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Violations of Human Rights in Turkey in 2016: De Facto Authoritarian Presidential System

2016 was the worst year for human rights in Turkey since the negotiations between the EU and Turkey began in 1999. 2016 was the year in which the government suspended democracy by means of a de facto presidential system resulting in authoritarian rule. The human rights situation in Turkey also drastically worsened in 2016 in almost every category of human rights. These developments, of course, stemmed from a number of factors. Most importantly, Turkey's aggressive anti-Kurdish and anti-Shia policy stance both domestically and in the region has effectively generated an environment of conflict and hostility discouraging Turkey from investing any real efforts in resolving the democracy and human rights problem. The application of this intentionally hostile policy enforced through de facto authoritarian rule lead up to the failed coup attempt on July 15, which was swiftly suppressed and prompted a harsh, reactionary anti-coup response. The ensuing declaration of a State of Emergency and the issuing of numerous Emergency Statutory Decrees enabled the previously de facto authoritarian rule to gain constitutional backing. **Thus, the campaign for a constitutional referendum to enact major constitutional changes essentially represents an effort to embed the currently operating de facto principles of authoritarian rule in the constitution.**

2016 was a year in which Turkey was governed through the assertion of power, in which the fundamental rights and freedoms of the people were suspended under the auspices of establishing order in a State of Emergency.

In order for the de facto Presidential system to be implemented, the government cracked down on any and all dissent. The Turkish Grand National Assembly was effectively bypassed, especially the HDP as the third largest party in parliament. The HDP was essentially exiled from parliament, with 13 HDP members of parliament, including the two party co-leaders, taken into custody and arrested. 84 co-mayors belonging to the HDP-aligned DBP were removed from their posts, and their municipal administrations were seized by the state. 83 HDP co-mayors and 135 HDP provincial and district co-heads were arrested, while legal pressure on political activists mounted. The crackdown on dissent in Turkey has reached such an extent that at the time this report is being compiled, the number of those imprisoned is in the thousands.

These actions taken against democratically elected members of parliament and government officials demonstrate that the legal protections guaranteed under the constitution do not apply to Kurds and those standing in opposition to the state, representing a blatant act of discrimination in the application of justice. The judicial branch, as the guarantor of human rights protected under the constitution and in accordance with International Human Rights Conventions, has been rendered ineffective under political pressure from which it can no longer insulate itself. The right to legal protection under the law no longer exists in Turkey.

Human Rights Association (IHD) is a non-governmental, independent and voluntary organisation. Established by 98 human rights defenders in 1986, the Association has 31 branches, 5 representation offices and 8108 members. Being the oldest and largest human rights organisation in Turkey, IHD's "sole and specific aim" is to conduct activities on human rights and freedoms.

2016 featured the enforcement of extremely harsh round-the-clock curfews in predominantly Kurdish cities, and **in Cizre especially the violation of citizen's right to life reached the severity of constituting a crime against humanity.** Human Rights Organizations investigating and reporting on these developments have been targeted by the state and placed under judicial and administrative investigation. However, due to efforts of human rights organizations in Turkey and abroad, the situation has been brought to the attention of the **Office of the UN High Commissioner for Human Rights** which has been following all developments closely and the situation in Turkey has been brought to attention of the international community.

The Council of Europe Commissioner for Human Rights, the Office of the UN High Commissioner for Human Rights, and the Venice Commission of the Council of Europe have produced a number of reports concerning human right violations in Turkey in 2016. Additionally, the Council of Europe and the European Union have discussed the situation through various political channels. Despite the fact that the Council of Europe, the EU and the UN have utilized their institutional mechanisms to a certain degree in order to produce reports concerning the violation of human rights and humanitarian law in Turkey, these mechanisms have not been sufficient in producing effective, preventative or intervening results. This limited international response has enabled these human rights violations by further emboldening the Turkish state in pursuing its policies. In this sense, the year 2016 has demonstrated the apparent downfall of the mechanism of International Human Rights system in providing an adequate response to these developments in Turkey.

A politics of impunity during the course of 2016 has also enabled the state to enact these aggressive violations of rights through the generation of de facto unconstitutional conditions. The Governorship and District Governorship of various provinces have been pressured to issue and enforce curfews for months on end according to state directives, despite the fact that the state is granted no such express authority or jurisdiction in the 5442 numbered Provincial Administration Code, indicating conditions outside the bounds of the law. The lack of adequate investigations concerning rights violations implicating government officials has further emboldened the proliferation of these violations. The ruling AKP authority has further solidified these conditions of impunity through the passing of code 6722. According to code 6722 announced on 14 July, 2016 through the Official Gazette, all investigations concerning rights violations committed by military and state security personnel must receive special approval, representing the codification of impunity into law. An examination of the events of 2016 reveals just how grave these violations are and reveals the pervasive extent to which impunity has been firmly established. The extent of impunity in Turkey is aptly summarized by the public torture and maltreatment of those thousands who were implicated in the failed coup attempt, the images of which were widely circulated and broadcasted by state news agencies and TV stations.

The only remedy for this situation of gross human rights and humanitarian law violations is for Turkey to push for a renewed ceasefire process which necessitates the adoption of a peaceful stance on the part of all conflicting parties. This may seem to be an odd prescription but it would be highly unrealistic to expect the human rights situation in Turkey to improve within a context of conflict and war. For this reason, conflict and war must first be brought to an end. The policies of previous state administrations have demonstrated the utter failure of a war-oriented policy, revealing the pressing need for the Turkish state to make peace with its own Kurdish citizens as well as its Kurdish neighbours in Iraq and Syria. Turkey's current political nation-state ideology has been unable to resolve conflict in the past and only continues to exacerbate it. An examination of Turkey's historical past as well as its sociological structure reveals that Turkey needs to adopt a different administrative system which will can more adequately accommodate for ethnic and religious diversity. Instead of a decentralized administrative model, the recent developments toward a centralization of political power in the hands of one individual under the Turkish-styled presidential system will only further generate instability. In this sense then, as defenders of human rights we would like to emphasize the importance of defending the right to peace and the indispensability of mentioning peace even in times of increased conflict. We believe Turkey can achieve peace by abiding by the values present in the declaration written by Abdullah Öcalan in the İstanbul Dolmabahçe Prime Minister's Office on February 28, 2015.

The numerous rights violations committed in 2016 in a sense represent the kind of political climate generated in Turkey under a de facto presidential system. Thus, 2016 also serves as a warning of what the democratic public can expect to occur under a formalized Turkish presidential system.

THE RIGHT TO LIFE

2016 witnessed a host of very serious human rights violations, with extra-judicial executions at the forefront. The killing of civilians during the strict enforcement of curfews, the deaths of civilians resulting from attacks staged by illegal armed organizations in urbanized areas, and the targeting, bombing and killing of civilian demonstrators during the course of the July 15 coup attempt all demonstrate that the constitutionally protected right to life is functionally not protected in Turkey, and that often state forces are implicated in these serious rights violations.

We want to stress the fact that the death penalty, frequently referenced by the political authorities cannot be reinstated, but unfortunately the prospect of the death penalty has even transcended its function as an instrument of political exploitation in discussions surrounding the constitutional changes proposed in the constitutional referendum. The death penalty is the exercise of state violence in violation of the right to life, and simply represents a willful act of state-sanctioned murder by another name. The right to life is the first and foremost right which must be protected. The state's application of the death penalty as a punishment establishes a point of no return and enacts harm which cannot be undone, fundamentally devaluing human life. As a result, those in defence of human rights must be strongly opposed to the death penalty. Additionally, given the fact that Turkey has ratified additional protocols numbered 6 and 13 of the European Convention on Human Rights as well as additional protocol number 2 of the UN Convention on Civil and Political Liberties, the reinstatement of the death penalty in Turkey would absolutely suspend any prospects for Turkish membership in the European Union and the European Council. The legal, political, and economic consequences of this move would be very grave. Additionally, prosecution and punishment cannot be applied retrospectively. Countries applying such a judicial practice would find themselves alienated from the modern world. As such, the prospect of reinstating the death penalty has very serious implications stretching far beyond its utility as an instrument of political exploitation.

The violent conflict taking place in the predominantly Kurdish-populated East and Southeast of Turkey constituting the region of Kurdistan in Turkey needs to be examined within the framework of humanitarian law and represents a situation in which Article 3 of the Geneva Conventions needs to be directly applied. The examples from other international court rulings support this assertion.

Developed per curiam after the Criminal Tribunal of the Former-Yugoslavia's Boskoski Decision (Prosecutor v. Boskoski, Ljube, Tarculovski, Johan), the court outlined a thorough inventory of indicative factors regarding the criteria for the "degree of conflict" and the "degree of organization for an armed group." For the degree of conflict, these indicative factors include the seriousness of attacks, the geographic dispersal and duration of conflict, the number of civilians forced to flee due to conflict, the weapons used, the kind of heavy weaponry used, including tanks and other military equipment, the number of injuries and casualties as a result of conflict, the number of deployed soldiers and armed individuals, etc. For the degree of organization for an armed group, these indicative factors include the presence and operation of a command structure within the armed group, ability to organize operations in a structured fashion, the extent of logistical and disciplinary sophistication, and finally the capacity to meet the obligations outlined in Article 3 of the Geneva Conventions in addition to the armed group's stance toward the Convention. On careful examination of the conflict in Turkey according to these criteria, it is clear that the conflict in Turkey constitutes a "Conflict not of International Character" as outlined in Article 3 of the Geneva Conventions.

The European Court of Human Rights' Decision in the case of Benzer And Others v. Turkey on December 12, 2013 demonstrated this point in a categorical fashion. Turkey was found guilty in this case concerning the incidents of March 26, 1994 involving the bombing of the Kuşkonar and Koçağlı

villages in the province of Şırnak by Turkish air forces resulting in the death of 38 people. In this case, the European Court of Human Rights decided that Turkey was in violation of humanitarian law according to Article 3 of paragraph 89, the section of paragraph 90 relating to norms surrounding the use of force and arms according to the rules and norms of the UN, and according to paragraph 184 developed based on the Isayeva/Russia Court Ruling. Thus, it was ruled that the indiscriminate use of force and bombardment of villages inhabited by civilians was unacceptable in a democratic society, and that as a result Turkey had violated International norms and humanitarian law concerning the use of force in armed conflict.

Internal armed conflict remains the leading cause behind the violation of the right to life in Turkey. We would like to stress the fact that the proliferation of these violations could be combatted through a rigorous application of humanitarian law.

The domestic security package passed in 2015 along with the Law on Police Powers has significantly expanded the authorized use of force by security forces, and the increased incidents of extrajudicial executions attest to these expanded powers. These amendments and the code numbered 6722 must be revised and impunity must be brought to an end immediately.

TORTURE AND MALTREATMENT

In order to swiftly identify the culprits behind the July 15 coup attempt, investigations were initiated immediately, resulting in the arrest of thousands of soldiers and civilians. **However, the images documenting the arrests circulated by the media depicted individuals with physical signs of injuries and bruises on their faces and bodies, handcuffed behind their backs, often stripped naked, lying face down, while others were shown being held in a barn.** This situation raises grave concerns.

By signing the United Nations Convention Against Torture, Turkey has recognized the authority and supervisory power of the UN Committee Against Torture (UNCAT) and **in May 2016, UNCAT considered the fourth periodic report of Turkey and adopted concluding observations which include series of warnings, recommendations and suggestions.** According to reports adopted by UNCAT through trusted sources concerning the recent torture and mistreatment of individuals detained by law enforcement officers, in the Recommendations section of its report, the Committee expressed its concerns regarding these recent developments and reminded Turkey of the **absolute prohibition of torture in accordance with the 2nd paragraph of the 2nd Article of the Convention Against Torture which stipulates that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”** This cautionary reminder issued by the Committee has become even more relevant under the current exceptional conditions.

Additionally, while incoming and outgoing medical examinations need to be conducted at official health facilities in order to adhere to international standards, medical exams were conducted at police stations and other locations, citing the extraordinary circumstances surrounding the state of emergency. Medical personnel were accordingly required to conduct these examinations outside of official health facilities.

Following the Council of Europe Human Rights Commissioner’s visit to Turkey between April 6-14, 2016, the report released on December 2, 2016 titled “Memorandum on the Human Rights Implications of Anti-Terrorism Operations in South-eastern Turkey” cited allegations of torture and maltreatment similar to those cited in the UN Committee report.

In 2016, 1458 people claimed to have been subjected to torture while in custody and other contexts. However, this number does not include those who were detained and arrested after the July 15 coup attempt. The state media and TV coverage of the assaults on hundreds of individuals demonstrates just how troubling the human rights situation is.

Impunity remains the largest obstacle in combatting the practice of torture. The operation of impunity enabling the practice of torture stems from a variety of factors, including the failure to conduct official investigations into culprits, the tendency for investigations to turn into de facto prosecutions, the tendency of the courts to avoid charging the culprits of torture, and instead apply charge with less severe sentences, the failure to implement sentences for those charged with torture, and the intentional delay of sentencing in cases involving torture.

According to the Statutory Decrees under the State of Emergency, the duration of custody was extended to thirty days and detained individuals were prohibited from meeting with their attorneys during the first 5 days of their detainment. The right to legal defence was severely restricted during the course of detainments and arrests, and while attorney-client meetings should be privately conducted, these meetings were filed on record, representing a serious breach of the right to legal defence. These obstructions of justice laid the groundwork for the proliferation of torture and maltreatment. On January 23, 2017, the duration of custody was lowered to 14 days and the prohibition of access to legal counsel during the first 5 days of detainment was lifted. However, we would like to point out that 14 days remains unreasonably lengthy and also diverges from international standards.

THE KURDISH ISSUE

The June 7, 2015 General Elections marked the end of a commitment to the peaceful resolution of the Kurdish issue, perhaps the most pressing human rights and democracy issue in Turkey. The aftermath of the General Elections featured a return to the conditions of 90s in Turkey, characterized by widespread human rights abuses. The curfews enforced unlawfully in predominantly Kurdish districts and provinces, the denial of civilian access to basic necessities such as electricity, water, food, and medical supplies, the restriction of communications and news sources in the region, the application of advanced warfare methods by security forces, and the deaths of many civilians including men, women, and children of all ages have been particularly concerning. The application of these extraordinary conditions of warfare for extended periods of time has resulted in the total destruction of the social and economic life of these regions.

The most serious human rights violations of 2016 were undoubtedly committed during the course of curfews in Southeast Turkey. According to data collected by the Turkey Human Rights Foundation;

Between the dates of August 16, 2015 when the first curfew was announced and January 31, 2017 constituting a period of 18 months, curfews were declared in Diyarbakır 100 times, Mardin 23 times, Hakkari 19 times, Şırnak 13 times, Bitlis 4 times, Batman 3 times, Muş 2 times, Bingöl 2 times, Tunceli 2 times, and Elazığ 1 time, spanning a total of 10 provinces and at least 39 districts. The longest officially recorded non-stop round-the-clock curfew lasted a total of 169 days.

Based on the 2014 census data collected before the initiation of the curfews, it is estimated that a minimum of 1 million 809 thousand people have been impacted by these operations in terms of having their fundamental rights to life and health violated.

Considering the application of curfews and the resulting consequences as a whole, starting from December 14, 2015 we can observe a steady increase in the intensity and severity of the curfews, in terms of their enforcement, the expansion of regions impacted, the extended length of curfews as open-ended, the structure of the military dispatches, and the extensive use of heavy artillery and military weaponry in residential areas, along with the judicial processes developed to support these conditions. During the course of these curfews, very serious violations of human rights and humanitarian law were committed. İHD along with other human rights advocacy groups have produced a number of reports concerning these violations. We would like to stress the fact that a significant number of the 536 extrajudicial killings committed during 2016 occurred during the course of the curfews.

An estimated minimum of 500 thousand people have also been forcibly displaced as a direct result of the curfews and accompanying blockading of the affected districts and provinces.

In response to the request for review submitted by the Presidency of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, the European Commission for Democracy Through Law (Venice Commission) released a report on June 13, 2016 concerning the curfews in Turkey, titled "Opinion on the Legal Framework Governing Curfews." This report clearly indicated that the application of curfews did not rest on any solid legal basis.

The HDP and BDP parties also faced intense pressure from the authorities in 2016, following the abolition of parliamentary immunity, the declaration of a State of Emergency and the ensuing Statutory Decrees.

Thirteen HDP members of parliament, including the two party co-leaders, have been arrested and sent to prison while 84 co-mayors belonging to the HDP-aligned DBP party were removed from their posts, and their municipal administrations were seized by the state. 83 HDP co-mayors and 135 HDP provincial and district co-heads were arrested, while legal pressure on political activists has mounted. The crackdown on dissent in Turkey has reached such an extent that at the time this report is being compiled, the number of those imprisoned is in the thousands.

As an organization, İHD has always supported a peaceful and democratic resolution to the Kurdish issue in Turkey. As a result we call for a swift and immediate end to violent conflict. We call for a ceasefire on both sides of the conflict. We call for a strengthening of ties so that the hurdles to a ceasefire can be overcome, including greater oversight and reciprocal behaviour on both sides.

We support the February 28, 2015 dated Dolmabahçe Agreement, and we support the implementation of the agreement conditions.

We call on the state to release Abdullah Öcalan from isolation as a gesture towards resolution, to develop the appropriate administrative legal, and political groundwork for peace, and reinstate ceasefire negotiations as soon as possible.

We believe a world and a Turkish Republic distancing itself from war and embracing peace will be built upon a sincere respect for human rights. We call on Turkey to abandon the Middle East foreign policy it is attempting to implement, and instead respect the right of nations to determine their own future by recognizing the territory of Rojava and establish friendly relations with their neighbours.

The campaign to alienate the HDP from politics must be brought to an end, and all of the imprisoned HDP members of parliament including the Co-leaders, mayors, and politicians must be released from custody immediately.

We request Turkey to withdraw from its anti-Kurdish, Nusayri, and Alevi foreign policy in the Middle East, and to commit to effectively combatting the jihadist ISIS organization which has been behind a number of massacres in Turkey during 2015 and 2016.

FREEDOM OF THOUGHT, EXPRESSION, AND BELIEF

The freedom of expression is a fundamental prerequisite for democracy. It would be meaningless to reference democracy in a country where the freedom of expression is prohibited and restricted. Unfortunately, under the increasingly de facto authoritarian presidential model, the extent of the freedom of expression in Turkey has reached an extreme low.

The regulations regarding the freedom of press and expression in Turkey are not compatible with supranational regulations in this regard, and the free exercise of these rights are restricted by a number of legislative mechanisms, including constitutional restrictions, 17 laws, the bylaws of the Grand National Assembly of Turkey, and the Statutory decrees enacted after the July 15 coup.

Legislative restrictions include the following;

- 1) Constitutional Restrictions
- 2) Law No. 5237 The Turkish Penal Code Law
- 3) Law No. 5816 on Crimes Against Atatürk
- 4) Law No. 3713 Counter-Terrorism Law
- 5) Law No. 6112 on Radio and Television Organizations and Broadcasting Services
- 6) Law No. 5651 on Regulating Broadcasting in the Internet and Fighting Against Crimes Committed through Internet Broadcasting
- 7) Law No. 2820 on Political Parties
- 8) Law No. 1117 Protection of Minors against Harmful Publications
- 9) Law No. 5187 Publication Law
- 10) Law No. 5682 Passport Law
- 11) Law No. 6458 on Foreigners and International Protection
- 12) Law No. 2935 State of Emergency Law
- 13) Law No. 2911 Demonstrations and Public Meetings Law
- 14) Law No. 5442 Provincial Administration Law
- 15) Law No. 2559 Police Jurisdiction and Authority Law
- 16) Law No. 1632 Military Penal Code
- 17) Law No. 5275 On The Execution of Penalties and Security Measures

The areas in which the freedom of expression is restricted according to the aforementioned regulations include the following:

- 1) Printed and Visual Media (Publication, Broadcasting, Television, Online Platforms)
- 2) Non-Governmental Organizations, Civil Society Organizations, Professional Associations, Unions and Confederations, Political Parties and Political Organizations
- 3) Assemblies and demonstrations,
- 4) Students and Teachers, University students and Professors
- 5) Cinema, theatre, public performances and other visual art fields
- 6) Books, magazines, brochures, posters
- 7) Regulations impacting provincial administration include the State of Emergency regulations and Martial Law regulations

An additional issue is the absence of a specified, normalized structure for media ownership and funding.

We must also point out that regulations in Turkey place restrictions specifically on the access to information and verifiable truth.

We can observe for example, references to the term “secret” in 32 different laws, as well as references to the words “confidentiality,” “prohibited,” and “unaccountable” in 60 different laws. **These legal structures are problematic in terms of hindering the access to information, news, and verifiable truth.**

According to the Parliamentary bylaws, Article 105/5 establishes the following parameters for parliamentary investigations: "State and trade related secrets remain beyond the scope of parliamentary investigation."

However, the notion of “state secrets” and what this constitutes is not articulated anywhere in the law. **In**

practice, a state secret becomes whatever a particular state agency wishes to confer this title upon.

Thus, the restricted capacity to exercise the freedom of expression is one of the central structural problems in Turkey.

The newspapers Özgür Gündem and the only Kurdish newspaper Azadiye Welat have been closed down, because they featured stories and opinion pieces regarding the Kurdish issue in Turkey. The Cumhuriyet newspaper has been subjected to extensive state pressures by means of arrests and court cases opened against them. Ten journalists from the Cumhuriyet newspaper currently remain arrested. A great number of TV stations broadcasting Kurdish content and content concerning the Kurdish issue have also been shut down. The left-leaning TV station called Hayat TV, devoting much of its broadcast material to issues concerning worker and labourer rights, has been shut down as well. There are numerous other examples.

2016 featured a host of serious violations in the area of the freedoms of expression and belief, and the extent of state pressure and control over the media reached an alarming level. The Statutory Decrees issued under the State of Emergency have essentially vested the government with the power to deny the freedom of expression upon whim. This year has also featured the opening of criminal cases and arrests of journalists, writers, human rights activists and others. Magazines and books have been rounded up, newspapers have been closed down, and opposition newspaper headquarters and their journalists have been subject to police raids and de facto assaults. Since February 2017, a total of 152 journalists have been arrested, and 17 of them held tenured, editorial positions, demonstrating just how troubling the current situation is.

The campaign to secure equal citizenship rights for Alevi citizens was not taken up by the authorities in 2016. The decision made by the European Court of Human Rights requiring Turkey to abolish mandatory religion courses and to recognize Cemevi's as official places of worship have not been sufficiently implemented.

Alevis, Christians and Jews have been subjected to threats and hate speech by radical racist Sunni hate groups.

Additionally, the failure to recognize the right of conscientious objection remains a pressing human rights violation.

THE COUP ATTEMPT AND STATE OF EMERGENCY

After the July 15 coup attempt, Turkey comprehensively entered a period of administration determined under a State of Emergency. Coups and coup attempts are an indication that a society has been unable to face and account for its past, resulting in an inability to achieve democratic progress. One of the reasons Turkey seems to be perpetually embroiled in tension and violent conflict is a refusal on the part of political authorities to abandon monolithic nationalist ideologies and militarism. The coup attempt led to the deaths of 246 civilians and left 2194 people injured. Coups and Coup attempts must never be considered either legal or legitimate. As İHD, as human rights advocates, we condemned the coup attempt in the very early hours of its inception and we would like to stress that we are completely opposed to these kinds of interventions.

We find it very reasonable that the government should investigate any suspected perpetrators of the coup attempt and enact that appropriate legal proceedings in this regard in a fashion that is consistent with the democratic values of human rights. However, what we find unacceptable has been the application of

arbitrariness, torture, and maltreatment in a way that is completely outside the bounds of the law.

The period following the coup attempt, marked by the declaration of a State of Emergency and the passing of Statutory Decree No. 667 followed by 20 more statutory decrees lead to the creation of conditions similar to that of a military coup in terms of human rights violations and extrajudicial decrees. While the State of Emergency was justified by the state as in response to the coup attempt, in reality the Statutory Decrees issued ended up targeting the opposition in Turkey for suppression. For instance, during the September 12 coup, under the orders of Martial Law commanders, 8500 public servants were dismissed from their posts, including professors and educators (İHD submitted a request to the ILO (International Labour Organization) by means of the “1402 commission” founded by İHD in 1988, inviting the ILO to investigate the conditions in Turkey as potentially violating the 111 numbered Discrimination (Employment and Occupation) Convention). Similarly, approximately 101 thousand public servants have been dismissed from their posts since the 15 July coup attempt. 3698 judges and prosecutors have been dismissed from their posts following the decision by the High Council of Judges and Prosecutors. While the authorities during the 12 September coup period passed a minimum of 669 laws in order to implement the designs of the coup, the government in the aftermath of the 15 July coup attempt established a State of Emergency along with issuing a host of statutory decrees which are radically reshaping legal structures.

While the legal powers of a State of Emergency administration should be regulated according to Article 4 of the UN International Convention on Civil and Political Liberties, Article 15 of the European Convention on Human Rights, and Article 15 of the Constitution, the actions taken under the State of Emergency violate a number of fundamental human rights and human rights regulations, including the 30 day detainment period limit, the right to life and the prohibition of torture, the right to personal freedom and security, the right to a just trial, the right to travel, the freedom of assembly, freedom expression, the right to work, property rights, and the prohibition of discrimination. Additionally, the removal of judge tenures, suspensions, dismissals, detainment and arrests are all at odds with human rights law in terms of the rule of law. The impunity afforded public officials according to by-laws is an additional affront to the rule of law.

The Parliamentary Commission tasked with investigating the 15 July coup attempt did not conduct its investigation effectively, failing to investigate the political roots of the coup as well as hearing the testimonies of key individuals involved. Despite the fact that a number of court cases were opened concerning the coup attempt, the political roots were never investigated and in fact, the Chief Public Prosecutors who attempted to conduct an investigation were swiftly reassigned to other areas. The obscurity of the political roots of each coup remains the unchanging factor in Turkey’s coup tradition.

Prisons

Prisons remained the site of the most serious human rights violations in 2016. According to Article 32 of the Statutory Decree No. 671 issued under the State of Emergency by way of the Official Gazette on 17 August, 2017, and along with the addition of the temporary Amendment 32 to Law 5275 On the Execution of Sentences and Security Measures, the probationary period for those convicted of judiciary crimes has been reduced from 2/3 to 1/2, and the parameters for those hoping to apply for parole has been expanded from 1 year till release to 2 years till release. These developments have resulted in what some have called a **“veiled State of Emergency amnesty.”**

- According to the most recent 1 November statistics released by the Ministry of Justice, there are a total of 197,297 convicts housed in prisons. Currently, this number has reached approximately 210,000. This number was at 178,089 in 2015 and 154,179 in 2014. However, when the AKP first became the head of the government, this number was at 59,429. Despite the

operation of these veiled policies of amnesty we can still observe dramatic increases.

- In 2016, at least 35 people died as a result of suicide, torture, maltreatment, disease, neglect, and fighting among inmates.
- There are serious issues surrounding the right to health in the current prison conditions. Inmates face serious obstacles in accessing medical care, and access to trained medical professionals and emergency transportation vehicles is limited. The İHD can vouch for the presence of 926 sick prisoners, 331 of which are in a serious condition. The aftermath of the 15 July coup resulted in the a massive influx of prisoner's into the Turkish prison system, and in order to make space for the thousands of incoming prisoners, many previous prisoners with serious health issues were displaced to other prisons with limited access to the health care and treatment they require. As a matter of fact, the 331 people who have serious health issues need to be released immediately from a humanitarian and legal perspective. It is difficult to understand why the legal proceedings taken against convicts with serious health conditions are not postponed, given the fact that according to the *Gülay Çetin v. Turkey* decision of the European Court of Human Rights on 5 March 2013 found Turkey in violation of the law prohibiting torture, as well as finding the provisions in Turkey for convicts with serious health conditions seriously inadequate. Additionally, Law No. 6411 on 24 January, 2013 declares that the release of sick convicts must meet the criteria of demonstrating that the convicts do not pose "a threat to society." This has resulted in a great number of convicts with serious health conditions and in need of personal assistance being stuck in bureaucratic limbo while their files wait on the desks of prosecutors, awaiting determination according to these criteria.
- The basing of penal sentencing on policies of isolation since the year 2000 continue to pose a very real threat to their being as physically, socially, and spiritual complete individuals. Rooms designed to house 1-3 inmates prevent inmates from forming social relationships with each other. These conditions severely endanger inmates' mental health. In order to limit these isolating conditions and their negative consequences, a general memorandum was issued by the Ministry of Justice on 22 January, 2017 (45/1) allowing the assembly of up to 10 inmates for a period of 10 hours weekly. However, this policy remains intermittently and ineffectively implemented. The İmralı F Type Prison, applying the strictest measures of isolation, needs to closed down immediately.
- Children are generally unable to cope with the psychological conditions of prison, and they often resort to self-harming and suicidal behaviours as a result of the harassment, abuse, exploitation, torture, and maltreatment they receive in prison. İHD has been able to verify these claims from own observations, as well as from the testimonies from convicted children, their families, and other convicts as well. The scientific studies from a number of various academic disciplines have overwhelmingly demonstrated that detention has no preventative or educational effects on inmates whatsoever. As a result, these inhuman child prisons need to be closed immediately.
- The AKP government has demonstrated it's apparent eagerness to enact policies which generate a kind of State of Emergency amnesty, but has failed to effectively address the serious human rights issue of the treatment of inmates with health conditions, despite a number of related law amendments regarding this issue and the fact that this issue remains at the

forefront of public discourse. The appropriate legal and administrative actions must be taken in order to ensure the immediate release of sick prisoners as well as their prompt treatment, If need be, Article 16 of the Law on the Execution of Sentences must be changed, or the issue must be resolved through the adoption of a temporary amendment.

- According to the current Law No. 5275 on The Execution of Sentences, criminal prisoners must complete 2/3's of their sentences, and political prisoners must complete 3/4ths of their sentence in order to be considered for parole. The Statutory Decree No. 671 has eased the restrictions on parole qualifications for ordinary prisoners, while the parole restrictions for political prisoner's remains harsh. The governing authorities have thus destabilized their own balanced of parole qualifications and have therefore opened the door for discrimination. In order for these policies of discrimination to be undone, Article 5 of the Anti-Terror Law must be removed, and the 50% increase in sentences given according Article's 3 and 4 of the Ant-Terror Law must be ended. Additionally, the probationary qualification as outlined in Article 17 of the Anti-Terror Law as being predicated on the completion of 3/4ths of one's sentence needs to be lowered to 1/2 as it currently applies to ordinary crimes under the Statutory Decrees. Finally, clause 4 of Article 107 of Law No. 5275 must be removed in order to eliminate discriminatory policies. The final clause of Article 17 of the Anti-Terror Law on the "extended death penalty" must be removed immediately.
- While the AKP government has begun removing approximately 100 thousand inmates from prison (Approximately 50,000 have been released) Abdullah Öcalan remains imprisoned in İmralı Prison, deprived of his legal rights. The isolationist policies enacted against Öcalan must be ended promptly and he should be allowed to meet with his family and his lawyers.
- Frequent complaint letters from inmates and lawyers concerning prison conditions make very strong claims concerning torture and maltreatment. These claims have increased steadily since the failed 15 July coup attempt. Despite the fact that Turkey signed the European Convention Against Torture and designed national preventative mechanisms and accompanying legal amendments, a failure to implement these policies means Turkey remains in violation of the agreement. The National Human Rights and Equality institution Law No. 6701 was announced through the Official Gazette and went into effect on 20 April, 2016. This law tasks the Institution with investigation claims of torture and maltreatment, representing an internal accountability and preventative mechanism. We want to point out at this point that the Law was drafted in accordance with The UN Paris Principles, and we related our thoughts and recommendations to the Grand National Assembly of Turkey Human Rights Investigation Committee as well as to the government. While the Committee members have been assigned, the Committee has yet to begin its work. Conditions in Turkish prison's need to observed by an independent third-party. Human rights organization representatives must be allowed to conduct investigations in prisons.
- Prisons have been most negatively impacted by the environment of increased pressure under the State of Emergency. In response to this, political prisoner's at the İzmir Aliğa Şakran Prison began staging an indefinite and irreversible hunger strike on 15 February 2017, in order to protest the conditions of the prison. Around 200 prisoners in 22 different prisons are currently on an indefinite and irreversible hunger strike.

FREEDOM OF ASSOCIATION

Under the Statutory Decrees released under the State of Emergency, 19 Unions and around 1600 associations and foundations have been closed down, demonstrating that the freedom of organization remains firmly under political pressure. A number of human rights organizations have been targeted and closed down according to the the State of Emergency Statutory Decrees. Among those associations closed under these decrees include groups whose work we are familiar with, such as ÇHD, ÖHD; MHD, Gündem Çocuk, İHAD, Sarmaşık Association, Vakad, Kürd Der, and Rojava Association. We would also like to stress here that organization members and people in leadership positions in organizations like İHD and TİHV have been taken into custody from time to time. In fact, the İHD Mersin Branch President Ali Tanrıverdi is currently in custody. Turkey frequently violates the UN Declaration on Human Rights Defenders.

101 thousand public servants have been dismissed from their posts according to the Statutory Decrees under the State of Emergency, resulting in the resignation of tens of thousands of union members, intimidating other union members to withdraw from their organization, thus resulting in a severe blow to the freedom of organization.

FREEDOM OF ASSEMBLY AND DEMONSTRATION

Like the year before it, 2016 represented a year in which the right to assembly and demonstration was violated and restricted dramatically. **Under the authority of the State of Emergency, demonstrations have been completely banned in a number of provinces and districts.** Security officers have enacted excessive, arbitrary, and disproportionate use of force against demonstrators in 2016, using pressurized water cannons, plastic bullets, chemical weapons, crowd control agents, and even live ammunition.

Consecutive governments under the Republican era in Turkey have resorted to the archaic use of police violence as a strategy of administration and control. The AKP government, reaching it's summit of authoritarianism and having become increasingly intolerant to any expression of critique or dissent, has now mobilized police violence at every opportunity as a weapon against all sectors of society expressing dissent. All sectors of society have been subjected to this state violence, including Kurds, wage labourers, Alevis, women, LGBTI individuals and allies.

- According to statistics which we can verify, 2581 people, including 219 children, have been injured as a result of police intervention during the course of public assemblies and demonstrations.
- While all public assemblies and demonstrations have been banned under the State of Emergency, 308 of the demonstrations which proceeded anyway were met with active suppression.

THE PROBLEM OF VIOLENCE AGAINST WOMEN

In 2016, 361 women were killed as a result of public and domestic violence, while 33 women committed suicide as a result of domestic violence. 763 women were injured as a result of this violence. If we compare this year's statistics with the previous year, we can observe that the trend of steadily increasing rates of violence against women is continuing. The violent conflict and war conditions of 2016 have also enacted new forms of violence against women.

İHD and TİHV are fundamentally opposed to violence, and we promote peace. We believe all issues must be

solved without resorting to the use of violence. We are equally opposed to all forms of violence, including state violence, violence committed by individuals, by armed groups, and by society in general. We are fundamentally opposed to the patriarchy at the core of the problem of violence against women. We also want the government to uphold the ideals of equality and the prohibition of discrimination, both in its laws as well as in judicial practice. The İHD, working with FIDH, of which the İHD is a member, presented an alternative report to CEDAW's (Convention on The Elimination of All Forms of Discrimination Against Women) report on Turkey. In the ensuing meetings and discussion sessions, Turkey was re-evaluated. The Committee then presented a series of recommendations to the Turkish Government on 25 July, 2016. We can summarize the recommendations we shared with the Committee as such:

- The preventative and obstructive actions taken against women's groups and rights activists must end, and their participation in decision making processes should be ensured.
- The inequality faced by Kurdish and refugee women must be dismantled.
- The Directorate General on the Status of Women needs to be strengthened both in terms of financial and technical assistance, as well as enabling the Directorate to focus its efforts on defending women's rights.
- Stereotypes towards women and the use of discriminatory speech must be brought to an end.
- In order to end gender-based violence, the National Action plan needs to be implemented, the appropriate legal foundations need to be developed in this regard, support services need to be developed, and multilingual emergency telephone services need to be established.
- The laws permitting women to receive an abortion up to 10 weeks of pregnancy and 20 weeks of pregnancy for victims of rape need to be restructured so that the legal decision rests solely with the pregnant woman.
- The so-called honour based murders need to be appropriately punished, and suicides and accidents involving women need to be effectively investigated.
- Marriages need to be legally recognized and officially recorded.

ECONOMIC AND SOCIAL RIGHTS

As a result of the State of Emergency and ensuing Statutory Decrees, 101 thousand public servants have been dismissed from their posts, tens of thousands of individuals have lost their jobs as a result of the closing down of companies and universities in the private sector, and 30,000 teachers have been left without a job in the private sector, exacerbating conditions of unemployment in Turkey. The State of Emergency has severely negatively impacted prospects for employment. Thus, we can see that from a variety of positions, the State of Emergency has left the social and economic rights of citizens and residents virtually unprotected in Turkey.

CONCLUSION

Today in Turkey there is an urgent request which must be addressed concerning the human rights situation: And that is a request for the establishment of peace. Without securing peace, we cannot hope to secure the most fundamental right to life, and without securing the right to life, it would be pointless to talk about the protection of all other rights.

Democracy fundamentally requires the freedom of expression. Unfortunately, today in Turkey the freedom of expression is being strongly suppressed by the judicial system under the direction of an authoritarian rule. As a result, Turkey does not even meet the bare minimum required of a democratic society. Thus, our struggle for greater democratization is unavoidable.

It is clear that the Kurdish problem in Turkey will not be solved through armed conflict. We call on the government to take up the 28 February 2015 Dolmabahçe Declaration and to respect the democratic will and desire of the people for peace as it was expressed in the 7 June, 2015 elections.

The State of Emergency and Statutory Decree regime is an anti-coup, reactionary regime. The style of administration must be abandoned.

30.04.2017



HUMAN RIGHTS VIOLATIONS IN TURKEY 2016 SUMMARY REPORT

The data contained in this report has been compiled from individual applications made to Branches of Human Rights Association, Fact finding reports carried out by Human Rights Investigation and Research Commissions formed by the branches of HRA, news of local and national press, reports made by other civil society organisations and official data and prepared by the Documentation Unit of the Human Rights Association Headquarter.

DOCUMENTATION UNIT – HUMAN RIGHTS
ASSOCIATION HEADQUARTERS

2016 HUMAN RIGHTS VIOLATIONS OF TURKEY IN FIGURES

RIGHT TO LIFE IN 2016

SUMMARY EXECUTIONS	Deaths	Injuries
Number of persons killed who did not obey the stop warrant by security forces, excessive use of power of security forces during demonstrations - who was attacked by security forces Killed by security forces, under the period of curfews, violation of the authority of using arms	536 individual including 45 children	265 individual including 40 children
Killed & Wounded by village guards	1	2
Killed and wounded at the border regions	57 individual including 8 children	169 individual including 2 children
Killed & wounded by private security officers	--	1
TOTAL	594	437

DEATHS IN CLOSED INSTITUTIONS	Deaths	Injuries
Deaths in Prisons	35	--
Deaths in custody places	6	2
Attacks by unidentified actors	22	37 individuals including 5 children
Total		

OFFICIAL ERROR & NEGLECT		
Deaths & Injuries resulted from official error and neglect	35 including 29 children	845 including 652 children poisoned by food provided at school
Police and Soldier Suicides/ attempt to suicide/suspicious deaths	20	1
Total		
Individuals lost their lives in the course of attempted coup d'état on 15 July 2016	246	2194

ATTACKS by ILLEGAL ORGANISATIONS (Attacks to civilian areas)			
Date	Venue of Attack	Deaths	Injuries
12 January 2016	İstanbul/Sultanahmet	12 Foreign citizen	14 Foreign citizen
13 January 2 2016	Diyarbakır/Çınar Directorate for Security	1 Police, 5 Civilian	6 Police, 34 Civilian
17 February 2016	Ankara/Merasim Street	29 Members of Turkish Armed Forces and Civilian	80 Member of Turkish Armed Forces and Civilian
4 March 2016	Mardin/Nusaybin Directorate of Traffic _-Lodgings	2 Police	35 Police and Civilian
13 March 2016	Ankara/Kızılay	37 Civilian	125 Civilian
19 March 2016	İstanbul/İstiklal Cd.	4 Foreign citizen	12 Foreign citizen, 39 Civilian
31 March 2017	Diyarbakır/Bağlar/Police Service Vehicle	8 Police	17Police, 9 Civilian
24-26 April 2016	Kilis	12 Foreign citizen & 3 Civilian	26 Civilian
27 April 2016	Bursa/Ulucami (Mosque)	---	23 Civilian
1 May 2016	Gaziantep	2 Police	18 Police, 4 Civilian
2 May 2016	Kilis	1 Civilian	10 Civilian
10 May 2016	Diyarbakır/Yenişehir	3 Civilian	12 Police, 33 Civilian
27 May 2016	Kilis	---	5 Civilian
8 June 2016	Mardin/Midyat Directorate for Security	3 Police, 2 Civilian	51 Civilian
12 June 2016	İstanbul/Vezneciler	6 Police, 7 Civilian	36 Civilian
28 June 2016	İstanbul/Atatürk Airport	45 Civilian	238 Civilian
10 August 2016	Mardin/Kızıltepe	1 Police, 4 Civilian	5 Police, 20 Civilian
15 August 2016	Diyarbakır/Çınar Regional Traffic Control Station	5 Police, 3 Civilian	7 Police, 37 Civilian
17 August 2016	Van/İpekyolu Police Station	2 Police 2 Civilian	19 Police 53 Civilian
18 August 2016	Elazığ Directorate for Security	5 Police	217 Civilian
20 August 2016	Gaziantep/Attack to wedding ceremony	57 Civilian	67 Civilian
26 August 2016	Şırnak Directorate for Security	11 Police	75 Police, 3 Civilian
12 September 2016	Van Police Check Point	--	5 Police, 48 Civilian
4 November2016	Diyarbakır/Bağlar/Directorate for Anti-Terror Unit	2 Police, 10 Civilian	105 Civilian
24 November 2016	Adana/Carparking area of Governor's Office	2 Civilian	33 Civilian
11 December 2016	İstanbul/Beşiktaş	30 Police,15 Civilian	153 Civilian
17 December 2016	Kayseri	13 Soldier	56 Soldier and Civilian
TOTAL		Total: 316 individuals including 28 Foreign citizen, 121 Soldier& Police	Total: 1700 individuals including 26 Foreign citizen and 244 Police & soldier)

THOSE WHO WERE ATTACKED		
Director/Member of political party, workers union and association	--	6
Journalist	--	7
Teacher/Academician	--	2
Student	--	73
Police/Soldier/Village Guard	36	55
Other (Worker, Health worker, Mayor, Village guard, Mukhtar, member of political party, civil servant, foreign citizen, lawyer, etc.)	27	113
TOTAL	63	256
ARMED CLASHES		
SOLDIER, POLICE AND TEMPORARY VILLAGE GUARDS	629	1146
ARMED MILITANT	1003	21
CIVILIANS	37	153
TOTAL	1669	1320
Deaths and Injuries by explosion of mines/ unidentified ordinances /bombs	21 individual including 14 children	53 individual including 37 children

Suspicious Deaths and Injuries

Individuals	Deaths	Injuries
Male	9	
Female	11	
Children	1	
Total	21	

Homicides Under the Guise of "Honour"

Individuals	Deaths	Injuries
Male		
Female	1	
Children		
Hate Crimes	9	16
Total	10	16

Violations Against the Right to Life of Women

Individuals	Deaths	Injuries
Suicides committed by women	33	4
Violence, abuse and rape against women in social environment and domestic violence	361	763
Women forced to involuntary prostitution		293
Total	394	1060

Violations Against the Right to Life of Children

Individuals	Deaths	Injuries
Suicides committed by children	21	
Children subjected to violence, abuse, rape at home, school and social environment	39 (at home and social environment)	Violence, abuse and rape at school: 507 Violence at home and social environment: 361
Total	60	868

Violations against the Right to liberty and security of persons

No. Of Persons Taken Under Custody	13.957 individuals including 504 children
Arrested	3361 individuals including 133 children
Arrested Journalists	The number of journalists imprisoned and convicted was 152 of which 17 is the editor in chief and authorised owner as of 28 February 2017. (re: the Solidarity Platform with Arrested Journalists)
Arrested Deputies and Mayors	<p>Kurdish politicians under pre-trial detention: 13 Members of Parliament: Selahattin Demirtaş, Figen Yüksekdağ, Ayhan Bilgen, Çağlar Demirel, İdris Baluken, Besime Konca, Selma Irmak, Gülser Yıldırım, Nursel Aydoğan, Abdullah Zeydan, Nihat Akdoğan, Meral Daniş Beştaş, Ferhat Encü. 38 Co- Chair of Provincial Administration of HDP (People’s Democratic Party), 97 Co-Chair of HDP District Administration and 83 Co-Mayor</p> <p>84 Municipalities were appointed trustees during the State of Emergency.</p>
CURFEWS	<p>From August 2015 to January 2017, curfews were declared 169 times in 10 provinces and 39 districts. At least 1 million 900 thousand persons were affected by bans imposed and not less than 500 thousand people were forcibly displaced. (Special reports of IHD can be reviewed for provinces and districts where curfews implemented. www.ihd.org.tr) (http://tihv.org.tr/16-agustos-2015-31-ocak-2017-tarihleri-arasinda-sokaga-cikma-yasaklari/)</p>
Detentions and Arrests in relation to Coup d’état attempt and Fethullah Gülen Organisation	<p>325 soldiers and 7624 (Police), 17 Governor, 74 Deputy Governor, 100 District Governor, 2286 Judges and Prosecutors 104 Supreme Court members, 41 Council of State members, 2 Constitutional Court members, 3 Members of Higher Council for Judges and Prosecutors</p>
Soldiers and Police taken under hostage	<p>Police officers Vedat Kaya, Sedat Yabalak and Sergeants Hüseyin Sarı, Süleyman Sungur, Sedat Vardar, Ferdi Polat, Ümit Gıcır, Mevlüt Kahveci, Officer Semih Özbey, Soldier Müslüm Altuntaş, Sedat Sorgun, Adil Kavaklı were taken hostage by PKK.</p> <p>In addition, there are information reached to Human Rights Association that 11 soldiers have been taken under hostage in Hakkari-Şemdinli region.</p> <p>TOTAL: 23</p>

VIOLATIONS OF FREEDOM OF EXPRESSION

Banned activities	At least 86 outdoor activities were banned.
Publications confiscated and Media outlets banned	<p>In 2016, broadcasting of 172 media outlets were suspended forever.</p> <p>-2 media organization has been suspended for a certain period of time.</p> <p>10 publications and Unpublished special editions of Atılım Newspaper were confiscated with administrative/judicial decisions</p> <p>8 publications were confiscated without any judicial decision.</p> <p>5 publishing company were sealed in 2016, while the assets of 3 publishing company were confiscated.</p> <p>TOTAL: 192</p>
Newspaper and media/publication organs raided	<p>5 Newspaper Printing Offices, 7 Newspaper Offices, 2 Magazine offices and 8 branches of a magazine, 1 Publishing company, 2 TV Channels, and a Office of an association were raided.</p> <p>TOTAL: 26</p>
Closed Press, Publications, Radio, Television and News agencies	<p>Exclusion from satellite: 1 TV</p> <p>Confiscation: 3 Posters, 3 Newspaper, 1 Banner, 2 Magazine, 1 book (59 unit)</p> <p>Seizure: 2 Banners, 6books (over 5000 units), 1 cartoon journal</p> <p>Suspension from publishing/broadcasting: 32 TVs, 68 newspapers, 12 radios, 21 magazines, 9 news agencies, 29 publishing companies, 1 book special edition</p> <p>Sealed publishing company: 8</p> <p>Confiscated publishing company: 3</p> <p>Appointment of Trustee: 2 newspaper, 2 news agency, 1 magazine, 1 publishing company, 1 radio, 3 distribution company.</p> <p>TOTAL: 2017</p>

Violations concerning the rights of Academicians for Peace (as of 11 February 2017) (https://barisicinakademisyenler.net)		Public	Private	Total
Removed and banned from public service with the decree laws*		364	8	372
Dismissal		37	39	76
Resignation		15	10	25
Forced Retirement		20	1	21
Removed and banned from public service with the decree laws + dismissal + resignation + retirement		401	51	452
Disciplinary Investigation		442	63	505
Disciplinary investigations. Decision of the Investigation Committee: Dismissal from public service. Pending CoHE (YÖK) approval.		107	5	112
Preventive suspension		78	11	89
Suspension from administrative duty		3	4	7
Police custody		54	3	57
Pre-trial detention**		2	2	4
*Among the Peace Petition signatories, 42 academics, who had been earlier dismissed or forced into resignation, were also removed and banned from public service with the decree laws. In addition, PhD students within the Faculty Training Program suffer from rights violations due to the amendments in the procedures and principles and the decree laws.				
** 3 academics had to stay in pre-trial detention for 40 days and 1 for 22 days until they were released after the first court hearing.				

Judicial Proceedings Against Individuals concerning freedom of expression

Investigations Initiated in 2016	281 investigations including 48 judicial and 233 administrative / disciplinary investigations were initiated against 2,160 individuals including 26 children in the context of freedom of expression
Court Cases Launched in 2016	A total of 202 court cases were launched against 1179 including 39 children in relation to freedom of expression.
Pending cases in 2016	61 cases against 88 including 17 children.
Cases closed in 2016	A total of 106 cases against 304 individuals including 5 children were concluded in 2016. For 145 people, totalling 788 years, 15 months and 12-day imprisonment and 86.290 TL fines were given. 160 people including 2 children were acquitted.

VIOLATIONS AGAINST FREEDOM OF PEACEFUL DEMONSTRATIONS AND MEETINGS

Demonstrations and Meetings interfered by security forces	Due to the State of Emergency, there have been widespread prohibitions of demonstrations and meetings by the governors. Identified interference by security forces is 308 in 2016.
Investigations launched in 2016	In 2016, a total of 30 administrative and judicial investigations was launched against 15579 individuals who were alleged to violate the related legislation of demonstrations and meetings. 10 individuals were arrested and 27 people were suspended from duty.
New Cases and Concluded Cases in 2016	16 of the cases opened due to meetings and demonstrations in 2016 have been concluded. In addition, 3 administrative investigations resulted. In the resulting 16 criminal cases, 290 people were given 275 years 3 months, 196 people were acquitted and 1 person was evicted. A total of 68 students were sentenced in the 3 administrative investigations that resulted. The penalties given are as follows: 17 students are removed for a total of 17 years, 51 students are enrolled in the school / credit Credits taken from the dormitories / dismissal of scholarship.

VIOLATIONS AGAINST FREEDOM TO ASSEMBLY

Raided or Attacked Political Party, Trade Union and Associations	Police Raids	Educational Support House: 1
		Association: 14
		Library: 2
		Sports Club: 1
		Bookstore: 1
	Cultural Centre: 5	
	Police Raids	People's Democratic Party (HDP) and Democratic Regions Party (DBP): 79 premises
Attacks by third parties	Freedom and Solidarity Party (ÖDP): 2 premises	
	Republican People's Party (CHP): 1 premise	
	Justice and Development Party (AKP): 1 premise	
	United Revolution Party : 1 premise	
Closed Political Parties, Trade Unions, Foundations and Associations	<p>In the period of 21 July 2016- 31 December 2016, the number of associations dissolved by the State of Emergency Decrees reached to 1419 associations (alleged to be in relation with FETÖ, PKK, DHKP-C and ISIS (DEAŞ)) .</p> <p>A total of 141 Foundations were also closed by State of Emergency Decrees.</p>	

ECONOMIC AND SOCIAL RIGHTS

	Before the State of Emergency
	Between 1 January 2016 and 15 July 2016, 105 employees were suspended from the job, 3139 employees were dismissed TOTAL: 3244
	During the State of Emergency

Dismissed/Suspended from duty/Exiled/ Administrative Penalties	<p>During period covering 21 July 2016 –23 February 2017 under State of Emergency, a total of 100,797 public servants were dismissed from public institutions and professions. Decisions of dismissals and other associated measures were lifted only for 737 individuals and their names were struck out from the lists. http://www.ihop.org.tr/</p> <p>At least 50 thousands of employees of closed institutions by the State of Emergency Decrees lost their jobs.</p> <p>In 2016, a total of 2179 members of the KESK (Confederation of Public Workers) lost their jobs by State of Emergency Decrees. In January and February 2017, an additional of 952 KESK members were also dismissed from their job. Total dismissal of KESK members reached to 3131.</p>
Administrative and Other Investigations	<p>At least 16.475 trade union members were subject to investigations on the basis of a circular issued by the Prime Minister Davutoğlu as they participated in one-day strike on 29 December 2015 to protest curfews implemented in the south-eastern provinces. At the end of these investigations, a variety of punishments have been issued ranging from warning to removal from the job.</p>
VIOLATIONS AGAINST RIGHT TO EDUCATION	<p>36 students were expelled from dormitories as they protested the conditions of dormitories, 42 students were expelled from the school, 13 scholarships and learning credits were cut off, 64 students were subject to judicial proceedings as they participated in meetings and demonstrations, 119 students were suspended from universities as they attended meetings and demonstrations, remembrance, etc., 5 students were given penalties of reprimand.</p> <p>Due to the curfews implemented in the south-eastern provinces it was stated by the Teachers Union (Eğitimsen) published on 16.06.2016 approximately 300 thousand students were left without education</p>

	<p>After the July 15 coup attempt, 15 universities were closed down by the State of Emergency Decrees.</p> <p>1263 private courses, special student study centres, private classrooms, pre-school education institution, primary, secondary school and high school were closed by the State of Emergency Decrees.</p>
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PRISONS	
Violation of the Right to Health	1015
Violation of the Rights to Communication	204
Disciplinary punishments in prisons	533
Referral / Exile Practices in Prisons	2277