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Special Rapporteur for Freedom of Opinion and Expression

March 15, 2021

Re: Appeal for the human rights violations in Istanbul, Turkey on behalf of the peaceful protesters against the appointed rector of Bogazici University

Concerning Bogazici University Protests in Turkey

Dear Madam, Sir,

This paper concerns the various human rights violations emitted during the protests for the appointed rector of Bogazici University in Turkey. The protests began after the appointment of the new rector to Bogazici University by president decree on 3rd. January 2021. The university populace including academicians and students protested the decision as the decision was made

without any consultation with the populace. Alongside the fact that the appointed rector, Melih Bulu was an outsider who ran for parliament as a representative of the AKP government party. During the rightful protests, various rights and freedoms have been violated including but not limited to freedom of assembly, freedom from discrimination by the state components. The principles of law are the principle of legality, proportionality, and principle of necessity.

The protests officially began on 4th January, the day following the appointment of the new rector even though protests were banned completely due to COVID-19 concerns. The protest was an immediate response to the appointment, therefore although there existed a risk concerning the spread of COVID-19, the absolute ban on the protest was not proportionate. Because it left no room for the University populace to show their disapproval. After the ban, the students were detained and some of them have been arrested with the justification of violation of **Art. 2911 of Civil Code** regarding Assembly and Demonstration Law.

During the arrest and afterward, some students have reported being exposed to strip searches. In accordance with Turkish law, strip searches during the first instance of detention are not legal. It can only be conducted in limited situations after the detention is decided by the court. Nevertheless, the practice itself disregards human dignity. The unlawful strip searches were also debated in the parliament and the records have been shown by the HDP deputy Omer Faruk Gergerlioglu.¹

As the protests grow, on 6th January Istanbul Governorship published a press release² to target the protests and banned any form of meetings in Sariyer and Besiktas districts, which were the places that the students had declared as meeting locations. In the release, the governor justified the ban with the pandemic. Despite the ban, a separate student group that was protesting for a different cause was not interrupted by police.³ This proves a violation of the freedom from discrimination, as certain groups have exercised their freedom of assembly whilst others have been deprived of it based on their political views. Whereas freedom of assembly is guaranteed in the Turkish Constitution under **Article 34**.

During 5th and 6th January 2021, the government issued operations to the homes of some students and they have been taken into custody from their homes. In the course of the operations, students' homes were entered into by force, breaking the door, and students were not allowed to dress on their own.

¹ see <https://www.cumhuriyet.com.tr/haber/ciplak-arama-yok-diyen-ozlem-zengine-bogazici-ogrencileri-icin-duzenlenen-tutanagi-gosterdi-yok-mu-demistiniz-1804257>

² see <http://www.istanbul.gov.tr/basin-aciklamasi2>

³ see <https://t24.com.tr/haber/bogazicili-ogrenciler-gozaltina-alinirken-anadolu-genclik-dernegi-nin-eylemine-mudahale-edilmedi,930375>

During the protest of 1 February 2021, 159 students were detained on the University campus and around it. During these detentions, the amount of police was not proportionate, and the force adopted by police was excessive.⁴ This is especially evident from the snipers that were spotted around the University campus before the arrests began.⁵ Further, some students reported that they have been harassed physically and verbally by the police, and arrested with handcuffs behind the back. This practice of the police undermines human dignity and is not allowed in Turkish law. Seyma Altundal filed a complaint that during her arrestment she was dragged on the floor and her headscarf was uncovered, she was put in handcuffs behind her back, and not allowed to fix her headscarf.⁶ Another student K. C. has reported that s/he has been sexually harassed by the police, the police grabbed her/his from her/his thigh.⁷ In her/his testament s/he said “I was stuck face down to be put in the custody vehicle, with my right arm turned and dragged. Meanwhile, the police on my right arm tried to handcuff me behind my back by pressing my private area with one leg. My female friend next to me reacted and told him to pull his leg out of there. I was handcuffed and put in a detention vehicle”.⁸ Mimar Sinan University student Şeyma Çopur who came to support the Bogazici students has reported that she has been detained and insulted: “We've all been detained with handcuffs behind the back. We were physically and verbally harassed. There were a lot of blasphemes and we were threatened with the following statement "We are the state! Do you know what we will do to you here?".⁹ Likewise, some students were strained to inhumane conditions where their health was in critical danger. As such in the following instance where certain students were confined in police buses from the hours of 4.30 pm to 5.00 am. This further violated the right of detainees to meet with their lawyers and speak to their families.

At a protest organized to support the protest of Bogazici University in Izmir, on February 3rd, 2021, 51 people, including 49 students and 2 lawyers were detained and later released. The students reported that they had been physically harassed by the police. Emin Akbaba, one of the students who had been detained said “They attacked us with very excessive anger. A

⁴ see <https://www.gazeteduvar.com.tr/bogazicine-giren-polis-oturma-eylemi-yapan-ogrencilere-saldirdi-haber-1512058>

⁵ see <https://www.gazeteduvar.com.tr/bogazicine-giren-polis-oturma-eylemi-yapan-ogrencilere-saldirdi-haber-1512058>

⁶ see <https://www.tr724.com/bogazicili-ogrenci-suruklediler-ters-kelepce-taktilar-basortum-acildi-takmama-izin-vermediler/>

⁷ see <https://kronos34.news/tr/serbest-birakilan-bogazicili-ogrenciler-polis-siddetini-anlatti-taciz-darp-tehdit-ters-kelepce/>

⁸ see <https://kronos34.news/tr/serbest-birakilan-bogazicili-ogrenciler-polis-siddetini-anlatti-taciz-darp-tehdit-ters-kelepce/>

⁹ see <https://kronos34.news/tr/serbest-birakilan-bogazicili-ogrenciler-polis-siddetini-anlatti-taciz-darp-tehdit-ters-kelepce/>

friend's nose was broken. I was also punched in my face. I still have handcuff marks on my wrist.” The use of handcuffs is only justified on occasions where there is strong resistance to police and even then, handcuffs behind the back are disallowed in the law. This is a violation of **Article 17** of the Turkish Constitution regarding the right to bodily integrity.

Until now more than 300 hundred students and lawyers have been detained concerning the protests. Excessive force has been used. Detainees were verbally and physically abused. One sexual harassment case has been reported. 9 students are still under arrest. 10 students have been held to house confinement.¹⁰ House confinement is a more recent application that has been adopted by officials. It may be the case that due to major human rights violations caused by the long duration of arrests and inhumane conditions that rises international pressure the officials have adhered to this method. The UN Rapporteur should also consider the number of people that have been confined in their homes. Even though it is considered a rather soft application of arrest, the justification of confinement has not been realized in the above-mentioned cases and the application is still an excessive form of coercion. In total there have been numerous cases where students have forcefully rejected being strip-searched and 10 cases where students have been exposed to strip searches, including one case where the student's shirt was ripped off of her due to assault. The lawyers of the students have filed complaints; however, the deputy failed to ask for the records of searches in each case despite the complaint from the students' lawyers. This also indicates the state oppression on protests.

During the arrests, LGBTQ+ students have been often targeted by the officials. The Minister of Interior himself has referred to LGBTQ+ students as “sexual deviants”¹¹ and police often endorsed sexist insults against the students that ‘resemble’ LGBTQ+. Also, during the detention procedures, the trans students have been put into solitary due to their ‘condition’ and have been searched by their appointed genders. The police officers that have insulted LGBTQ+ protestors have committed hate crimes and abused their duties.

The protests are still ongoing, and it is highly likely to see increasing intervention and violations emitted by the state. As explained, the intervention on rights is not proportionate within the limits of Turkish law and does not comply with the international treaties. The UN Rapporteur should question the legitimate aim of restricting the freedom of assembly and enquire the cases of the above-mentioned students who have been exposed to profound violations. The experiences of the Turkish society in the last five years show that the

¹⁰ see <https://cagdashukukcular.org/genel/ev-hapsi-kararlari-hukuki-mi-amaclanan-ne/>

¹¹ see <https://www.gazeteduvar.com.tr/ihd-suleyman-soylu-ayrimcilik-sucu-islemistir-haber-1512543>

intervention in Bogazici University protests has political motives. Bogazici University is one of the best universities in Turkey and is known for its opposition to the current government. The students and academicians were enjoying their freedom of speech and freedom of association under the institution. However, through the years, the university has been criticized by the current president for being western, rising deviant people¹² and it has suffered from budget cuts and interventions to its actions including student-organized events and social projects. Therefore, it is fair to say the intervention to protests is highly politically motivated and considering the pressure on the academy and opposition very concerning.

Dear Madam, Sir,

We are at your entire disposal should you request any complementary information regarding this report.

Sincerely

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¹² *see* <https://www.bbc.com/turkce/haberler-turkiye-42597325>