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**Submission for the development of practical tools to assist law enforcement bodies
in promoting and protecting human rights in the context of peaceful protests**

Submitted by the
HUMAN RIGHTS ASSOCIATION

30 September 2023

United Nations Human Rights Special Procedures

Mandate of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

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Sent by email

30 September 2023

Ankara

Submission by the Human Rights Association (İnsan Hakları Derneği) in response to the call for inputs from the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and association for the development of practical tools to assist law enforcement bodies in promoting and protecting human rights in the context of peaceful protests, to be presented at the 55th session of the UN Human Rights Council.

I. INTRODUCTION

The Human Rights Association (İnsan Hakları Derneği -“İHD”) is a non-governmental, independent, and voluntary organization. The association, founded in 1986, is the oldest and largest human rights organization in Türkiye and its sole and specific goal is to promote “human rights and freedoms.” İHD issues special reports on various human rights issues, including annual reports on human rights violations in Türkiye. İHD also submits shadow reports before committees at the United Nations and the Council of Europe as well as submitting Rule 9.2 communications.¹

II. QUESTIONNAIRE

1. Freedom of peaceful assembly has long been arbitrarily restricted and punished in Türkiye. Following the start of the Gezi Park Protests in İstanbul’s Taksim Square in 2013, access to public space for those wishing to organize peaceful assemblies and protests has steadily declined. Such decline continued after the declaration of the state of emergency, which dealt a decisive blow to freedom of assembly; the right of citizens, and in particular human rights defenders and NGOs, to assemble and demonstrate was curtailed not only by police brutality and judicial harassment, but also by vague ban orders, even before people took to the streets. All kinds of peaceful assemblies and protests organized by many human rights defenders and NGOs are frequently prevented on the grounds of public security, public morality and crime prevention, and when such restrictions are imposed, no justification is specified for the necessity and proportionality of the measure taken, contrary to what is required by domestic and international legislation. Therefore, different groups, including trade unionists, lawyers,

¹ <https://www.ihd.org.tr/en>

students, LGBTI+ people, women, face smear campaigns, criminalization, judicial harassment, police violence and even arrests (police custody) for the legitimate exercise of the right to freedom of assembly. As a result, it is reported that many people in Türkiye are currently afraid to exercise their right to freedom of assembly in public spaces. İHD's joint report² with the Observatory for the Protection of Human Rights Defenders (OBS) is very important in this regard.

Article 34 of the Constitution of the Republic of Türkiye recognizes the right to assembly and demonstration for all, stating that "Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission" but the relevant legislation grants the authorities broad powers to restrict the right to freedom of assembly and does not provide sufficient safeguards to prevent abuse of these powers. Law No. 2911 on Meetings and Demonstrations contains serious restrictions on the right to assembly. Article 10 of the Law requires organizers to notify the authorities forty-eight hours in advance for assemblies and demonstrations to be held indoors or outdoors. Article 6 of the Law authorizes governors and district governors to determine the locations and routes of assemblies. Finally, Article 17 of the Law authorizes governors and district governors to postpone assemblies for a maximum of one month on grounds of national security, public order, prevention of crime, protection of public health and morals, or the rights of others. These provisions in the law may appear to be in line with international legal standards, but the lack of clear wording, coupled with the authorities' restrictive interpretation and abuse of the provisions, in practice allows the authorities to postpone or ban assemblies, often on abstract and vague grounds. In most cases in Türkiye, the authorities do not provide a necessary justification for their decisions to ban assemblies or subject them to certain restrictions on abstract and vague grounds. The bans on assemblies imposed by local authorities based on the authority granted to them by Article 11/C of Law No. 5442 on Provincial Administration³ and Article 17 of Law No. 2911 are one of the greatest obstacles to the right to freedom of assembly.⁴ These bans and restrictions can be directed against a single demonstration or event, or they can cover all demonstrations and events within a certain period of time; these bans are imposed one after the other, rendering them de facto uninterrupted and indefinite.⁵

² İHD-OBS. "A Perpetual Emergency: Attacks on Freedom of Assembly in Turkey and Repercussions for Civil Society." <https://ihd.org.tr/en/wp-content/uploads/2020/07/20200728_FIDH-OMCTIHD_TurkeyReport.pdf>

³ Article 11/C of Law No. 5442 on Provincial Administration ("Law No. 5442") was amended by Law No. 7145 adopted on 25 July 2018. This amendment paved the way for local authorities to use some of their exceptional powers even after the state of emergency.

⁴ According to "2022 Data on Human Rights Violations in Turkey" by the Human Rights Foundation of Turkey (HRFT) and İHD, "Within the first 11 months of 2022, governors' and district governors' offices banned assemblies and protests 72 times" in 19 cities and 3 districts, the shortest of which was 1 day and the longest of which was 30 days. <https://ihd.org.tr/en/wp-content/uploads/2022/12/js20221210_IHD-HRFT-10-December-2022-Statement-and-Data.pdf>

⁵ For instance, the Constitutional Court ruled in the case of [Seyithan Acar and Others](#) (Application No: 2020/32093) dated 04.07.2022 that the right to freedom of assembly was violated regarding the banning of assemblies and events in the city of Van for six years by the governor's office for consecutive periods of 15 days since the state of emergency declared in 2016. The peaceful vigils of the Saturday Mothers, who have been peacefully gathering in İstanbul's Galatasaray Square since 1995 to ask for the fate of their relatives who were forcibly disappeared and to access justice, continues to be prevented by the Beyoğlu District Governor's Office since 25 August 2018, despite the Constitutional Court's ruling in the case of [Maside Ocak Kışlakçı](#) (Application No: 2019/21721) dated 16.11.2022.

2. Many individuals and groups are prevented from exercising their right to freedom of assembly from the very beginning due to quite frequent restrictions and bans. In addition, these restrictions and bans allow the law enforcement to use force against people who legitimately want to exercise their freedoms despite unlawful decisions and who therefore take to public spaces. The mere assumption that a demonstration is “unauthorized” provides a legal basis for the police to disperse assemblies and demonstrators and use force.⁶

Article 23 of Law No. 2911 states that demonstrations that do not fulfill the requirements listed in the article would be deemed as unlawful demonstrations. Article 24 of the same Law states that in cases where an assembly that started in accordance with the law later becomes unlawful, the police are authorized to first warn the demonstrators to disperse and then disperse them by using force. Therefore, the police can suppress demonstrations without assessing whether the demonstration is peaceful or whether the intervention would be necessary and proportionate. Moreover, law enforcement officers in Türkiye have very wide discretionary powers, and in practice, whether or not an assembly can take place often depends on the decisions of law enforcement officers and supervisors present in the area.⁷

According to Article 16 of the Law No. 2559 on Duties and Powers of the Police,⁸ “the police are authorized to use physical force or force by means including batons, tear gas, pressurized water and handcuffs in the event of resistance.” In addition, Article 6/ç of the Law No. 7245 on Bazaar and Neighborhood Guards⁹ (“bekçi”) authorizes guards to “take preventive measures to prevent demonstrations, marches and disturbances that may disrupt public order until the arrival of general law enforcement forces.” Türkiye’s “National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21” stated that the “Directive on Tear Gas and Defence Rifles, the Use and Storage of Equipment and Ammunitions relating to them and Training of User Personnel” entered into force on 28 May 2016, that in-service training was provided to riot police responsible for the use of tear gas rifles and ammunition in January 2019, and that as of 2018 and 2019 (October), a total of 36, 770 police officers had received in-service training on the use of tear gas, intervention to public events, human rights and proportionate use of force.¹⁰ Yet, when the situation in practice is examined, it is observed that law enforcement officers did not have information about interventions to demonstrations as well as about the use of pepper spray and water cannons. According to the 2021 monitoring report on the right to freedom of peaceful assembly¹¹ drafted by the Association for Monitoring Equal Rights (AMER), at least 24 peaceful assemblies were intervened by the use of pepper spray and/or water cannons across Türkiye in 2021, and protestors were beaten during these interventions. It is also stated that live bullets were used during interventions to 4 peaceful demonstrations. In the same report, it

⁶ İHD-OBS. “A Perpetual Emergency.” p. 26.

⁷ Ibid.

⁸ Law on Duties and Powers of the Police. <<https://www.mevzuat.gov.tr/mevzuatmetin/1.3.2559.pdf>>

⁹ Law on Bazaar and Neighborhood Guards.

<<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=7245&MevzuatTur=1&MevzuatTertip=5>>

¹⁰ “National report submitted in accordance with paragraph 5 of the annex to the Human Rights Council resolution 16/21.” 2020. <<https://digitallibrary.un.org/record/3849168>> paras. 90-92.

¹¹ AMER. Eşit Haklar İçin İzleme Derneği. <<https://www.esit Haklar.org/wp-content/uploads/2022/11/Bariscil-Toplanti-ve-Gosteri-Hakki-2021-Izleme-Raporu.pdf>>

was evaluated that the last six years, the justification of the law enforcement for intervention into assemblies was not based on incitement to violence or calls for violence, but mostly on the decisions taken by the local administrations.

Legislative provisions enabling governors to indefinitely ban freedom of assembly and impose other unusual restrictions during ordinary periods, in particular the amendments to Law No. 5442 through Law No. 7145, which de facto extended the state of emergency, must be annulled. Provisions in the legislation that allow public authorities to impose unreasonable restrictions on the location and route of assemblies, in particular those in Law No. 2911, must be annulled.

3. In Türkiye, there is often no effective remedy against the authorities' decisions to ban assemblies and demonstrations. Many ban orders are not published and not notified to those concerned. Moreover, given that in Türkiye, ban orders, specifically for demonstrations (commemorations, etc.) scheduled to be held on specific and special days, are issued quite shortly before the planned demonstration and in some cases are notified to the relevant parties by law enforcement officers at the time of gathering, even if it is assumed that those who want to hold an assembly can prepare a petition and file a lawsuit on the same day - which would be unlikely in the ordinary course of life – as administrative courts do not deliver rulings on such cases in a short time.¹²

Appeals and applications regarding the disproportionate interventions of law enforcement officers during assemblies are not answered and remain inconclusive. Governors' offices evaluate the investigation of law enforcement officers, against whom criminal complaints are filed in accordance with Article 256 of the Turkish Penal Code, and do not grant permission within the scope of offenses on duty. Therefore, criminal complaints result in non-prosecution decisions. In most cases, appeals against non-prosecution decisions also remain inconclusive and the Constitutional Court refrains from examining individual applications. In addition, the rulings of the European Court of Human Rights and the criteria set by international conventions are not complied with.¹³ The greatest reason for such non-compliance is the lack of political will. While the protests and activities of pro-government groups comply with international standards, those of opposition groups are suppressed through unlawful bans and the use of disproportionate force.¹⁴ "2022 Data on Human Rights Violations in Turkey,"

¹² For detailed information on the effectiveness of administrative courts in Türkiye in the context of the right to assembly and demonstration see: SEVER, D. Çiğdem, "Assessment of the Effectiveness of Administrative Justice in the Right to Assembly in Turkey." <<https://www.esithaklar.org/wp-content/uploads/2022/08/Assessment-of-The-Effectiveness-of-Administrative-Justice-in-The-Right-to-Assembly-in-Turkey.pdf>> p.62.

¹³ For detailed information, see: "Joint Rule 9.2 Communication in the Oya Ataman Group."

<<https://ihd.org.tr/en/joint-rule-9-2-communication-in-the-oya-ataman-group/>>

¹⁴ On 17 September 2023, the second of the anti-LGBTI+ rallies organized under the name "Big Family Meeting" was held in İstanbul. <<https://www.evrensel.net/haber/499156/lgbti-karsiti-miting-kamu-spotu-ve-artan-propagandaya-ragmen-sonuk-gecti>> On the other hand, the Saturday Mothers, who want to stage peaceful vigils every Saturday in İstanbul's Galatasaray Square to ask about the fate of their disappeared relatives, have been prevented by the Beyoğlu District Governor's Office since 8 April 2023 and have been subjected to weekly arrests. According to AMER's data for 2021, "It was observed that there was an increase in interventions against peaceful assemblies and demonstrations compared to the previous year. While the total number of interventions in 2020 was 551, 614 interventions took place in at least 50 cities in 2021. According to the

collected and drafted by İHD and the Human Rights Foundation of Turkey (HRFT) indicates that dissidents who wanted to exercise their right to freedom of assembly were subjected to police brutality in 2022. According to the data in the report, at least 482 peaceful demonstrations were intervened by the law enforcement and 54 events were prevented.¹⁵ In order to address this problem, the authorities need to comply with the decisions and recommendations of international bodies on freedom of association and assembly in Türkiye.

It should also be noted that force used by the police in intervening in demonstrations is not merely excessive force, and should be considered to be prohibited conduct within the scope of torture and ill-treatment and should be investigated without having to require a warrant under the crime of torture. This would create a deterrent effect on part of the law enforcement. Even though the Ministry of Justice conducted a project¹⁶ with the Council of Europe on this issue in 2019, awareness has not developed in practice and the political climate has become even harsher.

4. Bans on the right to freedom of assembly in Türkiye following the Gezi Protests in 2013 became permanent with the state of emergency declared in 2016 and the decree laws issued thereafter. In the HRFT report on violations of the right to assembly between 2015 and 2019, it is stated that a total of 4,771 violations were specified; 20,071 people were arrested (custody), 662 people were detained (imprisonment), 4,450 people were subjected to physical violence by law enforcement officers and 19 people lost their lives as a result of interventions to assemblies and demonstrations between these years.¹⁷

In 2020-2021, when the COVID-19 pandemic¹⁸ hit hard all the world, assemblies and demonstrations were prevented by bans in Türkiye. The ban decisions delivered on the grounds of the pandemic, especially in open spaces, also contradicted the nature of the measures taken during the pandemic. As of 2020, due to the pandemic, Law No. 1539 on Public Hygiene and circulars on pandemic measures were also used as a basis for bans. When it is evaluated whether there has been an increase in banning decisions after 2020, it is

available data, 217 of the 614 interventions took place in İstanbul followed by Ankara with 109 interventions, İzmir with 40 interventions and Diyarbakır with 37 interventions. At least 1,588 people were arrested in İstanbul, 698 in Ankara and 198 in İzmir. The monthly distribution of interventions to peaceful assemblies shows that the highest number of interventions took place in April. The months with the highest number of interventions coincide with March 8 International Women's Day, March 21 Newroz Day, Pride Week, May 1 Workers' Day and September 1 World Peace Day."

Also see: İHD-HRFT. "2022 Data on Human Rights Violations in Turkey." <https://ihd.org.tr/en/wp-content/uploads/2022/12/js20221210_IHD-HRFT-10-December-2022-Statement-and-Data.pdf>

¹⁵ İHD-HRFT. "2022 Data on Human Rights Violations in Turkey." <https://ihd.org.tr/en/wp-content/uploads/2022/12/js20221210_IHD-HRFT-10-December-2022-Statement-and-Data.pdf>

¹⁶ CoE. "Improving the Effectiveness of Investigation of Allegations of Ill-Treatment and Combating Impunity." <<https://www.coe.int/en/web/national-implementation/projects-by-geographical-area/turkey-effectiveness-of-investigation-of-ill-treatment>>

¹⁷ HRFT. "Sokağı Kapatmak: Toplanma ve Gösteri Özgürlüğüne Yönelik İhlaller (2015-2019) Information Note. <<https://tihv.org.tr/ozel-raporlar-ve-degerlendirmeler/bilgi-notu-toplanma-ve-gosteri-ozgurlugune-yonelik-ihlaller-2015-2019/>> pp.7-8.

¹⁸ İHD. "Enkaz Kaldırma Çalışmaları: COVID-19 ile Mücadele Kapsamında Alınan Tedbirlerin Yasallığı ve İdari Para Cezaları." <https://www.ihd.org.tr/wp-content/uploads/2020/08/20200811_IHD-Kovid19TedbirleriRaporu.pdf>

understood that while there were 299 ban decisions in 2019 before the pandemic, there were 368 decisions in 2020 and 307 decisions in 2021, and in this respect, the pandemic has created a qualitative difference rather than a quantitative difference.¹⁹ Therefore, it would not be wrong to argue that “crisis situations” in Türkiye are used as an opportunity by the authorities to restrict the right to freedom of assembly.

5. Compliance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (İstanbul Protocol), which outlines the principles and processes that state organs should pay attention to and comply with when torture or ill-treatment is suspected or alleged, and sets out the minimum standards in this regard, is highly problematic.

Although Law Enforcement Ethical Principles²⁰ are present in Turkey, the compliance and follow-up of the law enforcement bodies with these principles prove to be quite problematic as is revealed by the statistics given in the questions above. Within the scope of the National Prevention Mechanism, the Human Rights and Equality Institution of Türkiye (HREIT) does not visit law enforcement centers (gendarmerie and police stations) irregularly without prior notice and does not apply deterrent measures. For this reason, the HREIT should be rendered functional.²¹

6. In order to prevent unlawful detentions and arrests during assemblies and to ensure respect for human rights, public authorities should repeal provisions in legislation, in particular Law No. 2911, that authorize the use of force against peaceful demonstrators, contrary to international standards binding Türkiye, which require that the use of force be used only as a last resort and strictly in accordance with the principles of necessity, proportionality and legality. In terms of intervention to assemblies, not only the “lawfulness” but also the “peacefulness” of the assembly should be taken into account.

There are only a limited number of positive examples in Türkiye of measures and practices adopted by law enforcement authorities to protect the human rights of those lawfully arrested. Before the May 14 elections, Ekrem İmamoğlu, mayor of İstanbul from the opposition Republican People’s Party, was attacked with stones by a group during his address to the public at a rally in Erzurum on May 7.²² In the indictment prepared against the attackers after the incident, it was stated that “law enforcement officers in the area saw the attackers and asked them to disperse, but the group did not disperse.”²³ On the other hand, according to the data collected by HRFT and İHD, at least 5,323 people, including 143 children, were arrested in practices that amounted to torture and ill-treatment and at least 42 people were

¹⁹ AMER. Ibid. pp. 50-51.

²⁰ Gendarmerie General Command. “Law Enforcement Ethical Principles.” <https://www.jandarma.gov.tr/kurumlar/jandarma.gov.tr/Jandarma/Kolluk_Etik_Ilkeleri/Kolluk_Etik_Ilkeleri.pdf>

²¹ HRFT. “National Preventive Mechanism 2021 Evaluation Report.” <<https://tihv.org.tr/ozel-raporlar-ve-degerlendirmeler/ulusal-onleme-mekanizmasi-2021-yili-degerlendirme-raporu/>>

²² BBC News Türkçe. “Erzurum’da İmamoğlu’nun Mitingine Taşlı Saldırı.” 7 May 2023. <<https://www.bbc.com/turkce/articles/cx7035j6q1wo>>

²³ Evrensel. “Ekrem İmamoğlu’na Linç Girişimi Savcıya Göre ‘Organize’ Değilmiş.” 17 September 2023. <<https://www.evrensel.net/haber/499152/ekrem-imamogluna-linc-girisimi-savciya-gore-organize-degilmis>>

injured as a result of the interventions to various peaceful assemblies and demonstrations organized by different social groups within the first 11 months of 2022.²⁴

7. In the context of assemblies and demonstrations, it cannot be argued that certain strategies of law enforcement forces are effective in successfully reducing potential and actual tension or violence. On the contrary, law enforcement forces escalate the tension. The law enforcement do not regard “incitement to violence or calls for violence” as a criterion for intervening in assemblies, and cite ban orders issued by local authorities as the reason for intervention. All arbitrary practices that infringe upon the essence of the right to peaceful assembly or impose unreasonable restrictions on the exercise of the right must be stopped and the existing legislation must be interpreted in accordance with the Constitution of the Republic of Türkiye as well as international standards binding on Türkiye. In addition, the stigmatization and marginalization of peaceful demonstrators through negative rhetoric, smear campaigns, criminalization, judicial and administrative pressure should be abandoned. The authorities must regularly meet with civil society actors and human rights defenders to improve freedom of assembly in the country and ensure their meaningful participation in relevant decision-making processes.

For instance, Saturday Mothers and human rights defenders who gather in front of Galatasaray High School in central İstanbul every Saturday to ask about the fate of their disappeared relatives have been prevented and arrested since 8 April 2023. While the law enforcement intervene into the peaceful vigils of the mothers, they reverse handcuff people in violation of their own regulations.²⁵

8. We were not able to observe any measures taken by the law enforcement to prevent and minimize harm to protesters, journalists and other actors involved in monitoring and/or reporting on the protests, as well as to bystanders in the context of the protests. On the contrary, journalists without official “yellow” press cards are treated like protestors. Türkiye is in the category of countries where the press is not free.²⁶ Press freedom is a sine qua non for freedom of assembly.

²⁴ İHD-HRFT. “2022 Data on Human Rights Violations in Turkey.” <https://ihd.org.tr/en/wp-content/uploads/2022/12/js20221210_IHD-HRFT-10-December-2022-Statement-and-Data.pdf>

²⁵ İHD-HRFT-TMA. “Reverse Handcuffing Is a Violation of the Prohibition of Torture and Ill-Treatment.” 15 August 2013. <<https://ihd.org.tr/en/ihd-hrft-tma-reverse-handcuffing-is-a-violation-of-the-prohibition-of-torture-and-ill-treatment/>>

İHD-HRFT-TMA. “Holding Saturday Mothers in Closed Vehicles Violates Prohibition of Torture and Ill-Treatment.” 26 July 2023. <<https://ihd.org.tr/en/joint-statement-keeping-saturday-mothers-in-closed-vehicles-violates-the-prohibition-of-torture-and-ill-treatment/>>

Hafıza Merkezi. Observation Report. <<https://hakikatadalethafiza.org/gozlem-raporu-cumartesi-anneleri-insanlari-960-haftada-da-kelepce-ile-gozaltina-alindi/>>

Media and Law Studies Association. Observation Report. <<https://www.mlsaturkey.com/tr/961-hafta-goezlem-raporu-cumartesi-anneleri-insanlarina-4-saatlik-goezalti-eziyeti>>

²⁶ Reporters sans frontieres. “2023 World Press Freedom Index.” <<https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry>>

9. We were unable to observe that any strategy, tool or technique implemented by law enforcement bodies to protect the rights of groups at risk was successful. In order to protect the rights of different groups within the scope of the right to peaceful assembly in Türkiye, freedom of association as well as freedom of expression, which are essential for a healthy democracy, must be supported for all groups in the society, while cracking down on civil society and critical voices must be put to an end.

When specifically the recent years in Türkiye are taken into consideration, it can safely be argued that peaceful assemblies and demonstrations organized on special occasions are intervened each and every year. In 2021, peaceful assemblies and protests organized for International Women’s Day on March 8 were intervened 12 times in 6 different cities including Ankara, Adana, İstanbul, Kocaeli, Diyarbakır and Batman, and at least 23 people were arrested.²⁷ In 2022, 39 women were arrested in İstanbul alone while trying to attend the March 8 march.²⁸ In 2023, 28 women participating in the Feminist Night March in İstanbul were arrested.²⁹ In 2021, during student protests against President Erdoğan’s appointment of a rector at Boğaziçi University, the police responded with excessive force, arresting people without question and raiding homes. Hundreds of students who participated in the Boğaziçi protests were arrested, many of whom were issued travel bans and house arrest orders. Eleven students were detained for participating in these peaceful protests.³⁰ On 26 June 2022, before the Pride March in İstanbul, the roads leading to Taksim Square were closed by the decision of the governor’s office and 373 people were arrested with torture and ill-treatment.³¹ According to the data collected by İHD and HRFT, 30 peaceful demonstrations for women’s and LGBTI+ rights were intervened in 2022, at least 1,032 people, including 35 children, were arrested and at least 6 people were injured. In 14 interventions into Newroz celebrations, at least 524 people, including 97 children, were arrested and 6 people were subsequently detained.³²

10. In particular the armor of impunity granted to law enforcement officers is a factor that increases police brutality and curbs protesters’ exercise of their right to freedom of assembly and access to justice in the event of violations in Türkiye. Law No. 4483 on the Prosecution of Civil Servants and Other Public Officials makes the investigation of any police officer subject to the permission of the relevant governor, which is not granted in the vast majority of cases of police brutality. On the contrary, human rights defenders subjected to torture and ill-

²⁷ AMER. Ibid. p. 28.

²⁸ *Medyascope*. Sahra Atila. “Polis ‘Arkamızda devlet var’ dedi.” 9 March 2022.

<<https://medyascope.tv/2022/03/09/8-mart-dunya-kadinlar-gununde-gozaltina-alinan-kadinlar-medyascopea-konustu-polisler-arkamizda-devlet-var-dedi/>>

²⁹ *Bianet*. “8 Mart’ta gözaltına alınan 28 kişiden 23’ü serbest.” 9 March 2023.

<<https://bianet.org/bianet/toplumsal-cinsiyet/275405-8-mart-ta-gozaltina-alinan-28-kisiden-23-u-serbest>>

³⁰ HRFT. “Boğaziçi Üniversitesi’ne Cumhurbaşkanı Tarafından Rektör Atanmasına Yönelik İtiraz Sürecinde Yaşanan Hak İhlallerine Dair Ön Değerlendirme Raporu.” 2021.

<<https://tihv.org.tr/wpcontent/uploads/2021/02/BogaziciRapor.pdf>>

³¹ *BBC News Türkçe*. “İstanbul’da Onur Yürüyüşü’nde gözaltına alınan 300’den fazla kişi serbest bırakıldı.” 27 June 2022. <<https://www.bbc.com/turkce/61947095>>

³² İHD-HRFT. “2022 Data on Human Rights Violations in Turkey.” <https://ihd.org.tr/en/wp-content/uploads/2022/12/js20221210_IHD-HRFT-10-December-2022-Statement-and-Data.pdf>

treatment face judicial harassment.³³ In 2016, the Law Enforcement Oversight Commission was established “to improve the working conditions of law enforcement officers and to enable citizens to convey their suggestions, requests and complaints regarding law enforcement services” was established.³⁴ Yet no activity report has been published so far by the Law Enforcement Oversight Commission that is active since 2019. İHD reported 9 applications to the Commission in 2022 and 4 applications so far in 2023. The applications made to the Commission are first registered by the secretariat in accordance with Article 72 of the “Regulation on the Implementation of the Law No. 6713 on the Establishment of the Law Enforcement Oversight Commission” and the applications are registered through the “E-İçişleri Central Registration System.” While an investigation is pending, in accordance with Article 77/1 of the same law, a letter is sent every two months on the progress of the investigation. In some cases, we know that the applicants were summoned to the Police Department for their statements, but some applicants were not summoned at all. After the letter stating that the investigation is ongoing, a letter of inactivity is sent stating that “a decision has been rendered to remove the file from the process.” So far, out of a total of 31 applications submitted to the Commission since 2019 by İHD alone, none have been accepted and no investigation has been initiated against suspected law enforcement officers. Therefore, although the commission was established to receive complaints against law enforcement officers, it does not work in accordance with the purpose of its establishment and remains utterly dysfunctional.

The widespread impunity granted to law enforcement officers must be ended through effective, transparent, impartial, comprehensive and prompt investigations into all credible allegations of excessive use of force or other violations by law enforcement officers, and the perpetrators must be held accountable for their violations.

In conclusion:

- The Human Rights and Equality Institution of Türkiye must be made impartial and independent in administrative and financial terms.
- NGO representatives should take part in the Law Enforcement Oversight Commission.
- Training on the İstanbul Protocol must be provided jointly by the Turkish Medical Association, human rights organizations, bar associations, the Ministry of Interior and the Ministry of Justice.
- The Declaration on Human Rights Defenders must be made known and complied with by law enforcement officers and commanders, and used for dialogue with NGO representatives.

³³ İHD-OBS. “A Perpetual Emergency.” pp. 28-29.

³⁴ Law Enforcement Oversight Commission. <<http://www.kollukgozetim.gov.tr/>>