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CENTRE KURDE DES DROITS DE L'HOMME

TÜRKIYE

The repression against the Kurdish people

1-INTRODUCTION

1. The report analysis the implementation of the recommendations adopted at the third Periodic Review of Türkiye (May 2010). The conclusion is that Türkiye has not implemented the recommendations it accepted.
2. Due to the fear of the "division of the state," Türkiye refuses to recognize a range of cultural rights of ethnic and religious minorities, especially the Kurds.
3. Article 3 of the Turkish Constitution, which states that «The State of Türkiye, with its territory and nation, is an indivisible entity, and its language is Turkish» and Article 66 states that «Everyone bound to the Turkish state through the bond of citizenship is a Turk.»[1]
4. The reports published by the Office of the High Commissioner for Human Rights in February 2017 [2] and March 2018 [3], as well as reports published by the Council of Europe and the European Union raise the concern about Türkiye's practices against the Kurdish lawyers, dissenting academics or politicians, civil society organizations, university students, the media and journalists.



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5. The report also analyzes the dangerous concentration of legislative, executive, and judicial powers. The Constitution stipulates that «The President exercises executive power in accordance with the Constitution and laws»; the government arbitrarily uses it in order to implement a political agenda. The Turkish authorities do not implement the rulings of the Turkish Constitutional Court, of the European Court of Human Rights and the recommendations made by the UN Treaty Bodies[4] concerning the detention conditions of Abdullah Öcalan, Ömer Hayri Konar, Hamili Yıldırım, and Veysi Aktaş on Imrali Island.
6. Furthermore, following the coup attempt on 15 July 2016, in the framework of the state of emergency, Türkiye has issued a significant number of decrees that have been incorporated in the legislation after the lifting of the state of emergency.
7. European[5] and UN human rights bodies have expressed their concerns about the violation of the right to freedom of opinion and expression and have called on Türkiye to respect this right in conformity with international law and the treaties to which the state has acceded. Media outlets banned by decrees issued during the state of emergency have not been allowed to reopen after the lifting of the law[6].
8. The report emphasizes Türkiye's racist approaches towards religious and cultural minorities, such as Kurds, Armenians, and towards those forced to take refuge in Türkiye after the start of the war in Syria, such as Alevis and Yezidis. Moreover, the human rights violations committed by Türkiye in its military operations in regions where Kurds live in Northern Iraq and North-East Syria are significant.
9. The report highlights the disproportionate use of force by the Turkish security forces against peaceful manifestations, in particular in South-Eastern Türkiye against the Kurdish people. Manifestations against the government's practices are banned on the grounds of «security» based on Law No. 2911 [7].



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10. The report includes analyses of torture, ill-treatment, prolonged isolation, lack of medical care to sick prisoners and suspicious deaths in custody and prisons.

11. The report also emphasizes the impunity enjoyed by the Turkish military forces responsible of human rights violations and crimes committed in the city centres destroyed during the operations carried out against the Kurds in South-East Türkiye. Additionally, it contains analyses regarding the civilians displaced during these operations and those who lost their homes because of Türkiye's operations targeting North-East Syria.

12. Finally, the report assesses the discriminatory approaches of Türkiye during the earthquake that occurred in Kurdish provinces in February 2023 and the failure to ensure the return of those who were displaced.

METHODOLOGY

13. The report of the third Periodic Review of Türkiye has been examined and an analysis has been conducted on the recommendations that were fulfilled and those that were insufficiently implemented.

14. Additionally, interviews were conducted with the Human Rights Association (IHD) in Türkiye, Media and Law Studies Association (MLSA), People's Democratic Party's (HDP), and the Freedom for Lawyers Association, as well as with some lawyers and civilians affected by Türkiye actions in South-Eastern Türkiye. IHD's annual reports were also examined.

15. Interviews were also conducted with the lawyers and families of the prisoners held in Imrali Prison.



ETHNICITY AND MINORITIES

16. The 1923 Lausanne Treaty recognizes minorities only as "monotheistic" religions, with the exception of four recognized religious beliefs. The process of establishing the Republic of Türkiye was characterized by compulsory Turkification policies. Therefore, the Turkish Constitution advocates a monolithic and "Turkishness" ideology.

17. With the establishment of the Republic, displacement and assimilation policies towards non-Turkish Muslim communities were adopted as a fundamental approach. The largest group, the Kurdish people, faced both physical annihilation policies and simultaneous assimilation. Until the 2000's, systematic efforts were made to erode the Kurdish language and culture.

18. Despite declared formal changes in policies and approaches towards minorities due to relations with the European Union, there have been no substantive changes in reality. Türkiye's approach towards minorities continues with multi-faceted political, military, social, and cultural tools, ranging from annihilation and denial to assimilation.

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19. After the 15 July 2016 coup attempt, everything related to Kurdish culture and language was banned under decrees issued during the State of Emergency (OHAL).

20. Based on the powers granted by the State of Emergency, trustees were appointed to municipalities governed by the Peace and Democracy Party. These appointments ended the provision of multilingual municipal services. Kurdish was removed from municipal websites, Kurdish language support houses were closed and Kurdish street and place names were replaced with Turkish ones. These



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practices continued with trustees appointed to municipalities governed by the HDP after 2019.

21. The Kurdish daily newspaper Azadiya Welat was shut down by decree. The Kurdish children's TV channel Zarok TV was also closed but later reopened due to public backlash. Furthermore, Kurdish schools, the Istanbul Kurdish Institute, the Kurdish Cultural Research and Development Association (KURDÎ-DER) branches, and other associations and organizations using Kurdish language were closed. Kurdish news agencies and newspapers like Dicle News Agency (DÎHA) and Jinha were also shut down.

KILLINGS BECAUSE OF SPEAKING KURDISH LANGUAGE

22. The polarisation and homogenisation policies pursued by the Turkish government led to numerous racist attacks on those speaking Kurdish, in different places and social contexts. Here are some examples:

- in Aydın, a student named Pınar Çetinkaya was expelled from her dormitory for speaking Kurdish;
- Fikret Aydemir was attacked by a group of racist soldiers in Ağrı while doing his compulsory military service because he spoke Kurdish;
- Kadir Sakçı and his son Burhan Sakçı were attacked in Sakarya because they spoke Kurdish (the father died and the son was seriously injured);
- in Sakarya's Karasu district, 19-year-old Şirin Tosun and his friend Mahsun Zeren, who were working as seasonal agricultural workers, were attacked by eight people because they greeted each other in Kurdish (Tosun died after being in intensive care for 54 days);
- Ekrem Yaşlı (74) and his wife Bedriye Yaşlı (71) were attacked by another patient's companion in Çanakkale Hospital because speaking Kurdish after surgery;
- Barış Çakan (20) was killed by a group in the Etimesgut district of Ankara because he was listening to Kurdish music in a park.



PRESSURE AND OBSTACLES ON KURDISH CULTURE AND ART

23. Kurdish cultural activities have often been banned. Numerous examples could be given, but within the scope of this report, we will limit ourselves to a few examples:

- on 23 July 2019, a concert by Kurdish artist Mem Ararat was banned by the Van Governor's Office;
- on 8 October 2019, seven musicians were arrested in Urfa's Viranşehir district for singing Kurdish songs at weddings, accused of "making propaganda for an organization";
- on 21 January 2020, Grup Munzur was sentenced to 10 months in prison in Van for singing Kurdish songs at Newroz celebrations in 2017;
- on 20 September 2020, Mezopotamya Cultural Center artist Weysi Ermiş was arrested for singing Kurdish songs at rallies;
- on 13 October 2020, a Kurdish literature talk planned by Avesta Publishing with author Mîrza Metîn in Mardin was blocked by the police;
- on 13 November 2020, the Kurdish play "Bêrû," staged by Istanbul City Theatres, was banned by the Governor's Office, and the play was also banned the next day in Urfa;
- on 16 October 2021, Kadıköy District Governorship banned the concert organized by the Mezopotamya Cultural Center to celebrate its 30th anniversary at the Bostancı Cultural Center;
- on 25 July 2024, nine Kurdish youths were arrested in Mersin for singing Kurdish folk songs and dancing on the beach; during their detention they were subjected to psychological torture by being forced to listen to the song "I Die for Türkiye";
- on 26 July 2024, six women were detained in Ağrı's Doğubayazıt district by "anti-terrorism" police for singing and dancing at a Kurdish wedding ceremony; they were released to be tried without detention;
- on 27 July 2024, six people, including two 17-year-olds, were arrested in Siirt for singing Kurdish songs and dancing; they were released on August 16 with a ban on leaving the country;



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- on 30 July 2024, 18 people were detained in Istanbul for singing Kurdish songs and dancing at weddings; eleven of them were arrested and sent to prison;
- on 29 July 2024, a soldier was detained in Istanbul's Arnavutköy district for dancing a Kurdish halay; this kind of arrests also took place in Batman and Antalya.

RACIST ATTACKS ON MINORITIES AND REFUGEES

24. Kurds, Armenians, Yazidis, Greeks, and Syriacs are indigenous peoples of Türkiye. Despite having a distinct language, culture, and identity, Kurds are constitutionally considered Turkish and despite the fact that they are more than 20 million, they cannot freely live their culture and cannot speak their language due to their identity and are subjected to racist approaches, as illustrated above. Armenians, Yazidis, Greeks, and Syriacs have seen significant population declines due to forced migrations.

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25. There has been a significant increase in the number of refugees in Türkiye. According to UNHCR, Türkiye currently hosts some 3.2 million registered Syrian refugees along with close to 222,000 persons of concern from other nationalities.[8] Due to the increase in the number of refugees, Türkiye often uses them as leverage in international relations, threatening to send them to other countries and thus violating human rights with impunity. Depending on the political situation, the government can create grounds for nationalist groups to attack refugees.

26. The Centre for Socio-Political Field Research, in its 2023 report on racist attacks against Kurds, Alevis and refugees, notes that at least 208 racist/exclusionary/denial news stories appeared in the media throughout the year, drawing attention to the numerous



attacks incited by the rhetoric of both the government and opposition. It also highlights discriminatory approaches toward immigrant communities and Alevi villages in the earthquake zones of 2023. The report analyses the discrimination faced by Kurds in sports arenas, prisons, and metropolises, where they have been subjected to racist motivations and violent attacks. According to the research, the issue of Kurdish language suppression was reflected in the Turkish media. During the same period, there were at least 50 attacks on refugees, and 13 attacks were carried out against Alevis.[9]

27. Türkiye has historically adopted racism as a policy against ethnic groups such as Kurds and Armenians, using it as a platform for attacks by Turkish nationalists. Oppressive policies towards Kurdish and Armenian institutions are always on the agenda. For example, information and images shared on social media show that on 2 April 2023 three workers in Bodrum, Muğla, were subjected to verbal and physical attacks because they were Kurdish and "spoke Kurdish". Similarly, on the same day in Bursa's İnegöl district, before a Bursaspor-İnegölspor football match, a group of Bursaspor fans attacked a vehicle with a 21 (Diyarbakır) license plate. In addition, Amedspor, a legal sports club in Türkiye's first league, has been subjected to racist attacks at every away game. While supporters of all other teams are allowed to attend away matches, Amedspor supporters are banned from doing so because the team represents the Kurdish majority.

28. Before the 2022 elections, the governmental and opposition's anti-refugee election propaganda increased racist attacks on Syrian refugees in Türkiye. On the one hand, there were increased human rights violations in deportation centres and, on the other hand, there were increased attacks by extreme nationalist groups. On 30 June 2024, racist attacks against Syrians began in Kayseri and continued in Istanbul, Antalya, and other provinces.



THE CONCENTRATION OF POWER IN THE HANDS OF THE EXECUTIVE

29. According to the Turkish Constitution, the legislative, executive, and judicial branches are independent. Article 11 of the Constitution states that «The provisions of the Constitution shall be binding upon the legislative, executive, and judicial organs, administrative authorities and other institutions and individuals. Laws shall not be in conflict with the Constitution». However, the supremacy of international law over domestic law is also recognized.

30. In practice, the judiciary has lost its independence. The Turkish government uses the judiciary as a tool to repress the democratic opposition (including Kurdish elected people), intellectuals, academics, lawyers, media and journalists.

31. The Constitutional Court, as the highest judicial authority, interprets decisions based on the whims of the presidency and the coalition of the ruling Justice and Development Party (AKP) and Nationalist Action Party (MHP). The Turkish government has ignored the rulings of the European Court of Human Rights (ECHR) regarding Selahattin Demirtaş and Osman Kavala, as well as the ECHR's decision on Abdullah Öcalan, the Constitutional Court's rulings on Can Atalay and Osman Kavala, and the decisions of the UN Human Rights Committee and UN CAT regarding Abdullah Öcalan and other prisoners serving aggravated life sentences. Instead, the Turkish authorities initiated new trials or imposed penalties through local courts to invalidate the decisions of international courts.

32. The Turkish judiciary operates entirely as an institution of the Turkish government. After the 7 June 2015 elections, when HDP made significant electoral gains, Türkiye ended the democratic solution process and began to pursue a repressive policy against Kurdish democratic opposition and institutions. Turkish courts launched numerous cases, particularly against Kurds, Kurdish democratic political parties and civil society organizations.

33. At the instigation of President Erdoğan, on 2 October 2015 the Ankara Heavy Penal Court opened a case against 108 people, including the co-chairs of the HDP, who were arrested and



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imprisoned along with some members of parliament, politicians, and civil society representatives.

34. A particular case is the Kobane case which was initiated after HDP Executive Board called on the public and especially the Turkish government to be sensitive to the situation when ISIS besieged Kobane on 13 September 2014 and committed massacres. Because these events coincided with the democratic solution and peace talks between the Turkish government and Kurdish representatives, no reaction was given by the Turkish government and judiciary at the time.

35. However, the democratic actions carried out in support of Kobane were clamped down on by the security forces, and 37 people lost their lives during the events of 6-8 October 2014.

36. Despite the ECHR's ruling that Selahattin Demirtaş did not receive a fair trial and should be released, Turkish President Erdoğan, on 16 May 2024, imposed various sentences on 24 Kurdish-origin politicians by directing the judiciary on numerous occasions. The unjust sentences handed down by Ankara's 22nd Heavy Penal Court on 16 May 2024 are listed in Annex 1.

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FREEDOM OF OPINION AND EXPRESSION

37. Turkish Constitution fundamentally guarantees the protection of freedom of opinion and expression, but at the same time articles 25 to 30 of the Constitution, along with paragraphs 5 and 6 of the Anti-Terror Law[10], impose restrictions under the pretexts of “crimes against the State” and “praising terrorism.” Investigations against politicians, the media, and journalists in Türkiye are mainly based on these articles.

38. In his visit report (A/HRC/35/22/Add.3) the UN Special Rapporteur on Freedom of Opinion and Expression, Mr. David Kaye,



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as an immediate measure of the highest humanitarian priority, urged the Government to release all those detained in recent years on the basis of the exercise of their right to freedom of expression.

39. In his public statement Mr. Kaye stressed that *«While the government's duty to protect against terrorist threats is critical, international law mandates respect for human rights in the fight against terrorism. The provisions in Turkish law regarding counter-terrorism and national security are being used excessively broadly and generally to restrict freedom of expression»* He also criticized Law No. 6532, which grants the National Intelligence Organization (MIT) access to personal data without a court order and, according to Article 3, gives MIT the authority to collect information, documents, and data from public institutions, financial organizations, and entities with or without legal grounds.

40. Similarly, various UN press releases, statements from international and national civil society organizations, as well as the Council of Europe and the European Union at various times, consistently emphasize the need for Türkiye to respect freedom of opinion and expression. The recommendations put forward at the third cycle of the Turkish Periodic Review in January 2020 have not been implemented.

41. Since the AKP came to power, around 1,000 journalists have been arrested. According to the 2022 media report by the Contemporary Journalists Association's Media Monitoring Commission, at least 174 cases related to journalists and media outlets were heard in 2022. In these cases, 263 journalists were tried; at least 52 journalists were sentenced to a total of 92 years, 11 months, and 15 days of imprisonment plus fines. Additionally, 61 journalists were attacked or detained while performing their duties. [11]

42. The basis for prosecutions against the Kurdish press, politicians, and artists is clearly rooted in journalistic activities, freedom of information, and freedom of opinion and expression. Reporting on press releases, publishing interviews or covering human rights violations committed by security forces are presented as evidence of participation in "terrorist organization" activities.



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43. Most of these cases are based on specific expressions, possession of newspapers and magazines, computer records, phone taps, and secret witness statements. On 7 June 2022, an operation targeting Kurdish media institutions was conducted, resulting in the detention of 30 journalists. After an eight-day detention period, 16 journalists were arrested.

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44. According to data from the Human Rights Foundation of Türkiye (TİHV), 84 journalists were detained, 19 were arrested, one journalist was deported, and one journalist was denied entry into Türkiye in 2023. As of 4 December 2023, at least 41 journalists were in prison. This number reached approximately 70 during the first five months of 2024. According to TİHV Documentation Center's data, in the first 11 months of 2023, 3,446 contents and 362 sites were blocked. Due to social media posts, 1,731 people, including four children, were detained, 457 were arrested, and 29 were released under judicial control. Additionally, during this period, 43 channels were fined administratively, 38 programs were suspended, and one channel was suspended for seven days. There were also raids on a publishing house, a production company, and a newspaper office. Eight books were ordered to be confiscated, and two children's books were restricted. Twenty-eight artists were tried in cases opened against them.

45. Over the twelve months preceding May 2023 dual presidential and single parliamentary elections, operations were conducted against lawyers, politicians, and journalists. The Mapping Media Freedom database recorded 27 warnings affecting 91 Kurdish journalists, media workers, or organizations in the last 12 months. These warnings mostly resulted in arrests, detention, imprisonment, prosecutions, and convictions. At that time, Human Rights Watch and the International PEN, along with 26 international NGOs, issued a statement demanding an end to the pressures on the Kurdish press.



46. The most recent operations against the Kurdish press were conducted before and after the March 2024 local elections. When the AKP governmental party did not achieve the desired results, the pressures on Kurds increased more than ever. Before the municipal elections, President Erdoğan, during a rally in Diyarbakır, stated «*I have not forgotten that you gave 70% of the vote to the opposition presidential candidate in the presidential elections*» signaling his intentions after the elections. On 23 April 2024, police raids were carried out in Istanbul, Ankara, and Şanlıurfa against journalists from the pro-Kurdish Mezopotamya News Agency and Yeni Yaşam newspaper, resulting in the detention of nine journalists. The detainees were denied access to their lawyers for 24 hours. A confidentiality order was placed on their files, but based on previous experiences, it is believed that their reporting and interviews are being used as grounds for accusations of terrorism propaganda.

47. Repression against individuals for their opinions is not limited to the press. Members of political parties, parliamentarians, and associations and groups carrying out democratic actions are also targeted. Social media posts criticizing the presidency and state administration also lead to prosecutions.

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HUMAN RIGHTS VIOLATIONS IN DETENTION CENTRES

48. According to the official website of the Directorate General of Prisons and Detention Houses, as of 1st July 2024, there are 272 closed penal institutions, 99 independent open penal institutions, 4 juvenile training centres, 11 women's closed penal institutions, 8 women's open penal institutions and 9 juvenile and youth closed penal institutions in Türkiye, totalling 403 penal institutions with a capacity of 295,328 people.



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49. As of 1st July 2024, a total of 342,526 people were being held in these detention centres, including 14,530 women, 3,214 children, and 5,018 people over 65 years old. [12]

50. Article 10 of the International Covenant on Civil and Political Rights states that *«All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person»*. Similarly, Article 1 of the UN Basic Principles for the Treatment of Prisoners states that *«All prisoners shall be treated with the respect due to their inherent dignity and value as human beings»*. Similar provisions exist in Turkish penal and enforcement laws.

51. Reports from the Human Rights Association (IHD), the Freedom for Lawyers Association (ÖHD), the Human Rights Foundation of Türkiye (TİHV), and interviews with some detainees' families reveal that physical assaults, threats, beatings, strip searches, ill-treatment during cell searches, racist and discriminatory approaches, death threats, torture, and forced transfers to solitary cells are common. There are also reports of forced standing in military formation, violations of health and medical treatment rights, arbitrary bans and practices. Unable to find a solution to their problems, prisoners are forced to resort to hunger strikes and death fasts in response to unbearable human rights violations.

52. One of the most serious problems during this period has been the practice of strip searches and inspecting prisoners' mouths during searches. Prisoners who refuse to undergo strip searches are subjected to torture, their clothes are torn, and they are forcibly stripped. Prisoners are asked to kneel and those who refuse are subjected to physical assault and torture. Additionally, prisoners are prosecuted for resisting prison staff and their complaints are dismissed with the response "no grounds for prosecution", effectively closing their cases. Although Türkiye claimed during the July 2024 examination by CAT that it had changed strip searches to "detailed searches" in the law, the practice remains exactly the same.

OBSERVATION AND CLASSIFICATION BOARDS



53. On 29 December 2020, a regulation on "Observation and Classification Centres and the Evaluation of Convicts" entered into effect, establishing Boards that evaluate the "good behaviour" of prisoners every six months. Those Boards are chaired by the institution's director and include the deputy director, administrative officer, prison doctor, psychiatrist, psychologist, social worker, teacher and chief guard. The Boards evaluate whether a prisoner had a good behaviour or not, effectively acting as a court deciding whether they can benefit from conditional release and supervised freedom.

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54. According to statements from prisoners' families and prisoners whose releases have been postponed, the observation boards make abstract and subjective comments in their evaluations of prisoners. They demand expressions of regret from political prisoners. Since the regulation came into effect, 384 convicts have had their conditional release and parole postponed by the decisions of the Observation Boards.

55. Observation Boards often cite disciplinary penalties as the legal basis for postponing release decisions. Prison administrations initiate disciplinary investigations by recording reports in response to any demand for respect of rights or reactions against violations of rights. Sometimes even greeting one another in Kurdish, singing Kurdish songs, or dancing a traditional Kurdish "halay" are interpreted as "organizational communication", "propaganda for an organization," or "slogan shouting", leading to disciplinary investigations.

56. Sharing rights' violations experienced in prisons with families, civil society organizations or lawyers is considered a crime and can result in further investigations. According to families' accounts, in some prisons, inmates are subjected to oral cavity searches during social activities, trips to the infirmary, transfers to the hospital,



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during roll call, or searches. Seriously ill prisoners are handcuffed during medical examinations when taken to the hospital. In some prisons, inmates are forced to undergo strip searches and refusal of this humiliating practice can be used as a basis for disciplinary investigations.

57. Disciplinary penalties can result in solitary confinement, placement in padded cells, isolation from family and lawyers, and prevention of weekly phone calls for arbitrary period. The most critical issue is that Observation Boards use these investigations and penalties as grounds to revoke convicts' sentences and strip them of their supervised freedom rights. Even seriously ill prisoners, with only one year left of their sentences and good behaviour, are sometimes subjected to arbitrary treatment and their sentences are extended.

58. This policy is most strictly applied in Imrali Island Prison against Abdullah Öcalan, Ömer Hayri Konar, Veysi Aktaş, and Hamili Yıldırım, who are serving their sentences since 15 February 1999. In many occasions, Abdullah Öcalan has faced interruptions in his meetings with lawyers and family for various reasons. However, since 25 March 2021 he hasn't had any contact with his lawyers and his family; no news has been received from him and the three other prisoners in Imrali.

59. During July 2024 CAT session, Turkish officials cited the disciplinary penalties imposed since March 2024 as the reason for this. When CAT members asked whether continuous disciplinary penalties had been applied for four years, the Turkish delegation did not replay. The treatment undergone by Abdullah Öcalan, Hayri Konar, Hamili Yıldırım, and Veysi Aktaş constitutes a form of torture.

60. Some Kurdish political prisoners whose sentences expired during the period under review (after May 2020) are still being held in prison as a result of disciplinary measures taken by their respective Observation Boards.

61. A significant number of deaths, as a result of the repression of Kurdish prisoners (see Annex 2), is a very worrying phenomenon observed in Turkish detention centres.



AGGRAVATED LIFE IMPRISONMENT (WITHOUT PAROLE)

62. In 2004, the death penalty was entirely abolished in Türkiye, and aggravated life imprisonment was introduced instead. Article 5275 of the Law on the Execution of Penalties and Security Measures regulates the execution of life imprisonment without parole. However, it is applied differently to political prisoners than to other convicts.

63. Political prisoners face excessive measures, including being held in solitary confinement. If they have not received any disciplinary penalties, they are allowed out for one hour a day. Disciplinary penalties are applied arbitrarily. Political prisoners sentenced to aggravated life imprisonment under Article 5275 of the law are confined to high-security prisons, in solitary confinement for the rest of their lives and will never regain their freedom. In contrast, those sentenced to life imprisonment for other crimes may be released after 24 years and those sentenced to aggravated life imprisonment may be released after 30 years, based on the decision of the prison's Observation Boards.

64. This law is commonly referred to as the "Öcalan Law". All violations and unlawful regulations developed against prisoners in Türkiye were first applied to Abdullah Öcalan.

65. As long as the problem was centred on Öcalan, there were no reactions against these measures, either domestically or internationally. The Turkish government took advantage of this silence in order to apply the same practice to all Kurdish political prisoners. All the legal abuses and human rights violations initiated against Öcalan have thus become standard practice. This law, introduced to ensure that Abdullah Öcalan (imprisoned in Imrali Island Prison since 1999) spends the rest of his life in prison, has since been applied to all those sentenced to aggravated life



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imprisonment. It not only extinguishes any hope of liberation but also constitutes a form of torture.

66. In its Concluding Observations on the fifth periodic report of Türkiye[13], the CAT invites Türkiye to « *consider revising the Penal Code and Law No. 5275 on the Execution of Penalties and Security Measures to abolish the penalty of aggravated life imprisonment.* » Furthermore, the Committee stresses that « *In this regard, the State party should ensure that prisoners serving life sentences have the prospect of release or a reduction in their sentence after a reasonable period of time.* ».

FORCED DISPLACEMENT IN KURDISH AREA

67. The above mentioned 2017 report of the OHCHR relates that 355,000 people were displaced due to Turkish security forces' operations in South-eastern Türkiye, with approximately 35,000 homes destroyed in Sur alone. The report highlights severe human rights violations. The High Commissioner's request to visit the region was denied by the Turkish government. Those responsible for these serious human rights violations were not only left unpunished but were also rewarded, while Kurdish politicians were prosecuted.

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68. Since Türkiye has invaded and illegally occupies a strip of 300 km. long and 30 km. large along the Turkish border in North-East Syria, numerous and serious human rights violations have been reported by the UN Commission of Inquiry on Syria, by some civil society organizations and the press. Reports from Northern Iraq (particularly in Kurdish regions) seem to indicate that Türkiye is also responsible of similar violations there. According to the said Commission, Turkish-backed forces abduct, rape and disappear Kurds or ransom them back to their families.

69. Türkiye, by completely occupying Afrin, Grespi, and Serekaniye in Northern Syria, displaced around 400,000 Kurds, forcing them to



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settle in a barren area of Shehba. The homes forcibly abandoned by the Kurdish families have been given to Arab Syrian families coming from the refugee camps in Türkiye. The properties and assets of the Kurdish people were confiscated and the names of municipalities and settlements in these areas were changed. The Turkish-backed military forces apply pressure policies against the Kurds.

70. Since the 1990s, Türkiye has established military bases in Northern Iraq under the pretext of security policies. Reports also indicate that in Türkiye's operations in Northern Iraq, people have been forced to leave their homes. With the support of the Kurdistan Democratic Party and the silence of the Iraqi government, the Turkish security forces have committed human rights violations in Northern Iraq.

71. Türkiye bombs residential areas under the pretext of "fighting terrorism" and conducts military operations and forces villages to be evacuated. Türkiye's bombing of Perex village on 20 July 2022, led the Iraqi government to appeal to the UN Security Council, which condemned the attack.

72. In 2022, Iraqi Chief of General Staff Abdulemir Yarela stated in a special session of the Iraqi Parliament that as of 2022, Türkiye had around 100 military bases and approximately 4,000 soldiers in Northern Iraq. As a result of joint efforts by Türkiye and the Kurdistan Democratic Party, 85 villages were evacuated in Kurdish regions. Between 14 April 2022 and 14 July 2022, Türkiye carried out 2,574 airstrikes and 1,933 helicopter bombardments.

73. Türkiye military and security forces serious and numerous violations of human rights in the Kurdish area (in Türkiye, Syria and Iraq) may amount to war crimes and crimes against humanity, which at the moment are ongoing with impunity. Türkiye has not adhered to the Rome Statute.

RECOMMENDATIONS

74. In the light of the facts outlined above, MRAP and Kurd-CHR recommend that Türkiye:



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i. fully respects the provisions of the Treaties it has adhered to and implement the Committees' recommendations;

ii. implements July 2024 CAT recommendations, including amending the Anti-Terror Law and abolishing Article 5275 of the Law on the Execution of Penalties and Security Measures, particularly the provisions related to aggravated life imprisonment and disciplinary offenses;

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iii. adheres to the Convention for the Protection of All Persons from Enforced Disappearance and makes the declaration provided for in Article 32;

iv. gives immediate access to lawyers and family members of detainees held in solitary confinement in Imrali Island prison (Abdullah Öcalan, Ömer Hayri Konar, Hamili Yıldırım, and Veysi Aktaş),

v. guarantees the constitutional protection of identity, language, and cultural rights for minorities and other ethnic groups to freely express themselves;

vi. amends Article 3 of the Constitution in order to ensure that all ethnic groups can receive education and conduct their affairs in their native languages;

vii. takes the necessary measures to stop the use of torture in the detentions centres and ensures independent and impartial investigations of all allegations involving the torture and other ill or inhuman treatment of prisoners;

viii. fully implements the standing invitation made in March 2001 to the Human Rights Council's special procedures and respect the 2016 terms of reference for country visits;



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- ix. puts an end to the cross-border operations in North-East Syria and Northern Iraq and withdraw from those territories;
- x. adheres to the Rome Statute of the International Criminal Court;
- xi. considers engaging in a constructive dialogue with Kurdish representatives, including Abdullah Öcalan, in order to find a peaceful solution to the Kurdish issue.

[1] <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2709&MevzuatTur=1&MevzuatTertip=5>

[2] https://www.ohchr.org/sites/default/files/Documents/Countries/TR/OHCHR_South-East_TürkiyeR_eport_10March2017.pdf

[3] https://www.ohchr.org/sites/default/files/Documents/Countries/TR/2018-03-19_Second_OHCHR_Türkiye_Report.pdf

[4] In particular those of the Human Rights Committee and the Committee Against Torture (CAT)

[5] <https://www.coe.int/fr/web/commissioner/-/t%C3%BCrkiye-reverse-a-critically-hostile-environm ent-for-freedom-of-expression-and-for-journalists-human-rights-defenders-and-civil-society>

[6] <https://www.ihd.org.tr/wp-content/uploads/2022/06/OHAL-KHKlar%C4%B1-Raporu.pdf>

[7] <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2911&MevzuatTur=1&MevzuatTertip=5>

[8] <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>

[9] <https://www.kurd-chr.ch/earthquakes-and-human-rights-violations-in-Türkiye/>

[10] [1.5.3713.pdf \(mevzuat.gov.tr\)](#)

[11] <https://www.paraanaliz.com/2023/genel/turkiyede-gazetecilik-raporu-20-yilda-tutuklanan-gazet eci-sayisi-848-g-44814/>

[12] <https://www.ihd.org.tr/marmara-bolgesi-hapishaneleri-hak-ihlalleri-raporu-nisan-mayis-haziran-2024/>



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[13] CAT/C/TUR/CO/5