



Home Office

Country Information and Guidance

**Turkey: Background information,
including actors of protection and
internal relocation**

Version 1.0

February 2016

Preface

This document provides general, background information to Home Office decision makers to set the context for considering handling particular types of protection and human rights claims. Where applicable, it must be read alongside other relevant country information and guidance material.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office's research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

Updated: 12 February 2016

1. Introduction

1.1 Summary of Issues to Consider

- 1.1.1 In general, are those at risk able to seek effective protection?
- 1.1.2 In general, are those at risk able to internally relocate within Turkey?

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2. Consideration of Issues

2.1 Protection

- 2.1.1 Turkey's National Police (TNP) are responsible for policing in towns and cities. The TNP website, which is undated, stated that they currently employ almost 228,000 sworn police officers (see [Security Apparatus](#)). The police in Turkey are well organised and structured and have the ability to enforce the law.
- 2.1.2 The Gendarmerie are traditionally responsible for policing in rural areas and are charged with the preservation of public order and internal security. Estimates for Gendarmerie numbers differ between sources with some estimating there to be approximately 150,000, with reserve numbers thought to be about 50,000, and others claiming that numbers are more in the region of 46,000 paid guards with 18,042 volunteers (see [Security Apparatus](#)).
- 2.1.3 The civilian authorities maintain effective control of the TNP, although some problems are reported with excessive and abusive force used by the police, particularly during demonstrations. There is a downward trend in the incidence and severity of ill-treatment in official detention places. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) have found that the great majority of persons have been treated in a correct manner whilst in police/gendarmerie custody (see [Human rights violations and impunity and Avenues of redress](#)).
- 2.1.4 There are reports of incidents of people being held arbitrarily or secretly even though the law prohibits such treatment. The European Commission has reported that the Turkish government continues its work to ensure compliance with legal safeguards for the prevention of torture and ill-treatment (see [Human rights violations and impunity](#)).
- 2.1.5 There is an independent and impartial judiciary in civil matters and the law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. However underfunding and delays mean that judicial processes are lengthy and victims can face significant problems in securing justice (see [Judiciary](#)).
- 2.1.6 Where the person's fear is of persecution or serious harm at the hands of non state agents - or rogue state agents - then effective state protection is likely to be available. Avenues of complaint exist for persons to lodge

complaints against police officers (see [Security Apparatus](#) and [Avenues of redress](#)).

- 2.1.7 For further information on assessing whether state protection is available or not, see section 8.1 of [the Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.2 Internal relocation

- 2.2.1 Turkey is 783, 562 sq km in area and has a population of approximately 76.5 million. The constitution provides for freedom of movement within the country, with only a Judge able to limit the freedom to travel where the person concerned is part of a criminal investigation/prosecution (see [Geography](#)).

- 2.2.2 In the past, movement in Turkey has been known to be restricted in the East and Southeast by PKK members and supporters setting up road blocks and checkpoints. The frequency of these occurrences had reduced in recent times following the Kurdish solution process underway since 2013, with both the government and the Kurdish opposition groups greatly reducing their roadway checkpoints. The recent escalation in violence in the campaign against the PKK may, however, see an increase in the use of road blocks and checkpoints, although this would not present a general impediment to internal movement (see [Freedom of Movement](#) and the country information and guidance on [Turkey: Membership or association with the PKK](#)).

- 2.2.3 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person.

- 2.2.4 For the factors to be considered and further information on considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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3. Policy summary

- 3.1.1 In general, a person is likely to be able to access effective state protection against persecution or serious harm by non-state actors or rogue state actors. A person may, nevertheless in some cases be unable to obtain effective protection for reason of his or her individual circumstances.

- 3.1.2 Internal relocation to another area of Turkey is generally viable but will depend on the nature and origin of the threat as well as the personal circumstances of the person.

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4. Geography and demography

4.1 Geography

- 4.1.1 Turkey's total area is 783,562 sq km¹ and it is located in south-eastern Europe. Turkey borders the Black Sea between Bulgaria and Georgia, and the Aegean and Mediterranean Seas between Greece and Syria.
- 4.1.2 Turkey's population is 77,695,904 (TURKSTAT, end-2014).² The population is predominantly Sunni Muslim, with the main ethnic groups being Turkish (70 per cent), Kurdish (18 per cent) and others (12 per cent). The capital of Turkey is Ankara³ and there are 81 provinces.⁴

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4.2 Languages

- 4.2.1 According to Ethnologue, the principal language is Turkish, although 'The number of individual languages listed for Turkey is 36. Of these, 35 are living and 1 is extinct. Of the living languages, 3 are institutional, 15 are developing, 6 are vigorous, 10 are in trouble, and 1 is dying.'⁽⁵⁾
- 4.2.2 See the 'Languages', 'Profile' and 'Status' tabs on the Ethnologue site for more details on which languages fit which categories.

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4.3 Ethnic groups

- 4.3.1 Jane's Sentinel Security Assessment on Turkey's Demography, updated on 6 August 2015 stated that, 'The question of ethnicity in Turkey is a highly debated one. The Turkish Constitution defines as a Turk anyone "bound to the Turkish state through the bond of citizenship", theoretically undermining the use of ethnic categories to define citizens.

'There are three officially recognised minorities; Greeks, Armenians and Jews. They were recognised under the Treaty of Lausanne, signed in 1923 to settle the partition of that part of the Ottoman Empire that covered Anatolia. Successive governments have sought to diminish the significance

¹ CIA World Factbook. Turkey (government), 24 June 2015
<https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html> Date accessed: 30 June 2015.

² Jane's Sentinel (subscription-only source). Turkey; Executive summary, last updated 25 January 2016. Date accessed: 11 February 2016.

³ Australian Department of Foreign Affairs and Trade (DFAT). Country Report; Turkey (overview).
<http://dfat.gov.au/geo/turkey/Pages/turkey-country-brief.aspx> Date accessed: April 2015

⁴ CIA World Factbook. Turkey (government), 24 June 2015
<https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html> Date accessed: 30 June 2015.

⁵ Ethnologue. 'Languages of the World: Turkey', undated. <http://www.ethnologue.com/country/TR>. Date accessed: 23 February 2015.

of other ethnic groups. The country's largest ethnic minority, the Kurds, were labelled in the 1930s and 1940s as "mountain Turks", and their language considered to be a dialect of Turkish. Although Kurdish is now acknowledged as a distinct language in its own right, the Justice and Development Party (Adalet ve Kalkinma Partisi: AKP) continues to resist calls for its recognition as an official language of the state, or for its use as a medium of instruction in state schools. Official census figures do not include ethnic or racial figures, meaning that the following are estimates.

'The majority of the population is Turkish (80%), but there are also 26 other ethnic groups, Kurdish being the largest (estimated at 17% of the total population). Other ethnic groups include Arab, Georgian, Greek, Armenian, Circassian, Syrian, Laz and Chechen'.⁶

- 4.3.2 Minority Rights Group International noted that although Kurds were 'Historically concentrated in eastern and south-eastern region of the country, where they constitute the overwhelming majority, large numbers have immigrated to urban areas in western Turkey.'⁷
- 4.3.3 The same source noted that 'Roma live all across Turkey and, in terms of absolute numbers, are not concentrated in any particular region. Various groups are included under the general heading of Roma/Gypsy, such as 'Roma' who live predominantly in Eastern Thrace, 'Teber/Abdal' who live across Anatolia and 'Posa' who live in north-east Anatolia, Çankırı, Kastamonu and Sinop.'⁸

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4.4 Religious groups

- 4.4.1 The United States Department of State's 2013 Report on International Religious Freedom stated that, according to Turkish government estimates, 99 percent of the population is Muslim, the majority of which is Hanafi Sunni. Representatives of other religious groups state the actual percentage of Muslims is slightly lower. The report stated:

'Academics estimate there are 15 million to 20 million Alevi, followers of a belief system that incorporates aspects of both Shia and Sunni Islam and draws on the traditions of other religious groups indigenous to the region. Alevi foundation leaders report higher numbers, estimating 20 million to 25 million Alevi in the country.

'Other religious groups, mostly concentrated in Istanbul and other large cities, together constitute less than 1 percent of the population. While exact figures are not available, these groups include approximately 500,000 Shiite Jaferi Muslims; 90,000 Armenian Orthodox Christians (of which an estimated 60,000 are citizens and an estimated 30,000 are undocumented immigrants

⁶ IHS Jane's Sentinel. Security Assessment; Turkey; Demography, 6 August 2015. Subscription source. Date accessed: April 2015.

⁷ Minority Rights Group International. Turkey; Kurds. <http://minorityrights.org/minorities/kurds-2/> Date accessed: 1 December 2015.

⁸ Minority Rights Group International. Turkey; Roma. <http://minorityrights.org/minorities/roma-19/> Date accessed: 1 December 2015.

from Armenia); 25,000 Roman Catholics (mostly recent immigrants from Africa and the Philippines); 21,000 Jews; 20,000 Syrian Orthodox Christians (also known as Syriacs or Suriyanis); 15,000 Russian Orthodox Christians (mostly recent immigrants from Russia who hold residence permits); 10,000 Bahais; 5,000 Yezidis; 5,000 Jehovah's Witnesses; 7,000 members of other Protestant denominations; 3,000 Iraqi Chaldean Christians; and up to 2,500 Greek Orthodox Christians. There also are small, undetermined numbers of Bulgarian Orthodox, Nestorian, Georgian Orthodox, Syriac Catholic, Armenian Catholic, and Maronite Christians. There are also an unknown number of atheists; estimates by international and private Turkish polling organizations vary, but most recent published survey results suggest approximately 2 percent of the population is atheist'.⁹

- 4.4.2 The Immigration and Refugee Board of Canada provided the following information about Alevis:

'An article in Today's Zaman, an English-language Turkish newspaper, notes that Alevism is practiced in the following areas, among others: Elazig, Nevsehir, Malatya, Maras, Sivas and Yozgat (3 Nov. 2011). A 2009 research report by Bogazici University and the Open Society Foundation in Turkey listed the following places as having a large Alevi population: Erzurum, Kayseri, Malatya and Sivas (Toprak 2009, 41).'¹⁰

- 4.4.3 For further information on Alevis, please see [Country information and guidance](#) on Alevis.

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5. History

- 5.1.1 An overview of Turkey's recent history can be found in the BBC News [Turkey profile](#)¹¹, which also includes a timeline of events.

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6. Economy

- 6.1.1 The Australian Department of Foreign Affairs and Trade (DFAT) Country Report for Turkey (economic overview) stated that:

'Turkey is the 17th largest economy in the world. With a population of approximately 76 million people, 40 percent of whom are under 22, Turkey possesses considerable potential for continued growth and development.

⁹ United States Department of State. '2013 Report on International Religious Freedom,' Turkey, 28 July 2014 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222277> Date accessed: 30 June 2015.

¹⁰ Canada: Immigration and Refugee Board of Canada. 'Turkey: Treatment of Alevis by society and government authorities; state response to mistreatment (2008-May 2012),' 1 June 2012, TUR104076.E. <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=4fead9552&skip=0&query=alevis&coi=TUR> Date accessed: 1 December 2015.

¹¹ BBC News. Europe; Turkey profile <http://www.bbc.co.uk/news/world-europe-17994865> Date accessed: April 2015.

The EU remains Turkey's major trading partner, but Turkey has diversified its trade in recent years. Turkey has long sought full entry into the European Union (EU) and its predecessors, with the Turkey's entry into the European Customs Union in 1996 an important milestone. Accession negotiations with the EU began in October 2005 and are ongoing'.¹²

6.1.2 The CIA World Factbook noted that:

'Turkey's largely free-market economy is increasingly driven by its industry and service sectors, although its traditional agriculture sector still accounts for about 25% of employment. An aggressive privatization program has reduced state involvement in basic industry, banking, transport, and communication, and an emerging cadre of middle-class entrepreneurs is adding dynamism to the economy and expanding production beyond the traditional textiles and clothing sectors. The automotive, construction, and electronics industries are rising in importance and have surpassed textiles within Turkey's export mix. Oil began to flow through the Baku-Tbilisi-Ceyhan pipeline in May 2006, marking a major milestone that will bring up to 1 million barrels per day from the Caspian region to market. Several gas pipeline projects also are moving forward to help transport Caspian gas to Europe through Turkey, which over the long term will help address Turkey's dependence on imported oil and gas, which currently meets 97% of its energy needs'.¹³

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7. Political System

7.1 Constitution

7.1.1 See [Constitution of Turkey](#).¹⁴

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7.2 Electoral process

7.2.1 Freedom House's report, 'Freedom in the World 2015,' published in March 2015, noted that:

'In August 2014, Turkey held direct presidential elections for the first time; presidents were previously elected by the parliament. Three candidates were on the ballot, and Erdoğan prevailed with 51.8 percent of the vote, winning a once-renewable five-year term. Foreign Minister Ahmet Davutoğlu assumed Erdoğan's posts of prime minister and head of the AKP. Some domestic and international observers, such as the Organization for Security and Co-operation in Europe, pointed to irregularities in the campaign, including media bias and self-censorship, misuse of state resources to support Erdoğan's election bid, lack of transparency in campaign finances, and voter

¹² Australian Department of Foreign Affairs and Trade (DFAT). Country Report, Turkey (economic overview). <http://dfat.gov.au/geo/turkey/Pages/turkey-country-brief.aspx> Date accessed: April 2015

¹³ CIA World Factbook. Turkey (economy), 24 June 2015 <https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html> Date accessed: 29 June 2015.

¹⁴ Constitution of the Republic of Turkey [Turkey], 7 November 1982. Available at: <http://www.refworld.org/docid/3ae6b5be0.html> Date accessed: 29 June 2015.

fraud. Opposition figures and supporters noted similar problems in the March local elections, in which the AKP kept or gained control of most major Turkish cities. Erdoğan has pushed for constitutional changes to create a stronger presidency'.¹⁵

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7.3 Government

- 7.3.1 Turkey is a constitutional republic with a multi-party parliamentary system and a president. A unicameral parliament (the Grand National Assembly) exercises legislative authority. Following the 2011 parliamentary elections, which observers considered generally free and fair, the Justice and Development Party (AKP) formed a parliamentary majority under Recep Tayyip Erdogan. Erdogan was elected president in the country's first direct presidential election in August 2014 and was succeeded as prime minister by Ahmet Davutoglu. Civilian authorities maintained effective control of the security forces.¹⁶
- 7.3.2 Freedom House's Freedom in the world report for 2015 noted that the prime minister is head of government and currently holds most executive authority, while the president is head of state and has powers including a legislative veto and authority to appoint judges and prosecutors. The same source also stated:

'... the AKP won (in 2014) despite a corruption scandal implicating government ministers as well as Erdoğan and his family, which emerged in December 2013 and cast a shadow over Turkish politics throughout 2014. Erdoğan dismissed the evidence of corruption, including audio recordings, as fabrications by elements of a "parallel state" composed of followers of Fethullah Gülen, an Islamic scholar who had backed the AKP but was now accused of plotting to bring down the government. More than 45,000 police officers and 2,500 judges and prosecutors were reassigned to new jobs, a move the government said was necessary to punish and weaken rogue officials; critics claimed it was designed to stop anticorruption investigations and undermine judicial independence.

'Erdoğan and AKP officials spoke out against other so-called traitors, including critical journalists and business leaders as well as members of the Alevi religious minority. Media outlets bearing unfavorable coverage of the government have been closed or placed under investigation. In December, more than 30 people linked to Gülen, including newspaper editors and television scriptwriters, were arrested on charges of establishing a terrorist group; this sparked widespread protests. The government also issued an arrest warrant for Gülen and a request to extradite him from the United

¹⁵ Freedom House. 'Freedom in the world 2015;' Turkey, 10 March 2015
<http://www.refworld.org/docid/5502f33912.html> Date accessed: 17 July 2015.

¹⁶United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, 25 June 2015.
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

States, accusing him of running an armed terrorist group. The latter two events signalled an escalation of the government's campaign against Gülen.

'Turkey has a competitive multiparty system, but parties can still be disbanded for endorsing policies that are not in agreement with constitutional parameters. This rule has been applied in the past to Islamist and Kurdish-oriented parties. Since 2009 no such bans have been enforced, and Kurdish-oriented parties have competed in various elections, but some members of these parties have been arrested in a law enforcement campaign against the Union of Communities of Kurdistan (KCK), which the government describes as a terrorist organization and the PKK's urban arm.

'The military has historically been a dominant power in politics, forcing out an elected government most recently in 1997. Under the AKP, various reforms have increased civilian control over the military. Hundreds of military officers were convicted in 2012 and 2013 for alleged involvement in coup plots. Some maintain that these trials were politically motivated.'¹⁷

- 7.3.3 In June 2015 Today's Zaman reported that the Justice and Development Party (AKP) lost its majority in Parliament for the first time since 2002.¹⁸ The Jamestown foundation website reported that the general election in Turkey on June 7 radically changed the country's political landscape. The ruling Justice and Development Party (AKP) lost its absolute majority, winning only 258 of the 276 seats it needed, and the pro-Kurdish Peoples' Democratic Party (HDP) has now entered the parliament.¹⁹ On 21 August it was announced that after failed efforts to form a coalition government fresh Parliamentary elections would be held on 1 November 2015.²⁰ With 99 percent of votes counted, the AKP was on 49.4 percent, giving it 316 of parliament's 550 seats. The main opposition CHP was at 25.4 percent.²¹

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8. Security Apparatus

8.1 Police and Jandarma

- 8.1.1 According to the Turkish National Police (TNP) website, the TNP employ almost 228,000 sworn police officers and has become one of the biggest

¹⁷ Freedom House. 'Freedom in the world 2015,' Turkey, 10 March 2015
<http://www.refworld.org/docid/5502f33912.html> Date accessed: 17 July 2015.

¹⁸ Today's Zaman. 'Turkey's 2015 election results,' 11 June 2015
http://www.todayszaman.com/blog/oguzhan-tekin/turkeys-2015-election-results_384983.html Date accessed: 28 July 2015.

¹⁹ Jamestown Foundation. 'The Turkish Election and Responses in the South Caucasus,' 18 June 2015. Eurasia Daily Monitor Volume: 12 Issue: 115.
http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=44055&tx_ttnews%5BbackPid%5D=390&cHash=63cf14efa0256efb59af6ba1af670c05#.VbdOGvmMOMw Date accessed: 28 July 2015.

²⁰ BBC News. 'Turkey snap election called after coalition talks fail,' 21 August 2015.
<http://www.bbc.co.uk/news/world-europe-34018497> Date accessed: 21 August 2015.

²¹ Reuters. 'Turkey returns to single-party rule in boost for Erdogan,' dated 3 November 2015.
<http://uk.reuters.com/article/uk-turkey-election-idUKKCN0SP17S20151103> Date accessed: 11 February 2016.

organizations in the public sector in Turkey. The same source noted: 'The Republic of Turkey adopted a centralized administrative system with the establishment of the Republic in 1923, and all law enforcement agencies were subordinated to the Ministry of Interior. Since then, Turkish National Police has become a civilian organization and been directed by a governor appointed by the Ministry of Interior.

'In Turkey, the size of population and the geographical area determines the jurisdiction of the law enforcement agencies. Turkish National Police serves for the provincial centres, while Gendarmerie serves in rural areas of the country. Coast Guard is responsible for territorial waters and coast line. Jurisdiction area of these agencies is determined by the governorship of the province and the Ministry of Interior. Turkish National Police aims at serving for peace and security of the citizens throughout the country within its jurisdiction'.²²

- 8.1.2 Jane's Sentinel Security Assessment, updated 24 April 2015 noted: 'The TNP are traditionally responsible for policing in the towns and cities (any settlement with more than 2,000 inhabitants), while policing in rural areas comes under the jurisdiction of the Gendarmerie.

'The commanding body of the National Police is known as the General Directorate of Security (Emniyet Genel Müdürlüğü: EGM), which falls under the Ministry of the Interior. There were around 230,000 police officers in 2012, up from 166,000 in 2000. Around 50.5 million people live in urban areas, meaning a ratio of approximately 220 people to every police officer.

'Under the General Directorate is a range of police directorates, each corresponding to one of Turkey's 81 provinces, and at the next level down there are the police posts, or district commands. At operational level, the National Police carry out functions divided into three main categories - administrative, judicial, and political. The administrative function covers a very wide range of areas, including the enforcement of laws and regulations, the prevention of smuggling and the apprehension of smugglers, fingerprinting, and photographing, censorship of films, control of traffic, enforcement of licensing laws of various kinds, the arrest of thieves, and the tracking down of military deserters.'²³

- 8.1.3 The United States Department of State's 2014 Country Report on Human Rights Practices noted that:

'The TNP, under the control of the Ministry of Interior, is responsible for security in large urban areas. The Jandarma, under the joint control of the Ministry of Interior and the military, is responsible for rural areas and specific border sectors where smuggling was common, although the military has overall responsibility for border control and overall external security. Village guards, a civilian militia that reports to the Jandarma and historically was

²² Turkish National Police website. 'About us,' undated. <http://www.egm.gov.tr/EN/Pages/About-Us.aspx> Date accessed: 27 July 2015.

²³ IHS Jane's. Jane's Sentinel Security Assessment; Turkey, 24 April 2015. Subscription source. Accessed: April 2015.

responsible for widespread human rights abuses, focused their activities almost exclusively on fighting the PKK in the Southeast. The mission of the internal security apparatus, in particular the village guards, was under review, as the government began in 2012 to pursue a negotiated end to the armed conflict with the PKK (the “solution process”).

‘Although the TNP announced the formation of a special unit in 2013 to focus on investigating 1,901 unsolved killings mostly dating to the 1990s, no further progress was reported. According to the EU progress report, the government lacked a comprehensive approach to missing persons, extrajudicial killings, or the exhumation of mass graves during the year and did not adequately investigate mass graves discovered in the Southeast.’²⁴

8.1.4 Jane’s Sentinel Security Assessment for Turkey, Security and Foreign Forces, dated 24 April 2015, stated that:

‘The Gendarmerie (Jandarma) is a paramilitary force that carries out police functions in rural regions. It is charged with the preservation of public order and internal security, including border security, in an area which covers over 91 % of the territory of Turkey. The General Command headquarters is located in Ankara; it controls the various branches of the force - the Internal Security Forces, Border Defence Units, Training Units, Training Schools and Administrative and Logistical Support Units. In 1987 the Gendarmerie set up a Public Order Command based in Diyarbakir to counter the activities of the PKK. Gendarmerie forces played a major role in fighting these guerrillas. It has been estimated that the Gendarmerie has approximately 50,000 reserves in addition to its regular strength of about 150,000.

‘The force has its own intelligence section, JITEM, which is primarily used for intelligence gathering against the PKK. Until recently there was no official acknowledgment that JITEM existed, allowing members of the organisation to operate without fear of legal sanction. During the 1990s, JITEM was frequently accused of numerous human rights abuses and the organisation of death squads to assassinate suspected PKK members and sympathisers. JITEM has also been used to gather intelligence on violent and non-violent Islamist group.’²⁵

8.1.5 The United States Department of State’s 2014 Country Report on Human Rights Practices noted that ‘from January 2014 through September, more than 5,279 Jandarma and 191 police personnel received training in human rights and counterterrorism. According to the government, the military emphasized human rights in training for both regular and non-commissioned officers.’²⁶

²⁴ United States Department of State. ‘Country Reports on Human Rights Practices for 2014;’ Turkey, 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

²⁵ IHS Jane’s. Jane’s Sentinel Security Assessment; Turkey; Security and Foreign Forces, 24 April 2015. Subscription source. Accessed: April 2015.

²⁶ United States Department of State. ‘Country Reports on Human Rights Practices for 2014;’ Turkey, 25 June 2015.

8.2 Army/Military

- 8.2.1 Jane's Sentinel Security Assessment regarding the Turkish Army, updated on 8 June 2015, stated that: 'Within the Turkish Armed Forces (Türk Silahlı Kuvvetleri: TSK), the army is referred to as the Turkish Land Forces Command (TLFC). Although, the Turkish Army is the second-largest in the NATO, it is debatable whether its size and structure is prepared to address the new threats posed by asymmetrical warfare.

'The armed forces have historically regarded themselves as the guardians of the secular Turkish state. The TSK has frequently intervened in Turkish politics, with three military coups (in 1960, 1971, and 1980) and the further threat of one forcing the resignation of the government in 1997. The role and influence of the TSK has been under threat in recent years by moves to ensure democratic rule, particularly by the ruling AKP. Senior military officers have also expressed concern over the AKP's perceived aim of increasing the role of religion in the Turkish state.

'Reforms designed to reduce the TSK's ability to interfere in politics are underway. The Turkish parliament amended the military's internal service law in July 2013, ending the TSK's legal grounds for staging three military coups since 1960. The vote, on 12 July, came amid nationwide anti-government protests that Turkish Prime Minister Recep Tayyip Erdogan has blamed on a conspiracy against his democratically elected government. The amendments also came in the midst of Turkish government concern that the military coup in Egypt, which Ankara strongly denounced, may have a spillover effect. Article 35 of the Internal Service Law of the TSK had been used as a justification for mounting coups, as it gave the military internal security responsibilities. The newly adopted law redefined the TSK's duty as only protecting the country from foreign threats'.²⁷

8.3 Security/Intelligence Services

- 8.3.1 Jane's Sentinel Security Assessment regarding Security and Foreign Forces, updated 24 April 2015, stated that:

'The primary task of gathering intelligence on threats to the security of the state is assigned to the National Intelligence Organisation, known by its Turkish acronym as MIT. It has been involved in gathering both domestic and foreign intelligence. Intelligence activities abroad have focused in particular on Greek military activities, the situation in Cyprus, and the foreign links of the Kurdistan Workers' Party (Partiya Karkerên Kurdistan: PKK). The MIT also has a counter-intelligence role, being charged with the mission of

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236586> Date accessed: 29 June 2015.

²⁷ IHS Jane's. Jane's Sentinel Security Assessment; Turkey; Army, dated 8 June 2015. Subscription source. Date accessed: June 2015.

countering foreign intelligence activities. The organisation does not have police powers.

'The MIT is one of six state intelligence agencies in Turkey - each branch of the military has its own intelligence arm, as do the National Police and the Gendarmerie. Traditionally, it operated under considerable secrecy, but, while many aspects of the agency's work remain secret, the agency has shown itself increasingly conscious of public relations and specifically projecting a good public image. Housing for personnel and headquarters offices are located in a compound in the Ankara suburbs. There is strict security here, as the MIT is considered a prime target of some urban guerrilla groups.

'The MIT has quite high entry requirements - candidates must be fluent in at least one foreign language. Career intelligence officers are expected to have a degree from a reputable Turkish or foreign university in one of a number of fields, including political and social science, international relations, economics, law, computers, physics, and chemistry. Recruits undergo a course at MIT's own academy, MIT Training Centre. The MIT also recruits people with a military background, although these are said to number less than 10 % of the strength. In addition, the MIT employs some individuals on a contract basis, and members of the Turkish Armed Forces with special qualifications or skills are also seconded to the agency. Members of the MIT are forbidden from marrying foreigners and their superiors must be informed of any contact, social or otherwise, that they have with foreigners.

'In addition to the MIT, three other organisations also gather intelligence in Turkey;

- The National Police has its own intelligence-gathering capability, which is used against organised crime and security threats (including violent militant groups) in the areas within the National Police's jurisdiction.
- Gendarmerie Intelligence (Jandarma Istihbarat ve Terörle Mücadele: JITEM) is mostly used to target security and ideological threats.
- Each of the components of the Turkish Armed Forces also has its own intelligence capability. Military Intelligence focuses both on individuals and organisations considered to pose a threat to Turkish security and on preventing ideologically-driven groups (particularly Islamists) from infiltrating the military.

'The Special Warfare Unit (SWU) was originally created during the 1950s as a Gladio-type 'stay behind' force in the event of a Soviet invasion of Turkey. However, it subsequently evolved into a semi-autonomous unit, operating within the apparatus of the Turkish military to conduct intelligence gathering and covert operations, particularly against perceived ideological threats. Members of the SWU were recruited early in their careers and underwent specialised, highly secretive training before returning to serve with regular units, with the result that most SWU officers effectively served in a dual function throughout their careers.

‘Although it was nominally answerable to the chief of the Turkish General Staff (TGS), the secretive nature of the SWU's covert work meant that it was often self-tasking and free of oversight. The number of officers who underwent SWU training is unknown but believed to have been relatively small. SWU officers formed the nucleus of what Turks call the "derin devlet" or "deep state", an extensive network of contacts - some paid, some voluntary - penetrating and monitoring almost every aspect of Turkish life. Other organisations, such as JITEM, have also played a major role in the deep state.

‘In recent years, the emphasis of SWU training has shifted away from 'deep state' activities towards more conventional counter-insurgency tactics. Nevertheless, in 2012, the Turkish military still contained older generations of officers who had received 'deep state' SWU training; and who remained in contact with both serving and retired officers who had received similar training’.²⁸

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8.4 Human rights violations and impunity

8.4.1 The United States Department of State’s 2014 Country Reports on Human Rights Practices noted that:

‘The law prohibits arbitrary arrest and detention. There were numerous reports of the government not observing these prohibitions. While civilian authorities maintained effective control of the TNP, government mechanisms to investigate and punish alleged abuse and corruption by state officials remained inadequate, and impunity remained a problem.

‘Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. By law police and Jandarma may compel citizens to identify themselves without cause. During 2014 police routinely detained individuals for hours without charge’.²⁹

8.4.2 Amnesty International’s annual report on Human Rights for 2014/2015, published on 25 February 2015, noted that:

‘Investigations into abuses by public officials remained ineffective, and the chance of securing justice for the victims remote. In the absence of the long-promised but never-established independent police complaints mechanism, police units were effectively responsible for investigating their own alleged abuses under the instruction of under-resourced prosecutors. Police departments routinely failed to provide the most basic items of evidence to investigations.

²⁸ IHS Jane’s. Jane’s Sentinel Security Assessment; Turkey; Security and Foreign Forces, 24 April 2015. Subscription source. Date accessed: June 2015.

²⁹ United States Department of State. ‘Country Reports on Human Rights Practices for 2014;’ Turkey, 25 June 2015.
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

‘Excessive and abusive force by police officers during demonstrations, including the firing of tear gas canisters directly at demonstrators from close range, and the use of water cannon and beatings of peaceful protesters, remained common. Ministry of Interior guidelines, introduced in June and July 2013 to combat excessive and unnecessary force, were mostly ignored. In a number of cases, police used live ammunition during demonstrations, resulting in deaths and injury’.³⁰

- 8.4.3 The US Department of State’s 2014 Country Report on Human Rights Practices stated that, ‘village guards were less professional and disciplined than other security forces. The HRA cited allegations of abductions and confiscation of property by village guards. The Jandarma reported the total number of village guards serving during the year decreased, with 46,597 paid guards and 18,042 volunteers operating through August (2014).’³¹
- 8.4.4 The Human Rights Association’s (İHD) report, entitled the ‘2014 Human Rights Breaches Report,’ revealed that a total of 3,401 people were victims of torture, maltreatment, humiliation, or unjust punishment in Turkey in 2014, and 1,021 of those people were subjected to torture or maltreatment while in custody. Some 64 out of the 1,021 people who were subjected to torture or ill treatment while in custody were children.³²
- 8.4.5 The US Department of State’s 2014 Country Report on Human Rights Practices stated:
- ‘No independent body examined and monitored reports of security force killings, torture or mistreatment, excessive use of force, or other alleged abuses. Military and civil courts were the main recourses to prevent impunity, although complaints could also be filed with the Ombudsman Institution, which investigates all complaints against the state administration. A law passed in April 2014 gives personnel from the Turkish National Intelligence Organization immunity from prosecution. Impunity of police, security forces, and government officials in general remained a problem’.³³
- 8.4.6 The Council of Europe’s report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture

³⁰ Amnesty International. Amnesty International Annual report 2014/2015; Turkey, 25 February 2015 <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 29 June 2015.

³¹ United States Department of State. ‘Country Reports on Human Rights Practices for 2014;’ Turkey, 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

³² Hurriyet Daily News. ‘More than 1,500 people injured by Turkish police in 2014, says report,’ dated 5 March 2015. <http://www.hurriyetcailynews.com/more-than-1500-people-injured-by-turkish-security-forces-in-2014-says-report-.aspx?pagelD=238&nid=79255&NewsCatID=339> Date accessed: 27 November 2015.

³³ United States Department of State. ‘Country Reports on Human Rights Practices for 2014;’ Turkey, 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 21 June 2013 stated that:

‘As was the case in 2009, the great majority of persons met by the delegation stated that they had been treated in a correct manner whilst in police/gendarmerie custody. However, in the Diyarbakır and Şanlıurfa areas, the delegation did receive a number of allegations from detained persons (including juveniles) of recent physical ill-treatment by police officers. Most of these allegations concerned excessive use of force at the time of apprehension or slaps, punches or kicks during police questioning. In some cases, the medical examination of the persons concerned and/or the consultation of medical files by the delegation revealed injuries which were consistent with the allegations of ill-treatment made. In contrast, hardly any allegations of this nature were received in the Izmir area’.³⁴

8.4.7 Human Rights Watch’s World report 2015 noted that:

‘Few investigations were concluded into police violence and disproportionate use of force against demonstrators during the May-June 2013 Gezi protests around the country. In a July 2014 communication to the Committee of Ministers of the Council of Europe on the right to freedom of assembly (regarding the Oya Atman group of cases), the Turkish government claimed that after the countrywide Gezi protests, 329 criminal investigations into the police had been launched in 13 provinces, of which 59 had resulted in decisions of non-prosecution, 6 in prosecutions, and the remainder were still pending’.³⁵

8.4.8 The US Department of State’s 2014 Country Report on Human Rights Practices noted that: ‘Impunity remained a problem, particularly highlighted by the small number of indictments of police for brutality during the Gezi Park protests. The EU progress report noted that loss of evidence and police obstruction, including the filing of counterclaims, impeded investigations into these cases.

‘Officials employed the tactic of counter filing lawsuits against individuals who alleged abuse. In November 2013, for example, Ahmet Sahbaz, an Ankara police officer, was indicted for negligent homicide for reportedly firing live bullets indiscriminately into a Gezi Park protest, killing Ethem Sarisuluk. While the trial was proceeding, Sahbaz filed a criminal complaint against the victim’s mother and siblings for “insult and intentional injury.” The insult trial began in Ankara Criminal Court on October 17 and continued at year’s end. On September 3, a court found Sahbaz guilty of negligent homicide and sentenced him to seven years’ imprisonment, a sentence human rights activists criticized as too lenient.

³⁴ Council of Europe. Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 21 June 2013, dated 15 January 2015 (page 9).

<http://www.cpt.coe.int/documents/tur/2015-06-inf-eng.pdf> Date accessed: 28 July 2015.

³⁵ Human Rights Watch. World report 2015; Turkey, dated 29 January 2015.

<http://www.hrw.org/world-report/2015/country-chapters/turkey> Date accessed: 24 June 2015.

'During 2014 courts continued the trials of police officers charged with killing two of the eight civilians who died as a result of the 2013 Gezi Park protests; an investigation into a third death continued. Authorities repeatedly postponed the trial of plain clothes police officers Mevlut Sandogan, Saban Gokpinar, Huseyin Engin, Yalcin Akbulut, and four armed civilians under their direction for the beating death of Eskisehir university student Ali Ismail Korkmaz; the trial also was moved to Kayseri, 180 miles from Eskisehir, reportedly for security reasons. Korkmaz died in July 2013 of a brain haemorrhage caused by beating. Watchdog groups reported that police and government officials initially tried to cover up police involvement by accusing Korkmaz's friends of the beating and deleting television footage (later recovered) documenting the attack. A hearing in the trial of the four police officers and four civilians took place on November 26'.³⁶

8.4.9 Human Rights Watch's report, 'Turkey's Human Rights Rollback- Recommendations for Reform,' published in September 2014, stated that:

'In April 2014, the government introduced a law giving immunity from prosecution to personnel of the National Intelligence Agency (Milli İstihbarat Teşkilatı, MIT) unless the agency itself expressly authorizes prosecution. This measure, which is incompatible with Turkey's human rights obligations, creates a risk that intelligence personnel would not be held accountable for serious human rights violations committed in the course of their duties, including torture'.³⁷

8.4.10 The US Department of State's 2014 Country Report on Human Rights Practices noted that:

'The TNP reported that through August 2014 it reached decisions in 505 disciplinary cases involving excessive use of force. The TNP rejected 258 cases, dismissed 12 after investigation, penalized 19 officers in relation to their long-term seniority, and cancelled five cases due to the statute of limitations; 211 cases remained under investigation.

'In September 2014 the General Staff reported it had dismissed 329 personnel for disciplinary and moral reasons but none for excessive use of force. Also in September the Jandarma reported 35 dismissals for disciplinary and moral reasons.

'On September 24, as an answer to a parliamentary question, the Ministry of Justice provided statistics on cases filed against individuals for "resisting" or "insulting" public officials: Since 2010 authorities opened a total of 102,247 files and convicted 41,500 persons on such charges. Human rights activists criticized the high number of convictions and accused police of using such charges to deter criminal prosecution of officers. The EU progress report

³⁶ United States Department of State. 'Country Reports on Human Rights Practices for 2014,' Turkey, 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

³⁷ Human Rights Watch. 'Turkey's Human Rights Rollback- Recommendations for Reform,' dated September 2014. http://www.hrw.org/sites/default/files/reports/turkey0914_ForUpload.pdf Date accessed: 23 June 2015.

also noted the use by law enforcement officers of counter filing and alleged that in many instances courts gave priority to these counter filing cases'.³⁸

8.4.11 In March 2015 Amnesty International reported that:

'A range of security reforms in a bill passed by Turkey's Parliament today (27 March 2015) will give the country's police forces broad and dangerous new powers to detain people and use firearms to quell dissent. The organization said the bill facilitates the already widespread practice of arbitrary detentions during protests and paves the way for further human rights violations including politically motivated criminal investigations and violations of the right to life'.³⁹

8.4.12 In January 2015 the Open Democracy website report, 'Turkey: Do increased police powers signify desertion of democracy?,' noted that:

'Recommendations for improving the role of the police within Turkey are regularly made by the European Commission. In the latest European Commission report, specific concerns are noted regarding the independence of the judiciary and a separation of powers. One crucial tenant of police oversight that Turkey currently lacks is an independent body or monitoring commission that can oversee police conduct. In specific reference to the powers of the police, the report also noted that current laws allow for the dispersal of any demonstration deemed unlawful, whether or not it may be peaceful in nature, further threatening individual's right to openly disagree with their government'.⁴⁰

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8.5 Avenues of redress

8.5.1 The EU Accession Report for Turkey dated October 2014 stated that:

'The government continued its work to ensure compliance with legal safeguards for the prevention of torture and ill-treatment. The downward trend in the incidence and severity of ill-treatment in official detention places continued. However, the frequent use of excessive force during demonstrations and arrests remains a matter of concern.

'Turkey needs to adopt clear and binding rules on the proportionate use of force in demonstrations, in line with the relevant Council of Europe Committee for the Prevention of Torture (CPT) recommendations and ECtHR case-law. Parliament's Human Rights Inquiry Committee started monitoring ill-treatment during military service. Instances of ill-treatment of

³⁸ United States Department of State. 'Country Reports on Human Rights Practices for 2014,' Turkey, 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

³⁹ Amnesty International. 'Turkey: Draconian reforms give police wide-ranging powers to repress dissent,' dated 27 March 2015. <https://www.amnesty.org/en/latest/news/2015/03/turkey-gives-police-broad-powers-to-repress-dissent/> Date accessed: 24 June 2015.

⁴⁰ Open Democracy. 'Turkey: Do increased police powers signify desertion of democracy?,' 9 January 2015. <https://www.opendemocracy.net/melissa-deorio/turkey-do-increased-police-powers-signify-desertion-of-democracy> Date accessed: 30 June 2015.

conscripts continued to be reported. Law enforcement bodies continued to launch counter-cases against those alleging torture or ill-treatment. In many instances, these counter-cases were given priority by the courts. The absence of prompt, thorough, independent and effective investigations into all allegations of torture by law enforcement officers remains a concern.⁴¹

8.5.2 In its response of October 2014 to the UN Committee against Torture, the Turkish government stated that:

‘Turkey achieved significant progress in the reporting period with regard to institutionalization in the field of human rights and important institutions were established in order to provide institutional safeguards for human rights. A comprehensive consultation process was carried out with the participation of relevant parties during the preparation of the laws on the establishment of these institutions.

‘The Law on the establishment of Turkish Human Rights Institution entered into force on 30 June 2012 and the process of establishing the Turkish Human Rights Institution, in compliance with the Paris Principles, was initiated. The elections of the members of the Human Rights Board, the decision-making body of the institution, were completed as of 2012 September. It is stipulated in this Law that the institution would be independent in its authorities and while carrying out its duties. This institution is responsible for carrying out work on the protection and enhancement of human rights, and in this framework, for undertaking investigations and research, preparing reports, submitting opinions and recommendations, conducting activities for information, awareness-raising and training and investigating allegations of human rights violations.

‘The Turkish Human Rights Institution is a public legal entity which has administrative and financial autonomy. It is independent regarding its duties and authorities; the Institution may not be given orders or instructions, recommendations or opinions regarding its duties. Due to administrative and financial autonomy, the Institution has its own budget, personnel and property and it is authorized to make its own administrative arrangements regarding matters under its responsibility.

‘The Turkish Human Rights Institution is given a wide mandate in the protection and promotion of human rights. It was also designated as the national preventive mechanism to fulfil the duties and use the authorities laid down in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

‘The Law on the establishment of Ombudsman Institution entered into force on 29 June 2012. With this Law, the Ombudsman Institution was established under the Parliament as a public legal entity with a special budget. The Ombudsman is mandated with reviewing and investigating complaints concerning the functioning of the administration, that is to say all kinds of

⁴¹ European Commission. Strategy and progress reports, Turkey 2014, October 2014. http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf
Date accessed: 28 July 2015.

acts and transactions, attitudes and actions of the administration, regarding their compliance with the rule of law and fairness, within the context of an understanding of justice based on human rights. The institution is also entrusted with making recommendations to the administration. In accordance with the principle of independence, the Chief Ombudsman and Ombudsmen may not be given orders or instructions by any authority, body, office or person regarding their duties.

'The institution began to receive complaints on 29 March 2013. Lodging an application is free of charge and applications can be submitted electronically as well as through governorates and district governorates in provinces and districts.

'The establishment of an Ombudsman system in Turkey is one of the most important steps taken for accountability, fairness and transparency of the public administration. The Ombudsman Institution will improve the quality and effectiveness of public services, by addressing fairly, speedily and free of charge the complaints of citizens regarding public services, in accordance with the law. Investigation allegations of all forms of public officials fall within the scope of the mandate of the Ombudsman.

'The Constitutional amendments of 2010 introduced the right of individual application to the Constitutional Court. Since 23 September 2012, individual applications can be lodged with the Constitutional Court. It has been stipulated in Article 148 of the Constitution that any person may apply to the Constitutional Court on the grounds that one of the fundamental rights and freedoms within the scope of the European Convention on Human Rights which are guaranteed by the Constitution has been violated by public authorities. In order to make an application, the domestic legal remedies must be exhausted.

'The Constitutional Court shall give the final ruling on whether the applicant's fundamental rights have been violated, and in case it finds a violation, it shall declare what needs to be done to eliminate the violation and its consequences, including the payment of compensation.'⁴²

8.5.3 The same source further stated:

'The Gendarmerie Human Rights Inquiry and Evaluation Centre was established on 26 April 2003 to examine, evaluate and investigate allegations of human rights violations that may occur during the performance of duty by gendarmerie personnel, and if the allegations are true, to commence necessary legal proceedings. Citizens can make applications to the Centre in person, as well as through a petition, letter, phone, internet, or fax on a 24/7 basis.

'The Gendarmerie Human Rights Inquiry and Evaluation Centre received 2,926 applications between 26 April 2003 and 1 April 2014. 357 of these applications were within the purview of the Gendarmerie Human Rights

⁴² UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4). 22 October 2014 (paragraphs 336-344). http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf. Date accessed: 18 August 2015.

Inquiry and Evaluation Centre, whereas 2,569 applications were beyond purview of the centre. As a result of the administrative investigations carried out with respect to applications within the purview of the Centre, it has been determined that the allegations in 239 applications were not true, 110 applications have been referred to judicial authorities, and relevant officials have been punished by their disciplinary superior with respect to 8 applications.’⁴³

8.5.4 In its response of October 2014 to the UN Committee against Torture, the Turkish government also stated that ‘All perpetrators of torture are prosecuted under Articles 94 and 95 of the Penal Code. In case of participation of a public officer in the crime of torture, other persons who participate in committing of the crime are also punished with the same punishment as the public officer.’⁴⁴ The Turkish government also provided an annex to its response which showed that between 1 January 2010 and 16 April 2014, 551 gendarmerie, police and other officers were sentenced to imprisonment for periods ranging between 25 days to 6285 days after having been convicted of torture under the Turkish Penal Code.⁴⁵

8.5.5 Amnesty International’s annual report on Human Rights for 2014/2015, published on 25 February 2015, noted that:

‘Reported cases of torture in official places of detention remained far fewer than in previous years. More than two years after the ratification of the Optional Protocol to the UN Convention against Torture, the required domestic implementing mechanism had not been established. The National Human Rights Institution was earmarked by the authorities for this role but lacked the necessary skills, resources and guarantees of independence to fulfil it.’⁴⁶

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9. Judiciary

9.1 Independence

9.1.1 Freedom House’s report, ‘Freedom in the World 2015,’ stated that:

‘The constitution provides for an independent judiciary, but in the past the government has influenced judges through appointments, promotions, and

⁴³ UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4). 22 October 2014 (paragraphs 223-224). http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf. Date accessed: 18 August 2015.

⁴⁴ UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4). 22 October 2014 (paragraph 220). http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf. Date accessed: 18 August 2015.

⁴⁵ UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4). 22 October 2014 (Annex 5). http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fADR%2fTUR%2f18356&Lang=en. Date accessed: 18 August 2015.

⁴⁶ Amnesty International. Amnesty International Annual report 2014/2015; Turkey, 25 February 2015 <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 18 August 2015.

financing. Nevertheless, the ongoing corruption investigation of businessmen with close ties to the government, including the sons of three cabinet ministers, signalled that police and prosecutors enjoyed some independence. In response, the parliament passed a new law in February 2014 to give the justice minister greater authority over members of the Higher Council of Judges and Prosecutors (HSYK), the body responsible for senior judicial appointments. The government claimed that the change promoted accountability and averted a "judicial coup," but critics said it was designed to purge the judiciary of Gülen supporters and other perceived enemies of the government'.⁴⁷

9.1.2 According to the US State Department's Human Rights report, 'there is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. Individuals are able to apply directly to the High Court of Appeals (Yargitay) for redress'.⁴⁸

9.1.3 Amnesty International's annual report for 2014/2015 noted that:

'Legislative amendments in July 2014 abolished the anti-terrorism and organized crime courts with special powers, but those accused of terrorism-related offences still risked conviction without substantive and convincing evidence in ordinary courts. Legislative amendments in 2013, imposing a maximum limit of five years for pre-trial detention and introducing greater protections against its unfair use, yielded results and resulted in fewer people being held and for less time.

'The independence of the judiciary was undermined by changes to the top judicial body, the Higher Council of Judges and Prosecutors that granted greater powers to the Minister of Justice, and allowed the transfer of hundreds of judges and prosecutors'.⁴⁹

9.1.4 Jane's Sentinel Security Assessment regarding internal affairs, updated 10 July 2015, stated that: 'The independence of the judiciary has been respected (in word if not in deed) in the government since the founding of the Third Republic in 1982. However, a clogged and underfunded court system meant that judicial processes are often lengthy and has severely limited oversight of judicial impartiality and appellate processes.

'Judges rule on the basis of the provisions of the constitution, the laws, jurisprudence and their personal convictions. The Supreme Council of Judges and Prosecutors (HSYK) wield sole authority to make decisions related to the careers of judges and public prosecutors. Judges also assume

⁴⁷ Freedom House. 'Freedom in the World 2015,' Turkey, 10 March 2015
<http://www.refworld.org/docid/5502f33912.html> Date accessed: 30 June 2015.

⁴⁸ United States Department of State. 'Country Reports on Human Rights Practices for 2014,' Turkey, 25 June 2015.
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 1 July 2015.

⁴⁹ Amnesty International. Amnesty International Annual report 2014/2015; Turkey, 25 February 2015
<https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 1 July 2015.

duties related to the monitoring and overseeing of elections. Although the judiciary is theoretically independent, in practice it has always been subject to political pressure. The influence of the government was enhanced by the approval of a package of constitutional amendments on 12 September 2010, which increased the government's control over the appointment of prosecutors and judges and the composition of the higher courts'.⁵⁰

- 9.1.5 The EU Accession Report for Turkey, dated October 2014, stated that with regard to the efficiency of the judiciary, the number of pending cases before the Court of Cassation increased to 582 642 in July 2014, compared to 544 169 in the same period of 2013.⁵¹

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9.2 Corruption and Impunity

- 9.2.1 Human Rights Watch's world report stated that Turkey has long-standing defects in its justice system including concerns over judicial independence, inadequate investigations into abuses by state actors, excessive length of proceedings, and politically motivated prosecutions.⁵²

- 9.2.2 A Human Rights Watch report of September 2014 entitled 'Turkey's Human Rights Rollback - Recommendations for Reform' stated that: 'Turkey's politicized and faction-riven judiciary has contributed greatly to the perpetuation of a culture of impunity for serious human rights violations by police, military, and state officials. As a result, the victims of these abuses face significant obstacles in securing justice.

'The most widely criticized recent example was a military prosecutor's decision that there was no case to be brought against members of the Turkish Air Force or any state official for the December 2011 aerial bombardment that targeted and killed 34 Kurdish men and boys near Uludere in south-eastern Turkey, close to the Iraqi Kurdistan border. Without initiating a legal process, the military prosecutor decided that no-one had to answer for what was simply an "unavoidable mistake," and a military court upheld the decision. The parliamentary investigation into the incident was inconclusive and cannot be regarded as an attempt to pursue an effective public enquiry into the incident. The families of the victims continue to campaign for justice.

'The government has adopted legislation placing the National Intelligence Agency (MİT) and its personnel above the law. The MİT law passed in April 2014 removes from the public prosecutor the authority to initiate direct criminal investigations of the agency's activities or subject them to judicial

⁵⁰ IHS Jane's. Jane's Sentinel Security Assessment; Turkey; Internal Affairs, 10 July 2015. Subscription source. Date accessed: July 2015.

⁵¹ European Commission. Strategy and progress reports; Turkey 2014, October 2014. http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 28 July 2015.

⁵² Human Rights Watch. World report; Turkey, 29 January 2015. <http://www.hrw.org/world-report/2015/country-chapters/turkey> Date accessed: 30 June 2015.

scrutiny in the event of allegations of wrongdoing. Only the intelligence agency itself has the right to decide if its activities should be prosecuted'.⁵³

- 9.2.3 Human Rights Watch's World report published in January 2015 noted: 'Developments in 2014 highlighted the politicization of Turkey's judiciary. In responding to the corruption investigations, the government asserted that followers of the Gülen movement were strongly represented in the judiciary and police.

'In the name of reducing the alleged influence of the Gülen movement in the justice system, the government took steps to bring the police, prosecutors, and judges under greater executive control. The government oversaw the mass reassignment or demotion of judges, prosecutors, and police, including all those involved in the corruption investigations. It adopted a law in February 2014 to restructure the Higher Board of Judges and Prosecutors (Hâkimler ve Savcılar Yüksek Kurulu, HSYK) responsible for the administration of the judiciary, to tie it closer to the executive, and created in July 2014 a new category of criminal judges of the peace responsible for key decisions at the criminal investigation stage.

'In April 2014, the Constitutional Court partially quashed key provisions of the HSYK law concerning enhanced powers for the Minister of Justice on the grounds that they violated the separation of powers in important respects, threatened judicial independence, and opened the way to political pressure on the judiciary.

'In June 2014, 237 military personnel serving sentences after convictions for coup-plotting in the Sledgehammer case were released from prison after the Constitutional Court ruled that they had not had a fair trial and ordered retrials. Defendants in the Ergenekon trial whose convictions were under appeal were bailed in March when pre-trial detention was cut from 10 to 5 years'.⁵⁴

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10. Freedom of movement

- 10.1.1 According to the US State Department's Country Report on Human Rights Practices 2014, 'the constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but at times the government limited these rights.

'The constitution provides that only a judge may limit the freedom to travel and only in connection with a criminal investigation or prosecution. Freedom of movement was a problem in the East and Southeast, where an armed conflict with the PKK led to the establishment of government and opposition checkpoints and roadblocks during the 1990s and early 2000s. With the

⁵³ Human Rights Watch. 'Turkey's Human Rights Rollback- Recommendations for Reform,' September 2014. http://www.hrw.org/sites/default/files/reports/turkey0914_ForUpload.pdf Date accessed: 23 June 2015.

⁵⁴ Human Rights Watch. World report 2015; Turkey, dated 29 January 2015. <http://www.hrw.org/world-report/2015/country-chapters/turkey> Date accessed: 24 June 2015.

Kurdish solution process underway since 2013, the government and Kurdish opposition groups greatly reduced roadway checkpoints. PKK members and supporters at times blocked roads and set up checkpoints to protest the construction of new security outposts, military facilities, dams, and other infrastructure projects, temporarily restricting movement in the East and Southeast'.⁵⁵

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11. ID Documentation and databases

11.1 Nufus cards

11.1.1 The US Social Security Administration's website on Turkish Civil records noted:

'Nufus Kayit Ornegi (Census Registration). This is the basic official certification form and can be proof of age, relationship, marriage, divorce and death. It can contain information about one person or a man and his immediate family. There are specific columns for each person's name, parents, date and place of birth, religion and the date he was entered in the record. The relationship of the family members to the head of the household is shown if requested. If an individual's record is transferred to another locality (as when a woman marries), the information on the original census record is transferred. Thus, a married woman's record may show a recordation date before the marriage date, or the transfer date may also be shown as the registration date. If the original registration date is not shown and is needed, the nufus official at the place of original residence should be contacted for the original registration date.

'Nufus Cuzdan Sureti (Copy of Census File), this is a census form usually issued only for one person and showing only a date of birth.

'Identification Paper or Card: The Nufus Cuzdan, Nufus Huviyet Cuzdani or Turkiye Cumhuriyeti Nufus Cuzdani is an identification document carried by all Turkish citizens. No recordation date is shown. Older identification papers were issued in booklet form and showed more personal information; a laminated pocket-size form is now used. Either version shows the person's name, date and place of birth and parents' names.'⁵⁶

11.1.2 The annual report for 2015 by the United States Commission on International Religious Freedom stated:

'Despite the 2010 European Court of Human Rights' ruling that the requirement to list religious affiliation on national identity cards violates the European Convention, all individuals are still required to do so. Some religious groups, such as the Baha'is, are unable to state their religion

⁵⁵ United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

⁵⁶ United States Social Security Administration. Social Security Online, GN 00307.897; Turkish Civil Records, 8 June 2005 <https://secure.ssa.gov/poms.nsf/lnx/0200307897> Date accessed: June 2015.

because it is not on the official list of options. While a 2006 law allowed individuals to leave the religion section blank or change the religious designation, some communities have reported that they face intimidation or harassment when choosing either of these options'.⁵⁷

- 11.1.3 See also the response to an information request by the [Immigration and Refugee Board of Canada providing information on the Nefus and other identification documents](#).⁵⁸

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11.2 General Information Gathering System or GBTS

- 11.2.1 The Netherlands Ministry of Foreign Affairs published a report regarding Turkey/Military dated July 2001 which stated that:

'Turkey has a central information system, known as the Genel Bilgi Toplama Sistemi (General Information Gathering System), usually abbreviated as GBTS. The system stores various personal data. For instance, it contains information on outstanding arrest warrants, previous arrests, restrictions on travel abroad, possible draft evasion or refusal to perform military service and tax arrears. Sentences which have been served are in principle removed from the system and entered into the nationally accessible Judicial Records (Adli Sicil)'.⁵⁹

- 11.2.2 According to a representative of the International Fellowship of Reconciliation (IFOR), in correspondence to the Immigration and Refugee Board of Canada, 'the bar code in recent passports and identity documents is linked to the person's entry on the GBTS, which includes the person's military status along with other information, such as convictions, arrest warrants and tax arrears. Police officers and border guards can read this information with a hand-held device and can detain the person if the person is in default'.⁶⁰

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11.3 POLNET

- 11.3.1 According to a 2007 case study of the Turkish POLNET system:

⁵⁷ United States Commission on International Religious Freedom (USCIRF). Annual Report 2015; Tier 2: Turkey, 1 May 2015 <http://www.uscirf.gov/reports-briefs/annual-report> Date accessed: June 2015.

⁵⁸ Immigration and Refugee Board of Canada. 'Turkey: Information on the Nufus Huviyet Cuzdani [Turkiye Cumhuriyeti Nufus Cuzdani] and any other document used in Turkey for identification purposes (2012-May 2015);' TUR105166.E, dated 12 June 2015. <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455949&pls=1> Date accessed: 18 August 2015.

⁵⁹ The Netherlands Ministry of Foreign Affairs. 'Turkey/Military Service,' dated 1 July 2001 <http://www.unhcr.org/refworld/publisher,NMFA,,,467010bd2,0.html> Date accessed: June 2015.

⁶⁰ Immigration and Refugee Board of Canada. 'Turkey: Military service, both compulsory and voluntary, including requirements, length, alternatives and exemptions; consequences of draft evasion and conscientious objection (2011-May 2014);' 4 June 2014. TUR104876.E. <http://www.refworld.org/docid/53b12d474.html> Date accessed: June 2015.

'POLNET enables Turkish police officers to access a national database that combines different kinds of information storage, such as a criminal record database, a vehicle database, and the data for terrorist or organised crime groups. In fact it was designed to cover all needs of Turkish police officers, including communication between different agencies....Surveillance, smuggling, gun licence, passport and visa control, criminal background checks, fingerprint compression, traffic investigation, and decision support systems are some of the areas which can be handled more quickly and effectively by POLNET.'⁶¹

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12. Citizenship

12.1.1 Turkish citizenship law is set down in Law No 5901, Turkish Citizenship Law, dated 29 May 2009. The Law was promulgated on 12 June 2009 and entered into force on the same day.⁶²

12.1.2 The United States Department of State's 2014 Country Report on Human Rights Practices stated that:

'A child receives citizenship from his or her parents, not through birth on Turkish soil. Only one parent needs to be a Turkish citizen to pass citizenship to a child. In special cases where a child born in Turkey cannot receive citizenship from any other country due to the status of his or her parents, the child receives Turkish citizenship'.⁶³

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⁶¹ Yalcinkaya, Ramazan. 'Police officers' adoption of information technology: A case study of the Turkish POLNET system.' Denton, Texas. UNT Digital Library.

<http://digital.library.unt.edu/ark:/67531/metadc3900/>. Accessed: 21 August 2015.

⁶² Turkish Citizenship Law [Turkey], Law No. 5901, 29 May 2009. Available at: <http://www.refworld.org/docid/4a9d204d2.html> Date accessed: 30 June 2015.

⁶³ United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, 25 June 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 29 June 2015.

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

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