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Date: 19 August 2020

Dear Sir/ Madam,

FOR THE ATTENTION OF:

- **Special Rapporteur on the Situation of Human Rights Defenders**
- **Special Rapporteur on Violence against Women, its Causes and Consequences**
- **Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression**
- **Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association**
- **Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism**
- **Working Group on Arbitrary Detention**

**URGENT ACTION: Update regarding the ongoing unlawful and arbitrary detention and judicial harassment of women's human rights defenders in Turkey.**

1. We are writing to follow up on our letter dated 26 June 2020 concerning the unlawful and arbitrary detention of women's rights defenders from the Rosa Women's Association (RWA) and Tevgera Jinen Azad (TJA) in Turkey,<sup>1</sup> provide updates on the situation of women's human rights defenders and express our grave concern regarding the recent unlawful and arbitrary detention of women's rights defenders Ayşe Gökkan, Zekiye Güler, Emine Kaya, Dilan Yakut, Figen Ekti, Elif Haran, Demet Özkara, Panayır Çelik, Halime

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<sup>1</sup> For the joint urgent action letter of 26 June 2020 to the UN special mandate holders by a group of NGOs see: <https://static1.squarespace.com/static/5b8bbe8c89c172835f9455fe/t/5efb4316d7cc3328f6cd50b3/1593525017984/Rosa+Women+Association.pdf>.

Bayram, Ronda Bat, Rozerin Çatak, Emine Kaya and Rozerin Çatak. This is the most recent development in a series of actions taken by the Turkish State, constituting a systematic and discriminatory attack on women's rights defenders exercising their freedom of expression and assembly.

## **Background**

2. Since the coup attempt on 15 July 2016, Turkey has suffered a steep decline in respect for the rule of law and democracy. The broad provisions of the Anti-Terror Law and the Penal Code have enabled arbitrary abuse and overly broad interpretations by State security and Prosecutors, implicating the enjoyment of the right of freedom of expression of all dissenting society in Turkey.<sup>2</sup> This has been further compromised by the deteriorating independence of the judiciary, which has been substantially undermined by legislative and constitutional amendments.<sup>3</sup> Under the guise of national security arguments, individuals perceived to potentially express, inspire or support criticism of state action or expose state wrongdoing have been arbitrarily detained and imprisoned.<sup>4</sup>
3. Women's rights activists have been amongst the groups most targeted by the Government's repressive policies. In particular, Kurdish-led women's groups in the South Eastern Kurdish region have been subject to harassment by State authorities and female consultancy centres have been closed down by trustees in former-HDP municipalities.<sup>5</sup> There has been little political commitment to issues of gender-based violence and the State-authorised closures of women's organisations have left many women without access to vital support. Peaceful protests have often been met with police use of force, including the International Women's Day march on 25 November 2019, which was dispersed with tear gas and plastic bullets.<sup>6</sup> Other forms of judicial harassment include the arbitrary arrests of women activists and journalists, such as *Jinnews* editor Melike

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<sup>2</sup> Human Rights Watch, Submission by Human Rights Watch, the International Commission of Jurists and the Turkey Human Rights Litigation Support Project, 2 June 2020. Available at: <[https://www.hrw.org/news/2020/06/02/submission-human-rights-watch-international-commission-jurists-and-turkey-human#\\_ftn15](https://www.hrw.org/news/2020/06/02/submission-human-rights-watch-international-commission-jurists-and-turkey-human#_ftn15)>

<sup>3</sup> See. International Commission of Jurists, Turkey: the Judicial System in Peril : A briefing paper, <https://www.icj.org/wp-content/uploads/2016/07/Turkey-Judiciary-in-Peril-Publications-Reports-FactFindingsMission-Reports-2016-ENG.pdf>; Council of Europe Group of State Against Corruption (GRECO), Fourth Evaluation Round Turkey: Corruption Prevention In Respect of Members of Parliament, Judges and Prosecutors, 15 March 2018, <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-membersof/1680792de8>;

<sup>4</sup> Amnesty International, *Turkey: NGOs unite to defend civil society from destruction*, 27 February 2019. Available at: <<https://www.amnesty.org/en/latest/news/2019/02/turkey-ngos-unite-to-defend-civil-society-from-destruction/>>

<sup>5</sup> European Commission, Turkey Report 2019, May 2019. Available at: <<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf>>

<sup>6</sup> World Organisation Against Torture, Turkey: Women's Rights Defenders in the Crosshairs, 20 December 2019. Available at: <<https://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2019/12/d25650/>>

Aydın. There has been an increasing erosion of women's rights in Turkey at the national level in recent months. In particular, on 22 May 2020, eleven Kurdish women's rights defenders from the RWA and TJA were unlawfully arrested and detained following a raid on their homes in Diyarbakır. Among those detained, Adalet Kaya, President of the Rosa Women's Association, has been, reportedly, released on pending trial on 18 August 2020 according to the news.<sup>7</sup> It is not clear, however, if the public prosecutor objected this decision or not. The details of this incident and further background information can be found detailed in our previous letter.<sup>8</sup>

### **Recent Developments**

4. On 14 July 2020, police conducted early morning raids on the houses of more than 50 people in the Kurdish South Eastern region of Turkey as part of an ongoing investigation of the Diyarbakır Public Prosecutor's Office.<sup>9</sup> Of those detained were 23 women's rights defenders: Mesopotamia Women's Journalists Platform Spokesperson and Jinnews editor Ayşe Güney; TJA members Ayşe Gökkan, Zekiye Güler, Figen Ekti, Emine Kaya, Zeynep Suncak, Selma Metin, Ruken City, Hasret Alp, Şükran Tamir; 70-year old Hayriye Türkekul from the Peace Mothers; Med Prisoners and Convicted Families Legal and Solidarity Associations Federation (MED TUHAD-FED) Co-President Elif Haran; Association for Relief Families (TUAY-DER) member Rabia Ataş; Bağlar Municipality council members Panayır Çelik and Halime Bayram; Yenişehir Municipality Council members Gülşen Güneş and Ronda Bat; the People's Democratic Party (HDP) Yenişehir former District Co-chair Demet Özkaran; Health and Social Workers Union (SES) Diyarbakır Branch Manager Rozerin Çatak; HDP Kayapınar District Co-chair Besile Narin; HDP Sur District Co-chair Hatun Yıldız; Bureau Workers Union (BES) former managers Dilan Yakut and Güneş Özel.
5. In addition, the houses of TUY-DER Executive Bahar Akyapı and HDP Sur Co-Chair Hatun Yıldız were also raided but the individuals were not arrested as they were not present in their homes.<sup>10</sup>
6. The women's rights defenders were detained in the Diyarbakır Provincial Security Directorate (EMK/SD).<sup>11</sup> The warrant for their arrest was made on the basis of statements provided by secret witness statements and concerned the women's participation in

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<sup>7</sup> Gazete Karınca, *President of the Rosa Women's Association has been released*, 18 August 2020. Available at: <https://gazetekarınca.com/2020/08/rosa-kadin-dernegi-baskani-adalet-kayaya-tahliye/>

<sup>8</sup> Joint urgent action letter to the UN special mandate holders, supra note (1).

<sup>9</sup> Bianet, *Journalists and activists detained in Diyarbakır*, 14 July 2020. Available at: <http://bianet.org/english/politics/227401-journalist-and-activists-detained-in-diyarbakir>

<sup>10</sup> Ibid.

<sup>11</sup> Yeni Yasam, *Information is Provided for Security Reasons*, 15 July 2020. Available at: <http://yeni yasam gazetesi1.com/gizlilik-gerekcesiyle-bilgi-verilmiyor/>

demonstrations and events.<sup>12</sup> However, the full scope of the investigation was not disclosed to lawyers due to the imposition of a confidentiality order.

7. 70-year old Hayriye Türkekul was later released under judicial control on the grounds of her participation in actions and activities carried out on behalf of an organisation.<sup>13</sup> Upon her release, she stated that she was not provided with access to medicine or water.<sup>14</sup> Aklime Hanas, Rabia Ataş, Gülşen Güneş, Zeynep Suncak, Ayşe Güney and Hatice Şen were also released on judicial control on similar charges.<sup>15</sup> The remaining women, however, were detained pending their trial on the grounds of “membership in an organisation” with regard to their participation in activities and events.<sup>16</sup>
8. The HDP Spokesperson for the party’s Women’s Council noted that the arrests coincide with government debates over a possible withdrawal from the Istanbul Convention, therefore operating as a measure to “prevent women’s opposition to these debates.”<sup>17</sup> In addition to this, these arrests are especially concerning given their similarity to the arrest and detention of women’s rights defenders from the RWA and TJA earlier this year, constituting part of the Turkish government’s large-scale and systematic attack on women’s rights defenders, particularly Kurdish women in the South Eastern region of Turkey. The HDP Co-Chair Pervin Buldan stated that the purpose of these operations is to “stop women’s struggle for equality and freedom. It is to prevent women’s organisation. It is to create barriers to democratic politics. It is to scare and intimidate the public.”<sup>18</sup>
9. These recent developments constitute a gross violation of Turkey’s obligations under both domestic and international law, the details of which can be found in our previous action request.<sup>19</sup> As a Party to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)<sup>20</sup> and the Council of Europe Convention on

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<sup>12</sup> ANF News, *Operations in Amed: Number of Arrests Increases*, 14 July 2020. Available at:

<<https://anfdeutsch.com/aktuelles/operation-in-amed-zahl-der-festnahmen-erhoeht-sich-20385>>

<sup>13</sup> Jinnews, *Hayriye Türkekul, 70, was released*, 15 July 2020. Available at: <<http://jinnews.com.tr/TUM-HABERLER/content/view/142649>>

<sup>14</sup> Ibid.

<sup>15</sup> Gazete Duvar, *Journalist Ayşe Güney was released*, 17 July 2020. Available at:

<<https://www.gazeteduvar.com.tr/gundem/2020/07/17/gazeteci-ayse-guney-serbest-birakildi/>>

<sup>16</sup> Alevinet, *5 arrested in Amed*, 17 July 2020. Available at: <<https://alevinet.com/2020/07/18/amedde-gozaltina-alinanlardan-5i-tutuklandi/>>

<sup>17</sup> Diego Cupolo, *Another Pro-Kurdish Mayor Replaced as Detentions Continue in South-East Turkey*. Available at: <<https://www.al-monitor.com/pulse/originals/2020/07/hdp-mayor-replace-turkey-southeast.html>>

<sup>18</sup> Gazete Karınca, *House Raids in Diyarbakir and Antep: Detentions, Statements and Reactions*, 14 July 2020. Available at: <<https://gazetekarinca.com/2020/07/diyarbakir-ve-antepte-ev-baskinlari-gozaltilar-aciklamalar-tepkiler/>>

<sup>19</sup> Joint urgent action letter to the UN special mandate holders, supra note (1).

<sup>20</sup> Preamble, Convention on the Elimination of All Forms of Discrimination against Women, December 1979, available at: <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>>

Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention),<sup>21</sup> Turkey is contravening its obligation to encourage the promotion and protection of women's fundamental human rights. Additionally, the arrest and detention of these women's rights defenders is a violation of its obligations under international law to protect human rights defenders including the UN Declaration on Human Rights Defenders and other international law instruments.<sup>22</sup> These repeated violations of Turkey's domestic and international law obligations against human rights defenders, and in particular women's rights defenders, continue to impose a "profound chilling effect" on civil society in Turkey.<sup>23</sup>

### **ACTIONS REQUIRED**

- 10.** We request the Special Rapporteurs to urge the Turkish Government to facilitate the immediate release of Ayşe Gökkan, Zekiye Güler, Emine Kaya, Dilan Yakut, Figen Ekti, Elif Haran, Demet Özkara, Panayır Çelik, Halime Bayram, Ronda Bat, Rozerin Çatak, Emine Kaya and Rozerin Çatak, to end their arbitrary and unlawful imprisonment and pre-trial detention.
- 11.** We further request the Special Rapporteurs to urge the Turkish Government to stop all forms of harassment, including the judicial harassment, against these individuals as well as against other women's rights defenders, and allow the enjoyment of their right of freedom of expression and association within civil society in the advocacy of women's rights without fear of intimidation or improper interference.
- 12.** We further request the Special Rapporteurs urge the Turkish Government to make its anti-terrorism legislation compliant with international human rights standards and to stop prosecuting the expression of critical opinions and right to assembly.
- 13.** We request the Special Rapporteurs urge the Turkish Government to fully implement its obligations in the promotion and protection of women's rights and the prevention of violence against women under the Istanbul Convention and the CEDAW.
- 14.** We also request the Special Rapporteurs urge the Turkish Government to respect and fully implement all other international and European instruments ratified and supported

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<sup>21</sup> "Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence," 2011, available at: <<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>>

<sup>22</sup> Article 12, A/RES/53/144, 8 March 1999, available at: <<https://undocs.org/A/RES/53/144>>

<sup>23</sup> Commission for Human Rights, Turkey needs to put an end to arbitrariness in the judiciary and to protect human rights defenders, 8 July 2019. Available at: <<https://www.coe.int/en/web/commissioner/-/turkey-needs-to-put-an-end-to-arbitrariness-in-the-judiciary-and-to-protect-human-rights-defenders>>

by Turkey, including the International Covenants on Civil and Political Rights, the UN Declaration on Human Rights Defenders and the European Convention on Human Rights.

- 15.** Finally, we request the Special Rapporteurs to intervene in these grave matters and raise all of these issues, as well as those detailed in our previous action request, as a matter of priority, with the Turkish Government and to communicate the concerns outlined in relation to the violation of the right to freedom of expression, assembly and the right to liberty.
- 16.** We would be grateful if you would kindly notify us of what action you are minded to take on this matter and to inform us, in due course, of any response received from the Turkish State. We would also be grateful if you are able to acknowledge receipt of this letter.

Yours faithfully

Ayşe Bingöl Demir, Turkey Human Rights Litigation Support Project

Sanya Karakaş, London Legal Group