



KURD-CHR

Kurdish Center for Human Rights CENTRE KURDE DES DROITS DE L'HOMME

Since the 1990s, there has been continuous pressure on Kurdish media and press in Turkey. Regardless of changes in governments, the free expression of Kurds has been deemed a crime. Anti-terror laws, particularly Articles 7 and 8, have been included to restrict free expression. The AKP-MHP administration, especially after the July 15, 2016 coup attempt, used anti-terror laws as a shield against criticisms of the government and its institutions. The laws were employed as tools to silence all opposing segments under the guise of "combating terrorism." United Nations Special Rapporteur on Freedom of Expression David Kaye visited Turkey between November 16-18, 2016. In his statement following the visit, he remarked, "While the government's duty to protect against terrorist threats is critical, international law mandates respect for human rights in combating terrorism. The provisions in Turkish laws on combating terrorism and national security are used to excessively and generally restrict freedom of expression." (1) Law No. 6532 grants the National Intelligence Organization the authority to access personal data without a court order. Article 3 grants the organization the authority to collect information, documents, and data from public institutions, financial institutions, and entities with or without legal character.

In his report presented to the 35th session of the Human Rights Council in 2018, David Kaye emphasized that the practices of the AKP-MHP administration caused Turkey to regress even beyond the 1982 constitution. He noted that at least 177 media outlets were closed, 231 journalists were detained, and more than 150 journalists were imprisoned. He stated that under the vague anti-terror laws, journalists, artists, writers, academics, and media institutions were closed, and films were banned. He pointed out serious doubts about fair trials due to interference with the judiciary. The European Council has made similar statements to the UN Special Rapporteur on Freedom of Thought and Expression. (2) After losing the majority in the June 2015 elections, the AKP government ended the democratic resolution process. Following the 2016 coup attempt, they increased efforts to shut down and seize democratic-legal institutions and to detain journalists through unlawful methods, sometimes resorting to abductions and intimidation. The Turkish state's policy of suppressing opposition, implemented since the 1980s, has shown periodic changes and been softened, but it has always fundamentally aimed to intimidate. The goal has been to prevent organization through anti-democratic and anti-human rights methods, creating an atmosphere of fear to render them ineffective. In the 1980s, Kurds and opposition segments faced torture or imprisonment, while in the 1990s, they were subjected to enforced disappearances. Under the AKP-MHP administration, false confessions were used to fabricate non-existent crimes, resulting in imprisonment and punishment through a co-opted legal system.

The period under AKP rule has been one where press workers faced the most pressure. The press has been targeted especially before and after each election period. Operations against

- 1- <https://www.ohchr.org/fr/documents/reports/report-special-rapporteur-promotion-and-protection-right-freedom-opinion-and-10>
- 2- <https://rm.coe.int/memorandum-on-freedom-of-expression-and-of-the-media-human-rights-defe/1680aebf3d>
- 3- <https://www.paraanaliz.com/2023/genel/turkiyede-gazetecilik-raporu-20-yilda-tutuklanan-gazeteci-sayisi-848-g-44814/>



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Kurdish journalists began in 2009 under the AKP rule, with arrests surpassing the level seen during the military coup period of September 12, 1980. While 24 journalists were detained in 1980, in 2012 alone, 105 Kurdish journalists and 35 distributors were imprisoned for their news reporting. Since the AKP came to power, around 1,000 journalists have been detained. According to the Contemporary Journalists Association's 2022 media report, at least 174 cases related to journalists and media outlets were seen in 2022, with 263 journalists tried, 52 receiving a total of 92 years, 11 months, and 15 days of imprisonment and fines. Additionally, 61 journalists were attacked and detained while performing their duties. (3) According to data from the Human Rights Foundation of Turkey (TIHV), in 2023, 84 journalists were detained, 19 were imprisoned, one was deported, and one was denied entry into Turkey. As of December 4, 2023, at least 41 journalists are in prison, and this number is around 70 in the first five months of 2024. According to the TIHV Documentation Center, in the first 11 months of 2023, access was blocked to 3,446 contents and 362 sites. Social media posts led to the detention of 1,731 people, including 4 children, with 457 arrests and 29 released on judicial control. Administrative fines were imposed on 43 channels, 38 times for program suspensions, and 7 days of broadcast suspension for one channel. Raids were conducted on one publishing house, one production company, and one newspaper office. Orders were issued to confiscate 8 books, and restrictions were placed on 2 children's books. 28 artists were tried in lawsuits filed against them.

Pressure and attacks against Kurdish media, politicians, and artists have escalated since 2016. Trials are clearly based on journalistic activities, news gathering, and freedom of thought. Reporting on a press statement, publishing an interview, or reporting on a human rights violation by security forces is presented as evidence of participation in "terrorist organization" activities. Most cases are based on certain thoughts expressed, the possession of newspapers and magazines, computer records, phone interceptions, and secret witness testimonies. On June 7, 2022, an operation targeting Kurdish media institutions resulted in the detention of 30 journalists, with 16 arrested after an 8-day detention period. As in every election period, before the May 2023 presidential election and the single-round parliamentary election, operations targeted lawyers, politicians, and journalists. The Mapping Media Freedom database recorded 27 alerts affecting 91 Kurdish journalists, media workers, or outlets in the past 12 months, mostly involving arrests, detentions, imprisonment, prosecutions, and convictions. 26 international NGOs, including Human Rights Watch and International PEN, demanded an end to the pressures on Kurdish media. Before and after the March 31, 2024, local elections, operations targeting Kurdish media were conducted. The AKP government increased its pressure on Kurds more than ever after failing to achieve the desired result in the March 31, 2024 municipal elections. President

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Erdogan signaled his intentions in a rally in Diyarbakir before the elections, stating, "I have not forgotten that you gave 70% of the vote to the opposition presidential candidate in the presidential elections." Following the elections, his administration continued its anti-democratic oppressive policies more aggressively. On April 23, 2024, nine journalists from the Mesopotamia Agency and Yeni Yasam newspaper, known for their Kurdish and opposition line, were detained in police raids in Istanbul, Ankara, and Sanliurfa. The detained journalists were not allowed to meet with their lawyers for 24 hours, and confidentiality was imposed on their files. Based on past experiences, we suspect that their detention is related to their news reporting and interviews, under the pretext of "terror propaganda."

Names of Detained Journalists:

- Istanbul: Esra Selin Dal, Enes Sezgin, Saliha Aras, Yesim Alici, Beste Argat Balci, Sirin Ermis, Erdogan Alayumat*
- Ankara: Mehmet Aslan*
- Sanliurfa: Dogan Kaynak*

Those oppressed due to their thoughts are not limited to the press. Members of political parties, parliamentarians, associations conducting democratic actions, and other segments also face repression. Social media posts critical of the presidency and state administration are also prosecuted. As highlighted by former Special Rapporteur on Freedom of Thought and Expression David Kaye at the 35th Human Rights session, the "Saturday Mothers" are detained and subjected to ill-treatment during their weekly demonstrations. The Saturday Mothers take their name from their weekly sit-in protests in Galatasaray Square, Istanbul, to demand accountability for the fate of their loved ones who disappeared in the 1990s in the Kurdish region. They conduct their protests in a legal and democratic manner but have faced detentions and lawsuits since 2016 during all their democratic actions.

Furthermore, politicians and parliamentarians with immunity face prosecution and various penalties for their speeches in the parliament, during elections, and other rallies. Despite the European Court of Human Rights' rulings and calls from the Council of Europe, co-chairs of the Peoples' Democratic Party (HDP) Figen Yuksekdag and Selahattin Demirtas, along with their parliamentary colleagues, were sentenced to lengthy prison terms for calling on people to engage in democratic actions against ISIL's attack on Kobane. Other cases against HDP co-chairs and members continue for their speeches in the parliament and rallies. Despite the European Court of Human Rights' ruling, Osman Kavala was sentenced to life imprisonment for opposing the government and making speeches in this regard.

Another significant issue is the punishment of individuals through social media posts. Hundreds of people are detained and punished in Turkey each year, while Kurds and opposition members traveling to Turkey for holidays from Europe or other parts of the world face passport confiscations and travel bans. They receive sentences ranging from 1 to 3

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years or fines after trials. Criticisms of the presidency are treated as offenses under insult cases.

In conclusion: Our report does not cover all details. We did not include the names of all journalists who were killed, tortured, or imprisoned. In short, pressures on Kurds in Turkey are executed in all areas. Demanding to defend one's identity and culture means facing oppression. We believe the international community remains silent and unresponsive to the practices against Kurds.

The Kurdish Human Rights Center recommends that the Office of the High Commissioner for Human Rights' Working Group on Arbitrary Detention and the Special Rapporteur on Freedom of Expression take a stance against the pressures on Kurdish journalists; show special interest in the practices against Kurdish journalists; make efforts to uncover the facts by communicating with the journalists, media workers, and their families and lawyers; and take urgent action against the unjust practices. Additionally, we suggest that the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression visit Turkey.

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