent more attacks against civilians and government buildings, especially while some perpetrators are still at large. In Ankara, closed-door hearings were held for some of the accused plotters.

'Mr. Erdogan's almost singular focus on the purges was probably fueled in part by his realization that support for the coup ran deeper in the military than initially thought — and by having just barely managed to outmaneuver the plotters.'³⁵

5.5.7 In the Country Report for 2016, the US Department of State noted:

'The government placed restrictions on foreign travel for approximately 100,000 citizens accused of alleged links to the Gulen movement or the failed coup attempt. Travel restrictions were applied both to those accused directly of affiliation with the Gulen movement or other terrorist groups as well as to their extended family members. The government maintained these travel restrictions were necessary and authorized under the state of emergency.'³⁶

5.5.8 See [Family members of suspected Gulenists](#) for further information on this group.

³⁵ New York Times. 'Vast Purge in Turkey as Thousands Are Detained in Post-Coup Backlash', dated 18 July 2016 http://www.nytimes.com/2016/07/19/world/europe/turkey-erdogan-crackdown.html?_r=0
Date accessed: 9 August 2016

³⁶ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (Section 2.d).
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 23 March 2017.

6. Suspensions, dismissals and closures

6.1 Police

6.1.1 The BBC reported as follows on 4 October 2016:

'Turkey has suspended almost 13,000 police officers for their alleged links with the US-based Muslim cleric, Fethullah Gulen. The latest wave adds to the 100,000 or so government workers dismissed or suspended since July's failed coup...

'More than 2,500 officers whose suspensions were announced on Tuesday were police chiefs, said Turkish national police in a statement...'³⁷

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6.2 Civil servants (suspensions, dismissals, closures)

6.2.1 Human Rights Watch noted that 'On September 1 [2016], around 41,000 civil servants and public officials were permanently discharged from their jobs.'³⁸

6.2.2 On 31 October 2016, BBC News noted that over the weekend of 29 to 30 October 2016, '10,000 civil servants were dismissed. Those targeted include academics, teachers, health workers, prison guards and forensics experts.'³⁹

6.2.3 On 22 November 2016 Reuters reported that 'Turkey dismissed 15,000 more state employees on Tuesday, from soldiers and police officers to tax inspectors and midwives.'⁴⁰

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6.3 Teachers and academics (suspensions, dismissals, closures)

6.3.1 The US Department of State noted the following in the Country Reports for 2016:

'After the failed July 15 [2016] coup attempt, the Ministry of Education suspended 15,000 staff and revoked the licenses of 21,000 teachers at private primary and secondary education institutions. By mid-August [2016] the number of suspended teachers rose to 33,000 and revoked licenses to 27,000, representing about 6 percent of the education sector. Just before school resumed in mid-September [2016], an additional 11,000 teachers

³⁷ BBC News. 'Turkey purges 13,000 police officers over failed coup,' dated 4 October 2016. <http://www.bbc.co.uk/news/world-europe-37551889> Date accessed: 21 October 2016.

³⁸ Human Rights Watch. 'A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture,' dated 24 October 2016 ('Coup attempt and Aftermath'). <https://www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture> Date accessed: 8 November 2016.

³⁹ BBC News. 'Turkey detains opposition Cumhuriyet journalists,' dated 31 October 2016. <http://www.bbc.co.uk/news/world-europe-37820442> Date accessed: 9 November 2016.

⁴⁰ Reuters. 'From soldiers to midwives, Turkey dismisses 15,000 more after coup bid,' dated 22 November 2016. <http://uk.reuters.com/article/uk-turkey-security-layoffs-idUKKBN13H0A8> Date accessed: 6 December 2016

were summarily purged. On November 25 [2016], the Ministry of National Education announced it had reinstated 6,007 of the suspended teachers.⁴¹

6.3.2 Reuters reported on 3 November 2016 that 'Among those suspended or removed in the purges since July are nearly 50,000 academics, teachers and other education staff'.⁴²

6.3.3 On 4 October 2016, BBC News reported:

'In some areas, such as in eastern areas where there are large Kurdish populations, so many teachers have been detained - some accused of supporting the banned Kurdish rebel PKK group - that schools have effectively been forced to shut...

'In Diyarbakir, the biggest Kurdish city in the region, 4,000 teachers have been suspended. .. The schoolyards in Diyarbakir are mostly silent as school directors search desperately for new teachers. The government says they will deploy 20,000 teachers to fill in. But time passes by. In this region, there is little hope among students, teachers and parents that education standards can be maintained.'⁴³

6.3.4 In the annual report covering 2016, Freedom House noted that 'the government also ordered the closure of over 1,000 private schools allegedly affiliated with Gülen.'⁴⁴

6.3.5 The US Department of State also reported on the impact on academics in the Country Report covering 2016:

'University education was also affected by the postcoup purges. On July 19, the Higher Education Board (YOK) announced that all university deans were asked to resign; on July 20, YOK announced a ban on all academic travel. A decree issued on July 27 closed 15 universities affecting 64,533 students and 2,808 academics. As of December some sources estimated as many as 6,000 academics had been suspended or fired on allegations of terror links. On October 29, a decree issued under the state of emergency changed the process by which university heads (rectors) are named. The decree eliminated the possibility of faculty elections and put both public and foundation universities under a system where the YOK will choose three nominees to present to the president for his choice. If the president rejects all three candidates and if a month elapses with no new nominees, the president may appoint a qualified rector entirely of his own choosing.

⁴¹ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (Section 2).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 23 March 2017

⁴² Reuters. 'Turkish academics, students protest against post-coup purges,' dated 3 November 2016. <http://uk.reuters.com/article/uk-turkey-security-idUKKBN12Y16G?il=0> Date accessed: 6 December 2016

⁴³ BBC. 'Turkey purges 13,000 police officers over failed coup,' dated 4 October 2016. <http://www.bbc.co.uk/news/world-europe-37551889> Date accessed: 21 October 2016.

⁴⁴ Freedom House. 'Freedom in the World 2017;' Turkey, dated 31 January 2017 (Section D. Freedom of Expression and Belief). <https://freedomhouse.org/report/freedom-world/2017/turkey> Date accessed: 23 March 2017.

‘Some academics and event organizers stated their work was monitored and that they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Many reported practicing self-censorship. Human rights organizations and student groups continued to criticize constraints placed on universities by law and by the actions of the Higher Education Board that limited the autonomy of universities in staffing, teaching, research policies, and practice.’⁴⁵

6.3.6 The US Department of State’s Country Report for 2016 further reported on the ‘academics for peace:’

‘On January 11 [2016], a group of 1,128 academics from 89 Turkish universities, along with more than 300 international academics, released a petition calling on the state to “put an end to violence inflicted against its citizens.” The so-called Academics for Peace accused the government of conducting “torture, ill-treatment, and massacres” in the Southeast. A nationalistic backlash ensued, with President Erdogan calling the academics “traitors” and the YOK initiating investigations against the signers. Many faced threats of violence or experienced vandalism of their property. Progovernment media published their photos and personal contact information, leading many to fear for their safety. On September 2 [2016], a decree issued under the state of emergency led to the dismissal of many academics, including some of the “Academics for Peace.” On December 22 [2016], the president of YOK said 4,797 academics had been dismissed since the coup attempt, with 3,025 suspended, and another 1,079 reinstated. More than 100 “Academics for Peace” signers had been dismissed.’⁴⁶

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6.4 National Intelligence Agency (MIT)

6.4.1 Radio Europe/Radio Free Liberty reported on 27 September 2016 that ‘The Turkish government has fired 87 members of the state security agency as part of its ongoing crackdown in the wake of a failed coup attempt in July.

‘Turkey’s state-run Anadolu news agency reported on September 27 that the 87 officials of the National Intelligence Agency (MIT) had been fired for suspected links with cleric Fethullah Gulen, who lives in the United States and whom Ankara accused of organizing the coup bid... A total of 141 MIT staffers have been suspended since the crackdown began.’⁴⁷

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⁴⁵ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 2).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 23 March 2017

⁴⁶ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 2).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 23 March 2017

⁴⁷ Radio Free Europe/Radio Liberty. ‘Turkey Targets Security Agency In Anti-Gulen Crackdown,’ dated 27 September 2016. <http://www.rferl.org/a/turkey-targets-intelligence-agency-gulen-crackdown/28016360.html> Date accessed: 21 October 2016.

6.5 Judges and prosecutors (suspensions, dismissals, closures)

6.5.1 In a report dated 19 September 2016, Reporters without Borders stated:

‘Under a July 23 [2016] government decree, judges and prosecutors "assessed to be members of terrorist organizations or a structure, entity or groups that carry out activities that the National Security Council has ruled are against national security or assessed to be in connected or in contact with them" will be permanently discharged from their posts and banned permanently from practicing as a judge or prosecutor. A July 31 [2016] court decision freezes the assets of 3,048 judges and prosecutors under investigation.

‘The purge of judges and prosecutors comes in the context of the widespread crackdown on alleged supporters of the US-based cleric Fethullah Gulen, whom the government accuses of organizing the failed military coup...

‘On July 16, the day after the attempted coup, the Higher Council of Judges and Prosecutors issued a list of 2,745 judges and prosecutors who were to be suspended on the grounds that they were suspected of being "members of the Fethullah Gulen Terrorist Group/Parallel state structure (FETÖ/PYD)." The council is charged with administering the justice system, including the appointments, assignments, and oversight of judges and prosecutors. Versions of these lists were published in the media that day, and police began to arrest those named. In addition to the 2,745 judges and prosecutors from lower courts, the investigation includes 48 members of the Council of State, Turkey's highest administrative court, two members of the Constitutional Court, 140 members of the Court of Cassation, and four members of the Higher Council of Judges and Prosecutors.’⁴⁸

6.5.2 On 1 September 2016, the BBC reported that ‘A further 543 judges and prosecutors have been sacked in Turkey, bringing the number of dismissals since July's failed coup to at least 3,288.

‘The new dismissals were reported as President Recep Tayyip Erdogan celebrated the start of the new judicial year in Ankara. He told an audience the purge would "enhance" the judiciary's independence....

‘At least 35,000 people have been detained for questioning since 15 July, over 3,000 of them judges or prosecutors.’⁴⁹

6.5.3 The European Commission noted in a report published in November 2016 that the number of judges dismissed after the coup attempt represented one fifth of the total number (18 134). The report added that ‘Decisions were taken without an individual assessment being provided in all cases... HSYK [High Council of Judges and Prosecutors] took decisions at the beginning of

⁴⁸ Reporters Without Borders. ‘Turkey: State of Emergency, State of Arbitrary,’ dated 19 September 2016 (pages 6 to 7). https://rsf.org/sites/default/files/turquie.etatdurgence.eng_def.pdf Date accessed: 7 November 2016.

⁴⁹ BBC. ‘Turkey coup attempt: 543 more court officials sacked,’ dated 1 September 2016. <http://www.bbc.co.uk/news/world-europe-37248016> Date accessed: 21 October 2016.

October to reinstate 198 judges and prosecutors who had lodged an objection to their dismissal.⁵⁰

- 6.5.4 See also [Judges and prosecutors \(arrests, detentions\)](#) for information about arrests and detentions for this group and [Judges and prosecutors \(alleged violations\)](#) for information about human rights violations for this group. See also [Association with Gülenism](#) for further information about conditions for this group.

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6.6 Journalists (suspensions, dismissals, closures)

- 6.6.1 Reporters without Borders noted that ‘The second decree issued under the state of emergency, on the night of 27 July, ordered the closure and expropriation of 45 newspapers, 16 TV channels, 23 radio stations, three news agencies and 15 magazines (plus 29 publishing houses) on suspicion of “collaborating” with the Gülen movement.’⁵¹
- 6.6.2 The Reporters without Borders [report](#) contains a list of the 102 newspapers, radio stations, TV channels and news agencies closed by decree on 27 July 2016 (page 10).
- 6.6.3 On 20 October 2016, Human Rights Watch stated that ‘During the first two and a half months of the state of emergency, pursuant to the decrees outlined above, authorities closed around 150 media outlets and publishing companies, leaving over 2,300 journalists and media workers without jobs.’⁵²
- 6.6.4 See [Journalists \(arrests, detentions\)](#) for information about arrests and detentions of this group and [Journalists \(alleged violations\)](#) for information about human rights violations for this group. See [Association with Gülenism](#) for further information about conditions for this group.

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6.7 Mayors

- 6.7.1 In the Country Report for 2016, the US Department of State noted:
‘On September 11, the government used a decree issued under the state of emergency to replace 28 elected local mayors with trustees in Silvan and Sur (Diyarbakir); four municipalities in Mardin, Van, and Batman, Hakkari; two municipalities in Sirnak; Adana; Erzurum; Giresun; and Konya. The

⁵⁰ European Commission. ‘Commission staff working document; Turkey 2016 report,’ dated 9 November 2016 (page 64).

http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf Date accessed: 16 November 2016.

⁵¹ Reporters Without Borders. ‘Turkey: State of Emergency, State of Arbitrary,’ dated 19 September 2016 (page 9). https://rsf.org/sites/default/files/turquie.etatdurgence.eng_.def_.pdf Date accessed: 7 November 2016.

⁵² Human Rights Watch. ‘Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter,’ dated 20 October 2016 <https://www.hrw.org/news/2016/10/20/turkey-state-emergency-provisions-violate-human-rights-and-should-be-revoked> Date accessed: 15 November 2016.

government claimed that 24 of the removed mayors were linked to the PKK, while it linked the remaining four to the Gulen movement.⁵³

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6.8 The arts

6.8.1 The US Department of State's Country Report for 2016 noted:

'The government's response to the July 15 coup attempt also affected the arts community. On August 3 [2016], Istanbul Municipal City Theaters suspended four actors and two directors for alleged Gulen connections. On August 11 [2016], singer Sila Gencoglu was criticized after she described an August 7 [2016] rally commemorating Turkish democracy and those lost in the coup attempt as a "show." Following her remarks, the Istanbul Metropolitan Municipality cancelled two concerts, and three other cities followed suit.⁵⁴

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7. Arrests and detentions

7.1 Journalists (arrests, detentions)

7.1.1 Reporters Without Borders stated the following in a report published in September 2016:

'Dozens of renowned journalists, including leading reporters and editors of pro-Gülen movement newspaper and magazines, have been placed in preventive detention under the two-month-old state of emergency. In all, according to the three main unions of journalists, 200 have been jailed since the 15 July coup attempt, of which 101 were still detained on September 14, according to P24 [Platform for Independent Journalism, an initiative which supports editorial independence in the Turkish press]... As a result, Turkey now ranks as "the world's biggest prison for media personnel," a title it already held in 2012-2013...⁵⁵

7.1.2 Human Rights Watch issued a joint NGO letter on 20 October 2016, which stated:

'At least 99 journalists and writers have been arrested, bringing the total number of media workers detained on charges believed to be related to their exercise of the right to freedom of expression to at least 130, as of 19 October 2016. These numbers exclude other journalists who are currently in

⁵³ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (section 1.g).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 23 March 2017.

⁵⁴ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (section 2.a).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 23 March 2017.

⁵⁵ Reporters Without Borders. 'Turkey: State of Emergency, State of Arbitrary,' dated 19 September 2016 (page 5). https://rsf.org/sites/default/files/turquie.etatdurgence.eng_.def_.pdf Date accessed: 7 November 2016.

detention in police holding cells, or have been detained and released without charge during the state of emergency. Emergency provisions have also been used to harass family members of journalists who have fled abroad or gone into hiding, including by cancelling their passports or detaining them in the stead of those accused.

‘Such measures against journalists and media workers obstruct the right of people in Turkey to receive information about current events and to hold the government to account.’⁵⁶

7.1.3 BBC News reported on further arrests of journalists on 31 October 2016:

‘Turkish police have detained the editor and several writers of opposition newspaper Cumhuriyet amid a crackdown on media after the failed July coup. The journalists are suspected of links to US-based cleric Fethullah Gulen, accused of plotting the coup, as well as Kurdish militants. Cumhuriyet is Turkey's oldest secular paper.

‘At the weekend, 15 other media outlets were closed... Critics have accused President Recep Tayyip Erdogan of using an emergency law imposed after the coup attempt to silence opponents...

‘Cumhuriyet editor Murat Sabuncu and eight other newspaper staff were detained on Monday, including columnists Aydin Engin and Guray Oz, state news agency Anadolu reported.

‘Arrest warrants were also issued for other staff, including Cumhuriyet's previous editor Can Dunder, who resigned in August after being sentenced to five years in prison for revealing state secrets involving Turkey's operations in Syria. He fled Turkey when he was freed pending an appeal...

‘An investigation into Cumhuriyet executives was launched in August amid allegations that some of its reports had legitimised the coup attempt.

‘Cumhuriyet is one of the last few remaining opposition papers in Turkey. It was awarded the Freedom of the Press prize by Reporters Without Borders last year and received the Right Livelihood Award, known as the alternative Nobel Peace Prize.

‘Last week, 15 Kurdish and leftist newspapers were closed down under emergency laws. Now the opposition fears they might be silenced even further.’⁵⁷

7.1.4 See [Journalists \(suspensions, dismissals, closures\)](#) for information about suspensions and dismissals for this group and [Journalists \(alleged violations\)](#) for information about human rights violations for this group. See [Association with Gülenism](#) for further information about conditions for this group.

⁵⁶ Human Rights Watch. ‘Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter,’ dated 20 October 2016 <https://www.hrw.org/news/2016/10/20/turkey-state-emergency-provisions-violate-human-rights-and-should-be-revoked> Date accessed: 15 November 2016.

⁵⁷ BBC News. ‘Turkey detains opposition Cumhuriyet journalists,’ dated 31 October 2016. <http://www.bbc.co.uk/news/world-europe-37820442> Date accessed: 9 November 2016.

7.2 Judges and prosecutors (arrests, detentions)

7.2.1 In the Country Report on Human Rights Practices for 2016, the US Department of State noted:

'The suspension, detention, firing, and freezing of personal assets of more than 3,000 members of the judiciary after the July 15 coup attempt (representing about 22 percent of the total) accused of affiliation with the Gulen movement had a chilling effect on judicial independence. The government alleged some obtained their positions through collusion with officials or after cheating on professional entrance exams prior to the dissolution of the partnership between the ruling Justice and Development Party (AKP) and the Gulen movement. The government in many cases presented little evidence and had not allowed the accused to see or respond to the claims against them. By September most of those who had initially been suspended were fired, in many cases without adequate due process. On October 13 [2016], in response to an appeal, the HSYK [High Council for Judges and Prosecutors of Turkey] reinstated 198 judges and prosecutors who had previously been suspended. As of September 2, the government hired 956 new judges and prosecutors.'⁵⁸

7.2.2 In a report dated 5 August 2016, Human Rights Watch reported on the detention of judges and prosecutors:

'At a July 19 news conference, Mehmet Yılmaz, the deputy head of the Higher Council, indicated that the Ankara prosecutors' office had issued a decision to detain 2,740 judges and prosecutors.

"An investigation has been going on for two years," he said. "The number of 2,740 judges and prosecutors is not a figure that has come out of the blue. This investigation is now taking shape. The investigation will continue. The number may increase, and quite the reverse there may be innocent ones. It will proceed fast. We will work with all our power within a legal framework without making anyone the victim."...

'The Minister of the Interior announced that, by July 27, 1,684 judges and prosecutors had been jailed...'⁵⁹

7.2.3 Radio Free Europe/Radio Liberty reported in August 2016 that 'Police in Istanbul have raided three courthouses to enforce detention warrants against 173 judicial-system personnel wanted in connection with the failed coup attempt last month.'⁶⁰

⁵⁸ US Department of State. 'Country Reports on Human Rights Practices for 2016,' Turkey, dated 3 March 2017 (Section 1.e).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 22 March 2017.

⁵⁹ Human Rights Watch. 'Turkey: Judges, Prosecutors Unfairly Jailed,' dated 5 August 2016. <https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed> Date accessed: 8 November 2016.

⁶⁰ Radio Free Europe/Radio Liberty. 'Istanbul Courthouses Raided In Coup Probe,' dated 15 August 2016. <http://www.rferl.org/a/istanbul-courthouses-raided-coup-probe/27922024.html> Date accessed: 6

- 7.2.4 In September 2016 Reuters reported that ‘more than 100 court employees have been detained at a courthouse in Istanbul on suspicion of being linked to Gulen, broadcaster Haberturk reported.’⁶¹
- 7.2.5 Al Jazeera reported on 30 September 2016 that “‘Turkish authorities ... issued dozens of arrest warrants for staff in the judicial and prison systems”, with warrants for 87 people working in Istanbul courts being sent out.’⁶²
- 7.2.6 See [Judges and prosecutors \(suspensions, dismissals, closures\)](#) for information about suspensions and dismissals for this group, [Judges and prosecutors \(alleged violations\)](#) for information about human rights violations for this group and [Association with Gülenism](#) for further information about conditions for this group.

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7.3 Civil servants (arrests, detentions)

- 7.3.1 In July 2016, Human Rights Watch noted that ‘As many as 60,000 civil servants – including judges, prosecutors, police, teachers, and bureaucrats – have already been suspended from their jobs, and this [emergency] decree terminates their careers in public service without a disciplinary investigation.’⁶³ The Council of Europe’s Commissioner for Human Rights issued a statement on the situation in Turkey on 20 July 2016, which stated, ‘The staggering number of civil servants who have been arrested or dismissed in such a short period of time following the attempted coup ... raise serious questions regarding equity and due process.’⁶⁴
- 7.3.2 In September 2016 Turkish Prime Minister Binali Yildirim stated that ‘since the coup attempt and until 17 August 2016 over 40,029 people had been arrested and arrest warrants had been issued for 20,355. 79,900 public servants have been dismissed so far and 4,262 companies and institutions have been closed down’, reported the German Federal Office for Migration and Refugees.⁶⁵

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December 2016

⁶¹ Reuters. ‘Turkey labour ministry sacks 785 employees since failed coup – minister,’ dated 22 September 2016. <http://uk.reuters.com/article/uk-turkey-security-labour-idUKKCN11S0J7> Date accessed: 6 December 2016

⁶² Al Jazeera. ‘Turkey attempted coup: 1,500 jail staff suspended,’ dated 30 September 2016. <http://www.aljazeera.com/news/2016/09/turkey-attempted-coup-1500-jail-staff-suspended-160930145945031.html> Date accessed: 6 December 2016

⁶³ Human Rights Watch. ‘Turkey: rights protections missing from emergency decree,’ dated 26 July 2016. <https://www.hrw.org/news/2016/07/26/turkey-rights-protections-missing-emergency-decree> Date accessed: 14 November 2016.

⁶⁴ Council of Europe. Commissioner for human rights. ‘Situation in Turkey,’ dated 20 July 2016. <http://www.coe.int/en/web/commissioner/-/situation-in-turkey?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fcommissioner%2Fcountry-report%2Fturkey> Date accessed: 17 November 2016

⁶⁵ Federal Office for Migration and Refugees (Germany). Briefing Notes vom 22.08.2016, dated 22 August 2016. http://www.ecoi.net/file_upload/4765_1472046316_deutschland-bundesamt-fuer-migration-und-fluechtlinge-briefing-notes-22-08-2016-englisch.pdf Date accessed: 6 December 2016

7.4 Lawyers

7.4.1 On 19 September 2016, Reporters without Borders noted:

'The crackdown since the coup attempt has also targeted ... even lawyers. Lawyers have been arrested or placed under investigation or their offices have been raided.'⁶⁶

7.4.2 In a report dated 24 October 2016, Human Rights Watch noted that 'Lawyers have been targeted too. The Union of Turkish Bar Associations informed Human Rights Watch that 79 bar associations had reported that in total 202 lawyers had been placed in pretrial detention on suspicion of involvement in the coup attempt or links to the Gülen movement.'⁶⁷

7.4.3 See [Association with Gülenism](#) for further information about conditions for this group.

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7.5 The military

7.5.1 Al Jazeera summarised on 15 August 2016 that 'With the initial dismissal of more than 1,000 ranking officers, the state had formally discharged nearly 44 percent of land force generals, 42 percent of air force generals and 58 percent of navy admirals. By July 31 [2016], the total number of soldiers dismissed had surpassed 3,000, while the number of soldiers of various ranks detained stood at around 8,000'.⁶⁸

7.5.2 On 27 October 2016, Radio Free Europe/Radio Liberty reported that 'Turkey has issued arrest warrants for 73 military pilots accused of involvement in an attempted coup in July. Turkey's state news agency reported on October 27 that 45 pilots had been detained and another 28 were still being sought. The suspects include two colonels and 71 lieutenants.'⁶⁹

7.5.3 See [Allegations of torture](#) and [Association with Gülenism](#) for further information about conditions for this group.

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7.6 Academics (arrests and detentions)

7.6.1 In August 2016, Radio Free Europe/Radio Liberty announced that 'Prosecutors on August 19 issued arrest warrants for 84 academics they

⁶⁶ Reporters Without Borders. 'Turkey: State of Emergency, State of Arbitrary,' dated 19 September 2016 (pages 6 to 7). https://rsf.org/sites/default/files/turquie.etatdurgence.eng_def_.pdf Date accessed: 7 November 2016.

⁶⁷ Human Rights Watch. 'A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture,' dated 24 October 2016 ('Climate of fear'). <https://www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture> Date accessed: 8 November 2016.

⁶⁸ Al Jazeera. 'How will the military shake-up affect Turkey's future?,' dated 15 August 2016. <http://www.aljazeera.com/news/2016/08/military-shake-affect-turkey-future-160814031324825.html> Date accessed: 6 December 2016

⁶⁹ Radio Free Europe/Radio Liberty. 'Ankara Arrests Military Pilots In Postcoup Crackdown,' dated 27 October 2016. <http://www.rferl.org/a/turkey-coup-crackdown-pilots-arrested/28078355.html> Date accessed: 9 November 2016.

claim have ties to self-exiled cleric Fethullah Gulen, whom Ankara believes masterminded the coup bid...'⁷⁰

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7.7 Banking

7.7.1 Radio Free Europe noted that '[On 19 August 2016], police detained 29 inspectors from the state banking watchdog who are accused of "irregular inspections."' ⁷¹

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7.8 Aid organisation

7.8.1 Radio Europe/Radio Free Liberty added, 'Also on September 27, Ankara issued arrest warrants for 121 employees of a Gulen-connected aid organization, Kimse Yok Mu, which was closed down in July...' ⁷²

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7.9 Forensic staff

7.9.1 A report by Human Rights Watch dated 24 October 2016 stated:
'...Turkish media reported that 29 staff from the Istanbul Forensic Medicine Institute were detained on July 30. On August 10, media reported the detention of another 63 forensic specialists in Istanbul.' ⁷³

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7.10 Those close to Gülen

7.10.1 A Radio Free Europe/Radio Liberty report from July 2016 noted:
'Turkish officials say they have detained a top official to cleric Fethullah Gulen, whom Ankara blames for an attempted coup earlier this month.
'Officials said Hail Hanci, described as Gulen's "right-hand man," was detained on July 23 in the province of Trabzon. The official said Hanci "apparently" entered the country two days before the July 15 coup attempt...
'Earlier on July 23, officials said they had detained Muhammed Sait Gulen, a nephew of Fethullah Gulen's.' ⁷⁴

⁷⁰ Radio Free Europe/Radio Liberty. 'Turkey postcoup crackdown targets academics, bank regulators,' dated 19 August 2016. <http://www.rferl.org/a/turkey-postcoup-crackdown-targets-academicx-bank-regulators/27933500.html> Date accessed: 7 November 2016.

⁷¹ Radio Free Europe/Radio Liberty. 'Turkey postcoup crackdown targets academics, bank regulators,' dated 19 August 2016. <http://www.rferl.org/a/turkey-postcoup-crackdown-targets-academicx-bank-regulators/27933500.html> Date accessed: 7 November 2016.

⁷² Radio Free Europe/Radio Liberty. 'Turkey Targets Security Agency In Anti-Gulen Crackdown,' dated 27 September 2016. <http://www.rferl.org/a/turkey-targets-intelligence-agency-gulen-crackdown/28016360.html> Date accessed: 21 October 2016.

⁷³ Human Rights Watch. 'A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture,' dated 24 October 2016 ('Climate of fear'). <https://www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture> Date accessed: 8 November 2016.

⁷⁴ Radio Free Europe/Radio Liberty. 'Turkey says top Gulen insider detained', dated 24 July 2016. <http://www.rferl.org/content/turkey-top-gulen-insider-detained/27877425.html> Date accessed: 19

7.11 Others

7.11.1 A BBC report from August 2016 noted:

'Turkish prosecutors investigating the failed July coup have issued an arrest warrant for one of the country's best-known footballers, ex-international Hakan Sukur, state media report.

'Searches were carried out at two houses in western Turkey, as officials said he faced charges of being a member of an "armed terrorist organisation".

'A former MP for the ruling AK party, Hakan Sukur is a known supporter of the cleric [Gulen] blamed for the botched coup. He moved to the US several months ago.'⁷⁵

Al Jazeera reported in July 2016 that Turkish prosecutors were investigating people who 'have alleged on social media that a July 15 coup attempt was a hoax carried out by the government, the country's justice minister said'.⁷⁶

8. Association with Gülenism

8.1.1 In a report published in November 2016, the European Commission noted that, following the coup attempt, 'Politicians continued to publicly condemn and intimidate journalists, editors, academics and human rights defenders for their critical views. The increased use of hate speech by officials including senior representatives of the state is a major concern.'⁷⁷

8.1.2 Radio Free Europe/Radio Liberty reported in August 2016 that Turkish President Recep Tayyip Erdogan 'has warned that the "viruses", as he calls Gulen supporters, "are everywhere". He has called on everyone to report them to prosecutors and security agencies 'even if they are your friends'.⁷⁸ The same source further stated that 'Anybody suspected of having even talked positively about Gulen in the past is being reported and eventually suspended or detained. Some have reported that occasionally even friends of Gulen supporters were detained. There are also claims that some people

August 2016

⁷⁵ BBC News. 'Turkey coup: Ex-footballer Hakan Sukur sought over Gulen links', dated 12 August 2016 <http://www.bbc.co.uk/news/world-europe-37057939> Date accessed: 16 August 2016

⁷⁶ Al Jazeera. 'Turkey investigates those who say coup attempt was hoax,' dated 24 July 2016. <http://www.aljazeera.com/news/2016/07/turkey-investigates-coup-attempt-hoax-160724131049911.html> Date accessed: 6 December 2016

⁷⁷ European Commission. 'Commission staff working group; Turkey 2016 report,' dated 9 November 2016 (page 72).

http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf Date accessed: 16 November 2016.

⁷⁸ Radio Free Europe/Radio Liberty. 'Turkey's Anti-Gulen Clampdown Rages Out Of Control,' dated 18 August 2016. <http://www.rferl.org/a/turkey-notebook-gulen-clampdown-out-of-control/27932142.html> Date accessed: 6 December 2016

spy on others and report them as “Gülenists” to the security services just to take their jobs or businesses’.⁷⁹

- 8.1.3 The United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, visited Turkey from 27 November to 2 December 2016 and provided preliminary observations on his visit on 2 December 2016, when he stated:

‘The sweeping security measures taken by the Government in response to the failed coup of 15 July 2016 seem to have resulted in a general sense of intimidation and distrust in many segments of the population, preventing not only inmates and their families, but also civil society, lawyers, and doctors from initiating or participating in any procedure that may be perceived – rightly or wrongly - as opposing or criticizing the Government and its officials.’⁸⁰

- 8.1.4 Human Rights Watch reported as follows on 5 August 2016:

‘Some lawyers asked to represent judges and prosecutors accused of links to the coup or Gulen movement said they felt pressure not to represent those clients or feared being associated with Gülenists if they did. Given that dozens of lawyers have been detained for alleged association with the Gulen movement in Istanbul, Konya, Izmir, and other cities, concerns about the risk of being associated with the movement are understandable.

‘The Adana Bar Association on July 26 made a public statement referring to the “fear” and “concern” about possible reprisals felt by lawyers in Adana, the decision by some not to provide legal aid to people detained in relation to the failed coup attempt, and the negative treatment they faced from the police and prosecutors if they did represent the detainees. The statement called on the Ministries of Justice and Interior to remind the relevant authorities of the right of all detainees to a defense, the principles of fair trial, and the presumption of innocence. The bar association stressed the importance of not associating lawyers with the crimes their clients were suspected of committing.

‘A lawyer said that he agreed to help only because one judge was a relative:

“I agreed to help because we are relatives though I have no expertise in criminal law. I certainly don't want my name published as lawyers are being arrested and heavily pressurized not to take on these cases.

“We spent hours waiting for lawyers to turn up at the courthouse to act on behalf of close to 100 judges and prosecutors who had been detained. Many

⁷⁹ Radio Free Europe/Radio Liberty. ‘Turkey’s Anti-Gülen Clampdown Rages Out Of Control,’ dated 18 August 2016. <http://www.rferl.org/a/turkey-notebook-gulen-clampdown-out-of-control/27932142.html> Date accessed: 6 December 2016

⁸⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR). ‘Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,’ dated 2 December 2016. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

of those appointed by the bar association to provide legal aid to the detainees refused to do so, which is their right, out of fear.”

‘The wife of one judge said: “The lawyer who initially agreed to represent my husband when he was detained later didn’t return my calls. He sent an indirect message saying that a partner of his would take on the case and that he had been threatened and was going to take a break for some time.”’⁸¹

8.1.5 On 19 September 2016 Reporters without Borders stated:

‘This climate of intimidation discourages both pro-Gülen movement lawyers and human rights lawyers from defending journalists who have been taken into custody. As a result, journalists as well known as Şahin Alpay have had to be defended by the P24 coalition’s lawyer, Veysel Ok, who is committed to media freedom, or a lawyer assigned by the Istanbul bar association. The daily newspaper Hürriyet used one of its media group’s lawyers to defend its detained employees, including Bülent Mumay, Arda Akın and Dinçer Gökçe.’⁸²

8.1.6 In a report of 24 October 2016, Human Rights Watch stated:

‘The rhetoric of government officials about those suspected of supporting the coup attempt or alleged to have links with the Gülen movement combined with thousands of arbitrary detentions, dismissals and suspensions have created a climate of fear in which lawyers are afraid to defend those accused of being behind the coup, and lawyers, medical personnel, human rights activists and others fear they may be targeted if they criticize the government...

‘Lawyers appeared to be particularly reluctant to defend high-ranking officers accused of being behind the coup. One human rights lawyer told Human Rights Watch that he had tried to find a lawyer for a colonel who had been detained:

“We don’t know where he is. We think he might have been tortured. But all the lawyers we contacted refused to take the case. This is unprecedented. It is like they are cursed. It is partly because people hate those behind the coup, but also because the government has created this atmosphere.”

‘Several lawyers also complained that they felt alone with little support from the bar associations. One lawyer said: “We are afraid. The bar association is afraid. It’s all political and everybody is afraid of being detained and arrested.”’⁸³

⁸¹ Human Rights Watch. ‘Turkey: Judges, Prosecutors Unfairly Jailed,’ dated 5 August 2016. <https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed> Date accessed: 8 November 2016.

⁸² Reporters Without Borders. ‘Turkey: State of Emergency, State of Arbitrary,’ dated 19 September 2016 (pages 6 to 7). https://rsf.org/sites/default/files/turquie.etatdurgence.eng_.def_.pdf Date accessed: 7 November 2016.

⁸³ Human Rights Watch. ‘A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture,’ dated 24 October 2016 (‘Climate of fear’). <https://www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture> Date accessed: 8 November 2016.

- 8.1.7 In an article dated 25 October 2016, Human Rights Watch again referred to a climate of fear 'in which lawyers, detainees, human rights activists, medical personnel, and forensic specialists told Human Rights Watch they worried that they would be next in the government's extensive purge of alleged coup supporters. These fears are not unfounded. For example, the authorities have placed more than 200 lawyers in pretrial detention on suspicion of involvement in the coup attempt, according to the Union of Turkish Bar Associations.'⁸⁴
- 8.1.8 See [Legal processes](#) for further information about working conditions for lawyers, and see [Lawyers](#) for information about arrests and detentions for lawyers. See [Judges and prosecutors \(suspensions, dismissals, closures\)](#) for information about suspensions and dismissals and see [Judges and prosecutors \(arrests, detentions\)](#) for information about arrests and detentions for this group. See [The military](#) for further information about this group. See [Journalists \(suspensions, dismissals, closures\)](#) for information about suspensions and dismissals and see [Journalists \(arrests, detentions\)](#) for information about arrests and detentions for this group. See also [Journalists \(alleged violations\)](#) for information about human rights violations for Journalists.

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8.2 Family members of suspected Gülenists

- 8.2.1 The US Department of State reported the following in the Country Report for 2016:

'After the coup attempt, the government targeted family members to exert pressure on some wanted suspects. Under the state of emergency, the government cancelled the passports of family members of civil servants suspended from work as well as of those who had fled authorities. In some cases the government cancelled or refused to issue passports for the minor children of accused Gulenists who were outside the country, forcing family separation. In August [2016] police detained the wife of editor in chief Bulent Korucu of the now-closed Gulenist daily Zaman and its successor publication, Yarina Bakis. Authorities reportedly detained former AKP parliamentarian Hakan Sukur's 75-year-old father, Sermet Sukur, on August 12 [2016] in lieu of his son. On November 26 [2016], the father was reportedly released under house arrest. His son, who was reportedly out of the country at year's end, was accused of Gulenist ties.'⁸⁵

- 8.2.2 See [Action taken against perceived political opponents](#) for further information about travel restrictions.

⁸⁴ Human Rights Watch. 'Turkey: Emergency decrees facilitate torture,' dated 25 October 2016. <https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture> Date accessed: 14 November 2016

⁸⁵ US Department of State. 'Country Reports on Human Rights Practices for 2016,' Turkey, dated 3 March 2017 (Section 1.f). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 22 March 2017

- 8.2.3 On 29 August 2016 AI Monitor reported that, ‘Another troubling practice has been the roundup of relatives of suspected fugitives. A striking example is the Aug. 22 [2016] detention of 12 relatives, including brothers, nephews and a brother-in-law, of US-based Cevdet Turkyolu, said to be a “super imam” or a top leader in the Gulenist network.’⁸⁶

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9. Alleged violations of human rights

9.1 Introduction

- 9.1.1 The US Department of State’s Country Report for 2016 stated:

‘The number of political prisoners was not a matter of public record and remained the subject of debate at year’s end [2016]. In March [2016] media reported that 6,592 prison inmates were alleged members of the PKK, while 518 were alleged members of Da’esh and 366 were alleged members of the Gulen movement. Some observers assessed that many imprisoned after the failed coup attempt could be considered political prisoners, a charge disputed by the government. The Justice Ministry reported that, as of October 20 [2016], there were 47,512 prisoners in detention on terror-related charges.’⁸⁷

- 9.1.2 The US SD report further stated:

‘Human rights groups alleged that many detainees had no substantial link to terrorism and were detained to weaken the pro-Kurdish HDP and DBP or to silence critical voices. Authorities used both the antiterror laws and increased powers accorded to the government under the state of emergency to detain individuals and seize assets, including those of media companies, charities, and businesses, of pro-Kurdish groups accused of supporting the PKK, and of individuals alleged to be associated with the Gulen movement.’⁸⁸

- 9.1.3 The UN News Centre reported in July 2016:

‘In a telephone call with the Turkish Foreign Minister [Mevlüt Çavusoglu] today, United Nations Secretary-General Ban Ki-moon sought an update on current investigations and measures to hold those responsible for the attempted coup to account, and reiterated his expectation that Turkey adhere to its international human rights obligations...

⁸⁶ AI Monitor. ‘Has Turkey’s Gulenist witch hunt spiraled out of control?’ dated 29 August 2016. <http://www.al-monitor.com/pulse/originals/2016/08/turkey-gulenist-purge-shows-hysteria-symptoms.html> Date accessed: 21 December 2016

⁸⁷ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 1.e). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 22 March 2017.

⁸⁸ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 1.e). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 22 March 2017.

'The Secretary-General ... expressed his concern over the extent of the recent governmental decree regarding the implementation of the state of emergency, which enlists a number of measures restricting the full exercise of individual rights. While welcoming the announced release of 1,200 military detainees, the Secretary-General referred to "worrying reports" of mistreatment and abuse of some of those who are still in custody and their detention conditions.

'He also underscored his deep concern about the scope of continuing widespread arrests, detentions and suspensions, which reportedly cover many segments of Turkish society and Government institutions.

"Credible evidence on those under investigation has to be presented swiftly to the judicial system so that legal determination could be made before the court of law," the statement said.

'Last week, Mr. Ban urged Turkish authorities to ensure that constitutional order and international human rights law are fully respected following the declaration of a three-month state of emergency as a result of the attempted military coup.'⁸⁹

9.1.4 On 25 October 2016 Human Rights Watch released a 43-page report, 'A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture,' in which it detailed 13 cases of alleged abuse committed by the Turkish Police against persons in their custody, including stress positions, sleep deprivation, severe beatings, sexual abuse, and rape threats, since the coup attempt.⁹⁰

9.1.5 In a report published in November 2016, the European Commission noted: 'Following the July coup attempt, a large number of suspects were detained in irregular locations without appropriate detention conditions and serious impediments to their procedural rights according to European standards were reported. There was a sharp rise in the prison population and prison overcrowding reached very worrying limits. A Law Decree amending the Law on Enforcement of Sentences in August resulted in the release on probation of around 40 000 inmates in order to create room in prison facilities to deal with detained and sentenced persons suspect of implication in the coup attempt. Following their release, there were 192 181 people for some 180 000 places in the penal institutions, of which 59 819 are detained and 132 362 convicted as of 9 September 2016. The prison population rate has grown to over 200 per 100 000 inhabitants which is a high figure among Council of Europe states.'⁹¹

⁸⁹ UN News Centre. 'Turkey: In call with Foreign Minister, Ban seeks update on current probe into attempted coup,' dated 27 July 2016. <http://www.un.org/apps/news/story.asp?NewsID=54572#.V-KbUPn5xtp> Date accessed: 21 September 2016

⁹⁰ Human Rights Watch. 'Turkey: Emergency decrees facilitate torture,' dated 25 October 2016. <https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture> Date accessed: 14 November 2016

⁹¹ European Commission. 'Commission staff working document; Turkey 2016 report,' dated 9 November 2016 (page 71).

- 9.1.6 See [State of emergency](#) and [Emergency decrees](#) for further information on this subject.

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9.2 Legal framework and legal processes

- 9.2.1 The United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment visited Turkey from 27 November to 2 December 2016 and provided preliminary observations on his visit on 2 December 2016, when he commented on the relevant legal framework:

‘In principle, Turkey’s institutions and legislation provide sufficient safeguards against torture and ill-treatment. Thanks to the commitment of the Government, substantial progress has been made in the fight against torture since the 1990s. Article 17 of the Turkish Constitution, articles 94 to 96 of the Criminal Code and articles 147 and 148 of the Code of Criminal Procedure provide legal standards for the prevention and investigation of torture and other forms of ill-treatment and for the exclusion of evidence extracted under torture. Judicial safeguards are in place, including at the level of the Constitutional Court, which allow individuals to directly file petitions for allegations of human rights violations, torture and ill-treatment included.

‘During our meetings with the authorities, all officials of the judicial, legislative and executive branches of the State emphasized their commitment to Turkey’s “zero tolerance” policy on torture. At no point did any official at any level in the hierarchy challenge the absolute and non-derogable prohibition, or suggest any exceptions or interpretations inconsistent with international law.’⁹²

- 9.2.2 The Special Rapporteur further stated:

‘Of particular concern to my mandate are Statutory Decrees 667 and 668, which extend the period of custody without judicial review to a maximum of 30 days, and the period without access to a lawyer to a maximum of five days. Furthermore, the confidentiality of the exchange between inmates suspected of terrorist crimes and their lawyers is denied through systematic monitoring.

‘While I fully recognise the imperative of Turkey to protect its citizens and institutions and its right to take extraordinary measures in times of emergency, worldwide experience shows that it is precisely in the first hours and days after arrest that the risk of abuse, including torture and other forms of ill-treatment, is highest. In practice, therefore, expedient access to lawyers

http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf Date accessed: 16 November 2016

⁹² Office of the United Nations High Commissioner for Human Rights (OHCHR). ‘Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,’ dated 2 December 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

and judicial review and systematic monitoring by an effective National Preventive Mechanism are indispensable tools to avoid creating an environment conducive to torture and other forms of ill-treatment.⁹³

9.2.3 The report by Amnesty International, dated 24 July 2016, covered arbitrary detention and the absence of due process:

‘Amnesty International interviewed more than 10 lawyers in both Ankara and Istanbul who gave information about the conditions of their clients’ confinement. The lawyers represented up to 18 detainees each. The vast majority of clients were low ranking military personnel, including many conscripts. Some were judges, prosecutors, police, and other civil servants. Detainees were primarily men and were as young as 20.

‘The accounts of lawyers, who spoke on condition of anonymity, were strikingly similar.

‘All the lawyers said that in the majority of the cases detainees were held pre-charge for four or more days by the police. With very few exceptions, their clients were being held incommunicado throughout this period and had not been able to inform their families of where they were or what was happening to them.

‘They were also not able to phone a lawyer and in most cases did not see their lawyers until shortly before being brought to court or being interrogated by prosecutors. One lawyer told Amnesty International that when she finally saw her clients, “[They] gave me the contact information [for their families] so I could call them. The families knew nothing. They were happy to hear their sons were alive.”

‘Amnesty International spoke with a relative of a high-ranking military official who was detained in Ankara. He said that family members were able to speak with the detained relative on his mobile phone on Saturday 16 July before it was confiscated by the police, but that the family has had no information about his fate or whereabouts since then. Family members made several trips to detention centres in Ankara but were consistently told the detainee was not there. The detainee has also had no access to a lawyer...

‘The lawyers told Amnesty International that in most cases neither they nor their clients were informed of the specific charges against them, either in a charge sheet or in court, making it difficult to prepare a defence. Soldiers who had been detained were brought to court in groups as large as 20 and 25 people. One lawyer described trying to defend his client in the current environment as “trying to find something with the lights off”.

⁹³ Office of the United Nations High Commissioner for Human Rights (OHCHR). ‘Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,’ dated 2 December 2016. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

'Only one of the detainees represented by lawyers who spoke to Amnesty International was able to choose her own lawyer. According to the other interviewees, private lawyers were not allowed to represent detainees, who were all assigned bar association legal aid lawyers. The detainees' access to their lawyers was also limited. Lawyers told Amnesty International that after the hearings they were not allowed to speak to their clients who were remanded in pre-trial detention.'⁹⁴

- 9.2.4 See [Lawyers](#) for information about arrests and detentions for this group and [Association with Gülenism](#) and [Arbitrary detention](#) for further information about working conditions for this group.

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9.3 Discipline of officials and impunity

- 9.3.1 The US Department of State's Country Report on Human Rights Practices for 2016 stated:

'The TNP [Turkish National Police] reported 24 criminal investigations into allegations of torture during the year, all of which led to decisions not to prosecute the officials involved. There were three disciplinary investigations related to torture; all three continued at year's end.

'The newly organized National Human Rights and Equality Institution (NHREI), parliament's Human Rights Commission (HRC), and the Ombudsman Institution are administratively responsible for investigating reports of human rights violations, including allegations of torture, excessive use of force, or extrajudicial killings.'⁹⁵

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9.4 Deaths in detention and allegations of torture

- 9.4.1 The US Department of State's Country Report on Human Rights Practices for 2016 in Turkey stated:

'Human rights groups documented several suspicious deaths of detainees in official custody following the coup attempt and noted 16 to 23 reported suicides of detainees as of November. On September 16, Seyfettin Yigit in Bursa allegedly committed suicide after being detained for Gulen-related connections. His family claimed he was a victim of police violence. Yigit had been heavily involved in developing the case announced in 2013, alleging high-level official corruption that implicated members of then-prime minister Erdogan's family and close circle, including four ministers.'⁹⁶

⁹⁴ Amnesty International. 'Turkey: Independent monitors must be allowed to access detainees amid torture allegations,' dated 24 July 2016. <https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/> Date accessed: 15 November 2016.

⁹⁵ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (Section 1.c). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 22 March 2017.

⁹⁶ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3

9.4.2 The United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment visited Turkey from 27 November to 2 December 2016 and provided preliminary observations on his visit on 2 December 2016, when he described a ‘disconnect’ between policy [i.e. legislative and judicial safeguards against torture and ill-treatment] and reality, noting: ‘Based on my preliminary assessment, this discrepancy seems to be the result of several coinciding factors:

‘...Some recently passed legislation and statutory decrees have created an environment conducive to torture and other forms of ill-treatment, including:

- ‘the extension of the period of custody without judicial review to 30 days;
- ‘the extension of the period without access to a lawyer to five days;
- ‘the denial of confidential exchange between inmates suspected of terrorist crimes and their lawyers;
- ‘the introduction of immunity from criminal prosecution for forces conducting counter-terrorist operations in the Southeast...’⁹⁷

9.4.3 For further information about legislative safeguards against torture, see [Legal framework and legal processes](#).

9.4.4 The Special Rapporteur further noted:

- ‘As a consequence of the recent dismissals of thousands of judges, prosecutors and other officials, the case-load of individual complaints cannot be processed in a timely manner.
- ‘Due to these dismissals and other delays caused in administrative appointment processes, the National Human Rights and Equality Institution, which according to Turkish domestic law is also to exercise the function of the National Preventive Mechanism foreseen in OPCAT, currently cannot assume its decisive preventative role of carrying out regular, independent and objective inspections of all places of detention in Turkey.’⁹⁸

9.4.5 The Special Rapporteur stated that ‘For certain phases of detention, we ... received numerous allegations of torture and other ill-treatment ... The forensic expert who accompanied me throughout the visit, conducted a

March 2017 (Section 1.a).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 22 March 2017.

⁹⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR). ‘Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,’ dated 2 December 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

⁹⁸ Office of the United Nations High Commissioner for Human Rights (OHCHR). ‘Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,’ dated 2 December 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

number of medical examinations of inmates, some of which confirmed physical injuries consistent with the testimonies we received...

'Testimonies received from inmates and their lawyers suggest that, in the days and weeks following the failed coup, torture and other forms of ill-treatment were widespread, particularly at the time of the arrest by police and gendarmerie officials or military forces and subsequent detention in police or gendarmerie lock-ups as well as in unofficial detention locations. Many of my interlocutors reported that law enforcement officials felt free to harass, intimidate and insult anyone perceived as opposing the Government or its authority, in all impunity. After this initial phase marked by arbitrariness, however, the ill-treatment appears to have ceased. Apart from occasional verbal threats, my team received no allegations and collected no evidence of currently ongoing torture or ill-treatment with respect to those inmates, male or female, who were arrested for reasons related to the attempted coup.

'The majority of those reporting previously to have been subjected to torture or ill-treatment said that they did not file complaints to the authorities for fear of retaliation against them or their families and because of a deep distrust in the independence of the prosecution and the judiciary and, consequently, in their willingness or ability to adequately investigate and adjudicate their claims. Upon my request, the Turkish authorities agreed to provide statistical data on individual complaints filed for alleged torture or other forms of ill-treatment. While I have not yet received and analysed all the data requested, preliminary information gathered seems to suggest that the small number of investigations carried out by the authorities so far is grossly disproportionate to the alleged frequency of violations.'⁹⁹

9.4.6 The Special Rapporteur further noted:

'... the dismissals, the related arrests and other sweeping security measures taken by the Government in response to the failed coup of 15 July seem to have resulted in a general sense of intimidation and distrust in many if not most segments of the population, discouraging not only inmates and their families, but also civil society, lawyers, and medical doctors from initiating or participating in any procedure that may be perceived – rightly or wrongly - as opposing or criticizing the Government and its officials. As a result, allegations of torture and other forms of ill-treatment related to the failed coup have not been effectively investigated.'¹⁰⁰

⁹⁹ Office of the United Nations High Commissioner for Human Rights (OHCHR). 'Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,' dated 2 December 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

¹⁰⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR). 'Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,' dated 2 December 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

9.4.7 The European Commission published a report on Turkey in November 2016 which stated that ‘Developments in the area of prevention of torture and ill-treatment, in particular after 15 July, are of serious concern.’¹⁰¹

9.4.8 In a document published on 25 October 2016, Human Rights Watch stated that they had ‘interviewed more than 40 lawyers, human rights activists, former detainees, medical personnel, and forensic specialists and documented 13 cases of alleged abuse. The report stated:

‘In several cases Human Rights Watch documented, law enforcement officials and agents violated [human] rights to an extent exceeding even the permissive leeway granted under the emergency decrees.

“The police chief who detained me ... began to slap me in the face and eyes,” one person who was detained said in a statement to a prosecutor. “They beat me on the soles of my feet, on my stomach, then squeezed my testicles, saying things like they’d castrate me.” He went on to describe a series of beatings on other parts of his body.

‘Police behavior and pressure from the authorities have also undermined the integrity of medical examinations for those in police custody and detention by often requiring that medical examinations take place in detention facilities and in the presence of police officers, Human Rights Watch research shows. In addition, the authorities have repeatedly denied detainees and their lawyers access to detainees’ medical reports that could substantiate allegations of ill-treatment during arrest or detention, citing secrecy of the investigation...

‘Lawyers, medical personnel, recently released detainees, and family members of detainees described to Human Rights Watch 13 cases of torture and ill-treatment after the coup attempt, with varying degrees of severity. The cases include allegations of methods ranging from stress positions and sleep deprivation to severe beating, sexual abuse, and rape threats. In one incident, the allegations concerned multiple detainees. Human Rights Watch withheld most names of detainees and lawyers for their own safety because they had serious concerns about possible repercussions.

‘Turkish government officials, including President Recep Tayyip Erdoğan, declared after the coup attempt that they had zero tolerance for torture. However, the authorities have failed to respond appropriately to recent torture allegations, instead often calling those making the allegations biased and accusing them of being coup supporters or of making propaganda for the Gülen movement...

‘Mehmet Metiner, the ruling party member of parliament who is head of the parliamentary sub-committee on prisons, recently stated that the commission

¹⁰¹ European Commission. ‘Commission staff working document; Turkey 2016 report,’ published 9 November 2016 (page 63).
http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf Date accessed: 16 November 2016.

would not investigate allegations of torture of alleged Gülen supporters in prisons...'¹⁰²

- 9.4.9 On 13 October 2016, six human rights associations published an open letter to the Turkish Parliament, in which they criticized recent remarks of Justice and Development Party (AKP) deputy Mehmet Metiner, who said the government would ignore allegations of torture and mistreatment if victims were sympathizers of the Gülen movement.

The associations involved were The Helsinki Citizens Assembly (HYD), Human Rights Association (İHD), Human Rights Research Association (İHAD), Human Rights Agenda Association (İHGD), Association of Human Rights and Solidarity for Oppressed Peoples (MAZLUMDER) and the Human Rights Foundation of Turkey (TİHV).¹⁰³

- 9.4.10 Hurriyet Daily News reported on 14 September 2016:

'Notorious former prison torture methods have reemerged during the state of emergency declared after the July 15 failed coup attempt, in addition to overcrowding and poor conditions in Turkey's jails, according to the Human Rights Association (İHD). The association's lawyer, Gülseren Yoleri, said rights violations started immediately after the arrests were made following the failed seizure of power, believed to have been masterminded by the Fethullahist Terror Organization (FETÖ)...

"There are preventions regarding [medical] treatment. They are saying, 'We can't take you to hospitals due to the state of emergency.' The prison is also full beyond its capacity. Inmates are having to sleeping in turns due to lack of space," she added. Yoleri also noted that inmates crammed into small cells had to take turns at windows in order to get fresh air.

"Many have been experiencing health problems and some are thinking about engaging in a hunger strike. There is chaos in the prisons. Disciplinary punishments have increased. Strip searches are obligatory when entering and exiting cells. When one rejects it, violence steps in," she said.

'İHD lawyer Yoleri cited the case of a female teacher who applied to the İHD to describe the torture she experienced. "She said, 'I saw my husband on the fourth day of his detention and he had bruises on his face. When I asked what happened, they told me that they could also detain me. He was very scared and I was threatened,'" she said.

'Also saying the İHD had two weeks ago visited the districts of Şırnak and Nusaybin in Turkey's restive southeast, Yoleri stated that she heard about torture in detention centers there too. "They said, 'The old methods of torture

¹⁰² Human Rights Watch. 'Turkey: Emergency decrees facilitate torture,' dated 25 October 2016. <https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture> Date accessed:14 November 2016

¹⁰³ Open letter to the Bureau of the Turkish Grand National Assembly from the Human Rights Organisations, dated 13 October 2016. <http://en.tihv.org.tr/open-letter-from-human-rights-organisations/> Date accessed: 19 December 2016.

have reemerged. They described the torture tools used, including ones with electricity,” she said.¹⁰⁴

9.4.11 See [State of emergency](#) and [Emergency decrees](#) for further information on this subject.

9.4.12 Amnesty International published the following on 24 July 2016:

‘Amnesty International has gathered credible evidence that detainees in Turkey are being subjected to beatings and torture, including rape, in official and unofficial detention centres in the country.

‘The organization is calling for independent monitors to be given immediate access to detainees in all facilities in the wake of the coup attempt, which include police headquarters, sports centres and courthouses. More than 10,000 people have been detained since the failed coup.

‘Amnesty International has credible reports that Turkish police in Ankara and Istanbul are holding detainees in stress positions for up to 48 hours, denying them food, water and medical treatment, and verbally abusing and threatening them. In the worst cases some have been subjected to severe beatings and torture, including rape...

‘Amnesty International spoke to lawyers, doctors and a person on duty in a detention facility about the conditions detainees were being held in. The organization heard multiple reports of detainees being held in unofficial locations such as sports centres and a stable. Some detainees, including at least three judges, were held in the corridors of courthouses.

‘All of the interviewees wished to remain anonymous for security reasons. The organization heard extremely alarming accounts of torture and other ill-treatment of detainees, particularly at the Ankara Police Headquarters sports hall, Ankara Başkent sports hall and the riding club stables there.

‘According to these accounts, police held detainees in stress positions, denied them food, water and medical treatment, verbally abused and threatened them and subjected them to beatings and torture, including rape and sexual assault.

‘Two lawyers in Ankara working on behalf of detainees told Amnesty International that detainees said they witnessed senior military officers in detention being raped with a truncheon or finger by police officers.

‘A person on duty at the Ankara Police Headquarters sports hall saw a detainee with severe wounds consistent with having been beaten, including a large swelling on his head. The detainee could not stand up or focus his eyes and he eventually lost consciousness. While in some cases detainees were afforded limited medical assistance, police refused to allow this detainee essential medical treatment despite his severe injuries. The

¹⁰⁴ Hurriyet Daily News. ‘Former torture methods reemerge in Turkish prisons: Human Rights Association,’ dated 14 September 2016. <http://www.hurriyetdailynews.com/former-torture-methods-reemerge-in-turkish-prisons-human-rights-association.aspx?pageID=238&nID=103887&NewsCatID=339> Date accessed: 16 November 2016.

interviewee heard one police doctor on duty say: “Let him die. We will say he came to us dead.”

‘The same interviewee said 650-800 male soldiers were being held in the Ankara police headquarters sports hall. At least 300 of the detainees showed signs of having been beaten. Some detainees had visible bruises, cuts, or broken bones. Around 40 were so badly injured they could not walk. Two were unable to stand. One woman who was also detained in a separate facility there had bruising on her face and torso.

‘The interviewee also heard police officers make statements indicating that they were responsible for the beatings, and that detainees were being beaten so that “they would talk”.

‘In general, it appears that the worst treatment in detention was reserved for higher-ranking military officers.

‘Many of the detainees in the sports hall and other facilities were handcuffed behind their backs with plastic zip-ties and forced to kneel for hours. Interviewees reported that zip-ties were often fastened too tight and left wounds on the arms of detainees. In some cases detainees were also blindfolded throughout their detention.

‘Lawyers described how people were brought before prosecutors for interrogation with their shirts covered in blood. Interviewees also said that based on what detainees told them police deprived them of food for up to three days and water for up to two days.

‘One lawyer working at the Caglayan Courthouse in Istanbul said that some of the detainees she saw there were in extreme emotional distress, with one detainee attempting to throw himself out of a sixth story window and another repeatedly slamming his head against the wall.’¹⁰⁵

9.4.13 On 24 October 2016, Turkish Minute reported that, ‘Contrary to what national and international human rights organizations have reported, Turkish Justice Minister Bekir Bozdağ stated on Sunday [23 October 2016] that there is no maltreatment or torture in Turkish prisons.

‘Responding to claims of mistreatment and torture in Turkey, the justice minister said in a serial of Twitter messages that “they are not giving Turkey time to answer the claims. They refuse to accept Turkey’s statements; they only accuse Turkey.” Bozdağ called on those who allege torture in Turkey to prove it...

‘In September the Turkish government postponed the scheduled visit of Juan E. Mendez, the UN special rapporteur on torture, to the county, which has been beset by allegations of torture, maltreatment and rape against detainees in the aftermath of the failed coup attempt.

¹⁰⁵ Amnesty International. ‘Turkey: Independent monitors must be allowed to access detainees amid torture allegations,’ dated 24 July 2016. <https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/> Date accessed: 15 November 2016.

'The postponement came just weeks after Turkey's National Police Department was accused of having removed evidence of torture and ill-treatment of post-coup detainees prior to the official visit of a delegation from the Committee for the Prevention of Torture (CPT).

'In a classified letter widely circulated in media outlets, the acting deputy head of the Turkish National Police warned all officers about the visit and ordered them to avoid using sports facilities as detention centers during the delegation's stay in the country.

'The official also asked police officers to obey international rules of detention while the delegation was in Turkey and ordered them to reorganize all detention centers and to make the centers ready for the inspection as soon as possible.

'Confirming the claims, Selçuk Kozağaçlı, the president of the Progressive Lawyers' Association (ÇHD), said during the Ankara Bar Association's general assembly on Oct. 16 that people imprisoned as part of a government crackdown on the Gülen movement are being systematically tortured in the most barbaric ways including rape, removal of nails and the insertion of objects into their anuses.

"They remove the nails of colleagues [during detention] at police stations. Believe me, I saw people who underwent a colostomy after they were tortured with objects inserted into their anuses in prison and police stations," said Selçuk Kozağaçlı.

'İHD said in a report on Oct. 21 that there are nearly 220,000 people in Turkey's prisons, which is more than 20 percent above the 183,000-person capacity. According to the İHD report, Turkish prisons rapidly became overwhelmed by detentions and arrests that followed the failed coup in Turkey on July 15.¹⁰⁶

- 9.4.14 See [The military](#) for information about arrests and detentions for military personnel. See [Conditions of detention](#) for further information on this subject.

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9.5 Conditions of detention

- 9.5.1 The United States Country Report on Human Rights Practices for 2016 noted, 'Following the coup attempt in July, detainees regularly reported problems including prison overcrowding and lack of access to legal representation and medical treatment. Thousands of detainees taken into custody in the initial aftermath of the July 15 [2016] coup attempt were held in stadiums, meeting rooms, and other sites without cameras, where some were allegedly subject to mistreatment or abuse.'¹⁰⁷

¹⁰⁶ Turkish Minute. 'Justice minister: no maltreatment or torture in Turkish prisons,' dated 24 October 2016. <https://www.turkishminute.com/2016/10/24/justice-minister-no-maltreating-torture-turkish-prisons/> Date accessed: 16 November 2016.

¹⁰⁷ US Department of State. 'Country Reports on Human Rights Practices for 2016,' Turkey, dated 3 March 2017 (Section 1.c). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date

9.5.2 The US SD report further noted:

'In August [2016], the Istanbul Prison Monitoring Commission of the Istanbul branch of the Progressive Lawyers Association reported that the state of emergency had negatively affected prison conditions. The report, based on information acquired through complaints received and interviews conducted by the association's lawyers, identified several alleged violations of prisoners' rights, including prisoners injured during prison transfers, restrictions on telephone calls and family visits, restricted access to information and reading material, recording of attorney-client meetings, and abuse of sick prisoners.

'The HRA [Human Rights Association] reported that political prisoners typically were held in higher-security prisons and only received one to two hours per week of recreational time. The law normally allows prisoners 10 hours of recreational time per week, a provision restricted by government decree following the coup attempt.'¹⁰⁸

9.5.3 The United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment visited Turkey from 27 November to 2 December 2016 and provided preliminary observations on his visit on 2 December 2016, in which he reported on conditions of detention, stating:

'Overall, conditions of detention in the visited places of detention were satisfactory or, at least, acceptable. The facilities we visited are purpose-built detention centres and generally adequately equipped. However, all of the police lock ups we visited in Sanliurfa and Istanbul, currently holding detainees for up to 30 days as allowed by the emergency decrees, clearly are neither designed nor adequate to detain anyone for more than 48 hours. The cells with barred doors do not allow for even the most basic degree of privacy and, in some places, are extremely narrow. Detainees reported a loss of their sense of time because of the constant bright lighting and, in one place, the freezing temperature, which had prevailed until the recent instalment of heaters. Inmates in police lock ups had no access to sunlight and fresh air during their entire detention.

'A major concern is that all visited facilities, except Closed Prison Nr. 9 of the Silivri Penitentiaries Campus, were significantly overcrowded, with occupancy ranging from 125 to more than 200% of the actual capacity. In some institutions, the overcrowding appeared to result from the recent influx of inmates following the massive arrests after the failed coup. However, in other locations, the overcrowding was alleged to have been persistent for several years. This overcrowding has had a significant negative impact on prompt access to medical care, as well as on recreational activities, working opportunities, training activities and the frequency of family visits. Inmates under high security regimes are not allowed to work at all. While distance

accessed: 22 March 2017

¹⁰⁸ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (Section 1.c).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482> Date accessed: 22 March 2017

learning is available to all inmates, I am particularly concerned about the lack of schooling and insufficient access to recreational activities for juvenile pre-trial detainees whom I visited in a detention facility in the South-East. I also would like to reiterate my serious concerns about the conditions of detention in police lock-ups, which clearly are neither designed nor adequate for detention periods exceeding 48 hours.

‘While a strict separation between male, female and juvenile inmates is maintained in all visited institutions, pre-trial detainees and convicts often have been found to be held together in the same cells and blocks. On some occasions, adolescent girls have been found to be detained in female adult blocks.

‘Sanitary and hygienic conditions observed in the facilities are generally satisfying, but also affected by the overcrowding.’¹⁰⁹

9.5.4 The Special Rapporteur also commented on medical care:

‘Although access to health care and dental and psychiatric support is guaranteed in principle, some improvements are required. In particular, the large facilities we visited have an insufficient number or presence time of General Practitioners compared to the number of detainees they are required to care for. This shortcoming is even more acute regarding dental care and psychological support. The supply and provision of medicines is adequate but we have noticed a lack of specific programmes for common situations in detention facilities such as contagious diseases, drug abusers and HIV/Aids. Inmates with long-term, chronic diseases including fatal diseases should be given special consideration, including potential release at an advanced stage of their illness.

‘The forensic medical assessment and photo documentation for inmates with signs of physical or psychological trauma seems not to be a routine procedure and occasionally seems to have been delayed until the visible signs of the trauma had disappeared. We have received numerous allegations of physicians refusing to confirm physical trauma in medical reports, and access to independent physicians at the request of inmates and their relatives was reportedly denied.’¹¹⁰

9.5.5 The Special Rapporteur also noted that the use of naked body searches seemed to have increased:

¹⁰⁹ Office of the United Nations High Commissioner for Human Rights (OHCHR). ‘Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,’ dated 2 December 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

¹¹⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR). ‘Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,’ dated 2 December 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

'In my interactions with inmates, I heard consistent reports that naked body searches are conducted both on inmates and visitors. While there may be situations requiring such searches, their frequency seems to have increased significantly since the failed coup and reportedly can be administered at any time, without warning, which makes the adequacy of this measure even more questionable and, if disrespectfully conducted, may amount to degrading treatment.'¹¹¹

- 9.5.6 See [Allegations of torture](#) for further information about the availability of medical care for detainees.

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9.6 Arbitrary detention

- 9.6.1 Amnesty International published the following on 24 July 2016:

'Information provided to Amnesty International by lawyers reflected that many detainees were being held arbitrarily. In the vast majority of cases, they said that no evidence establishing reasonable suspicion of criminal behaviour was presented against their clients during the charge hearings; and the hearing did not establish that there were permissible reasons for detention pending trial.

'Instead, lawyers explained that judges ordered detained soldiers to be placed in pre-trial detention if they left their barracks the evening of the coup, regardless of the reason. In one case, a detainee who appeared before the court was not asked a single question by the judge at her hearing.

'Some of the questioning by judges was entirely irrelevant to the events of the coup attempt, and appeared intended to establish any link to Fethullah Gülen or institutions sympathetic to him...

'Lawyers explained that detainees were remanded in pre-trial detention even without a finding that a detainee was a flight risk or that there was a risk a detainee would tamper with evidence, as is legally required.'¹¹²

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9.7 Journalists (alleged violations)

- 9.7.1 In a report published on 19 September, Reporters without Borders stated:

'The scale of the round-ups of journalists is astonishing – 42 arrest warrants were issued on 25 July and another 47 were issued two days later. RSF has

¹¹¹ Office of the United Nations High Commissioner for Human Rights (OHCHR). 'Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,' dated 2 December 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E> Date accessed: 19 December 2016.

¹¹² Amnesty International. 'Turkey: Independent monitors must be allowed to access detainees amid torture allegations,' dated 24 July 2016. <https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/> Date accessed: 15 November 2016.

seen the written records of interrogations, which confirm that many journalists are being targeted above all for working for media sympathetic to the Gülen movement. Their work as journalists is equated to membership of the movement, and this in turn is equated to complicity in the coup attempt. Foreign minister Mevlüt Çavuşoğlu has claimed that the judicial authorities distinguish between the coup's promoters and "those who do real journalism." But in practice it is clear that the authorities are treating certain opinions as a crime. This is completely incompatible with freedom of expression.¹¹³

9.7.2 The same report of 19 September by Reporters without Borders stated:

'Under the provisions of the first decree after the state of emergency, many journalists have been denied access to a lawyer during their first few days in police custody. One of the first victims was Orhan Kemal Cengiz, a former columnist for the dailies Radikal and Özgür Düşünce who is also a human rights lawyer.

'He was arrested at Istanbul's Atatürk airport on 21 July together with his wife, Sibel Hürtaş, a columnist for Al Monitor. She was freed later the same day but he was taken to the anti-terrorism unit at the Istanbul directorate for security, where he was refused access to a lawyer for three days. He was then taken, with his hands bound behind his back, to the Çağlayan prosecutor's office in Istanbul. When finally released, he was banned from leaving the country.'¹¹⁴

9.7.3 Reporters without Borders further noted:

'Press cards are issued by the BYEGM [Office of the Prime Minister's Directorate General of Press and Information] ...which had often been accused of bias in recent years and which has given free rein to its discriminatory inclinations under the state of emergency. In the past two months, the BYEGM has rescinded the press cards of 620 journalists. The victims include Nazlı Ilıcak and Ergun Babahan. Aside from the impact on their work, it means they are formally "banned" as journalists and branded as "coup collaborators" without any kind of trial. Just as the judicial system does, the BYEGM regards the pro-Gülen media as part of a single political entity that organized the 15 July coup attempt, and it therefore regards having worked for a pro-Gülen media outlet as a crime. Stripping journalists of their press cards in this way violates the presumption of innocence, the right to due process, and media freedom.'¹¹⁵

¹¹³ Reporters Without Borders. 'Turkey: State of Emergency, State of Arbitrary,' dated 19 September 2016 (page 5). https://rsf.org/sites/default/files/turquie.etatdurgence.eng_def.pdf Date accessed: 7 November 2016.

¹¹⁴ Reporters Without Borders. 'Turkey: State of Emergency, State of Arbitrary,' dated 19 September 2016 (pages 6 to 7). https://rsf.org/sites/default/files/turquie.etatdurgence.eng_def.pdf Date accessed: 7 November 2016.

¹¹⁵ Reporters Without Borders. 'Turkey: State of Emergency, State of Arbitrary,' dated 19 September 2016 (page 13). https://rsf.org/sites/default/files/turquie.etatdurgence.eng_def.pdf Date accessed: 7 November 2016.

9.7.4 See [State of emergency](#), [Emergency decrees](#) and [Legal processes](#) for further information on these subjects.

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9.8 Judges and prosecutors (alleged violations)

9.8.1 On 5 August 2016, Human Rights Watch reported:

'Turkey's courts have placed at least 1,684 judges and prosecutors in pre-trial detention in the aftermath of the failed July 15, 2016 coup, Human Rights Watch said today. They are detained on suspicion that they are members of a terrorist organization or were involved in the coup attempt. Some lawyers have been reluctant to represent the judges for fear that they would be tainted by association.

'In cases Human Rights Watch examined, decisions to arrest and detain someone pending investigation appear to have been made simply because their names appear on a list of alleged suspects, or because of alleged associations with a terrorist organization and "national security threats." The authorities have presented no evidence in courts to substantiate any alleged criminal conduct by those arrested.'¹¹⁶

9.8.2 The same Human Rights Watch report of 5 August 2016 provided the following information:

'Arrests of Judges, Prosecutors

'Human Rights Watch interviewed three judges, two lawyers, and two spouses of detained judges and prosecutors about the detentions, the evidence presented against detainees, the interrogations, adherence to procedure, and the courts' reasoning for placing them in detention.

'Human Rights Watch also examined the records of prosecutors' interrogations of three judges and court decisions ordering the detention of eight judges and two prosecutors. Beyond those interviewed, many people were unwilling to speak about the details of the detentions and legal process for fear of reprisals. For the same reason, all names and locations of judges, prosecutors, their lawyers, and spouses interviewed are withheld for their protection.

'Taken to Court Without Evidence of Individual Criminal Guilt

'Human Rights Watch documented several cases in which judges and prosecutors were subject to criminal proceedings despite the absence of any evidence establishing criminal wrongdoing.

'A judge who had been held by police, detained by a court, then released on appeal a few days later, told Human Rights Watch:

¹¹⁶ Human Rights Watch. 'Turkey: Judges, Prosecutors Unfairly Jailed,' dated 5 August 2016. <https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed> Date accessed: 8 November 2016.

“The day after the attempted coup we were informed by an SMS message from the Higher Council of Judges and Prosecutors that our annual leave was cancelled. I bought a bus ticket and travelled back to the province where I work. I was detained when the police checked everyone's IDs. The peculiar part was that there was an order to capture me but not a warrant to detain me. The police were puzzled by this and it meant that I was held at a police station for many hours unlawfully. If there isn't an order to detain someone then it's an unlawful detention.

“When brought before the prosecutor I asked what the evidence against me was. He said there was a list of names from the Higher Council of Judges and Prosecutors and a secrecy order on the investigation. I said, ‘What do you mean there's a list, what about evidence against me personally?’”

‘A lawyer for another judge said:

“My client was told he was suspected of [involvement in] an attempted coup and membership of the ‘Fethullah Gulen terrorist organization (FETO/PYD).’ ... The prosecutor said they were expecting a report from the Higher Council of Judges and Prosecutors but no such report came. My client was not asked a single question of any relevance to the crimes he is suspected of.

“When we got before the judge, that judge said openly to everyone in the hearing: ‘There is no limit to the number of calls we've been getting from morning on. We are under incredible pressure. In this country they don't let you be a judge. That's the way it's always been.’

“The 13-page written decision putting my client and others in pretrial detention appeared 10 minutes after the judge had pronounced it. It was clearly entirely drawn up in advance and contained no evidence of individual guilt.”

‘Guilt by Association

‘In each of the criminal investigations into judges and prosecutors that Human Rights Watch has examined, the prosecution's investigation seems to be based only on alleged association.

‘One judge who was released said:

“The prosecutor had a list of 10 or 15 questions along the lines of: which high school and private prep school [to supplement state education system] did you go to; where did you live during high school and university years; were you encouraged not to vote for the AKP during the elections; which candidates did you support in the Higher Council of Judges and Prosecutors election in 2014; during the council election were you on duty and there when the votes were counted? Did you make election propaganda for any name during the election period? Do you send your children to any prep school connected with the FETÖ/PYD? Have you participated in programs at your children's school? Which school did your wife go to? Have you ever paid money as charity? Beyond that I was informed there was a secrecy order on the investigation.”

‘A lawyer who is representing another judge mentioned that his client was asked many of the same questions. A second court had turned down his appeal against his client's imprisonment. He said:

“I have worked as a lawyer for many years. I lived through the September 12, 1980 coup and the martial law courts that were set up in 1978 before the coup. In the martial law courts where the big trials of the leftist groups and the trade union confederation DİSK were held I never encountered such abstract and unfounded charges as these. There really was nothing like this even in that period!”

‘The wife of a judge who was held by police and then placed in pretrial detention said:

“I was not present when the police came to detain my husband from our home. He was among around 50 who were detained from the lodgings where we lived on July 16. The police searched our home and took away my computer. A neighbor told me that they were all taken down to the street below and made to wait in an armored vehicle until everyone had been detained.

“I was able to speak to my husband very briefly on the lawyer's phone after he was questioned. My husband told me that there was a two-page list of questions in front of the prosecutor who interrogated him and the prosecutor was following that list and asked questions like, ‘Who were you sitting with in the garden of the lodgings where you live on the evening of the coup attempt? What school did you go to?’”

‘Decisions to Detain Judges and Prosecutors Without Justification

‘Human Rights Watch examined court decisions to place eight judges and two prosecutors in pretrial detention. The decisions cited the decision of the Higher Council of Judges and Prosecutors to remove the judges and prosecutors from their positions and to permit a criminal investigation as the reason for imposing the detention and restriction orders.

‘Flouting the presumption of innocence, the decisions stated that in the Higher Council decision "they were judged to be members of the Fethullahist Terrorist Organization/parallel state structure, which was judged to be a terrorist organization because of the July 15, 2016 attempted uprising." Formulaic mention of the risk of suspects fleeing, tampering with evidence, plus "the evidence in the file" were provided as the further grounds for imprisonment.

‘One decision included two pages describing in generalized and highly emotive terms the danger posed by those in the "Fethullah Terrorist Organization" and listed their alleged practices and crimes, with no specific citation of any criminal activity by the affected individuals.

‘In one case an appeal court overturned a decision to jail a judge on grounds that it was "a disproportionate measure," that no evidence had been found after a search of the suspect's home and workplace, that the suspect had a fixed address, and so forth. But in most similar cases, the orders to place

judges and prosecutors in pretrial detention have been upheld or an appeal is pending.¹¹⁷

- 9.8.3 See also [Emergency decrees](#) for further information about the infringing of human rights and [Legal processes](#) for further information on this subject.

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¹¹⁷ Human Rights Watch. 'Turkey: Judges, Prosecutors Unfairly Jailed,' dated 5 August 2016. <https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed> Date accessed: 8 November 2016.

Version control and contacts

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Clearance

Below is information on when this note was cleared:

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First version in CPIN format.

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