



AMENDMENT PROPOSALS for the EP 2022 TURKEY REPORT
(2021/2250(INI))

Dear Sir/Madam,

L'Association européenne pour la défense des droits et des libertés, ASSEDEL, is a Strasbourg-based human-rights advocacy association. Its objective is to disseminate, promote and defend human rights and fundamental freedoms in the spirit of the European Convention on Human Rights, both within the Council of Europe system and at local, national, and international levels. This document includes human rights-focused amendment proposals for the EP 2022 Turkey Report.

1. According to the Dec. 2021 report of the Committee to Protect Journalists, CPJ, Turkey ranks sixth among the countries that imprison the most journalists in the world. Considering the top three positions that Turkey has shared with Russia and China over the past years, the sixth rank may seem to be an improvement. However, the reason for the change in rank is not the improvements in Turkey, but the military coup in Myanmar and the political fluctuations in Egypt, Vietnam, and Belarus that resulted in the arrests of more journalists than Turkey.¹ Turkish Journalists Association (TGC) has reported that 47 journalists were put on trial in the first month of 2022.²
2. Having this focus, the imprisonment terms of the journalists Ali Ahmet Boken (former TRT News coordinator), Ali Unal (columnist for the closed Zaman Newspaper), Aysenur Parildak (Zaman reporter), Faruk Akkan (General Director of Cihan News Agency), Fevzi Yazici (Zaman Visual Editor), Gultekin Avci (Bugun daily columnist), Harun Cumen (Zaman former editor-in-chief), Hidayet Karaca (STV general director), Mehmet Baransu (Taraf daily columnist), Mustafa Unal (Zaman Ankara representative), Nuh Gonultas (Bugun daily columnist), have turned to the sixth/seventh years, although they have no proven crimes.³
3. Main opposition Republican People's Party (CHP) Istanbul MP and Deputy Chair of the Parliamentary Human Rights Investigation Commission Sezgin Tanrikulu has released his annual report documenting the violations of rights committed throughout Turkey in 2021. The

¹ <https://cpj.org/reports/2021/12/number-of-journalists-behind-bars-reaches-global-high>

² <https://drive.google.com/file/d/1mKf5lp4jG2y40S2Hjf8FCVb3Ghzu6Z1f/view>

³ <https://tgs.org.tr/cezaevindeki-gazeteciler>

report has shown that the right to life of 2,964 people was violated and 3,145 individuals were subjected to torture and ill-treatment in 2021.⁴

4. Based on the narrations of the former victims, two ‘nonexisting’ but popular torture centers of the Turkish Intelligent Service (MIT) can be identified in Ankara. Allegedly, the first torture center is at the basement of the Headquarters of MIT in Yenimahalle (a metropolitan district of Ankara Province) and the second one is at the intersection of Anadolu Boulevard and Marşandiz, in the same district not so far from the headquarters of MIT. The popular name of the place is ‘Çiftlik’ (Chiftlique).⁵
5. Hundreds of women are murdered annually in Turkey and reported incidents of domestic violence remain high. According to the aforementioned report of CHP deputy Sezgin Tanrikulu, 324 women were reportedly murdered by men last year, most of them were the victims of domestic violence.⁶
6. [ASSEDEL has communicated to GREVIO](#) on March 8, 2021, for an inquiry to be conducted against Turkey under Article 68 of the Convention, Paragraphs 13, 14, and 15.⁷ However, on March 20, 2021, Turkey has announced the country’s withdrawal from the Istanbul Convention by presidential decree.⁸
7. According to 2021 statistics announced by Robert Spano, President of the European Court of Human Rights (ECtHR), Turkey ranks second after Russia, with 15,250 applications pending at the ECtHR, with two-thirds of them concerning alleged violations in arrests and trials related to a coup attempt on July 15, 2016. As in the previous year, Turkey ranked first among the 47 Council of Europe (CoE) member states in the number of judgments from the ECtHR concerning violations of freedom of expression in 2021.⁹
8. Turkey’s failure to implement binding European Court of Human Rights judgments calling for the release of rights defender Osman Kavala and politician Selahattin Demirtaş has set back its relationship with the Council of Europe. In its September session, the Council of Europe’s Committee of Ministers reiterated its call for the immediate release of both men and decided that a failure to release Osman Kavala by the December session would spell notification of infringement proceedings against Turkey, a sanctioned method involving further application to the European Court only used against a Council of Europe member state once before.¹⁰

⁴ <https://bianet.org/english/human-rights/256940-right-to-life-of-2-946-people-violated-in-turkey-in-2021>

⁵ <https://secureservercdn.net/160.153.138.163/pjp.0ed.myftpupload.com/wp-content/uploads/2021/01/ASSEDEL-III-treatment-and-torture-report-2021.pdf>

⁶ <https://bianet.org/english/human-rights/256940-right-to-life-of-2-946-people-violated-in-turkey-in-2021>

⁷ <https://secureservercdn.net/160.153.138.163/pjp.0ed.myftpupload.com/wp-content/uploads/2021/03/Complaint-to-GREVIO-Against-Turkey-by-ASSEDEL-Mar.08-2021-1.pdf>

⁸ <https://www.icj.org/turkeys-withdrawal-from-istanbul-convention-a-setback-for-women-and-girls-human-rights/>

⁹ <https://stockholmcf.org/human-rights-in-turkey-2021-in-review/>

¹⁰ <https://www.hrw.org/world-report/2022/country-chapters/turkey>

9. In Turan and others¹¹ case, the European Court of Human Rights concluded that the detention of 427 purged judges and prosecutors was in breach of their professional securities and thus arbitrary. This judgment demonstrates the “wide and systematic” character of the Turkish government's arbitrary detention practices displayed after the 15th July coup attempt.
10. The failed coup attempt of July 15, 2016, triggered a transformation in Turkey’s use of transnational repression. Both operated based on guilt by association, condemning people for their real or suspected connections to the Gulen movement, often with little effort to link them directly to the coup attempt itself. The result is that many targets of renditions have been teachers or education administrators who worked at schools that the Gulen movement runs around the world. The main tactics of the global campaign have been mobility controls, detentions, and illegal renditions.

On May 31, 2021, the chairman of Sapat international educational institution in Kyrgyzstan, Mr. Orhan Inandi, a Turkish and Kyrgyz citizen, was abducted in Bishkek.¹² Mr. Inandi has claimed that three men who spoke fluent Kyrgyz and were possibly officers of the Kyrgyz police, security services, or another Kyrgyz state entity, kidnapped him.¹³ On 11 June 2021, the UN Human Rights Committee adopted several interim measures against Turkey.¹⁴ However, against the UN HRC’s binding decision for Turkey to “*promptly take all measures necessary to establish Mr. Inandi’s whereabouts, ensuring that he would not be subjected to torture and inhuman treatment and guaranteeing his physical and mental integrity*”, Mr. Inandi has been reappeared before Turkish authorities with a broken arm on 5 July 2022 after his abduction to Turkey through an MIT operation.¹⁵ An Ankara court on July 12 ruled to arrest Inandi on charges of serving as an executive of a ‘terrorist organization’. Mr. Inandi has appeared before the judge for the first time in November 2021 and told the moment of abduction and the tortures that lasted for days. As of February 2022, Mr. Inandi is in Ankara Sincan prison and cannot use his right arm.¹⁶

Human Rights Watch said in a statement that the abduction, forcible disappearance, and extrajudicial transfer of Inandi to Turkey by Turkish and Kyrgyz authorities amount to egregious violations of international and domestic law. The Kyrgyz government has failed to thoroughly investigate his disappearance. There have been questions over the impartiality of Kyrgyz law enforcement, in this case, specifically the State Committee on National Security, following allegations by Turkish media that Kyrgyz authorities were complicit in Inandi’s enforced disappearance.¹⁷

¹¹ <https://hudoc.echr.coe.int/eng?i=001-213369>

¹² https://24.kg/english/210876_Orhan_Inandis_case_The_kidnapped_was_tortured_in_Bishkek

¹³ <https://stockholmcf.org/educator-inandi-tortured-and-his-arm-broken-in-3-places-wife-says>

¹⁴ <https://www.iahrageneva.org/human-rights-committees-decision-on-the-disappearance-of-orhan-inandi/>

¹⁵ <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/fetonun-sozde-orta-asya-sorumlusu-orhan-inandi-hakkindaki-iddianame-kabul-edildi-/2315382>

¹⁶ <https://orhaninandi.com/inandi-37-gunluk-iskenceyi-gozyaslariyla-anlatti-mahkeme-failleri-bile-sormadi>

¹⁷ <https://www.hrw.org/news/2021/07/07/turkey/kyrgyzstan-rendition-turkish-kyrgyz-educator>

11. Gulen movement members abroad reported being unable to renew passports or have passports issued for children at Turkish consulates, meaning they would have to return to Turkey and face the risk of arrest. Although tens of thousands of passport cancelations were later officially rescinded, the process was marred with errors, and some of the affected individuals continued to encounter problems when using passports to travel. Canceled passports, in turn, created opportunities for detention during travel, and the detainees could then be extradited or rendered back to Turkey.¹⁸

12. On 31 December 2020, the Turkish Parliament passed Law No. 7262 in an expedited manner without consultation with the NPO sector, purportedly to combat money laundering and terrorism financing. According to the authorities, the law was in response to Financial Action Task Force (FATF)'s 2019 Mutual Evaluation Report on Turkey, which indicated that Turkey was not in full compliance with FATF's recommendation on terrorism financing and potential risks associated with the non-profit sector. The law has been widely criticized for exceeding what is required by the FATF, undermining the principle of legality with its overly broad and vague provisions, and threatening to further infringe on the rights to freedom of association and expression and a range of other human rights that are routinely violated by the state under existing laws in Turkey. It contains several provisions that can and likely will be used in the government's ongoing attacks on human rights defenders and civil society organizations.¹⁹

The amendments made to the Law on Associations in particular were heavily criticized by opposition parties in the parliament. Members from the three opposition parties that have parliamentary groups in the general assembly (the CHP, IP, and HDP) wrote dissenting opinions to the parliamentary standing committee report on the draft law, arguing that the amendments to the Law on Association were irrelevant to the purposes of suppressing the financing of weapons of mass destruction proliferation but were rather aimed at the suppression of civil society. In addition, the opposition argued that the government was not sincere in its regulation efforts because all the relevant provisions were addressing FATF Recommendation 7 but not Recommendation 12 on "politically exposed persons," which would require rules regarding the monitoring of finances of public officials and entities that had close relations with the government. The ruling AKP's parliamentary group defended the bill by arguing that its contents were compliant with the FATF's Turkey Mutual Assessment Report, FATF's Recommendations, and the jurisprudence of the European Court of Human Rights. The Ministry of Internal Affairs published a press statement explaining and defending the amendments to the Law on Associations and Law on Collection of Charitable Aid.

Many NGOs have opposed the law, emphasizing that the Law eliminates the freedom of association. 692 NGOs have jointly expressed their demands and objections against the Law.²⁰

¹⁸ https://freedomhouse.org/sites/default/files/2021-02/FH_TransnationalRepressionReport2021_rev020221_CaseStudy_Turkey.pdf

¹⁹ <https://www.amnesty.org/en/wp-content/uploads/2021/10/EUR4448642021ENGLISH.pdf>

²⁰ <https://www.esithaklar.org/2020/12/ortak-aciklama-520-sivil-toplum-orgutunun-talebi-ortak>

According to the Human Rights Watch (HRW), “Only six of the articles include means and regulations to combat the financing of terrorism. The rest grant the Interior Ministry and the president wide authority to restrict the activities of independent groups and diminish their role. It is unclear how the proposed measures will be limited to curbing the activities of groups with a material connection to armed groups and will not be used widely against other organizations, Human Rights Watch said. Organizations disliked by the government for their work on human rights and rule of law issues in Turkey will especially be at risk.”

[ASSEDEL has communicated to Venice Commission in May 2021 to contribute to the aforementioned report.](#)²¹

13. However, the Government had been able to address the public attention to this law which would have negative repercussions on the legitimate NGOs, but other amendments were made with the same Law No. 7262 on Law no. 6415 on the Prevention of the Financing of Terrorism have gone unnoticed.

Specific legislation on the Prevention of the Financing of Terrorism (Law No. 6415) has been in force in Turkey since 2013. This law was adopted with the aim of combating terrorism and the financing of terrorism, incorporating the principles and procedures on implementing the International Convention for the Suppression of Financing of Terrorism and relevant United Nations Security Council Resolutions. Law No. 6415 established the offense of “financing of terrorism” and provided for the freezing of assets to prevent such financing. According to this law, it is forbidden to collect or provide funds for acts set forth as terrorist offenses within the scope of Turkey’s Anti-Terrorism Law No. 3713.²²

Articles 3 and 4 of Law No. 3713 list vague terrorist offenses that are punishable under relevant articles of the Turkish Penal Code. Article 7/2, which criminalizes “making propaganda for a terrorist organization”, is also applicable to associations or foundations if they are found to be “making propaganda” for or assisting an armed organization within an association’s premises. It should be borne in mind that Turkish anti-terror legislation has not the quality of law due to lack of foreseeability as the ECtHR concluded on several occasions namely, in Demirtas case.

With the amendment made on 31 December 2020, a new paragraph (3) to article 7 has been added to the law on the ‘Prevention of the Financing of Terrorism.’ This provision authorizes the Finance and Interior Ministers to freeze the assets of individuals or organizations on whom there are reasonable grounds for financing the organizations which were declared as ‘terrorists’ according to the domestic courts. Within the enlarged scope of this new regulation, the Turkish government froze the assets of the activists, businessmen, journalists, academics related to the

²¹ <https://securservercdn.net/160.153.138.163/pjp.0ed.myftpupload.com/wp-content/uploads/2021/05/Letter-to-Venice-Commission-by-ASSEDEL-May-2021.pdf>

²² <https://www.amnesty.org/en/wp-content/uploads/2021/07/EUR4442692021ENGLISH.pdf>

Gülen Movement²³. Thus, the government started to misuse the international cooperation mechanism on preventing financing “terrorism” and abused this mechanism to boost its crackdown on dissidents.

14. The year 2022 has arrived with alarming news from Turkish prisoners that the regime continues to hold in severe conditions. Finally, two senior prisoners, an 82-year-old patient, Mr. Yusuf Bekmezci, and 84-year-old Mr. Nusret Mugla were not released despite their progressive deteriorations in their health. Bekmezci’s family, human rights activists, and opposition politicians repeatedly called on authorities to postpone his sentence, who would otherwise have been sent back to prison if he had woken up from the coma²⁴. He has passed away after 47 days of coma condition. Mr. Mugla was incarcerated in a prison in western Manisa province despite suffering from multiple health problems including heart and kidney disease and prostate cancer. Mugla needed frequent medical attention and was kept in a quarantine cell for long periods. He was serving a sentence on conviction of links to the Gülen movement and passed away after contracting COVID-19 in prison.^{25 26}

The treatment that Mr. Bekmezci and Mr. Mugla were subjected to also revealed the current situation of many patients in similar conditions. According to the current data of the IHD (Human Rights Association, ihd.org.tr), there are currently 1,605 sick prisoners, 604 of whom are seriously ill. In 2020, 50, and 2021, 14 sick convicts have died in Turkish prisons. In the last 2.5 months, 10 people died for the aforementioned reasons.

Relevant reports indicate that **crowded wards, single-cell transport vehicles, pressure to strip-search in referrals, long waiting lines for infirmaries and health institutions, problems in accessing hot water and hygiene materials, doctors' imposition of handcuffed examinations, inadequate warden temperatures, and lack of healthy diet** stand out as the conditions that trigger the disease and worsen the conditions of existing patients.

²³<https://www.reuters.com/markets/europe/turkey-freezes-assets-770-individuals-us-based-foundation-2021-12-24/> ; <https://stockholmcf.org/turkey-freezes-assets-of-377-people-organizations-on-terror-charges/>;

²⁴ <https://stockholmcf.org/ailing-philanthropist-dies-amid-calls-for-his-immediate-release-from-prison/>

²⁵ <https://medyanews.net/turkey-severely-ill-octogenarian-prisoner-dies>

²⁶ <https://stockholmcf.org/84-year-old-nusret-mugla-dies-after-contracting-covid-19-in-prison/>

Based on the Draft Report of the Committee of Foreign Affairs (2021/2250(INI)) dated 7.2.2022, ASSEDEL proposes the following amendments on the general assessment and latest developments:

9. Reiterates its serious concern about the disproportionate and arbitrary measures curtailing freedom of expression; welcomes the further decrease in the number of journalists in prison in Turkey;

The journalists, Ali Ahmet Boken (former TRT News coordinator), Ali Unal (columnist for the daily Zaman), Aysenur Parildak (Zaman reporter), Faruk Akkan (General Director of Cihan News Agency), Fevzi Yazici (Zaman Visual Editor), Gultekin Avci (Bugun daily columnist), Harun Cumen (Zaman former editor-in-chief), Hidayet Karaca (STV general director), Mehmet Baransu (Taraf daily columnist), Mustafa Unal (Zaman Ankara representative), Nuh Gonultas (Bugun daily columnist) have been jailed, most of them since 2016, and pending appeal although they have no proven crimes. Lately, Sedef Kabaş's arrest with the accusation of insulting the president, after sharing a proverb on her Twitter account is a clear and striking example of the arbitrary use of law in Turkey to oppress journalists.

20. Calls on Turkey to abide by a zero-tolerance policy on torture and to duly investigate persistent and credible reports of torture, ill-treatment and inhumane or degrading treatment in custody, in order to put an end to impunity and hold those responsible to account;

Ankara, the capital city of Turkey is the most mentioned location in torture and ill-treatment allegations. Lately, in January 2022, dozens of people were gathered at the Ankara Police Headquarter Countering Terrorism Department (TEM) and were forced to become whistleblowers. The detainees' lawyers claimed ill-treatment and torture, the physicians did not report the situation.^{27 28}

We urge the EU institutions and CoE - CPT to visit the 'secret' detention centers in Ankara, namely, TEM (Ankara Police Headquarter Countering Terrorism Department) and Ciftlik to be assured of the zero-tolerance policy of the Turkish government against ill-treatment and torture.

Additional to the above assessments, we propose the following amendments to be included in the final report:

²⁷ <https://artigercek.com/haberler/ankara-emniyet-mudurlugu-nde-iskence-iddiasi-meclis-te-soruldu>

²⁸ <https://www.gazeteduvar.com.tr/gundem/2020/03/08/ankara-emniyet-mudurlugunde-iskence-iddiasi>

- Turkey abuses the anti-terror legislation to silence the opposition. Turkish froze the assets of several peaceful dissidents with the powers vested with the recent amendments made in the law on Prevention of the Financing of Terrorism. The international cooperation mechanism in the prevention of the financing of terrorism set out with UN resolutions and the FATF has been a new matter of abuse for the Turkish government. The Turkish government has attached the names of several opponent journalists and activists to the list of those whose assets have been frozen.

We are deeply concerned about the abuse of Law 7262 by the Turkish government to silence dissidents.

- The attempts of the Turkish government to operate on its citizens abroad continued in 2021. On July 31, 2021, Orhan Inandi, a Kyrgyz and Turkish citizen, was abducted in Bishkek. The refusal of the involvement by the Turkish and Kyrgyz authorities has concluded with the Turkish president's declaration of his abduction. Despite the UN HRC's binding decision for Turkey to "*promptly take all measures necessary to establish Mr. Inandi's whereabouts, ensuring that he would not be subjected to torture and inhuman treatment and guaranteeing his physical and mental integrity*", **Mr. Inandi has been reappeared before Turkish authorities with a broken arm and claimed the abduction and torture acts before the judge in November 2021.**

The Turkish regime tries to gather opponents from abroad by a) refusing passport renewal requests at Turkish consulates, b) using international institutions, such as the INTERPOL system by reporting those as 'terrorists', c) abducting them illegally from under-developed countries.

We call on Turkey to put an end to extra-territorial abductions. These abductions, considered as the first step towards enforced disappearances and torture, blatantly violate the Turkish government's international human rights obligations.

- Turkish government's harsh crackdown on lawyers resulted in the death of Lawyer Ebru Timtik after her hunger strike exacerbates gradually. Namely, the detention of lawyers of Gulenist clients is an aggression to the legal possession which constitutes a brazen denial of justice for representees. With regard to a question about politically detained Turkish lawyer Turan Canpolat since 2016 (E-006788/2020), on the 4th of February 2021, the European Commission had responded that the call on the Turkish authorities to release lawyers and human rights defenders had been reiterated. However, the situation of Mr. Canpolat become aggravated due to his unjust solitary confinement and the judicial harassment that he has been subjected to.
- **We urge the Turkish government to guarantee the independent work of lawyers and to release anyone illegally detained simply for performing their legal duties.**

- **We express our serious concerns about the brutal conditions and call EU institutions to examine the reality in Turkish prisons. Two senior prisoners, Mr. Yusuf Bekmezci and Mr. Nusret Mugla who lost their lives lately were deprived of receiving the necessary health care and not released. We are deeply concerned about the death of more prisoners under these harsh conditions. We call on the Turkish authorities to act in accordance with international law in this matter.**

ASSEDEL is committed to assisting European Union Institutions with its quality reporting. Should we can provide you with further information about this report, kindly contact us at info@assedel.org.

Sincerely

ASSEDEL, L'Association européenne pour la défense des droits et des libertés
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