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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, a non- governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 May 2024]

* Issued as received, in the language of submission only.



Türkiye: The Need for a New Evaluation

Introduction

In the report published on 10 March 2017 the Office of the High Commissioner for Human Rights (OHCHR) expressed its deep concern at the significant deterioration of the human rights situation in South-East Türkiye. The report noted the use of counter-terrorism legislation to remove from office democratically elected officials of Kurdish origin, the severe curtailment and harassment of independent journalists; the closure of independent and Kurdish language media and citizens' associations; and the massive dismissals of civil servants on unclear grounds and without due process.

In a second report, published a year later, the OHCHR noted with concern that the deterioration of the domestic human rights situation and the shrinking of the political and civic space require immediate steps for Türkiye to be compliant with its obligations under international human rights law.

Among its recommendations, the OHCHR called on the Turkish State to reverse the ban imposed on dismissed civil servants from rejoining the public service; to take all the necessary measures to ensure an enabling environment for independent media and civil society organizations to operate safely and freely; immediately release journalists, writers, judges and academics who are detained pursuant to counter-terrorism legislation and emergency decrees.

Manipulated Elections

In recent years, before and after every election, the Turkish government has engaged in repressive and anti-democratic practices against media workers, artists, politicians and lawyers. These practices have the effect of stifling free expression of opposition groups. These repressive policies are most widespread in the Kurdish-dominated south-east of the country.

Before the parliamentary elections on 14 May 2023, 128 people (journalists, artists, lawyers, politicians) were arrested. A similar wave of arrests was observed before and after the municipal elections on 31 March 2024. Serious human rights violations were committed by the Turkish authorities during these periods.

In the above mentioned geographical area, strong pressure was exerted on the population to ensure the victory of the candidates of President Erdoğan's party (AKP-MHP). Prior to the elections, several members and employees of the "People's Party for Equality and Democracy" (DEM) were detained for trivial reasons, preventing them from organising and carrying out the election campaign.

Furthermore, the physical organisation of the vote for the election of mukhtars (village or district chiefs) and members of the municipal council (including mayors) led to confusion, and even mistakes for many voters, as all the ballot papers were on the same table.

In municipalities such as Sirnak, Kars and Bitlis, where the votes cast for the DEM and AKP-MHP parties were close together, police officers and soldiers of unknown origin were transported in civilian clothes and voted together.[1]-[2].

The candidate (co-chairman of the DEM party) Abdullah Zeydan won the elections in Van with 55.48% of the vote, while the AKP candidate, Abdullah Arvas, obtained 27.14%. On the grounds that Abdullah Zeydan had been arrested, the second-placed AKP candidate was declared mayor. Following popular protests, the Supreme Electoral Council reversed its decision and awarded victory to Abdullah Zeydan.

On this occasion, the Turkish security forces used disproportionate violence towards protesters against the illegal decision of the Supreme Electoral Council, and some of the protesting residents were arrested and banned from demonstrating for 15 days.

In some small towns, such as Hilvan, where the DEM party won, the Supreme Electoral Council annulled the elections and appointed local bureaucrats as temporary mayors. In Hilvan, when those close to the AKP candidate realised that they had lost the election, they fled and burned some ballot boxes containing the ballot papers. Counting the ballots contained in the remaining ballot boxes showed that the DEM party candidate had won. The election was annulled on the grounds that people close to the AKP candidate had burnt the ballot boxes. Following the elections, the police arrested the leaders of the DEM party and are attempting to render the party inoperative in the forthcoming elections on 2 June.

After the elections, the repression against the Kurds continued, particularly against journalists when they were out covering their stories.

On 23 April 2024, 9 journalists working for the Mezopotomya news agency and the Yeni Yasam newspaper were detained in Istanbul, Ankara and Sanliurfa, and on 5 and 6 May 2024, 10 people were detained, including two journalists and 8 DEM party members. The detained journalists were investigated for their reporting. The detainees did not have access to lawyers for the first 24 hours and their files were made confidential.

In its report published in April on violations of the rights of women journalists, the Association of Women Journalists of Mesopotamia (Mezopotamya Kadın Gazeteciler Derneği - MKG) said that in April 10 women journalists were arrested in Türkiye, including in Kurdish regions, and 24 other women journalists are still on trial.[3]

Torture

Kurdish prisoners are generally sent to prisons hundreds of kilometres away from home even before their trial is over; they are allowed to attend local court hearings via cameras and are not brought into the courtroom.

According to reports by non-governmental organisations such as the Human Rights Association of Türkiye (IHD), the Human Rights Foundation of Turkey (TIHV), the Civil Society in the Penal System Association (CISST) and the Association of Lawyers for Freedom (OHD), sick detainees transferred to hospitals have been subjected to degrading treatment such as mouth or body searches and have suffered racist attitudes from doctors. Research shows that prisoners have been subjected to disciplinary sanctions and placed in isolation cells for arbitrary reasons. Moreover, there has been an increase in degrading treatment and cases of torture in prisons, such as solitary confinement or overcrowding in small cells.

Although their sentences have expired, often prisoners are not released on the grounds that they have not been rehabilitated in accordance with the Criminal Procedure Act enacted on 1st January 2021.

The Prisons Commission can arbitrarily postpone the release of Kurdish political prisoners on the grounds that they have not behaved properly. More than 100 Kurdish political prisoners have not been released due to postponements.[4]

One of the most perverse forms of torture is solitary confinement. Since 24 March 2021, there has been no news of Abdullah Öcalan (transferred to Imrali prison on 15 February 1999), as well as Veysi Aktas, Mehmet Sait Yildirim and Omer Hayri Konar (transferred to the same prison in 2015).

Abdullah Öcalan and other detainees, whose last telephone call took place on 24 March 2024 under the supervision of the prosecutor, have not been able to be contacted by their families and lawyers for long time. Their lawyers have been prevented for inconsistent reasons from visiting the detainees since 2012.

The report on the last visit by the Council of Europe's Committee for the Prevention of Torture (CPT) to Imrali Prison in September 2022 has not been published because Türkiye has not given its consent.

Recommendations

In the context of the repressive and racist practices of the Turkish government against the Kurdish population and the constant violations of human rights that result, the Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) invites the Office of the High Commissioner for Human Rights to renew the visit to Türkiye and in particular to the south-east of the country and to Imrali prison.

MRAP also invites:

- the Special Rapporteur on Torture to follow up on the mission carried out by her predecessor in 2016, and to pay particular attention to the implementation by the Turkish government of the recommendations made at that time, and
- the Special Rapporteur on contemporary forms of racism to engage in dialogue with the Turkish government in order to put an end to the racist policy towards the Kurdish people.

Finally, MRAP calls on the Turkish government to respect the results of the elections and to immediately release anyone imprisoned in violation of freedom of opinion and expression, as well as to set up a genuine independent national preventive mechanism, in accordance with the provisions of the Optional Protocol to the Convention against Torture, and to respect the international instruments it has ratified concerning the prohibition of the use of torture.

[1] <https://kurdistan-au-feminin.fr/2024/03/31/elections-en-turquie-fraude-massive-dans-les-regions-kurdes/>

[3] <https://kurdistan-au-feminin.fr/2024/05/08/turquie-10-femmes-journalistes-detenu-es-en-avril/>

[4] <https://cisst.org.tr/en/>