TURKEY WOMEN’S RIGHTS REPORT
(WOMEN VICTIMS OF THE STATE OF EMERGENCY)

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https://www.crossborderjurists.org
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB</td>
<td>European Union</td>
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<tr>
<td>ECtHR</td>
<td>European Court of Human Rights</td>
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<td>AKP</td>
<td>Justice and Development Party</td>
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<td>UN</td>
<td>United Nations</td>
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<tr>
<td>FETÖ</td>
<td>Fetullahist Terrorist Organization (A name of an organization created by Erdoğan and AKP, which does not exist in reality)</td>
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<tr>
<td>PDY</td>
<td>Parallel State Structure</td>
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<tr>
<td>STATE OF EMERGENCY</td>
<td>State of Emergency</td>
</tr>
<tr>
<td>DECREES</td>
<td>Decree Law</td>
</tr>
</tbody>
</table>
INTRODUCTION .................................................................................. 4
I- CONCEPTS ..................................................................................... 7
  1. STATE OF EMERGENCY - DECREE LAW .................................. 7
  2. State of Emergency Victims ..................................................... 8
  3. Women Victims of the State of Emergency .............................. 11
II- Being a Woman in Turkey .......................................................... 12
  1. Turkish Statistical Institute Data ............................................. 12
  2. Global Gender Inequality Index Data ..................................... 14
  3. Femicide .................................................................................. 15
III- RIGHT VIOLATIONS ................................................................. 17
  1. Violations of the Prohibition of Discrimination ...................... 17
  2. Violations of the Right to Life ................................................. 23
  3. Violations of the Prohibition of Abduction and Disappearance 29
  4. Violations of the Prohibition of Torture and Ill-Treatment ...... 32
  5. Violations of the Right to Liberty and Security ...................... 40
  6. Violations of Freedom of Thought, Religion and Belief .......... 45
  7. Violations of Freedom of Association ..................................... 46
  8. Violations of the Right to Respect for Private and Family Life 47
  9. Violations of Freedom of Assembly ......................................... 48
  10. Violations of Property Rights .................................................. 49
CONCLUSION .................................................................................... 51
INTRODUCTION

1. Women's rights are among the most important issues that have always occupied Turkey's agenda. Discrimination-based practices, femicide and child brides are among the leading issues in this field.

2. As can be seen from the findings in our report, while women's rights in general were far below the desired level, a shady coup attempt took place on July 15, 2016. Then, on July 21, 2016, a state of emergency (State of Emergency) was declared despite the lack of conditions in the constitution and international conventions. During parliamentary debates, ministers stated that the state of emergency would last only one month, but this was not the case. The state of emergency lasted 2 years. 33 decrees in power of law (KHK) were issued. These decrees amended hundreds of laws that had nothing to do with the state of emergency, from the election of judges to tender laws.

3. Basic human rights have been destroyed by State of Emergency decrees. The right to life, the prohibition of torture, the right to a fair trial, the right to freedom of movement, the right to property - all rights protected by the Constitution - have been severely damaged. These violations did not remain on paper. People were tortured to death in detention centers and prisons. More than one hundred people were abducted and disappeared. There are still people who have not been found. 133,813 people, including 23,202 women, were dismissed from their public sector jobs. In the private sector, thousands of companies and Non-Governmental Organizations (NGOs) were seized. Tens of thousands of people working in these organizations became unemployed. Nearly two million people have been accused of crimes created by emergency decrees and enforced retrospectively, and have been subjected to investigations and trials. More than two hundred thousand people were detained. More than a hundred thousand were arrested. Grave violations of rights took place in many other areas that are not the subject of this study. For the first time in its history, the State of the Republic of Turkey was accused of "crimes against humanity" in UN resolutions.

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1 https://tr.solidaritywithothers.com/dismissal-by-decree-laws-and-hsk
2 The United Nations Working Group on Arbitrary Detention in its resolutions 51/2020 of 18 September 2020 (Pa. 102) and 47/2020 of 25 September 2020 (Pa. 101) clearly emphasized that the systematic mass detention and arrest practices against the Gülen Movement in Turkey may constitute crimes against humanity.
4. The state of emergency ended in July 2018. However, many laws enacted by State of Emergency decrees are still in force. The State of Emergency continues de facto and de jure.

5. The state of emergency has deeply shaken women's rights. Even the Law on the Protection of Women became inoperable. Women who requested protection were told by the police: "There is a state of emergency, the priority is the fight against terrorism".

6. The keyword of the State of Emergency period that opened every door was "terror". Nearly two million people, mainly supporters of the Gülen Movement and the Peoples' Democracy Party, were declared terrorists. Any opponent of President Recep Tayyip Erdoğan and the AKP has been subjected to a witch hunt, assumed to be a member of the PKK if he or she is Kurdish, or linked to the Gülen Movement if he or she is not. Journalists such as the writers of Cumhuriyet newspaper and many others were even accused of aiding and abetting both organizations at the same time. In this way, a perception was created that any evil that could be done to women labeled as "terrorists" would be legitimate. Immediately after the coup attempt, in propaganda activities against people allegedly linked to the Gülen Movement, religious fatwas were issued, such as "their property, women and daughters are halal!(which means their property can be seized and their wives and daughters can be used )".

7. Tens of thousands of women have been detained during the State of Emergency. Even if they were pregnant, sick or with babies, they were detained and kept in police cells for up to 30 days under very harsh conditions. These women were subjected to all forms of torture. Some women were raped. Some gave birth to their rapist's baby. Physical violence, swearing, insults and threats became commonplace in police cells. Some women were dripped with corrosive chemicals, some were electrocuted. Judges, prosecutors and law enforcement officers involved in their investigations were granted immunity. These public officials were complicit in all kinds of lawlessness. Reports of torture or other crimes were covered up. Lawsuits filed to obtain usurped rights were rejected. Even the Turkish Constitutional Court has ceased to be an effective remedy, as emphasized in the decisions of the United Nations Human Rights Committee.

8. Women were forced to stay with their babies in prisons. Some women had no Access to medical support and driven to death due to mobbing and marginalization.

9. During the SoE period, problems related to women's rights grew exponentially and femicides increased. The government, which should solve the problems and take responsibility by

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3 https://tr.wikipedia.org/wiki/Cumhuriyet_Davas%C4%B1
taking protective, preventive and developmental measures regarding women's rights, blamed the Istanbul Convention. In 2021, Türkiye withdrew from the Istanbul Convention, which was adopted in 2011 when Türkiye was the rotating president of the Council of Europe and Türkiye was the first signatory country. The reason put forward for the withdrawal was unrealistic rhetoric that had nothing to do with the purpose of the Convention or even its written text. Women's rights in Turkey have suffered another major blow at the hands of the state.

10. Our report addresses the situation of women who were subjected to Human Rights violations during the State of Emergency and its aftermath. Brief explanations are given about the violations and these explanations are concretized with examples.

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6 https://tr.wikipedia.org/wiki/%C4%B0stanbul_%C3%B6zle%C5%9Fmesi . Internet access date: 06.02.2023
I- CONCEPTS

1. STATE OF EMERGENCY - DECREE LAW

11. On July 21, 2016, following the July 15, 2016 shadowy coup attempt, a state of emergency (SoE) was declared, even though life in the country had returned to normal less than two days later. Türkiye notified the United Nations and the Council of Europe that it was suspending key human rights treaties.

12. This was done despite the lack of conditions for declaring a state of emergency according to the Constitution and the relevant international conventions. The military and politicians announced that the coup attempt was completely suppressed within 2 days\(^7\). Statements were made to the whole world that life had returned to normal and there were no problems. Despite this, Erdoğan and his AKP party declared a state of emergency with the support of opposition parties.

13. The State of Emergency, which was announced for three months, lasted for 2 years\(^8\). 37 State of Emergency decrees were issued. Hundreds of laws were amended, from the Law on Tenders to the Village Law. Fundamental rights and freedoms have been destroyed by State of Emergency decrees.

14. The state of emergency ended on July 18, 2018. During those two years, fundamental rights and freedoms remained completely insecure. In particular, there has been complete arbitrariness on many fundamental vital issues such as fair trial, prohibition of torture, freedom and security of person, and right to privacy. Crimes were fabricated with State of Emergency Decree Laws, the fabricated crimes were executed with retroactive effect, and people were detained and arrested en masse. The 4-day maximum detention period was extended to 30 days. Torture was paved the way for torture in detention centers. Immunity laws protecting torturers were adopted.

15. The State of Emergency has ended on paper. However, State of Emergency decrees are still in force. People are still being dismissed from their jobs, detained for days and tortured. Discrimination-based practices continue at full speed.

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\(^7\) July 15 coup attempt - Wikipedia (wikipedia.org). Internet access date: 06.02.2023

\(^8\) https://www.cumhuriyet.com.tr/haber/ohal-tezkeresi-tbmmde-kabul-edildi-571673. Internet access date: 06.02.2023
16. **The Victim of the SoE**

The victims of the SoE period are divided into 2 groups. The first group refers to people whose names are included in the lists published in the State of Emergency Decree Laws and who have been dismissed from public office and banned from practicing their professions ever again. The number of people within this scope is 133,813⁹.

17. The second group, which is larger, corresponds to a group formed on the basis of political criteria introduced by the State of Emergency decrees. These criteria were used in administrative decisions, official documents, prosecution and court decisions as follows:

- His/her workplace was closed down by the State of Emergency Decree Law,
- Having an account at Bank Asya, which was closed down by the State of Emergency Decree Law,
- Their children were educated in schools closed down by State of Emergency decrees,
- The fact that they themselves were educated years ago in courses, classrooms, dormitories, schools and universities that were shut down by State of Emergency decrees,
- Reading books published by the publishing houses closed down by the State of Emergency Decree Law and keeping them in their homes,
- Reading and subscribing to the “newspapers and magazines closed down by the State of Emergency Decree Law,
- Being a member of associations closed down by the State of Emergency Decree Law,
- Participating in the activities of these associations, providing financial aid to them in the past,
- Membership of trade unions closed down by the State of Emergency Decree Law,
- Being the spouse, child, mother or father of someone who was dismissed from their job by the State of Emergency Decree Law,

It is possible to increase the number of these criteria.

18. People have been detained, tortured in detention, arrested and even convicted to long prison sentences on the basis of these criteria. What is striking here is that the expression "State of Emergency Decree Law" constitutes the core of the accusations. In other words, when this phrase is removed from the accusations, there is neither a crime nor a basis. Because the same people were living in the same country in the same way before the State of Emergency decrees. Their ordinary activities in their daily lives were not considered a crime. Therefore, the SoE Victims represent a very large part of the society.

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⁹ [https://tr.solidaritywithothers.com/dismissal-by-decree-laws-and-hsk](https://tr.solidaritywithothers.com/dismissal-by-decree-laws-and-hsk) . Internet access date :06.02.2023
19. Victims of the State of Emergency are largely composed of volunteers of the Gülen Movement\textsuperscript{10} and members or supporters of the Peoples' Democracy Party (HDP). Gülen Movement volunteers have been accused of being in contact or affiliated with the organization defined by the community as "FETÖ", while members and supporters of the Peoples' Democracy Party have been accused of being in contact or affiliated with "PKK" or "PYD". The criteria used in these accusations are fabricated and hypothetical arguments produced by State of Emergency Decree Laws, examples of which are given above. People have been accused of membership, leadership or aiding a terrorist organization based on these fabricated criteria.

20. Victims of the State of Emergency refer to a group that encompasses all dissidents of the country. For example, academics who signed the "Academics for Peace Declaration". They were dismissed from their jobs and subjected to investigations, detentions and arrests by State of Emergency Decree Laws. Again, those who supported the Özgür Gündem newspaper, which was shut down by emergency decree, were arrested. Among them is the woman writer Aslı Erdoğan.

21. Many observations and assessments have been made in international reports and documents on the victims of the State of Emergency. The European Commission's 2018 Report on Turkey states that "The prosecution of suspected members of the Gülen movement and coup plotters has raised serious questions about compliance with international standards. Of particular concern is the fact that relatives of suspects have been directly or indirectly targeted by a range of measures, including dismissal from public institutions and organizations and confiscation or revocation of passports. The determination of alleged links to the Gülen movement was based on a number of informal criteria, including that their children had attended schools linked to the organization, had deposited money in a bank account linked to the organization, or had used the ByLock mobile messaging application."\textsuperscript{11}

22. The state does not fully disclose the number of victims of the State of Emergency. This is because it does not recognize them as victims. However, it is possible to determine the number using data from open sources.

\textsuperscript{10} According to the statements made by Minister of Justice Bekir Bozdağ, the number of people subject to investigations on the grounds of having links with the Gülen Movement is 559,322 in the files completed as of June 14, 2022. This number is only related to the completed files. It does not include ongoing investigations. https://www.trthaber.com/haber/gundem/bakan-bozdag-6nci-yargi-paketiyle-stokculara-hapis-cezalari-artacak-687718.html , Internet access date:06.02.2023

\textsuperscript{11} European Commission 2018 Turkey Report, p.8.
23. 3,942 institutions were closed down by State of Emergency decrees\(^{12}\). 985 companies were transferred to the Savings Deposit Insurance Fund and placed under state control\(^{13}\). These institutions include joint stock companies, holdings companies, schools, universities, university preparation courses, newspapers, televisions, radios, associations, foundations, trade unions and other organizations with hundreds of thousands of employees and members. All of these people are victims of the State of Emergency. Tens of thousands of people who were dismissed by their employers on the basis of the criteria listed above due to their fear of state repression are also included in this group.

24. The number of victims can also be determined based on data from the Turkish Statistical Institute (TurkStat). According to a statement made by MP Mustafa Yeneroğlu, 1,056,000 people were investigated by prosecutors on terrorism charges between 2016 and 2018\(^{14}\). According to calculations made by lawyer Levent Mazilğüney based on (TurkStat) data, 1,768,530 people were charged with terrorism from 2016 until the end of December 2021\(^{15}\). The magnitude of this number raises the question of what the reality of terrorism in Turkey is. According to an official statement by the Ministry of Justice, as of December 2015, the number of people in Turkish prisons on terrorism charges was 7,469\(^{16}\). This number includes members of organizations such as the PKK, ISIS and al-Qaeda, which are internationally recognized as terrorist organizations. It also includes people like PKK leader Abdullah Öcalan, who has been imprisoned for decades. According to the official statements of the Ministry of Interior, the number of terrorists presumed to be inside the country is around 2,475-2,780 in 2016, 1,835-1,995 in 2017, and 1,100-1,200 in 2018\(^{17}\). A comparison of the official statements of the two ministries and TurkStat data reveals a grave picture. According to these data, at least 1,750,000 people have been accused of being terrorists in a 5-year period on the basis of State of Emergency decrees and politically motivated justifications. These 1,750,000 people are victims of the State of Emergency. According to Solidarity With Others’ calculations based on TUIK data, between 2015 and 2021, 561,388 indictments were issued.
against different numbers of people on terrorism charges. In the same period, the number of people who were tried in courts on "terror" charges and whose trials ended was 599,524 and the number of women was 97,721.

25. In order to reveal the arbitrariness of declaring people as terrorists in Turkey, the data in the report of the International Centre for the Study of Radicalization dated 22 July 2020 is also important. In the report, a study was conducted on 10 European countries, namely Belgium, Denmark, the United Kingdom, France, Germany, Greece, the Netherlands, Norway, Spain and Sweden. According to the data obtained as a result of this study, it was determined that approximately 1,414 people were imprisoned in connection with terrorism offenses in all of these 10 countries. In the face of this data, when it is considered that the number of women being tried on "terrorist" charges in Turkey alone is 97,721, it can be seen more clearly how far Turkey is from reality.

26. Individual applications were made to the ECHR, the United Nations Human Rights Committee, the United Nations Committee for the Prevention of Torture and the United Nations Working Group on Arbitrary Detention regarding the dismissals, detentions and arrests of victims of the State of Emergency. All of these applications have resulted in decisions of violation. To date, there has not been a single decision upholding the practices of the Turkish State subject to the application.

2. Women Victims of the State of Emergency

27. Although officially over, in reality there is a state of emergency in Turkey that continues in all its severity. This state of emergency has undoubtedly crushed women's rights. Tens of thousands of women from tens of thousands of professions, including judges, prosecutors,
officers, nurses, teachers and doctors, have been targeted for extermination and their names have been published in State of Emergency decrees. These women were declared "terrorists" and "traitors" overnight with unjust, unlawful, arbitrary lies and slander. These women were fired from their jobs simply because their names appeared in a decree law. Some of them were detained, arrested, tortured and even killed in prisons. Some were raped in detention centers. Tens of thousands of them were brutally separated from their husbands and children. Hundreds of them had to go to prison with their children and raise them there under very harsh conditions. The country became unlivable for them. Some of them had to leave. Some died on the escape routes.

28. When the question is asked, "What is the number of women victims of the SoE?", it will not be possible to give an exact number as an answer to this question easily. However, as the most basic data, the number of those who were dismissed while working in public office and the data in the statistics of TÜİK will be partially guiding. According to the data obtained by Solidarity With Others from TÜİK statistics:

- The number of women who were dismissed from their jobs under the State of Emergency decrees is 23,202, which corresponds to 17.3%\(^25\). The number of those dismissed from their jobs in the private sector is unknown.
- The number of women who were tried in criminal courts on terrorism charges, whose cases were finalized and judgments were issued against them during the SoE period is 97,721\(^26\).

II- BEING A WOMAN IN TURKEY

29. Under this heading, information on the general situation of women living in Turkey will be shared. Here, data obtained from state institutions and international organizations will be presented.

1. **Turkish Statistical Institute Data**\(^27\)

   a. **Ratio of women to population**

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\(^{25}\) [https://tr.solidaritywithothers.com/dismissal-by-decree-laws-and-hsk](https://tr.solidaritywithothers.com/dismissal-by-decree-laws-and-hsk) . Internet access date :06.02.2023

\(^{26}\) [https://lookerstudio.google.com/embed/u/0/reporting/2287c7a9-3035-458f-9fb1-92ff013eb50/page/p_5kda2l05pc](https://lookerstudio.google.com/embed/u/0/reporting/2287c7a9-3035-458f-9fb1-92ff013eb50/page/p_5kda2l05pc) . Internet access date :06.02.2023

\(^{27}\) Data taken from Turkish Statistical Institute: [https://data.tuik.gov.tr/Bulten/Index?p=Istatistiklerle-Kadin-2021-45635](https://data.tuik.gov.tr/Bulten/Index?p=Istatistiklerle-Kadin-2021-45635) . Internet access date :06.02.2023
30. According to 2021 data, 49.9% of Turkey’s population is female and 50.1% is male.

<table>
<thead>
<tr>
<th>Total number of women</th>
<th>42,252,172</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of men</td>
<td>42,428,101</td>
</tr>
</tbody>
</table>

b. Employment rate of women

31. According to 2020 household labor force survey results, the employment rate of women is less than half of men.

Employment status of people aged 15 and over in Turkey:

- In the general population: %42.8
- In women: %26.3
- For men: %59.8

c. Employment rates of women by educational attainment

32. According to the 2020 household labor force survey results, it is observed that women participate in the labor force more as their education level increases.

- Labor force participation rate of illiterate women: %12.4
- Labor force participation rate of women with less than high school education: %24.1
- Labor force participation rate of female high school graduates: %29.9
- Labor force participation rate of female vocational or technical high school graduates: 37.0
- Labor force participation rate of female higher education graduates: %65.6

d. Representation of women in parliament

33. By the end of 2021, the vast majority of MPs in parliament were men.

<table>
<thead>
<tr>
<th>Total number of MPs</th>
<th>582</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of male MPs</td>
<td>481</td>
</tr>
<tr>
<td>Number of women MPs</td>
<td>101</td>
</tr>
<tr>
<td>Proportion of women MPs</td>
<td>%17.4</td>
</tr>
</tbody>
</table>
e. Women in executive positions in business life

34. According to the 2020 household labor force survey, the rate of women in senior and middle management positions in companies is 19.3%.

f. Internet use

35. According to the 2021 household information technologies usage survey results, internet usage of individuals in the 16-74 age group:
   - In the general population: %82.6
   - For men: %87.7
   - In women: %77.5

g. Feeling safe on the street

36. According to the results of the life satisfaction survey; distribution of those who feel unsafe walking alone at night in their neighborhood in 2021.
   - In the general population: %25.0
   - In women: %35.5
   - For men: %14.2

   Feeling safe in the environment they live in:
   - In women: %48.1
   - Men: %70.9

2. Global Gender Inequality Index Data

37. Global Gender Inequality Indices have been published by the World Economic Forum since 2006\(^{28}\). The purpose of the index is defined as "measuring gender-based inequalities in access to resources and opportunities in countries, rather than the actual level of resources and opportunities available in countries". A different number of countries are included in the Index each year. The inequality situation in Turkey in the indices between 2013 and 2022 is

as follows. In this data, Turkey's ranking according to country scores and the score obtained from inequality indices are given. In the scoring, "1" means no inequality and "0" means the highest level of inequality. Considering the data below, there is a serious inequality against women in Turkey.

<table>
<thead>
<tr>
<th>Year</th>
<th>Sorting</th>
<th>Inequality Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>120/136</td>
<td>0.608</td>
</tr>
<tr>
<td>2014</td>
<td>125/142</td>
<td>0.618</td>
</tr>
<tr>
<td>2015</td>
<td>130/145</td>
<td>0.624</td>
</tr>
<tr>
<td>2016</td>
<td>130/144</td>
<td>0.623</td>
</tr>
<tr>
<td>2017</td>
<td>131/144</td>
<td>0.625</td>
</tr>
<tr>
<td>2018</td>
<td>130/149</td>
<td>0.628</td>
</tr>
<tr>
<td>2020</td>
<td>130/153</td>
<td>0.635</td>
</tr>
<tr>
<td>2021</td>
<td>133/156</td>
<td>0.638</td>
</tr>
<tr>
<td>2022</td>
<td>124/146</td>
<td>0.639</td>
</tr>
</tbody>
</table>

3. Femicide

38. When the issue of women's rights in Turkey comes to the fore, the most shocking data is undoubtedly that on femicides.

39. Unfortunately, data on femicides are not shared with the public by official institutions such as the Ministry of Justice, the Ministry of Interior and the General Directorate of Security. It is possible to access the data of the ministries through parliamentary questions or official/unofficial statements.

40. A compilation of information available from different ministries reveals the following picture:


https://tr.wikipedia.org/wiki/T%C3%BCrkiye%27de_kad%C4%B1n_cinayeti#cite_note-2020rapor-5 . Internet access date: 06.02.2023
According to 2012 Ministry of Family and Social Policies data, 171 femicides were committed in 2009, 177 in 2010, 163 in 2011 and 128 in 2012.


41. We Will Stop Femicide Platform\(^{30}\) and the civil society organizations Anıt Sayaç (Anıt Sayaç) carry out field studies, data collection and reporting on femicide.

Below is the data from Anıt Sayaç's website\(^{31}\).

According to these data, there were 3,675 femicides between 2012 and 2022.

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\(^{30}\) [https://kadincinayetlerinidurduracagiz.net/](https://kadincinayetlerinidurduracagiz.net/) , Internet access date :06.02.2023

\(^{31}\) [http://anitsayac.com/?year=2022](http://anitsayac.com/?year=2022)  , Internet access date :06.02.2023
III- RIGHT VIOLATIONS

42. This section will focus on the grave violations of rights experienced by women during the SoE period and its aftermath. Turkey has experienced and is experiencing a storm of rights violations in general. Here, the focus will be on rights violations against women.

1. Non-Discrimination Violations

43. The Turkish Constitution and fundamental conventions on human rights prohibit all forms of discrimination between people. In this context, no one can be subjected to negative discrimination and deprivation of rights on the grounds of any difference such as gender, religion, race, color, social status. However, during the SoE period, thousands of women were victimized on political grounds and experienced discrimination in all areas of life. In this section, only some of the discrimination-based practices can be mentioned with examples.

44. In Turkey, all those who have been dismissed from their jobs by State of Emergency decrees and subjected to investigations by prosecutors' offices have been tagged in the state's database. This tagging is not in the form of a criminal record. In other words, the situation is completely different from a finalized conviction being entered into the judicial record. All people who have been dismissed from their jobs with the State of Emergency Decree Laws, or who have been subjected to investigations by prosecutors' offices based on denunciations or complaints, have been annotated as "risky person", "in contact with or affiliated with a terrorist organization" on their records in all state systems such as population, notary, social security, land registry. Due to this annotation, they have been subjected to discrimination in all public transactions. Examples of practices in this context are given below.

a. Not Benefiting from Social Assistance

45. N.K. is the wife of a police officer who was dismissed from his job and arrested with a Decree Law and is the mother of two children. N.K., who was condemned to complete economic misery and psychologically on the verge of suicide, was also deprived of social assistance. The incident came to light with a tip-off to the Directorate of Social Services. Neighbors who knew about the family's situation called the social services and asked for help. The officers who came to see the family were very impressed when they saw that there was nothing to eat in the house and the psychological state of the woman. When one of the officers asked their manager, "The family's situation is very bad, can they benefit from social assistance?" he was told "No!". When another officer reminded, "But last week we gave a salary to the wife of an
ISIS member," the manager replied, "We can give it to the ISIS member, but not to the ones from the lists of the state of emergency decrees!"\(^{32}\).

**b. Green Card Denial**

46. The Green Card is a compulsory health insurance provided by the state to people in Turkey who do not have sufficient economic income. If a person proves that his/her income is insufficient, he/she can get this card and benefit from health services free of charge. During the SoE period, women whose jobs were terminated by State of Emergency decrees were subjected to serious discrimination.

47. Zehra Doğramacıoğlu is a doctor of 20 years. Both she and her husband were dismissed from their jobs by the State of Emergency Decree Law. Her husband was arrested and sent to prison. The family was suddenly deprived of all health and social security benefits. Meanwhile, Ms. Doğramacıoğlu was battling two different types of cancer. She applied to the District Governor's Office for a Green Card. Although she and her daughter met all the requirements, they were not given a green card because they were dismissed from their jobs by the State of Emergency Decree Law\(^{33}\).

**c. Failure to Benefit from Earthquake Aid**

48. On January 24, 2020, an earthquake occurred in Sivrice district of Elazığ province. Due to the earthquake, many houses were destroyed and many people's houses became unusable. The state provided economic aid to the earthquake victims both with its own resources and with the revenues obtained from the aid campaign. Ümmü Gülşüm Tamam, a mother of one child, was not entitled to this aid. The reason given for this was that her husband is a teacher who was dismissed by the State of Emergency Decree Law and is currently under arrest. It was revealed that this person had not benefited from the social assistance provided to other people in economic difficulties before the earthquake\(^{34}\).

**d. Criminalization of Assistance to Relatives in Prison**

49. The discriminatory criminalization of providing assistance to women whose husbands are in prison and their children has led to severe victimization. There are associations established to

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\(^{32}\) [https://www.tr724.com/isidliye-maas-khkliva-agac-koku/](https://www.tr724.com/isidliye-maas-khkliva-agac-koku/) , Internet access date :06.02.2023

\(^{33}\) [https://www.dw.com/tr/t%C3%BCrkiyede-khkl%C4%B1lar-bize-vebal%C4%B1-muamelesi-yap%C4%B1yorlar/a-50521070](https://www.dw.com/tr/t%C3%BCrkiyede-khkl%C4%B1lar-bize-vebal%C4%B1-muamelesi-yap%C4%B1yorlar/a-50521070) , Internet access date :06.02.2023

\(^{34}\) [https://haber.sol.org.tr/turkiye/evi-hasarli-depremzedeye-yardim-yapilmadi-gerekce-ohal-oldu-279715](https://haber.sol.org.tr/turkiye/evi-hasarli-depremzedeye-yardim-yapilmadi-gerekce-ohal-oldu-279715) , Internet access date :06.02.2023
help judicial prisoners and their families and even public institutions support these associations. When it comes to political prisoners and their families, the state not only does not help, but also criminalizes the aid provided. For example, on 09.06.2020, 28 people, including 27 women, were investigated for helping the families of people linked to the Gülen Movement who were themselves in prison\(^{35}\), and in October 2022, 704 people, including academics and doctors, were investigated for membership of a terrorist organization, almost all of these people were detained and lawsuits were filed against them\(^{36}\). In this way, thousands of people have been subjected to investigations in the last 7 years and hundreds of people, including women with babies, have been arrested. With these discriminatory practices, people are being forced to face starvation and death by the state.

e. Discriminatory Detention and Arrest of Pregnant and Women with Child

50. One of the most severe discriminatory practices against women is the detention and arrest of pregnant women and women with babies. Article 16/4 of the Law on the Execution of Sentences and Security Measures stipulates that the execution of sentences of pregnant women and women who have not given birth within 1 year and 6 months of their birth will be postponed. As stated in the law, women in this group are those whose trial processes have been completed and whose guilt and sentences have been finalized. Article 109/4 of the Code of Criminal Procedure (CPC) stipulates that pregnant women, women who have recently given birth and women who have not given birth within 6 months may not be arrested. This provision in the Code of Criminal Procedure covers women who are under investigation by prosecutors’ offices or on trial in courts on suspicion of a crime. In both cases, it is almost impossible for pregnant women and women with babies to be sent to prison. The rules on arrest also cover detention under the Criminal Procedure Code. The conditions for both are very close to each other. In other words, detaining a person who cannot be arrested and holding him/her for days violates the spirit of the law. Despite this, women accused on political grounds during the State of Emergency and still today are arbitrarily and massively detained and arrested as if these legal regulations do not exist. In 2019, the number of children in prison with their mothers reached 780\(^{37}\). The arbitrary detention and arrest of pregnant

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\(^{35}\) https://www.milliyet.com.tr/gundem/fetonun-guncel-yapilandirmasi-sorusturmasinda-28-supheli-hakkinda-hapis-istemi-6230851. Internet access date :06.02.2023


\(^{37}\) https://tr.solidaritywithothers.com/_files/ugd/b886b2_f17f1ed178d4ebe908d57d6ece6bea3.pdf . Internet access date :06.02.2023
women has caused a public outcry. As public demands for the non-discriminatory application of the provisions of the law increased, AKP and pro-AKP media reported that women linked to the Gülen Movement were getting pregnant "on instruction" to avoid arrest. AKP Deputy Chairperson Özlem Zengin also made this claim on television. As will be discussed later, even judges and prosecutors have made this accusation against women during interrogations.

51. Elif Tuğral, who was arrested in İzmir when she was 5 months pregnant on charges of working for an organization affiliated with the Gülen Movement and having an account at Bank Asya, was not released despite her health problems and her risky condition, and was kept in prison until she gave birth. After giving birth, she was taken to intensive care and sent back to prison when she recovered.

52. Yasemin Baltacı was detained in Mersin on 17.7.2018, when she was 9 months pregnant, two weeks before her due date, on the grounds that she was a Gülen Movement volunteer. On 19.7.2018, she was arrested and sent to Tarsus Prison, and on 27.7.2018, one day after she gave birth in hospital, she was sent back to prison with her baby. Following the reactions on social media, she was released on 30.7.2018. Almost 2 years later, on 15.6.2020, Baltacı was detained again with her two young children on similar charges.

**f. Retrieval of Foster Children, Termination of Foster Family Status**

53. One of the most destructive practices of the SoE period is the discrimination in foster care and adoption practices.

54. In Turkey, as in other countries, a person can adopt a child. In addition to the institution of adoption, there is also the institution of "foster family", which is the first stage of adoption. In the foster family institution, the responsibility for the care, upbringing and education of some children is shared with the state. This institution is considered a preliminary step to adoption. The conditions for becoming a foster family are also determined by regulations. With a letter dated August 23, 2016, the Ministry of Family and Social Policies sent a circular to 81 provinces with an urgent code and ordered to conduct research on families providing foster care and adoption services. The Ministry circular is dated 19/08/2016 and is on "Measures to be taken within the scope of Fethullahist Terrorist Organization (FETÖ/PDY)".

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The circular requested that investigations be conducted on foster families and that children be taken back from those who are deemed to have links with the Gülen Movement. In response, children were forcibly taken from families who were only prosecuted for allegedly being volunteers of the Gülen Movement. On 28.01.2017, Fatma Betül Sayan Kaya, Minister of Family and Social Policies, announced that children were taken from 9 foster families who were found to have ties with the Gülen Movement. However, before the children were given to these families, a strict check was made on the families in question and the children were given to these families because they met the conditions.

55. This practice has caused great trauma not only to families but also to the children.42

g. Not Awarding Earned Academic Titles

56. On January 11, 2016, 1128 academics signed a declaration titled "We will not be a party to this crime". They shared it with the public. The declaration is mainly related to the conflicts that started in the summer of 2015 and continued until mid-2016, turning the cities, especially in the Southeastern Anatolia region, into a war zone. The fact that the clashes took place in city centers and that many innocent people, including women and children, were killed caused great public debate. These 1128 academics published a declaration in which they demanded peace and declared that they would not be a party to the conflict. After the declaration, the number of signatory academics reached 2212. Erdoğan and the AKP, on the other hand, targeted these academics who did not support or even criticized the government policies and launched investigations against them. With the State of Emergency decrees, all academics who signed the declaration were dismissed from their positions at the universities.

57. In a report published in December 2021, the Right to Life Association also shared information about the rights violations these Peace Academics have been subjected to. A female academic who signed the "Peace Academics" declaration explained how her right to associate professorship was usurped as follows "I lost the court I applied to for my right to associate professorship, I lost the higher court, I went to the Constitutional Court and lost. Then they put temporary article 4 into effect. If you have a situation affected by the dismissal, file a complaint to that institution. So I wrote to the Interuniversity Council. I applied to the Interuniversity Board, saying, "OK, we were dismissed, but associate professorship is not dependent on this." The decision just came. It was written in front of the Decree Law, it put all these phrases such as terrorist organization, liaison, and it said, "Even if you have been

sentenced, postponed or acquitted (it put them all in the same category), you have been dismissed from public office and we will not start your associate professorship period until you return to work."

h. Discrimination Based Practices in Prisons

58. In essence, prisons are places where deprivation of rights is fundamental and the rights that can be exercised are defined. Nevertheless, both the Law on the Execution of Sentences and Security Measures and international texts regulating the situation of prisoners prohibit discrimination in execution practices.

59. During the State of Emergency, those arrested on political grounds were discriminated against in dozens of different areas. This situation particularly and severely victimized women prisoners. To give a few examples of these discriminatory practices;

- Pregnant, with child, sick and elderly prisoners are not entitled to the rights enjoyed by other prisoners, such as postponement of execution, conditional release or release under judicial control.
- Although many women prisoners have completed their term of imprisonment who were in good behavior, they have not benefited from probation, thus their term of imprisonment was prolonged.
- During the state of emergency, political prisoners were banned from writing letters to their relatives or receiving letters from outside.
- They are prohibited from participating in in-prison social activities.
- Open meetings, which should have been held once a month, were held every two months.
- The degree of kinship and the number of visitors are limited.
- Throughout the State of Emergency, lawyer meetings were held under the supervision of at least one correctional officer and these meeting were audio visually recorded.
- While the right to phone was once a week for normal prisoners, it was once every two weeks for political prisoners.

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44 For more information: https://tr.solidaritywithothers.com/_files/ugd/b886b2_f17fdecf178da4ebe908d57d6ce6bea3.pdf . Internet access date :06.02.2023
- Prisons have introduced video surveillance, but political prisoners have not been granted this right.

## 2. Right to Life Violations

60. During the State of Emergency and its aftermath, practices that disregard people's right to life have become common in Turkey. Women are undoubtedly the heaviest victims of these practices. The number of femicides in Turkey has been visibly increasing. Public institutions have also been complicit in these murders.

61. One of the most important United Nations documents on women's rights is the Istanbul Protocol. Contrary to reason and logic, President Erdoğan and the AKP have blamed the Istanbul Protocol for the increasing number of murders of women in Turkey. Despite the reaction of all women's associations and international public opinion, Turkey has withdrawn from the Istanbul Protocol. This is the approach of the rulers of the state towards femicides and women's rights. This also affects the attitude of police officers and correctional officers towards women in detention centers and prisons. Detention centers and prisons have turned into centers of cruelty. Police and correctional officers have knowingly and willfully caused the deaths of women who were detained or arrested, especially for political crimes.

62. Violations of the right to life suffered by women victims of the State of Emergency have manifested themselves in different ways. These include deliberate killings, suicides triggered by the trauma of civilian and social death, and deaths on escape routes due to being forced to flee the country.

### a. Intentional Killing Incidents

63. According to the Turkish Penal Code, the offenses of intentional killing can be committed in two ways. One is the crime of killing a human being by active behavior. The crime of active killing is regulated in Article 81 of the TPC. The other is when a person causes the death of someone by not doing what he/she should have done, foreseeing the consequences. This crime is regulated in Article 83 of the TPC and defined as "committing intentional killing with negligent behavior".

64. In the killings during the SoE period, especially the method of committing intentional homicide with negligent behavior was more common.
The murder of Halime Gülsu

65. Halime Gülsu has been a teacher since July 15, 2016. Gülsu was detained on 20.02.2018 on charges of being a member of the Gülen Movement and was arrested after 12 days in custody. On 28.04.2018, she passed away while she was in Tarsus Prison.[45]

66. Gülsu suffered from systemic lupus erythematosus. She had been struggling with this disease for 15 years as of the date of her death. In this disease, the immune system sees the body's own tissues as enemies and produces antibodies to destroy them, eventually leading the patient to death. During her detention on February 20, Halime Gülsu was not allowed to take all of her medication from home. Due to the nature of her illness, medicines can only be purchased and used on the basis of a medical report that confirms the diagnosis of the disease. This report was also lost by the police during the house search and detention.

67. While in detention, Gülsu explained her condition to the police, but they did not provide her with medication. Gülsu also informed the prosecutor who took her statement and the judge who issued the arrest warrant, but they were not interested.

68. Although Gülsu repeatedly wrote petitions and informed the institutional physician about her terminal illness while in prison, no timely procedures were carried out. Although she informed the hospital doctors about her illness, they did not take the necessary care and performed the wrong tests. Gülsu's illness could not be diagnosed due to the wrong tests. Prison staff scolded Gülsu for not getting a diagnosis from the hospital, saying that she was lying and keeping them busy. However, Gülsu has been struggling with this disease for 15 years. During her detention and in prison, she told everyone she came into contact with the name of the disease and that it was fatal. Again, according to the health system in Turkey, a person's citizenship number can be used to see all their medical procedures, diagnoses and treatments, reports, and medications. In other words, Gülsu was not even diagnosed with an already known disease and this resulted in her death. There are statements from witnesses with whom she was detained in custody regarding this incident.[46]

69. As Gülsu's death approached, her illness so worsened that she could not even stand up. The prison physician and prison administrators who witnessed Gülsu's condition did not provide the necessary medical intervention. They only relieved the situation with temporary methods such as painkillers.

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Four days before her death, Gülsu sent letters to the Prime Ministry Communication Center (BIMER) and a number of public institutions asking for help and complaining about the practices in place, as a last resort due to her increasing health problems and lack of treatment. However, according to media reports, no criminal investigation has been opened against public officials responsible for Gülsu's complaints and death.

Murder of Nesrin Gençosman

Nesrin Gençosman was detained and then arrested on the grounds that she had links to the Gülen Movement. Nesrin Gençosman, who contracted pneumonia in prison, was not taken to a hospital despite the progression of her illness. Gençosman was taken to the prison infirmary and given medication for treatment. After a while, when her medication ran out, Nesrin Gençosman went to the infirmary to get a new one, but this time she was not given her medication because it was the weekend. 30-year-old Nesrin Gençosman falls into a coma. She is hospitalized but it is too late due to negligence. Nesrin Gençosman could not be saved despite all interventions.

b. Suicides due to social and civil abandonment to death

Hundreds of thousands of women, nearly two million people, have been accused of being "terrorists", "traitors", "PKK members", "FETÖ members", and other ugly terms for purely political reasons. Because of these accusations, they have been abandoned by state institutions as well as society. Even close relatives have distanced themselves from them. Their landlords evicted them from their homes, and if they worked in the private sector, they were fired. Their children had problems in schools. If their spouses are also in prison, the burden of providing for the family has fallen entirely on their shoulders. All these conditions have isolated them, made them desperate and driven them to suicide. According to Solidarity With Others, between August 2017 and August 2022, 13 women who were victimized by State of Emergency Decree Laws ended their lives by suicide.

Seher Baş's suicide with her child

Seher Baş was married to İbrahim Öztürk before the SoE. Her husband was dismissed from his job and arrested with the State of Emergency Decree Laws. She divorced her husband due

47 https://www.tr724.com/cezaevleri-olum-evi-oldu-zaturre-ilacilari-verilmeyen-nesrin-gencosman-cezaevinde-vefat-ettii/. Internet access date :06.02.2023
48 https://tr.solidaritywithothers.com/deaths . Internet access date :06.02.2023
to the impact of the process. Her son Eyüp Öztürk (17) is 99% disabled and has Cerebral Palsy. Unable to cope with the stress of the process, Seher Baş first killed her son Eyüp Öztürk with a shotgun and then committed suicide with the same shotgun49.

_Her son Eyüp Öztürk (17) is 99% disabled and has Cerebral Palsy.

Adalet Betül Çağdır

74. Adalet Betül Çağdır is an English teacher and her husband is a judge. She is one of the 5000 judges who were dismissed from their jobs on political grounds after July 15, 2016. The police constantly harassed Çağdır because her husband was on the run. They forced her to tell them where her husband or or they would have her fired, or even detained and arrested. Unable to withstand the increasing pressure from the police, Justice Betül Çağdır committed suicide by jumping from the balcony of her 9th floor apartment50.

Garibe Gezer’s Driven to Suicide

75. Garibe Gezer, a Kurdish prisoner arrested for political reasons, passed away on 09.12.2021 in Istanbul Kandıra Prison51.

76. As mentioned above, Garibe Gezer, like two million other people who were subjected to the devastating effects of the State of Emergency, was accused and punished for membership of a terrorist organization. She was subjected to severe discrimination in prison because of the offense for which she was sentenced. While in prison, she was additionally punished with solitary confinement through administrative decisions. She was sentenced to 33 days of solitary confinement. She was also transferred to a prison in Kocaeli/Kandıra for punitive purposes. This prison is 1,400 kilometers away from Mardin, where her family lives. In the prison to which she was transferred, the previous sentence of 33 days of solitary confinement was immediately implemented. However, she was not placed with other prisoners and continued to be kept in a solitary cell. She was sentenced to 5 days of solitary confinement on the grounds that she told her sister about the discriminatory practices she was subjected to in prison during a phone call. On the grounds that she protested the situation by banging on the door, she was placed in a soft room with sponged walls. While there, she was sentenced to 11 days of solitary confinement on the grounds that she damaged the sponges and ropes. These discriminatory practices in prison and the devastating effect of solitary confinement

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49 Mother kills her disabled son and commits suicide - Breaking news - Sözcü (sozcu.com.tr) . Internet access date :06.02.2023
50 https://twitter.com/gergerliogluof/status/978593948053762048 . Internet access date :06.02.2023
51 https://ahvalnews.com/tr/kurtler/garibe-gezeri-bile-bile-olume-goturen-surec-hukuku-olumu-mu . Internet access date :06.02.2023
have damaged her psychology. Despite her repeated petitions, the prison administration did not end solitary confinement. From March 15, 2021 until December 09, 2021, when she passed away, she was kept in solitary confinement. The cause of her death was reported as suicide. MP Ömer Faruk Gergerlioğlu said in his speech in Parliament: "They drove that girl crazy there. I know, the letter she sent me was a normal letter. She attempted suicide inside. Look, what kind of irresponsibility is this? A person who attempts suicide can commit suicide again. How could you keep her in solitary confinement? She repeatedly said, 'Don't keep me in solitary confinement, move me to the ward,' but you didn't. How can you have no conscience about this?"52

c. Deaths on Escape Routes

77. The women who are the subject of this report and who have been stigmatized, marginalized and subjected to extermination under the state of emergency have also been stripped of their passports and banned from leaving the country. Continuing to live in Turkey has become a life-threatening risk for them. If they stayed in the country, they faced the risk of torture, arbitrary detention and arrest. For this reason, they had to seek asylum in safe countries through illegal means. These escape routes have ended in disaster for many people. In some families, entire members of the family have died on the escape routes. According to data compiled by Solidarity With Others from open sources, between September 2017 and December 2021, 9 women died on the escape routes53.

The Tragedy of Ayşe Abdurrezzak and Dogan Families

78. Ayşe Abdurrezzak is a Turkish teacher and her husband Uğur Abdurrezzak is an English teacher. In Turkey, they were dismissed from their jobs by a state of emergency decree on the grounds of links to the Gülen Movement. Mr. Abdurrezzak was arrested and imprisoned for 11 months. Mrs. Abdurrezzak is also under investigation and faces the threat of being detained, arrested and tortured. So they decided to leave the country. While trying to cross to Greece illegally, they drowned in the Evros River on 23.02.201854.

52 https://ahvalnews.com/tr/kurtler/garibe-gezeri-bile-bile-olume-goturen-surec-hukukun-olumu-mu . Internet access date:06.02.2023
53 https://tr.solidaritywithothers.com/deaths . Internet access date:06.02.2023
54 https://boldmedya.com/2019/02/13/abdurrezzak-ve-dogan-ailelerinin-yokedilisinin-yildonumu/ . Internet access date:06.02.2023
79. Aslı Doğan and her husband Fahrettin Doğan and their child İbrahim Selim Doğan (2.5), who were trying to cross the Evros River in the same boat with the Abdurrezzak family and were in a similar situation, also lost their lives.55

d. Deaths on the Way to Prison Visits

80. In Turkey, one of the most severe forms of discrimination against people accused of political crimes by the state is the practice of keeping prisoners in prisons far away from their families. Although this practice constitutes a violation of rights in many areas such as ensuring the unity and integrity of the family, protection of private life, and the best interests of the child, it is still being practiced. Moreover, the European Court of Human Rights has ruled against Turkey on this issue. The most well-known example in this regard is Selahattin Demirtaş, former Co-Chair of the HDP. Although Demirtaş's family lives in Diyarbakır, he is being held in a prison in Edirne province. The distance between the two cities is 1,683 kilometers. When a member of the family is in prison, it is imperative that they are visited at least once a month, their needs are met, family ties are maintained, and spouses and children see each other. Many women have died in traffic accidents on the way to visit their husbands in prison.

Death of Firdevs Pekgüzel

81. Firdevs Pekgüzel is the wife of Mehmet Ali Pekgüzel, a prosecutor detained in Ankara Sincan prison. Ms. Pekgüzel died in a traffic accident on 6 May 2019 while on a visit. Ms. Pekgüzel was living in Denizli, while Mr. Pekgüzel was in Ankara Sincan Prison. The distance between these two cities is 477 km. Despite repeated requests for transfer, Mr. Pekgüzel was not transferred to a nearby prison. This arbitrary and discriminatory attitude resulted in Ms. Pekgüzel's death.

Death of Selvi Duman

82. Selvi Duman lives in Konya. Her son was arrested on charges of having links with the Gülen Movement and placed in a prison in Ağrı province. The distance between the two cities is 1118 km. Ms. Duman died in a traffic accident on her way back after visiting her son56.

55 https://boldmedya.com/2019/02/13/abdurrezzak-ve-dogan-ailelerinin-yokedilisinin-yildonumu/. Internet access date: 06.02.2023
56 https://bitenhayatlar.com/selvi-duman/. Internet access date: 06.02.2023
3. Violations of the Prohibition of Abduction and Disappearance

83. Under international law, the abduction and disappearance of a person by public officials, outside of administrative and judicial control, is prohibited.

84. In addition, Turkey has illegally brought 98 people, including women, from 24 different countries since August 2016. These transactions are illegal because the practices to which these people have been subjected are contrary to the rules of Turkish law, the country of abduction and international law. Turkey does not follow the extradition procedure for these people because extradition requests are always rejected when the issue is raised on legal grounds. The reasons for rejection have all included the groundlessness of the charges, insufficiency of the evidence, lack of a fair trial, and the possibility of torture and ill-treatment⁵⁷.

85. Women have also been subjected to abduction and disappearance practices. Women as well as men have been subjected to inhumane practices, torture and ill-treatment during abductions and disappearances.

Abduction, disappearance and torture of Ayten Öztürk

86. In March 2018, Ayten Öztürk was stopped by Lebanese police at the airport while trying to cross from Lebanon to Europe. She was not given any reason. She was detained for 6 days at the immigration office. During this period, she applied for asylum but was not processed. She went on hunger strike to protest this situation.

87. On March 13, she was handed over to Turkish intelligence officers with a sack over her head. She was brought to Turkey by plane. She was forcibly taken to a secret location. She was thrown into a cell completely naked. She stayed like that for a while. Then she put on the clothes given to her. She was interrogated many times. When she said that she had legal rights, the officials there said, "This is not like any other place you know, there is no time limit here, we have been given infinite authority over you. We have the state behind us, if you don't talk, there is no way out of here." She was kept for a month with a sack over her head and her hands tied behind her back. She also had a tape over her eyes. The eyelids are stuck together by the tape and could only be separated by medical intervention. On the 25th day of the hunger strike she collapsed. The guards forcefully gave her an IV drip to reduce the effects of the

hunger strike. In order to do this, they secure her whole body to the chair with ropes and duct tape.

88. During torture, Ms. Öztürk was electrocuted, stripped naked, and abused with hands and batons. She was suspended. She was exposed to light for a long time. They tried to insert a truncheon into her anus. She was subjected to water cannons in a place where there was a toilet and a bathroom. The sack over her head has been filled with water and she was tortured with the sensation of drowning. They beaten her on her feet with a whip. Her tongue has been pulled out with pliers. She was beaten with kicks and slaps. After she entered prison, her friends counted the number of burn marks on her body caused by electric shocks and found 898 burn marks.

89. Öztürk was disappeared for 6 months and then left in an empty field by torturers. A few minutes after she was left there, police officers arrived and detained her. She was held in pre-trial detention for 3 years. She filed a criminal complaint to the Prosecutor's Office about the torture she was subjected to, but the Prosecutor's Office decided not to prosecute.

Abduction, disappearance and torture of Meral Kaçmaz and her family

90. Meral Kaçmaz and her husband Mesut Kaçmaz have been teaching biology, mathematics, English and science in different countries since 1999, most recently in Pakistan between 2007 and 2016, where she worked in institutions opened by the Gülen Movement.

91. On September 27, 2017, four members of the Kaçmaz family, including two girls under the age of 18, were abducted by Pakistani intelligence officials during a raid on their home at night (between 00:45 and 02:00). During the abduction process, all family members were subjected to physical violence and bags were placed over their heads. The whole family was arbitrarily kept in an unknown place for 17 days without any record. As a result of 17 days of unjust detention, the Kaçmaz family was handed over to Turkish intelligence and security units on October 13, 2017, in violation of applicable laws and contractual provisions, and the family was sent to Turkey in this way.

92. As of the date of the abduction, there was no investigation against Ms. Kaçmaz in Turkey. On October 13, 2017, at the request of the intelligence services (possibly on official assignment or at the request of the Pakistani authorities), an investigation was launched by the Ankara Chief Public Prosecutor's Office to formalize the abduction. An arrest warrant was

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58 https://kronos36.news/tr/pakistanli-yetkililer-sucunuz-yok-bilivorz-ama-erdogan-cok-baski-yapıyor-dedi/ . Internet access date :06.02.2023
issued on the same day\textsuperscript{59}. On the same day, the Kaçmaz family was brought back from Pakistan.

93. Ms. Kaçmaz was detained in Ankara for 11 days. She had to endure very difficult conditions for days in a cold cell with the windows open at night, without a blanket and in thin clothing. She was repeatedly subjected to illegal interrogations. She was pressured and lied to. The investigation file was opened swiftly and there was no accusation or allegation of a crime. She was therefore asked to incriminate herself. The most ironic part was that the Ankara Chief Public Prosecutor's Office, which had launched an investigation and issued an arrest warrant for Ms. Kaçmaz's abduction from abroad, declared that it lacked jurisdiction in the investigation and sent the file to Istanbul. The Kaçmaz family's case was consolidated in Istanbul and the case was finalized there.

94. The abduction, disappearance and torture of the Kaçmaz family and the subsequent arrest of Mr. and Mrs. Kaçmaz were brought to the attention of international monitoring mechanisms. The United Nations Working Group on Arbitrary Detention Resolution No. A/HRC/WGAD/2018/11 dated May 25, 2018 found many violations of rights regarding the abduction and subsequent experiences of the Kaçmaz family\textsuperscript{60}.

4. Prohibition of Torture and Ill-Treatment Violations

95. Torture is clearly and unequivocally prohibited under international law. Even in times of war and martial law, torture is not permitted under any circumstances.

96. During the State of Emergency in Turkey and unfortunately still today, women and children as well as men are tortured....

97. Torture practices include rape, beatings, beheading, sacks over the head, swearing, insults, threats, strip searches. There are common crimes and acts in the examples given earlier and in the examples below, but the prominent acts are written separately under different headings in order to define the acts.

\textsuperscript{59}https://kronos36.news/tr/mitin-yargiya-mudahalesinin-belgesi-kacmaz-ailesini-once-kacirmislar-sonra-arama-kararicikartmislari/ . Internet access date :06.02.2023
\textsuperscript{61}On torture practices to which children are subjected, see: https://www.crossborderjurists.org/tr/turkiye-cocuk-haklari-raporu-khklili-cocuklar-khklilarin-cocuklari/ The website contains Turkish, English and German versions of the report. . Internet access date :06.02.2023
a. Rape

98. Rape is undoubtedly one of the most despicable crimes committed against any human being. In fact, this crime could have been dealt with under a separate heading, but since rape practices against women and men, especially during the State of Emergency, are treated as a method of torture, it is included here.

99. In its reports for 2016-2017, 2017-2018 and 2019, Amnesty International (Amnesty International) included information on allegations of torture and ill-treatment during detentions and arrests involving tens of thousands of people in post-July 15 Turkey, and the armor of impunity brought by State of Emergency decrees for the perpetrators of these crimes. It listed violations of freedom of expression, freedom of assembly and many other fundamental human rights. For example, in its 2016 report, it stated that “Turkey, which has made remarkable progress in eliminating torture in detention centers over the last decade, experienced a worrying increase in the number of reported cases after the failed coup attempt. Thousands of people have been formally and informally detained by the police, as well as reported cases of severe beatings, 19 sexual assaults, rape threats and rape, which have been consistently, but implausibly, denied by the Turkish authorities.”

100. In the abduction and disappearance section, the case of attempted rape by inserting a baton into the anus during the torture of Ayten Öztürk was mentioned. Other examples will be given here.

Rape of Female Officer

101. In the hearing held on 27/06/2018 of Ankara 17th Assize Court case file no. 2017/109, a lieutenant named Abdulvahap Berke gave information about the torture practices he was subjected to and stated that a female officer who was detained after July 15th was raped, that she became pregnant as a result of this rape and later had to abort the baby.

Examples of Rape Cases as Told by a Female Psychologist

102. A Purple Room was opened on Twitter on 28.09.2022 to promote the Social Costs of the State of Emergency in its 4th, 5th and 6th Years Report prepared by the Justice for Victims Platform. In this Purple Room, information about the report was given and people related to the subject took the floor and spoke.

62 https://www.amnesty.org/download/Documents/POL1048002017TURKISH.PDF. Internet access date :06.02.2023
103. Psychologist Fatma Zehra Fidan, who was connected to the room, made a speech as follows:

"I am a person who is close to the groups of those who are subjected to the emergency decree, who listens to them, who is involved in this issue to the extent that I can say that my mind is filled with them. As a human being before being a scientist, as a person subjected to the emergency decree, I have recently started to have difficulty in controlling my emotions. Because first of all, the traumas we have experienced shaking us one after another. We are people of faith. There is a state mechanism in the system we believe in. There is a damn state mechanism. We are religious brothers and sisters. We call the Anatolian lands as mother and we have such an approach. Therefore, we can be said to be a group that has been incestuously raped by the state, by their own religious brothers and sisters, and by the Anatolian society. We are trying to repair ourselves. We have already suffered this blow, we cannot digest it. The victims of the decree laws is an issue that I can no longer fit it into my mind, an issue that I really find it difficult to express my sorrow about. Our main issue is the inhumane treatment, being driven to suicide by leaving evidence behind in prisons. I have not encountered (rape) personally, but I have listened to women who have been subjected to psychological sexual abuse during police interrogations. But I have never heard about rape. But in our Izmir Platform (Izmir Platform for People with Statutory Decree Laws), we have a male colleague like me who is a counselor and deals with victims. He told me that he came to couples and a woman in hijab consulted him with her husband. The woman in hijab said, "Hodja, what about our marriage? I was raped by 6 people", my friend told me. In another case, my friend stated that she heard a higher number from another victim herself. This is my own friend. I heard it from his own mouth. He says he listened. The authenticity of these statements are certain. Here is another example of this matter. These are people who came to heal themselves, to find healing. I found out that there was a woman who was raped by these dishonorable beings of this holy state, these policemen, these civil servants, these inhuman beings, who became pregnant and gave birth to the child of her rapist. I found out that there were families who raised this child by saying, "This is a human being created by God, we have to take care of him/her." So there are no words to explain these situations anymore, I say 'the words has become meaningless and empty.'"
b. Physical Violence

104. Physical violence is one of the most common forms of torture that women were and still are subjected to during the SoE.

Forensic Examiner's Statements

105. In the week following July 15, a doctor assigned to Ankara TEM Sports Hall in his official capacity as a ‘Forensic Examination Doctor’ explained what he witnessed as follows: "That night they brought a woman. Two tall women police officers were holding her arms. They said, 'She was a nurse in a military hospital'. She was very thin, with short hair. She was wearing trousers and a white T-shirt. There was no bra or undershirt underneath. She was shaking like a leaf. I asked her if she had been beaten and she said "no". There were no marks on her body, there was redness on her cheek, maybe she was punched. But she was very scared."

Torture practices to which Esra Yurt was subjected

106. Esra Yurt, who was detained in February 2017, was subjected to torture for 5 days in Ankara TEM: "A tall blonde female police officer first sprinkled acid on a fabric. She made the detained women watch as the fabric shriveled and scorched. When I refused to confess, she tortured me by rubbing the acid under my left foot. The effect of this chemical on my body lasted 1.5 years. I was beaten in the face with a wad of keys, large and small, and the judge who saw my black and blue face could only say "Ouch". The female doctor I told about the torture only said "Let me give you Voltaren" and did not record the torture in the report. Later (abroad) I received a report documenting the situation."


https://youtu.be/J5Ezs6WdKbw . Internet access date:06.02.2023

https://youtu.be/J5Ezs6WdKbw . Internet access date:06.02.2023

c. Electrocuting

107. Another method of torture is electrocuting. As mentioned above in the section on the abduction and disappearance of Ayten Öztürk, some female victims were tortured by electrocuting.

108. One of those subjected to torture by electrocuting was Kübra Yavuz. In her testimony at the Ankara 18th Assize Court, Ms. Yavuz stated that she was tortured by Special Forces
Commander Major General Zekai Aksakalli and Major General İrfan Özsert from the Land Forces Command, that she was beaten and threatened with death at the General Staff shooting range, that she was electrocuted with her hands and eyes tied, that she was not given any food for 2 days, that she was taken to the toilet by male personnel and the toilet door was left open, that she was interrogated every 2 hours by interrogators whose clothes were stained with the blood of torture, and that she did not think she would get out of there alive. Kübra Yavuz, who was tortured in detention in this way and was declared a coup plotter by the Erdoğan-controlled media during the trial, was acquitted of all charges.67

**d. Stripping Naked**

109. One of the most severe forms of torture against human dignity is stripping naked. During the State of Emergency, especially after July 15, 2016, people were stripped either completely naked or left in their underwear in front of other people's eyes.

*Women Left Naked in Ankara Gymnasium*

110. At the hearing of the case file no 2017/109 of Ankara Assize Court No 17 on June 27, 2018, a lieutenant named Abdulvahap Berke made a statement. In his statement, Mr. Berke gave information about the incidents he witnessed regarding torture practices. After July 15, he made the following statement about the women who were detained "A group of 3-4 women were stripped naked, wearing only their underwear. They threw them into an environment where men were present. They were subjected to constant harassment and swearing by the officers on duty there."68

**e. Exhaustion, Harassment, Frustration**

111. State of Emergency Decree Laws increased the detention period from 4 days to 30 days.69 Almost all of the women detained on political grounds were detained for 30 days. This detention process itself is a torture practice. This situation can be explained as follows;

- First of all, there are no legal requirements such as evidence of a crime or suspicion of a crime to detain people. The decisions of the UN Working Group on Arbitrary Detention and the European Court of Human Rights on the arbitrary detention and arrest of people

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on political grounds in violation of their rights to liberty and security of person are the instruments capable of proving illegal and unlawful detention practices.

- Secondly, even if the detention period was up to 30 days or less, for example 10 days, people were asked questions in the form of a questionnaire, the kind of questions that could be asked in a job application. The accusations were questions such as depositing money in Bank Asya, having a child in a school affiliated with the Gülen Movement. People do not need to be detained for even 1 day to be asked these questions. Despite this, people were arbitrarily detained for up to 30 days.

- Another indication that the detention period is intended to exhaust, harass and frustrate is the severity of the conditions of detention. 5-6 people were kept in a 1-person room and 8-10 women were kept in a 3-person room. Nutrition, bathroom, toilet and hygiene needs were not met.

- Another evidence that the duration of detention and harsh conditions were used as torture is the statements of law enforcement officers themselves. Examples are given below.

*Ill-Treatment of Women at Mustafakemalpaşa Police Headquarters*

112. On page 263 and following pages 263 of the reasoned decision of Bursa 2nd Assize Court in case no. 201/167 E, there are the statements of a woman named M.S. She was detained on the grounds that she was in contact with the Gülen Movement. The relevant part of her experiences in detention is as follows: "When I was detained for the second time, we had to stay 6 people in a custody cell for 1 person. At the end of the 6th day, a female police officer Selda Kocaefe - I don't know her position, but they called her "commissar" - came to the cell and took me to a separate room. She interrogated me for an hour without any record without my lawyer present. Then he interrogated my cell-mate in the same way and during this interrogation she made the same threats. She told me that if I gave names I would be released, otherwise I would stay there and that the prosecutor had sent a message. She said that the prosecutor had said: "We are in a state of emergency, if they don't give names, I can keep them in those conditions of detention for a month."

113. The most common practices of torture and ill-treatment in Turkey during the State of Emergency and still today are "curses, insults and threats". Profanity refers to sexually explicit and abusive words, insults to humiliating and degrading words such as "terrorist", "traitor",
"idiot", "stupid", "idiot", and threats to intimidate, such as "death", "torture", "prolonged detention".

*Ill-treatment Practices at Bursa Mustafakemalpaşa Police Headquarters as an Example*

114. The statement of M.S., who was arbitrarily subjected to torture and ill-treatment through prolonged detention under harsh conditions, regarding the insulting and threatening remarks of the Chief of Police against him is as follows "...a few hours later, Police Chief Erol Turhan came to the detention center and took me to another room. I don't know if there were security camera records or not. He interrogated me for an hour and a half. He had a cell phone in his hand and he kept reading and watching something, swearing and insulting me and interrogating me unofficially under pressure, and during this time there were no female police officers with us."

*Torture and Ill-Treatment Practices in the Statements in Ankara 2nd Assize Court File No. 2016/181*

115. M.Y. is a woman who was detained, tortured and arrested on the grounds of her links to the Gülen Movement. On page 611 of the reasoned Court decision, M.Y.’s petition to the Court is mentioned, and it is summarized that she was subjected to psychological torture and insulted.

116. H.K. is another woman who was detained, tortured and arrested on the grounds of her links to the Gülen Movement. On page 627 of the reasoned judgment, she made the following statement regarding the torture and ill-treatment she was subjected to "When my husband was in detention, they called me to the police station. My husband had been tortured and they said they would torture me too. I am a mother of 4 children, they told me that they would bring my children and take them into custody. I was worried about this and, as I stated in my written defense, I gave the statement in the indictment that I fictionalized myself in line with what the police wanted. However, as I said, the statement was not true. It was only to ensure that my children were not brought to the police station."

**g. Strip search**

117. Another method of degrading ill-treatment that has come to the public agenda in Turkey in recent years is strip search practices against women.

118. According to the legislation governing the rules of detention centers and prisons, law enforcement officers or prison officials may conduct strip searches. However, there are strict
conditions for this. The general rule is to conduct a normal search. Under certain circumstances and only when necessary, strip searches may be conducted as an individual-specific measure. It is not possible to systematically and widely apply this practice to everyone or to a certain group.

119. In September 2020, the Uşak Police Department detained 30 young women university students on allegations of links to the Gülen Movement. All detained women were subjected to a humiliating and degrading strip search.¹⁰

120. Instead of investigating whether arbitrary strip searches were carried out, Prosecutor's Offices and Administrative Authorities launched investigations against those who raised these allegations and publicized the arbitrariness. The Ankara Chief Public Prosecutor's Office announced that it has initiated an investigation against those who raised the allegations of strip searches, which have been on the public agenda intensively.

121. One of the most serious aspects of the situation is that strip searches are applied not only to detainees and/or convicts, but also to visitors of relatives of detainees and/or convicts. There is no legal basis for this practice. Thousands of women and young girls have been victimized by this practice. Their sexual privacy was disregarded during searches at the entrance of the prison, which were carried out on the so-called security grounds in order to humiliate and intimidate the visitors. In some cases, women were searched down to their sanitary pads and even forced to use sanitary pads given by the prison administration in front of prison guards.¹¹ The reason for the visitors' patience with this situation is compulsion. If the visitor objects and does not accept the strip search, first of all, he/she is not allowed to see his/her relatives and in some cases, even if he/she has nothing to do with the incident, he/she may be banned from visiting the prisoner he/she visits.

i. Long-term Solitary Confinement

122. Another torture method is prolonged solitary confinement. In this practice, the person is forced to live an isolated life in solitary confinement.

123. Some women arrested on political grounds during and after the State of Emergency were kept in solitary confinement permanently. Solitary confinement is normally part of the execution of an aggravated life sentence and a disciplinary punishment. Despite this, people have been

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¹¹ https://boldmedya.com/2019/01/28/cezaevinde-akil-almaz-uygulama/ . Internet access date :06.02.2023
placed in solitary confinement since their first arrest or soon after, and years later they are still on their own.

124. In particular, many members of the judiciary who were arrested while they were members of the Constitutional Court, the Court of Cassation, the Council of State or the HS(Y)K, and who had previously served as Presidents of Assize Court or Chief Public Prosecutors, spent their entire detention in solitary confinement. Among them there are also women.

125. In its report on its 2017 visit to Turkey, the Committee for the Prevention of Torture (CPT) stated: "The CPT considers, however, that the maximum period of solitary confinement for adult prisoners of 20 days is excessive. Given the potentially very harmful effects of solitary confinement on the mental and/or physical health of the prisoners in question, this period should be no longer than 14 days for a given offense and preferably shorter (Prg. 138)". Hundreds of people in Turkey have been subjected to solitary confinement for years, which the CPT says should not be longer than 14 days.

126. There are many scientific studies recognizing that permanent solitary confinement has a torture effect on the person. In the light of these scientific facts, it is necessary to accept that this method is a torture practice.

127. This solitary confinement was carried out with the instruction of the General Directorate of Prisons and Detention Houses. In other words, it was not carried out as a requirement of judicial or execution law, but for political reasons.

128. Nesibe Özer, former head of the HS(Y)K department, Ayşe Neşe Gül, former Director of the Justice Academy of Turkey, and many other women were kept in solitary confinement after July 15, 2016. In February 2023, when this report was written, they were still being held in solitary confinement.

5. Right to Liberty and Security Violations

129. The right to liberty and security is intended to ensure the protection of the person against arbitrary detention and arrest. Article 100 of the Turkish Criminal Procedure Code sets out the conditions for arrest. Accordingly, a person may only be arrested if there is concrete and strong evidence giving rise to the suspicion that he/she has committed a crime, in addition to the suspicion of flight and obscuring the evidence, if there are concrete indications that

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73 https://tr.solidaritywithothers.com/_files/ugd/b886b2_f17fdecf178da4ebe908d57d6ce6bea3.pdf . Internet access date: 06.02.2023
measures such as house arrest and bail, which are alternatives to arrest, will be inadequate, and if it is proportionate. As can be seen, the conditions for arrest are very difficult. A judge cannot order arrest arbitrarily.

130. Since December 17/25, 2013, the judiciary in Turkey has gradually come under the control of President Erdoğan and the AKP. Today, as stated in the European Commission reports, the Turkish judiciary is no longer independent. This situation has resulted in all fundamental rights and freedoms being left unprotected and arbitrary. It can be easily said that the right most affected by this corruption is undoubtedly the Right to Liberty and Security. As mentioned earlier, the arbitrariness in the judicial system has reached such a level that approximately two million people have been processed on suspicion of terrorism in the records of prosecutors' offices. The fact that the total number of terrorists in 10 European countries is around 1,414⁷⁴ is instructive in terms of showing the political influence on the judiciary in Turkey.

131. During the state of emergency in Turkey, people associated with the Gülen Movement and supporters of the Peoples’ Democracy Party (HDP) were massively labeled as terrorists. These two groups were subjected to mass arrests and detentions. The same arbitrariness continues to this day.

132. Detentions and arrests made under the new political criteria introduced during the State of Emergency have reached international judicial review mechanisms through individual applications. The European Court of Human Rights, the United Nations Human Rights Committee and the United Nations Working Group on Arbitrary Detention have all ruled on these applications as violations. Not a single decision has upheld the Turkish state's decisions and found them correct.

133. Examples of violations of the right to liberty and security are mentioned below.

a. Unjustified arrests

134. As stated above, an arrest warrant can only be issued by a court and court decisions must be reasoned. Both the Turkish Constitution and international conventions have regulations on this rule. Despite this, the arrest warrants issued against women arrested on political grounds during the SoE and its aftermath did not include justifications that would satisfy the detainee or any other person reading the warrant. The regulations contained in the texts of the law are

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written in plain sentences in the decisions. This is one of the issues criticized in the decisions of the European Court of Human Rights and the UN's supervisory bodies.

b. Detentions and arrests without suspicion of a crime

135. The women victims of the State of Emergency who are the subject of this report have been arrested on "terrorism" charges. No "terrorist" act has ever been defined in any arrest warrant or indictment against these women. No armed action, armed terrorist attack, armed or unarmed act of fear or disorder has been described against them. No information, documents or findings indicating suspicion of a crime have been presented.

136. Among those arbitrarily detained and arrested are women judges and prosecutors. As mentioned earlier, the United Nations oversight mechanisms and the European Court of Human Rights have issued numerous violations of the detention and arrest of women. One of the issues cited as a violation in these decisions is the lack of suspicion of a crime.

c. Detentions and arrests without evidence

137. Since the beginning of the State of Emergency, hundreds of thousands of people have been detained and arrested without any evidence against them. The case of Meral Kaçmaz, given as an example above, is the most important proof of this. Although detailed file information is not the subject of this report, an investigation was initiated against Meral Kaçmaz, even though there was no investigation against her, just so that she could be brought to Turkey from Pakistan. After Meral Kaçmaz was brought to Turkey, efforts were made to search for evidence and produce evidence. In the United Nations Working Group on Arbitrary Detention resolution on Meral Kaçmaz, this issue was cited as a ground for violation.

138. Thousands of detained women were held for days under very harsh conditions, subjected to torture and forced to make statements against themselves or others. Evidence was produced with the minutes signed by those who gave the requested statements, and other people were subjected to mass detentions and arrests based on this evidence. In other words, a system has been created that creates its own evidence and produces its own crime without any criminal act or evidence of a crime.

d. Arrests based on the admission of non-evidential matters as evidence

139. Tens of thousands of women have been detained and thousands have been arrested on the basis of criminal criteria created during the State of Emergency. The grounds for the arrest of these women include abstract and non-criminal suspicions such as organizing a bazaar among
themselves to support poor students, working at an institution affiliated with the Gülen Movement, depositing money in Bank Asya, and the fact that their husbands are subject to investigations for allegedly being affiliated with the Gülen Movement. In the decisions of the UN Human Rights Committee, the European Court of Human Rights and the UN Working Group on Arbitrary Detention, it has been emphasized that these grounds fabricated during the State of Emergency cannot be accepted as elements of crime, evidence of crime and cannot be used in arrest or detention procedures.

e. Arrests made in the absence of the possibility of evidence tampering

140. Another important issue regarding arrest, as emphasized above, is the danger of tampering with evidence. As emphasized above, matters that do not form evidence were based as grounds for arrest, so it is not possible to tamper an evidence that does not exist. Nevertheless, even if the arguments of President Erdoğan and his supporters are accepted for a moment, it is obvious that this condition for arrest is not met. For example, thousands of women have been arrested simply because they worked in institutions affiliated with the Gülen Movement in the past, or because they had an account at Bank Asya, or because they installed a cell phone application called ByLock on their cell phones between 2014 and 2016, or because their children attended a school affiliated with the Gülen Movement in the past. As can be seen, all of these data happened in the past and has been proven by official documents. Although none of these constitute a crime, it is not possible for a person to change these data. It is impossible for ordinary people to access or change data stored in the insurance registration system, the financial system, the records of national education directorates or the systems of telephone companies. As can be seen, the grounds of tampering with evidence are among the grounds for arrest that are arbitrary and misused.

f. Arrests made despite no suspicion of fleeing

141. Another reason for arrest is that if all the above conditions are met, in addition, if the suspicion that the person will flee is supported by concrete data, an arrest warrant may be issued. This section is particularly striking in the arrest warrants issued for women victims of the State of Emergency. In this section, a phrase such as "there is concrete evidence that the person will flee", has been used which does not contain any explanation, or a more senseless statement such as "others facing the same accusation have fled, so it is possible that this person may also flee", which is an extremely absurd assessment.
g. There are concrete findings that alternative measures to detention would be inadequate

142. This is also important in terms of demonstrating the arbitrariness of the arrests. Thousands of women have been arrested on political grounds. These include people from different segments of society such as judges, prosecutors, officers, doctors, teachers, engineers, psychologists, architects and housewives. No justification were ever given in the arrest warrants as to why conditions such as house arrest, bail or signature requirements would not be sufficient for these people.

h. Excessive and disproportionate arrests

143. This is undoubtedly the most important criterion regarding arrest. The arrest of a person can somehow be adapted to the law or procedure. It will only be possible for it to be in accordance with public conscience, justice and fairness if this criterion is met. It is the principle of proportionality that will ensure this.

144. The most important and high-profile assessment on this issue came from Zeid Raad Al Husein, the former United Nations High Commissioner for Human Rights. While promoting a report on the unlawful practices in Turkey during the state of emergency, Al Husein said the following: "One of the most worrying findings are reports of how the Turkish authorities were able to detain 100 women who were pregnant or had just given birth, often on the grounds of "associations" with their husbands suspected of links to terrorist organizations. Some were detained with their children, some violently separated from their children. This is not only disproportionate, it is completely cruel and certainly not about making the country safer."\(^{75}\)

145. There are many examples that demonstrate the disproportionate nature of political arrests which are currently being made and those made during the State of Emergency. Only two examples will be given below.

- A pregnant woman, a woman who has recently given birth or a woman with a nursing baby who has been convicted of a finalized criminal offense is not by law subject to immediate execution of the sentence and its execution shall be postponed. Despite this provision, dozens of pregnant women and hundreds of women with babies have been arrested and

\(^{75}\) https://www.ohchr.org/sites/default/files/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report_Turkish.docx . Internet access date : 06.02.2023
imprisoned on politically motivated charges, even though these women are under the umbrella of the presumption of innocence.

- The execution of the sentence of an ordinary prisoner who is sick, old, disabled or unable to take care of himself/herself shall be postponed. However, thousands of political prisoners in the same situation, under the presumption of innocence, have been arrested and sent to prison.

146. Seeing these detention practices as decent and proportionate indicates a discriminatory and prejudiced perspective rather than a legal one.

6. Freedom of Thought, Religion and Belief Violations

147. Freedom of religion and conscience is one of the fundamental rights that expresses the right of people to practice their religion freely, individually or collectively. This right is defined in Article 9 of the ECHR as follows: "Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to change his religion or belief and freedom, either alone or in community, publicly or privately, to manifest his religion or belief in worship, teaching, practice and observance."

148. As is well known, on December 17/25, 2013, a multi-million dollar bribery and corruption operation involving Erdoğan and some AKP politicians took place. Especially in the aftermath of these operations, Erdoğan preferred to adapt the rules of democracy and the law to himself rather than obey them. Otherwise he could have been put on trial and perhaps even found guilty and punished. Erdoğan launched a witch hunt against the Gülen Movement with the support of people and entities that he himself characterized as old enemies and new friends. In this process, the 8 stages of genocide described by Gregory Stanton were implemented step by step. Every person, media outlet, institution, company, non-governmental organization linked to the Gülen Movement were detected. Then, on July 15, 2016, the shady coup attempt took place, which Erdoğan described as "God's blessing". Taking advantage of this event, Erdoğan shut down all institutions linked to the Gülen Movement. All the people working in those institutions, members of NGOs or volunteers were declared "terrorists". He released ordinary prisoners from prisons with regulations similar to the amnesty law and massively filled the prisons with these people.

149. As discussed in previous sections of this report, women, men, young people, the elderly, public servants, private employees or housewives, and even the disabled, living their ordinary daily lives, could be declared members of terrorist organizations on political grounds. One of the most controversial aspects of this declaration is that it is retroactive. One day before 15 July 2016, and even afterwards until the relevant State of Emergency Decree Law was issued,
an institution that was under the control of the state and received financial support from the state could become an institution supporting a terrorist organization with the announcement of the Decree Law. Its employees, members or volunteers could suddenly be retroactively declared terrorists. Again, a woman who had deposited her legitimate and lawful money in Bank Asya years ago, or whose salary was deposited by her company into her account at this bank because it was the contracted bank of her workplace, was suddenly, out of nowhere, declared a terrorist.

150. The main reason for targeting these people is "freedom of religion and conscience". Within the scope and under the protection of this freedom, people have been able to see themselves as Gülen Movement volunteers, they lived their lives and built their social circles accordingly.

151. Another problematic aspect is that the person does not consider himself/herself a member of the Gülen Movement and has never been in contact with the Gülen Movement. However, if, despite his opposition to the Gülen Movement, President Erdoğan, the AKP and its supporters have declared that person "in contact with the Gülen Movement", then there is nothing to be done. The person is now "linked to the Gülen Movement". If the person thinks otherwise, if he/she has no connection, he/she will have to prove it himself/herself. For example, even the writers of Cumhuriyet Newspaper\textsuperscript{76} and Sözcü Newspaper\textsuperscript{77}, who have always opposed the Gülen Movement and are representatives of Kemalist statist ideology, were accused of aiding the Gülen Movement and sentenced to imprisonment\textsuperscript{78}. Likewise, the arrest warrant issued against journalist Can Dündar and the reward on his head are within the scope of "aiding and abetting the Gülen Movement"\textsuperscript{79}. Thousands of women like these have been similarly accused.

7. Violations of Freedom of Association

152. Freedom of association is an indispensable element of democracy. It is one of the most fundamental rights of individuals to organize freely, to attempt to solve their social problems through organization or to make political demands through organization. Any arbitrary restriction of the exercise of this right would be contrary to the essence and spirit of democracy.

\textsuperscript{76} https://expressioninterrupted.com/tr/hikmet-cetinkaya/. Internet access date :06.02.2023
\textsuperscript{77} https://www.bbc.com/turkce/haberler-turkiye-50924365. Internet access date :06.02.2023
\textsuperscript{78} https://tr.wikipedia.org/wiki/Cumhuriyet_Davas%C4%B1%C4%B1. Internet access date :06.02.2023
\textsuperscript{79} https://www.ahaber.com.tr/gundem/2022/12/30/son-dakika-firari-fetocu-can-dundar-icisleri-bakanliginin-terorden-aranalari-listesinde-gri-kategoride-aranyor. Internet access date :06.02.2023
153. The most important impact of the criminal criteria introduced by the State of Emergency in Türkiye has been in this field. 1561 civil society organizations, including trade unions, associations and foundations, were closed down by the State of Emergency declared on 21 July 2016 and the subsequent decree laws. Among those closed down were 11 women's associations dedicated to women's rights.

154. The executives, members, supporters and employees of these civil society organizations were suddenly declared terrorists. In this context, thousands of teachers who were found to be members of the shut-down union Aktif-Sen were dismissed from their jobs, detained and arrested on charges of membership of a terrorist organization. Even those who made donations via SMS to the association called "Is there any body there?" were declared suspects of terrorism offenses. Even an association founded by women in a small town to help poor students was not only shut down, but all members of its board of directors and general assembly were declared suspected of terrorism offenses.

155. According to the reasoned judgment of Bursa 2nd Assize Court in case no. 2017/167 E., being a member of Gülneva, an association founded by women in Mustafakemalpaşa district to support poor children, was deemed sufficient for membership of a terrorist organization. However, neither the indictment of the case nor the reasoned judgment mentions any criminal acts of the legal entity or members of the said association. The situation is so grave that more than ten women have been convicted of membership of a terrorist organization simply because they are members of this association, despite the fact that the association and its members have not been convicted of any terrorist or criminal offense. The evaluation on this issue in the reasoned judgment is only as follows: "The defendant is one of the founders of Gülneva Education Volunteers and has been serving as the accountant of the board of directors since 2014".

8. Violations of the Right to Respect for Private and Family Life

156. During the State of Emergency and still today, all guarantees regarding the private lives of people subjected to political investigations have been ignored. People's phone call records from years ago have been placed in court files and passed from hand to hand. Investigations have been arbitrary and irregular, and dozens of people who sometimes do not know each other have been made suspects in the same case. These dozens of people and their lawyers

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80 https://tr.solidaritywithothers.com/closed-institutions . Internet access date :06.02.2023
81 https://www.cumhuriyet.com.tr/haber/ohal-kadini-eve-kapatiyor-832508 . Internet access date :06.02.2023
have had easy access to each other's data. When files were sent to those in prison, they were copied onto CDs and sent to detainees, and people's private information was made accessible to unrelated people. Telephone companies were able to extract people's phone records going back 10 years and give them to prosecutors’ offices and the police, while they can keep phone call records going back a maximum of 2 years according to the legislation in force.

157. The conditions required by law for the search of people's homes and workplaces were not complied with and arbitrary search warrants were issued. Searches were carried out carelessly and without following the procedures stipulated in the law, and computers, phones and hard disks were taken away without being copied.

158. Police officers, judges and even prosecutors have investigated and made mockery on people's private lives. They have accused people with unimaginable insulting statements such as pregnant women "getting pregnant with the instruction of the organization" and "marriages were made with the instruction of the organization".

159. Nigar Kocabaş who were undergoing IVF treatment in Samsun and her husband Fatih Kocabaş, set out for their doctor's appointment on October 12, 2016. Her husband Fatih Kocabaş was detained on charges of illegal organization membership. Nigar Kocabaş was detained one and a half months after her husband. Nigar Kocabaş, whose statement was not taken at the police station, was taken directly to the prosecutor's office upon the instruction of İbrahim Keskin, the Chief Prosecutor of Bafra at the time. The prosecutor wanted to take her statement in person and made the pregnant woman stand for 3 hours. Prosecutor Keskin refused to let Nigar Kocabaş's lawyer in during the statement. When the lawyer insisted, he had to let her in. During the testimony, the prosecutor used very heavy insults. In that testimony, which Nigar Kocabaş recounts with shame, the prosecutor utters the following sentences: "Don't hide behind that innocent, sinless child. That child cannot clean up what you have done. Did you get an agenda again and have a child? Your marriages are already fake, all planned and organized. I don't believe you are pregnant by your husband. How do I know it's your husband's? When my turn will come in this scam?"  

9. Violations of Freedom of Assembly

160. One of the most problematic consequences of the State of Emergency is the ban on meetings and demonstrations. All kinds of meetings and demonstrations, whether for strikes or protests, are banned.

161. On March 8, International Working Women's Day, women Acun Karadağ, Nuriye Gülmen, Merve Demirel and Alev Şahin, who were dismissed by state of emergency decrees and have been organizing protests for their reinstatement, wanted to make a press statement in Yüksel Street in Ankara. They were beaten and detained while making a statement.  

162. Nazan Bozkurt, who was dismissed from her job by a state of emergency decree, was attacked by the police while she was protesting "I want my job" on Yüksel Street in Ankara. During the attack, a woman is bitten on the leg by the police.

10. Violations of Property Rights

163. The right to property is protected under the Constitution and international conventions. A person has the right to dispose of the assets he/she has acquired with his/her legitimate income as he/she wishes. During the SoE period, women, like all other victims of the SoE, suffered great victimization in this regard.

164. People who have been dismissed from their jobs or subjected to investigations under the State of Emergency Decree Law have been recorded as "risky persons" in all their records in the state system. They have experienced problems in all kinds of administrative procedures due to these annotations. These annotations also cause deprivation of rights in matters related to property rights.

165. In Izmir, a mother of two whose husband was dismissed and arrested with a state of emergency decree is prevented from selling her house. The woman, who has paid off the house they bought with a loan from Bank Asya, wants to sell the house and move to the city where her husband is in prison, but she cannot sell it because of a "risky transaction" registration on the title deed.

166. Public officials see those targeted by State of Emergency Decree Laws as people with no rights, as people who have been stripped of all their rights. The victim of the incident is a woman named Sitti di Atay, who was 87 years old at the time of the incident. In 2007, she donated her house to the Feza Education and Culture Foundation, a foundation close to the Gülen movement. In the donation agreement, she was given the right to live in her house until her death. On August 2, 2016, the foundation was seized by a decree. On February 10, 2020,

83 https://haber.sol.org.tr/turkiye/khklilarin-8-mart-aciklamasina-polis-mudahalesi-4-gozalti-282155 . Internet access date :06.02.2023  
84 https://kronos36.news/tr/polis-isimi-istiyorum-diyen-khkli-nazan-bozkurtun-bacagini-isirdi/ . Internet access date :06.02.2023  
85 https://t24.com.tr/video/5-dakika-adalet-khk-linin-evini-satmasi-riskli-islem-sayildi.25940 . Internet access date :06.02.2023
the relevant department of the Ministry of Culture sent a notification to Sittika Atay. In the relevant letter, she was asked to vacate the house. She was also asked to pay an occupation fee of 23,000 TL as of August 3, 2016, claiming that she was an occupier of the immovable. However, according to Turkish law, even if the ownership of the immovable property changes, the right of usufruct is preserved, so Sittika Atay has the right to live in that building until her death, no matter what. It is unthinkable that this basic rule of property law is not known by the administrators, but the only explanation for these administrators to act in this way is arbitrariness.

86https://www.tr724.com/bakanlik-87-yasindaki-sittika-teyzenin-hakki-olan-evine-el-koydu-23-bin-lira-kira-ucreti-istedi/ . Internet access date :06.02.2023
CONCLUSION

State of emergency is declared in cases such as war, natural disasters and civil unrest. In these cases, the effectiveness of the executive branch on the system is increased, enabling it to take and implement quick decisions. However, this authority is open to abuse by the executive branch. Therefore, in developed democracies, the declaration of a state of emergency is subject to very strict conditions and its duration is as short as possible. Turkey has been under a de facto state of emergency since July 21, 2016. Even though the state of emergency officially ended in July 2018, its effects are still ongoing. Basic laws have been amended by emergency decrees. In fact, Turkey's regime was changed during the state of emergency. From a parliamentary democracy to a presidential system with its own characteristics.

The continued effect of the state of emergency means that fundamental rights and freedoms remain precarious vis-à-vis the executive branch. This leaves the rights of all people, including women, who are the subject of this report, vulnerable to arbitrary actions by public officials. For this reason, it has become commonplace in international reports on Turkey to state that the judiciary is completely under the control of the executive. One of the main reasons for the persistence of the violations of rights outlined in our report is that the judiciary is under the control of the executive.

In the last 6 years, starting with the declaration of the State of Emergency in Turkey and extending until today, nearly 2 million people have been labeled as "terrorists" based on political criteria. Hundreds of thousands of these people are women. The number of women who have been tried in courts on "terrorism" charges and whose trials have ended is 97721. The charge of "terrorist" is not just a word in the indictments. As a result of this accusation, a note was written in the state registration system as "risky person". This note resulted in discriminatory practices in all public transactions. A woman accused in this way could not sell her house or car, could not get insurance, and could not benefit from the Green Card as a health insurance. These discriminatory and restrictive practices go on and on. Despite the end of the state of emergency, people are still discriminated against in terms of earthquake aid, Corona aid, obtaining passports, etc. and are deprived of the rights and state support that everyone else benefits from. This situation must end now.

Women's rights in Turkey have not yet reached the level targeted in International Conventions. Women are still a disadvantaged group in the statistics and reports prepared by national and international organizations. Although women constitute half of the population, they are not in effective positions in parliament, public administration or private companies.
In order for women to access and enjoy their rights as equal citizens and to reach the positions they desire in all areas of life, the obstacles in front of them must be removed. President Erdoğan and the AKP under his leadership are taking the opposite stance. The Istanbul Convention, which aims to prevent violence against women and includes regulations in this direction, has been portrayed by the government and its supporters as the cause of violence against women and femicides, contrary to reason and logic. Turkey withdrew from the Istanbul Convention, of which it was the first signatory.

This irrational approach to women's rights by the state administration has spread to the prison guard. Women were seen as sexual objects in police detention centers and torture chambers, and as weak enemies who could be left to die in prisons.

Turkey has gone through a very painful period and is still suffering. The efforts of non-governmental organizations and international monitoring mechanisms to pull Turkey in a legal direction should be continued. Efforts should be made to institutionalize and strengthen women's rights, which are not yet fully established. Return to the Istanbul Convention as soon as possible.