

Accompaniment
Grassroot Groups
Networks
Without Presence

Protection from Afar

How to Support People in Turkey and Visitors to Turkey
in Cases of Persecution and Arbitrary Arrest

Diplomatic Pressure
Analysis
Human Rights
Capacities
Financial Aid
Strategies
Activists Support
Appeals

By the Working Group *Stop the Cycle of Violence in Turkey*



War Resisters' International



Connection e.V.



Internationaler
Versöhnungsbund



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Protection from Afar – How to Support People in Turkey and Visitors to Turkey
in Cases of Persecution and Arbitrary Arrest

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Editor

Working Group “Stop the Cycle of Violence in Turkey”:

War Resisters’ International, International Fellowship of Reconciliation Austria,
Connection e.V., Federation for Social Defence together with partners in Turkey

English edit

David Grant

Layout

Rudi Friedrich, Connection e.V.

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Content

Acronyms	5
Abstract	6
Introduction	7
This publication	8
The concept of <i>Protection from Afar</i>	12
Legal provisions in regard to criminal investigation, arrests and court cases	16
The right to stop and ask for identification	16
Searching individuals and their luggage	16
Arrest	16
Judicial control and security deposit	17
Detention	17
Legal support and rights of accused persons	17
Overarching issues when organizing protection	19
Analysis	19
Documentation	20
Going public on a case?	20
Monitoring trials	22
Asylum or temporary stay abroad	23
Example: Serdar Küni from Cizre	24
Example: Mixed group of Turkish HRDs and two internationals arrested in Turkey	25
Example: İlhami Akter from Germany	26
The role and strategies of local grassroots' support groups and networks	28
Alerting international networks	28
Providing accurate information	28
Finding legal support	29
Media work	30
Other financial support	30
Other support for the family in Turkey	30
Maintaining contact into prison	30

The role and strategies of international grassroots' support groups and networks	<u>31</u>
With or without public attention?	<u>31</u>
Diplomatic interventions and calls to intergovernmental organisations	<u>31</u>
Support in prison	<u>31</u>
Media work	<u>32</u>
Appeals	<u>32</u>
Demonstrations, vigils, etc	<u>33</u>
Financial support	<u>33</u>
The role and strategies of governmental support	<u>34</u>
Citizenship decides	<u>34</u>
Preparation by internationals visiting Turkey	<u>35</u>
In order to raise more diplomatic attention	<u>35</u>
To support an affected person with only Turkish citizenship	<u>36</u>
Call to intergovernmental organisations	<u>36</u>
UN mechanisms	<u>37</u>
Council of Europe	<u>38</u>
Support in prison	<u>39</u>
Conclusions	<u>41</u>
Helpful resources	<u>42</u>
About the WRI Working Group	<u>44</u>

Acronyms

AKP	Adalet ve Kalkınma Partisi Justice and Development Party
CPC	Criminal Procedure Code
CSO	Civil society organisation
CPT	Committee for the Prevention of Torture
FETÖ	Gülen Movement
HDP	Halkların Demokratik Partisi / Peoples' Democratic Party
HRD	Human Rights Defender
IGO	Intergovernmental Organisation or International Governmental Organisation
INGO	International Nongovernmental Organisation
IPPNW	International Physicians for the Prevention of Nuclear War
KCK	Koma Civakên Kurdistan / Kurdistan Communities Union
NGO	Nongovernmental Organisation
OCHCR	Office of the United Nations High Commissioner for Human Rights
ODHIR / OSCE	Office for Democratic Institutions and Human Rights (Part of OSCE)
OSCE	Organization for Security and Cooperation in Europe
PA	Police Act
PKK	Partiya Karkerên Kurdistanê / Kurdistan Workers' Party (Kurdish liberation movement)
WRI	War Resisters' International

Abstract

This booklet aims to provide insights and advice about how to respond to cases of persecution and/or threats to the safety and security of human rights defenders (HRDs). It also speaks to those issues as they apply to other nonviolent activists in Turkey and to people who are not politically organized and who may never have thought that they may face persecution. The vulnerability of the latter is particularly high because – unlike activists – they did not prepare for such an emergency. They and their families are taken by surprise and often struggle to figure out what to do.

Protective accompaniment from afar means providing protection without being physically present in the country. It looks at what local people can do – particularly activists or friends of the persecuted. And it looks at what international supporters can do to help them secure the safety of those seeking to peacefully exercise their democratic rights.

Introduction

For the period beginning with the putsch attempt in July 2016 and until July 2019, *Human Rights Watch* quotes the Ministry of Justice: “69,259 people were [placed] on trial and 155,560 people still [are] under criminal investigation on terrorism charges in cases linked to the Gülen movement, which Turkey’s government terms the *Fethullahist Terrorist Organisation* (FETÖ) and deems a terrorist organisation. Of those, 29,487 were held in prison either on remand or following conviction. An estimated 8,500 people – including elected politicians and journalists – are held in prison on remand or following conviction for alleged links with the outlawed *Kurdistan Workers’ Party* (PKK/KCK). Many more are on trial but at liberty although official figures could not be obtained.”¹

In October 2019, more than 120 people who had used social media to criticise the invasion of Turkey into Northern Syria were arrested. In addition around 150 members of the *Peoples’ Democratic Party* (HDP) were also arrested.² In April 2020 in response to the COVID-19 pandemics, Turkey announced to it would release up to 100,000 people from prison. But political prisoners were not among them.³

According to Turkish sources, about 31,000 police and 15,000 military were fired since the attempted putsch.⁴ According to Turkish human rights defenders, in total more than 130,000 public servants lost their jobs⁵ including more than 6,000 academics.⁶ In 2018, more than 75,200 people were arrested – about two thirds (52,000) because of contact with the Gülen movement which is blamed for the putsch.

Most others are accused of “terrorism” because of alleged contacts to PKK, the Kurdish liberation movement. Members especially of the party HDP are under general suspicion of being PKK supporters and thereby, in the logic of the Turkish government, supporters of terrorism and violence. Turkish human rights defenders report many cases in which political activism gave cause for persecution – anything in the field of human rights, citizen’s rights or peace; or criticism or jokes on social media about the government. Media and journalists are also targeted. According to *Reporters Without Borders* in 2019 about 34 journalists are under arrest.⁷ Also, since late 2018, protesters who had participated in the Gezi Park protests in 2013 became targets for arrests.⁸

The people who are persecuted could be categorized in three groups. The largest number of people are Turkish citizens living in Turkey. They may be civil society activists, members of oppositional parties or under special suspicion as belonging to an ethnic minority in Turkey. But other people also came under the auspices of the legal system because they expressed criticism or shared jokes about the current government, in particular about President Erdoğan. These

people may not otherwise have been politically active.

How can people be protected from unlawful persecution?

A second group – who get far more media attention abroad though their number is much smaller – are people of Turkish nationality or only just Turkish roots with no current Turkish passport. These

people live abroad, sometimes for decades. If they visit Turkey and any of the points listed above apply to them, they also are under threat and in danger.

A third group, numerically the smallest but the most prominent internationally, are internationals without Turkish roots – like the two trainers from Sweden and Germany, Ali Gharavi and Peter Steudtner, who were arrested at a human rights workshop in July 2017.⁹

International media, at least in some European countries (foremost Austria and Germany), paid a lot of attention to a small minority of these arrests, in particular cases of journalists arrested working for European media. These were arrests often not of Turkish citizens, though usually with a Turkish family background. For instance: Deniz Yücel¹⁰ and Meşale Tolu. In 2018, the German Foreign Ministry stopped distinguishing differences, for numerical purposes, between those arrested for political reasons and those arrested otherwise. So, for example, in February 2020, there were 65 Germans under arrest in Turkey, and an additional 71 are stuck in Turkey because of an exit ban.¹¹ But it is not clear how many of those 130 Germans are held for political reasons. British, Australian and U.S. citizens also have been reported arrested though there are no numbers to be found.¹²

This publication

Since 2016 a small international working group was formed by representatives of peace organisations that have been working on Turkey for several years. This group is coordinated by *War Resisters' International*. Other members represent the *Fellowship of Reconciliation Austria*, *Connection e.V.* and the *Federation for Social Defence*. This booklet is a product of its work. To write it, the *WRI Working Group* interviewed people during the course of 2019, including members of parliament, who were involved in supporting people who had been arrested. Since most asked not to be named, *WRI Working Group* just would like to thank them anonymously here.

The *WRI Working Group* has discovered that not everybody who comes under scrutiny by the Turkish authorities is treated the same way. Some are quickly released while others remain in detention awaiting their trials. Some are freed, but banned from leaving the country; while others are permitted to go abroad though the authorities must realize that the likelihood of them returning for the trial is small. Many are convicted to long-term prison sentences while a few are set free. Of course, there may be many reasons for this, but one hypothesis is that it also has to do with the response that the persecution of a particular person draws. It may be the actions of his or her lawyers or actions of the Turkish or of the international public. Or it may be the work of solidarity groups – which may, again, be either within Turkey or abroad.

Protective Accompaniment from Afar means providing protection through advocacy, without being physical present – or with only limited, short-term presence in the country.

The purpose of our project has been to provide some advice on these questions: How can people be protected from unlawful persecution and/or threats to their safety and security? How can these people be supported? For many decades now, a proven method is in-person protective accompaniment where nonpartisan international (or national) volunteers and/or staff act as unarmed bodyguards for threatened activists or communities. For situations where physical protective accompaniment is not feasible, international activists are sometimes practicing what has been coined “protective accompaniment from afar”. This means providing protection through advocacy, without being physical present. Or with only limited, short-term presence in the country. This booklet is meant to be a contribution to this “protection from afar”. Our analysis is that protective presence by internationals in Turkey is feasible only in a very limited way (e.g. short-term trips to monitor trials). The Turkish government would not otherwise tolerate peace teams working on the ground. At best the teams would be refused entry. At worst they would be arrested and sent to prison to join those they came to protect.

With these constraints in mind, the *WRI Working Group* has focused on two questions. What to do if there is an arrest? And: What can internationals contribute to the mitigation of risk before a risks turn into factual realities?

Over the course of 2019, as mentioned, the *WRI Working Group* interviewed a small number of people who either acted as supporters of people arrested or who themselves had faced persecution. In addition, the *Working Group* searched and evaluated newspaper articles and reports on Turkish human rights defenders’ websites and examined the existing handbooks for them.

Please realize, however, that this has not been a statistically rigorous research. Our guiding interest was to better understand what actions might protect people from unlawful persecution – in particular, persecution because they exercised rights that fall under the Universal Declaration of Human Rights such as the right to free speech, the right to free assembly, and so on.

The *WRI Working Group* need to emphasize here: This is not a protection handbook for Human Rights Defenders (HRDs). There are comprehensive handbooks which outline how to analyse one's security and threats faced, and how to develop a strategy to deal with them.¹³ Our booklet focuses alone on one aspect of the overall protection issue, **the role that outsiders can play in such a protection strategy**. Whatever role that may be is of course to be decided in cooperation with and as support for local networks.

Many of the recommendations here may also apply to other situations and countries. However, assuming that things that may look similar on the surface really are similar can be a trap. The *WRI Working Group* recommends that you do an independent analysis of the situation in order to avoid this trap. For example, while arbitrary arrests are very common, there are in Turkey few if any criminal charges that are actually trumped up (e.g. possession of drugs or the like). Forced disappearances have been less common than they were known to be in Turkey in the 1990s.¹⁴ Nor are there death squads at work as they are in several Latin American countries. There have certainly been a few political murders in recent years, but number-wise not comparable to the examples that happen nowadays in Colombia, for example. Another feature quite unique¹⁵ to Turkey is the high number of people living in the diaspora who may or may not still have Turkish citizenship but who almost all have families back in Turkey and maintain regular contact with them.

This booklet starts with a description of [“The concept of Protection from Afar”](#). The *WRI Working Group* then describes in [“Overarching issues when organizing protection”](#) the situation regarding arrests and persecution in Turkey and raise some points that are relevant for local activists and everyday citizens, as well as for international supporters. After that is following a look at the [“The role and strategies of local grassroots' support groups and networks”](#), [“The role and strategies of international grassroots' support groups and networks”](#) and [“The role and strategies of governmental support”](#). A chapter [“Conclusions”](#) ends the main text. In the chapter [“Preparation by internationals visiting Turkey”](#) the *Working Group* has tried to summarize a few recommendations for internationals if you are not sure if you will have problems visiting Turkey.

The *WRI Working Group* would also like to point readers to an online resource that has been created by Peter Steudtner, a German nonviolence trainer who was arrested in Turkey and who afterwards prepared lessons on how to prepare for and how to survive in prison. You can find it here: <https://coping-with-prison.org/>

The editors thank those individuals that donated their time to answer our questions. All readers are invited to send their critique, additional information and suggestions to the *WRI Working Group*. You can use this address here:

turkey@wri-irg.org

The mails will be forwarded to the members of the *WRI Working Group*. ■

Footnotes

- 1 <https://www.hrw.org/world-report/2020/country-chapters/turkey>
- 2 www.aljazeera.com. 15 October 2019.
- 3 <https://www.amnesty.org/en/latest/news/2020/04/prison-release-law-leaves-prisoners-at-risk-of-covid/>
- 4 <https://www.spiegel.de/politik/ausland/tuerkei-festnahme-von-mehr-als-200-mutmasslichen-guelen-anhaengern-angeordnet-a-1276469.html>
- 5 <https://www.hrw.org/world-report/2019/country-chapters/turkey>
- 6 https://ihd.org.tr/en/wp-content/uploads/2019/06/20190531_Special-ReportOnHRAHRDs.pdf
- 7 https://www.deutschlandfunk.de/ueberblick-wichtige-faelle-journalisten-in-haft.2907.de.html?dram:article_id=454020
- 8 <https://www.independent.co.uk/news/world/europe/turkey-arrests-academics-activists-Erdoğan-crackdown-protest-gezi-park-human-rights-a8647836.html>
- 9 This case is public and the information taken from the website of Peter Steudtner, one of the ten who were arrested: <https://panphotos.org/petersblog/>
- 10 Yücel wrote a book about his ordeal, published in Germany: Deniz Yücel, *Agentterrorist. Eine Geschichte über Freiheit und Freundschaft, Demokratie und Nichtsodemokratie*, Köln: Kiepenheuer & Witsch, 2019
- 11 <https://www.mdr.de/nachrichten/politik/ausland/tuerkei-deutsche-gefangene-familien-getrennt-100.html>
- 12 <https://stockholmcf.org/two-british-citizens-arrested-in-turkey-over-their-social-media-posts/>
- 13 For example, Protection International (2009): *New Protection Manual for Human Right Defenders*, text by Enrique Eguren and Marie Caraj, www.protectionline.org; Frontline Defenders (2011): *Workbook On Security: Practical Steps for Human Rights Defenders at Risk*, www.frontlinedefenders.org
- 14 Though they do occur. See <https://stockholmcf.org/enforced-disappearances-in-turkey-2/>
- 15 Though not totally unique – Palestinians or people whose family came from the former Yugoslavia are two other national groups with large numbers in diaspora. Recently refugees from Syria and Afghanistan can also be counted in that number.

The concept of *Protection from Afar*

International protective accompaniment is a nonviolent tool to protect threatened individuals, groups or whole communities against violence. It has been developed and practiced successfully by NGOs for several decades.¹ Liam Mahony and Luis Enrique Eguren coined the term *Unarmed Bodyguards* because this is what protective accompaniment is: People who physically accompany those under threat in order to protect them. The accompaniers maintain this protective presence wherever the threatened persons are – whether in an office or a home or anywhere in a community. The accompaniers walk or drive with human rights defenders

to observe the HRDs in meetings, court proceedings, demonstrations or simply daily life.

There are several strategies that explain how and why protective accompaniment “works”. Mahony and Eguren identified one factor of “deterrence” as the fact that very often perpetrators stop when they realize that “the world watches” and that there may then be a response to whatever violence may be observed by the accompanier. This mostly works in situations where internationals have leverage because of the imbalanced, hierarchical international relations that give members of certain nations more power than those of others. The classical example would be white North Americans offering protective accompaniment in Latin America. In other situations, it is more the power and leverage that is gained by building good relations with local communities, armed actors and national or regional administrations that leads to protection.²

In still other situations however, physical protective accompaniment is not possible, for at least two possible reasons:

1. Perpetrators may not care about having their actions exposed, and thus are not expected to be deterred;
2. When thinking of international accompaniments – the government refuses access to the country by denying visas or refuses access to a region by denying permits. In such cases, however, strategies have been developed that can be called *accompaniment from afar*. This term describes what can be done to protect local activists or communities without being present on the ground.

The theory behind *Protective Accompaniment from Afar*

Protective accompaniment in general is mostly about increasing capacities within a risk assessment formula. This formula defines a risk as follows:

$$\text{RISK} = \frac{\text{Threats} \times \text{Vulnerability}}{\text{Capacities}}$$

Most activists in Turkey probably would say that the threats and vulnerabilities are the same for everyone. The feeling is that being arrested is such a common threat that no distinction can be made. However, this is only partly true. You are more likely to be accused of being linked to, or of supporting illegal organisations, because you criticise the government of Erdoğan or someone close to him. Or because you organize a campaign on an environmental issue. Or because you write an article that criticises the government and the economic policies. And on and on... The risk is definitely higher when engagement in such kind of activities occurs.

Protection from Afar is not a very fine-honed tool. It must be used carefully and with much analysis.

To the question of capacities, a Human Rights Defender (HRD) handbook summarizes: “Capacities are the strengths and resources a group or defender can access to achieve a reasonable degree of security. Examples of capacities could be training in security or legal issues, a group working together as a team, access to a phone and safe transportation, to good networks of defenders, to a proper strategy for dealing with fear, etc.”³

Organisations of human rights defenders normally have (or should have) their security plans and procedures.⁴ One element of their protection relates to the topic of *accompaniment from afar*. This refers to the international networks they are part of:

- Human rights networks;
- Political networks of like-minded parties;
- Nonviolence and peace networks;
- Environmental networks.

But as mentioned in the introduction, people also fall victim to persecution who are not politically organized and who may never have thought of the possibility that they may face problems. The classic example are people from the Turkish diaspora returning to Turkey for a family visit, and being arrested there because they said – or allegedly said – something critical about the government on Fa-

cebook or other social media. Their vulnerability is high because – unlike activists – they did not prepare for the emergency. They and their families are taken by surprise and often struggle to figure out what to do.

Protective Accompaniment from Afar may include various activities or approaches:

The classic examples are campaigns like those conducted by *Amnesty International* and other human rights organisations: **Public letters and appeals** signed by many people and sent to the authorities of the country where the person, group or community in question is threatened or has suffered violence or has been arrested.

In other cases, such letters and appeals are not done publicly, but are written and submitted in a more confidential way in order to **avoid public blaming**. Public blaming is not always the best way – there are cases in countries where more silent interventions have worked much better.

Diplomatic pressure – either public or silent meetings of diplomats – is another proven tool of *accompaniment from afar*. In the case of Turkey, this strategy has mostly been used when there were individuals arrested who had foreign citizenship.

A third strategy is to involve the **international justice system**. These may be international courts such as the European Court of Human Rights to which Turkish activists have appealed with success.⁵ Appeals may also be made to the International Court of Justice. This third strategy may also include legal action by other national governments. Related to this are **appeals to international organisations** or their organs – for example the Human Rights Committee of the United Nations⁶ (which already has discussed issues on Turkey several times). Here the purpose is rarely direct protection but rather the expectation that discussions and decisions of these bodies have an influence on the politics of the government in question – for example to stop persecuting conscientious objectors to military service.

Media play an important role in protection strategies. They should only be used, however, after careful analysis whether “going public” is useful or if it may be counterproductive. The media publicizes issues far beyond what appeals and letters do. On the one hand, the media can exert useful pressure, but on the other, their reports – especially if it is foreign media, not local – may also increase the risk that the government thus pressured may feel that it would lose face if it gave in to the demands. In Turkey, the additional problem is that in recent years the main mass media have been brought fully under the control of the government.

The media in Turkey are much corrupted and there are few independent outlets to take your voice to the public. If your case is attracted by the mainstream media you should be very, very careful of falsified news that backfires upon

the person you seek to protect. Such falsified reports are often made in order to justify the acts of state officials. The person arrested might, for instance, be accused of being a foreign agent, a traitor, a terrorist or a supporter of illegal organisations.

Pressure is not the only objective of accompaniment. Another is to **support the victim** (and relatives). In cases of arrests, **letters** written to people in prison, **financial aid** and/or **counselling** to the family are as important as pressure is. And such support is possible even if the leverage of the supporters is minimal or non-existing. In situations of potential direct persecution (arrests or direct violence), tools like **training** that can be given online (as the INGO Non-violent Peaceforce did for activists in Syria) or providing **publications** (such as this booklet) can be useful.

To summarize, two points have been made here:

First, protection from afar is not a very fine-honed tool. It must be used carefully and with much analysis. It bears the potential to do harm if careful analysis is missing. Too often activists, especially, tend to act on instinct. This instinct drives them to raise a public outcry and condemn the injustice in strong words. This may indeed sometimes help. But, on the other hand, it often can lead to negative repercussions for the person or group they wish to help.

Second, even if the ability to protect is severely constrained for lack of political or judicial leverage, the personal support of those threatened or suffering persecution is almost always possible. This is a great help. People in prison, for instance, are able to develop resilience to the situation if they know that they are not forgotten – if they know, for instance, that their partner, their children, their parents or other people who are dependent on them are being looked after. *Accompaniment from afar* can add to the strength of such support. ■

Footnotes

- 1 Foremost Peace Brigades International. Also Nonviolent Peaceforce, Christian Peacemaker Teams, plus many initiatives and organisations.
- 2 See the studies on “good practices in Unarmed Civilian Protection” by Nonviolent Peaceforce, <https://www.nonviolentpeaceforce.org/what-we-do/publications/new-report-good-practices2>
- 3 The quote is from this handbook here: Eguren, Enrique (2005) Protection Manual for Human Rights Defenders. Front Line - The International Foundation for the Protection of Human Rights Defenders.
- 4 See footnote 13, page 11.
- 5 Between 1990 (the year that Turkey accepted the judicial authority of the ECHR) and 2018, there were 3,128 judgments issued against Turkey – the highest number among all states in the official statistics of the Court.
- 6 <https://www.ohchr.org/en/hrbodies/ccpr/pages/ccprindex.aspx>

Legal provisions in regard to criminal investigation, arrests and court cases

In the introduction, the *WRI Working Group* has already described that the reality in Turkey today is that persecution and arrests often seem to be politically motivated and fail to follow provisions of the criminal law of Turkey. Here you find the legal provisions – how it should be done – later on follows a comment on what the current situation often is.

Article 19 of the Turkish Constitution protects personal liberty and security. According to the article, freedom is the principle. Deprivation of liberty is only supposed to be a measure of last resort to implement that principle.

The *Criminal Procedure Code (CPC)* and *Police Act (PA)* regulate implementation of the general framework as set forth within article 19.

Here are some typical situations:

The right to stop and ask for identification

The police have a right to stop anyone and ask for identification.¹ If a person is without identification or there is suspicion that a false identity is being used, the police have the power to arrest this person until the identity is cleared up. They can detain the person for up to 24 hours to do so. The police also have administrative powers to stop and ask for identification if there is any suspicion of commitment of a crime.

Stopping and asking identification is a widespread practice in Turkey. Carrying a document at all times to prove one's identity is, therefore, very important.

Searching individuals and their luggage

This might happen at the airports or borders while entering the country.

Although there is a general rule that authorities must obtain permission from a judge to conduct a search, "entering the country" is an exemption for such a requirement. In such cases police are authorized to make a "preventive" search.²

Arrest

Arrests should in principle be based on a written order of a Court. Under specific circumstances the police are entitled to detain people without such an order. In such cases, the police are obliged to immediately inform the prosecutor's office about the apprehension.³

Furthermore, the person detained should be immediately informed about the accusation.⁴

If the arrest is related to a crime in which the accused was actively involved, the arrested person must be brought within 48 hours to a *Justice of the Peace* for interrogation. This period might be prolonged to four days if there are three or more people jointly accused.⁵

Despite the fact that police work under the authority of the prosecutor's office, their practice is more arbitrary than legal. Apprehension and arrest can happen while asking or discussing anything with a police officer. This practice has become an instrument to intimidate and frustrate the people. Anybody can be arrested and brought to the police department under any circumstances and at any time. You may be released after some hours, however there is a high risk that a complaint against you will be lodged that you committed a crime called "resisting police".

Judicial control and security deposit

The judge can make a decision to impose judicial control and/or to require a security deposit.⁶ There are different kinds of judicial deposits or other legal restraints to make sure the accused is available for the trial. The one most applied is restriction of travel outside the country and accordingly, sometimes, confiscation of the passport.

Detention

A judge must issue a decision for detention if there is sufficient concrete evidence. For crimes carrying punishment only of fines or for imprisonment of not more than two years, deprivation of liberty is forbidden. On the other hand, article 100 of the Criminal Procedure Code (CPC) has a "catalogue of crimes" that gives judges wide authority to detain a person if the accusation is a crime listed in the catalogue. In this case the judge can authorize detention without evaluating the evidence.

Thousands of people are imprisoned on the basis of this catalogue of crimes. It is a presumption that people accused of one of these crimes will automatically be detained. Being a member or supporter or in any way connected to a terrorist organisation falls into the catalogue. This is a common accusation made in the arrest of activists, of people from civil society organisations and of political opponents of the AKP. It is one of the major legal instruments of intimidation.

Legal support and rights of accused persons

An arrested person has the right to inform a relative or another person about the arrest and detention. If the person is the holder of a foreign passport, the police are under obligation to inform the related embassy unless the person objects. (Note: people with double citizenship are treated as Turks). Objections need to be in writing.⁷

Legal provisions

If the accused does not speak Turkish s/he is entitled to ask for an interpreter.⁸

The accused is entitled to see a lawyer from the very beginning of the apprehension. If s/he doesn't have one, s/he has the right to ask for a lawyer from the Bar Association. Suspects or accused shall have the right to meet her/his defence lawyer at all times, without power of attorney being required and out of hearing of any others. The accused person's correspondence with their defence lawyer shall not be monitored.⁹

Fees for lawyers vary, and the official rates are changed every year due to inflation. There may be cases when the person persecuted may not have the financial resources to get a lawyer. The Turkish state, through the Bar Associations, provides lawyers if the accused cannot afford one.¹⁰ The accused should be very clear and decisive to ask for a lawyer when s/he is at the police station. Otherwise the police have a tendency to claim in the interrogation protocol that the arrested did not ask for a lawyer. Accordingly, it is very important to check what is written before signing the protocol.

It is a legal requirement that as a part of the procedure an arrested person is to be taken to a hospital for a health examination at the beginning and at the end of the arrest.¹¹

At the beginning of the proceedings the police are supposed to inform the person about her/his rights and to obtain the person's signature that they have done so. In reality, the police most often skip providing any information and simply ask the person to sign a document. The *WRI Working Group* highly recommends to not sign any document without fully reading and understanding it. If an interpreter is required, then the arrested should wait for it. And in any case it is important to wait for a lawyer before committing to any proceeding

The accused person also has the right to plea against the apprehension, the arrest and the detention.¹² However, do not to be optimistic since the system works very slowly and the chances of success are not high. ■

Footnotes

- 1 PA, art.4
- 2 PA, art.9
- 3 CPC, art.90
- 4 CPC, art.90
- 5 CPC, art.91
- 6 CPC art. 109, 113
- 7 CPC, art. 95, 107
- 8 CPC, art. 202
- 9 CPC, art. 154
- 10 CPC art.150
- 11 Internal regulation of CPC, art. 9
- 12 CPC, art. 98, 101

Protection needs a strategy. Based on that strategy, activities (instruments or tactics) can be chosen. Strategy means to make a plan based on an analysis of the situation. Ideally, this analysis should be made jointly by the person who is threatened or was arrested, and by her/his supporters. In many cases, such a cooperation however may be difficult, especially if the person is under arrest and communication to the outside world is limited. Lawyers or family members visiting those arrested may be channels. Deniz Yücel describes below how he smuggled information and requests out of prison. But this may be slow and visits may not be possible in time. In our experience, it is quite common that analysis of the arrested person's support network uncovers the fact that their family and/or closest private circle may not be identical to the person's political supporters. It is also necessary to realize that emotions – the person's concerns and fears, their anger and their need to reconfirm their core identity – play an important role. This is especially so since all of that arises in the face of confinement and perhaps humiliation. So the emotions need to be taken into account when doing such analyses. Making the emotions explicit is one way to avoid them undermining what supporters who do not share this emotional closeness may consider a "rational" or "objective" analysis.

Secondly, it is important to repeat or update the analysis. It is not enough to do it once. It needs to be done regularly and whenever the situation seems to change.

Analysis

A basic analysis should contain the following elements:

- What has happened?
- What is the accusation (if there is any), and what basis is there for it?
- What is the current status and well-being of the person who received a threat or was arrested etc.?
- Who are the people involved (family, friends, colleagues, fellow activists ...)?
- Are there special urgent needs in case of arrest – like medication, care of dependent family members, etc.?

Overarching issues when organizing protection

Overarching issues

- What are comparable cases? Are there lessons from them that can be applied?
- What may be the motivation and interests of those who ordered the arrest? And of the government in general?¹

Based on such an analysis then, steps can be proposed, assessed and undertaken.

Documentation

In all cases, it is important to document what has happened. This is important either for internal or for external use. Or for both.

Documentation should include name, address, date of birth, citizenship(s) of the person(s) under threat, basic background information about the proceedings, contact addresses, address of prison, timeline and photos of the arrested. What is included depends upon how the documentation is intended to be used. As an example, it doesn't make sense to give all the information to the media. But for other purposes it might be useful to provide internal information as well. Documentation could include as well some relevant publications or statements about the matter. Reference could be made to international law or other conventions and international jurisprudence.

Going public on a case?

Often the first instinct of activists is to raise a public outcry about arrests, while the first instinct of family members usually is to keep it silent. The family often fears that raising attention might increase risk for the person concerned. Both activists and the family may be right. The decision whether to go public or not must be made based on the analysis. It is not always wise to go to the public and the media. Silent interventions such as finding a friendly politician to speak to her or his counterpart can sometimes be better because, if the government changes its course on the case, there is then no "loss of face". In other situations, it might be important to go public to make it clear to authorities that they cannot just disappear a person. And there have also been cases when both strategies were combined – political interventions, media attention and private appeals. It all depends on the situation – and on what the person under threat wishes. As a rule of thumb, no public action should be taken without the agreement of that person.

That means that supporters should first make an analysis together with the affected person and/or the local group about strengths and weaknesses of seeking publicity. To decide about the possible options and restrictions you should first consult directly with experts in Turkey.

To define at which point a public campaign should be started or to determine if the work should be done without public attention, the *WRI Working Group* suggests some questions which might be useful to help decide.

- Is the affected person himself or herself interested and wishing to get public support?
- Was the visit of someone who does not permanently live in Turkey made with the aim to raise public attention?
- Is the charge linked to a political issue and how it may effect a political campaign?
- Is the case already in the public sphere?
- Could public support open other channels of support?
- Could public support endanger relatives or friends of the affected person?
- Are supporters likely to follow the case as long as it may go on? Protection of this type might be needed for many months, sometimes years.
- Who could be the responsible group or person to coordinate public support and awareness?
- Does the support network, the lawyer and other responsible persons agree that public attention will provide protection?
- What does the lawyer advise about legal implications?
- In case the person under protection is an international, what does her/his embassy and the relevant Ministry recommend?

If the decision is made to raise international attention, please take care that relevant information and photographic materials are immediately available. It is useful to get in contact with several different media outlets – radio, newspaper, television, online – including those from differing political persuasions. It is also often effective to highlight the case at public events.

However, even if you have a basic agreement with the person under arrest, there may be disagreements about how to proceed with the chosen strategy. Here is an example:

A controversy between Deniz Yücel and his supporters in Germany about how to deal with the Turkish government:

Yücel wrote: “The only thing I ask is a fair process ... I will not be delivered anywhere and will not leave this prison through a back door, but through the front door through which I entered it. WELT (the paper he worked for in Istanbul – the eds.) sees it differently. Colleagues fear that my message could harm diplomatic efforts. ... So far, the other side has ‘seized every chance of escalation’, they will also use [my message] against me, but I think that it is no longer about escalation, but about a deal. I don’t care that the other side could foam over my statement. ... On May 4, WELT will publish my text, supplemented by a detailed comment on ‘why we are ignoring the requirement that accused persons do not comment publicly on ongoing proceedings’ [and] ‘Deniz wants to express himself, and he has the right to do so’.”

Deniz Yücel (2020), pp 211-212, translation from German by editors of this booklet.

Monitoring trials

Monitoring of trials is still possible in Turkey, and national as well as international observers have been present at various trials. The local group or lawyer can give advice about the important court sessions when attention is needed. Of course here also it is necessary to ask if the person under threat wishes her/his case to be observed.

Monitorings are organized for several reasons: if there have been gross human rights violations; if the accused are public figures; if the case has a symbolic importance; and if monitoring is expected to have a positive effect. So before organizing a monitoring, a serious analysis of the case and the political atmosphere is required.

Local support networks can invite representatives from Intergovernmental Organisations or International Governmental Organisations (IGOs) and from the human rights section of embassies. They can also ask international human rights Nongovernmental Organisations (NGOs) to monitor the trials.

There are no specific organisations or networks in Turkey that regularly organize monitoring. Organisations and groups organize monitoring if the accused persons are their members or from the same working field. For example, if the person being protected is an environmentalist then an environmental organisations would take the initiative. If the person is a doctor then medical associations or perhaps the IPPNW might call for monitoring.

If a monitoring is agreed upon, it could make sense to organize a group of observers from different countries. It could be useful to make a list of people that would have an impact internationally to come to Turkey. For example: In some cases, international members of parliament have attended trials. Because of their status, they are better protected than grassroots activists.

International observers will need basic information about the case. They should receive this information beforehand – what happened, why observers are invited and details of the hearing. Local groups should also be prepared to help with transportation (and personal accompaniment for the overland travel if there is no international airport in the city). They will also need translation – which may be a special challenge if the trial is not held in Istanbul, Ankara or Izmir. On arrival in Turkey, there should be an oral or written briefing for the observers which should also include information about the possibility of entering the court room, the possible attitude of judges and of the police.

Observers may be faced with intimidation, especially in Kurdish regions. But there has not been any case, thus far, in which observers were arrested. Nevertheless, the observers should have made security provisions back home. The observers should leave contact information of who should be contacted in case of emergency. In any case it is useful to inform the embassy of the visit and the local authorities about the monitoring.

The *WRI Working Group* further recommends consulting the OSCE manual on Trial Monitoring.²

Asylum or temporary stay abroad

Persons who are in danger of arrest or who face sentencing might consider going abroad for an indeterminate stay. Or to ask for permanent asylum.

There are some countries Turkish citizens can go to without needing to ask for a visa, but they are not many. In the neighbourhood are Albania, Serbia, Bosnia-Herzegovina and Azerbaijan. Most others are far away (countries in Latin America, the Caribbean, and a few African and Asian countries.)³

Most borders of neighbouring countries are heavily militarized and controlled so that, even if the person manages to enter a neighbouring country, an illegal crossing into a third country is very difficult and dangerous. In any case there is also the risk of being handed over to the Turkish authorities again. In case of an illegal crossing to another country, it is recommended to contact a lawyer and international supporters right after arrival to reduce this risk of deportation.

Many Turkish citizens may consider moving to countries of the European Union. In theory, anyone may try to enter an EU country by asking – directly at the border (not later!) – for asylum.

Due to the restrictive immigration policies of the EU, it may however be preferable to start the procedure with the embassy of the target country while still being in Turkey. And currently in 2020, due to the Corona pandemic, international travel is even more limited.

A problem with going abroad is that, at airports and land borders, travellers' IDs are checked and people might be arrested while trying to leave the country. This risk is important to keep in mind.

To support an application for asylum it would be good to provide the whole file of the inquiry or proceedings. Also helpful would be documentation of the approaching persecution and/or prosecution, including all relevant statements, publications and testimonies. For more details about this course of action it is absolutely necessary to get in contact with groups who are experienced in this field. Only they can provide up-to-date advice about which steps must be taken. ■

Footnotes

- 1 For example: Deniz Yücel describes in his book how at one point he suspected to have become a “hostage” or bargaining chip to make the German government hand over military officers who had sought asylum in Germany after the coup.
- 2 <https://www.osce.org/odihr/31636?download=true>
- 3 The information can be found on the webpages of the Embassies. An overview in German language is here: https://embassy-finder.com/de/travel-with_turkey_passport

Example: Serdar Küni from Cizre

Serdar Küni, Cizre Representative of the *Human Rights Foundation of Turkey* (TİHV) and former President of the *Şırnak Chamber of Medicine*, was working as a physician in Cizre (South East Turkey) for several years, including during the curfews and intense fighting between Kurdish Turkish security forces and Kurdish guerrillas in the early months of 2016.

He was accused of “providing treatment to alleged militants” at his workplace and not informing security services about it. Furthermore, he was accused of being a member of PKK. The first trial took place 2017. At this time Serdar Küni was arrested and stayed in prison for half a year.

The *Human Rights Foundation Turkey* took the initiative to organize international support in this case. The organisation was asking for support and was sending observers to the trial. The Foundation used the opportunity to organize a conference in Diyarbakır before the hearing and to present the granting of the Peace Companionship and Democracy Award to Serdar Küni by the *Diyarbakir Medical Chamber*. The Foundation was handling logistics as well as providing briefings about the proceedings for international guests. This way, 70 observers attended the hearing, including six observers from Germany, UK, Sweden, Norway and the U.S. All embassies were informed in advance by the observers. The Foundation itself informed the local authorities and the court about the visit of the observer group.

Though all witnesses who initially testified against Serdar Küni revoked their testimonies stating that they had been tortured by police and they actually didn't know Dr. Küni, the court decided to hold Serdar Küni in custody.

The group of international observers reported via their different channels after the meeting about the proceedings and outcome. In this way the information was conveyed to the international level.

At the subsequent hearing the *Human Rights Foundation Turkey* again asked for participation by international observers. Five international observers answered the call to show solidarity. On the basis of an anonymous witness Serdar Küni was sentenced to more than four years but was released from prison pending his appeal.

Afterwards, the international observer group again presented testimonies about the trial. They made clear that their guiding references was to international law and that they came because of concerns about the targeting of members of the medical profession for carrying out their professional responsibilities. “Our role as presented to the Court in advance was to observe the extent to which international fair trial standards, enshrined in international law and binding on Turkey, were applied”. In their statement they discussed the different obligations and critical points of the proceedings.

Küni appealed the decision. The court of appeal has not made yet its ruling.

Example: Mixed group of Turkish HRDs and two internationals arrested in Turkey

This is the case of ten human rights activists, including two foreign trainers (Peter Steudtner from Germany and Ali Gharavi from Sweden). Both were without Turkish roots and were arrested in Turkey in early July 2017. The two internationals were eventually released from detention and allowed to leave the country. The seven Turkish citizens were also released.

The arrest happened during a seminar on information management and dealing with stress and trauma. It was a non-public event held in a hotel.

24 hours after the arrest they all were allowed to contact lawyers. Upon the information to the related consulates by the lawyers, the two foreigners were also allowed to see members of their consulates after 24 hours. The detainees were all held for another seven days without learning what the accusations were – even while media was reporting accusations of terrorism and espionage. Thirteen days after their arrest they had a hearing at court. The result: while four Turks were released, the others had to remain in detention charged with supporting a terrorist organisation. Two of the four who were released were arrested again some days afterwards. The other two are, as yet, allowed to remain free. Attempts by the lawyers of the two internationals to get the Turkish defendants released have failed several times.

In October, the accusation was published. The indictment included the “Istanbul Ten” and the head of Amnesty International in Turkey, Taner Kilic, who had already been arrested in June, a month before the seminar.

Mid-October 2017, solidarity actions took place in many cities in Germany and Sweden.

On the 25th of October, the trial started. A delegation of international HR observers was present. The detention was lifted on the first day for all accused. But Taner Kılıç was detained within hours again before the release procedure was finalized. One day later, the two internationals were allowed to leave the country.

The trial continued over the next year with several sessions but all of the ten arrested in July remain free. Only Taner Kilic stayed in prison for more than a year, until August 2018 when he also was set free.

On the 3rd of July 2020, the local court finally passed its judgment. Taner Kılıç was sentenced to 6 years and 3 months with the charge of being a member of the terrorist organization (FETÖ), Günal Kuşun, İdil Eser and Özlem Dalkıran were sentenced to one year and 13 months for helping a terrorist organization. The others were acquitted.¹

1 <https://www.bbc.com/turkce/haberler-turkiye-53273093>

Example: İlhami Akter from Germany

İlhami Akter was born in the Kurdish area of Turkey. He fled to Germany in the 90s and was granted asylum as a conscientious objector because of his political activities. Later on he gave up his Turkish citizenship and acquired German citizenship.

In 2018 he visited his mother in his home village. One morning the police raided the house and arrested him with the accusation of having spread terrorist propaganda. He was alleged to have posted messages by Kurdish fighters on Facebook. He denied the accusation but was sentenced one month later to three years imprisonment. Because he appealed the decision, the court decided that he didn't have to go to jail immediately. But the Turkish authorities withdrew his passport and prohibited him from leaving Turkey.

Because of his German citizenship, the German Embassy was responsible for observing his case. They made sure that he had a lawyer and visited him after the judgment. Beside support from his family in Turkey and different countries in Europe, he also received financial and moral support from his colleagues and friends from his home town in Germany. The groups in his town in Germany organized vigils and collected signatures to ask German authorities and government to support İlhami Akter. Importantly, German media reported about his case.

At this stage we at *Connection e.V.* were informed about his situation and we began to work on different levels:

- We tried to bring together the many different groups and persons involved to discuss a common strategy to support him. We organized various phone conferences;
- We got in contact with İlhami Akter to learn more about his personal situation in Turkey. We didn't talk about any details of the charge itself but instead asked him the contacts to access information about his legal procedures. At this point we involved another lawyer in Turkey with a human rights background;
- We explored how we could develop a common public strategy with the aim being to urge the German Embassy to become more engaged in his case;
- We got in contact with German parliamentarians asking for appointments to discuss how they could support him in this situation.

We had to acknowledge that İlhami Akter did not have a group or any other structure in Turkey itself that would be able to support him. Since he was restricted to staying at his home village he could only evaluate his situation alone. Furthermore we realized that some of his friends in his town in Germany were unsure how lobbying or advocating for him could help in his case. The support was made with a lot of empathy but with little strategy. Close friends and family were focusing very much on İlhami's financial situation which was

on one hand very helpful. But on the other hand we felt that this took so much energy that little was left for other kinds of support.

Therefore we needed some months to find a common approach on how to proceed. We started a German-wide campaign to support İlhami by sending letters and emails to the German Embassy in Turkey. At the same time, and together with the public campaign, we started to collect financial help for him. And at the beginning of 2019, we succeeded to organize some meetings with German parliamentarians.

A few days before these meetings we were informed that, because he feared to go to jail again, İlhami Akter had fled to Georgia. But he had to realize that an illegal entry into that country was an offence and would lead to criminal proceedings – including the possibility of being sent back to Turkey. From the German Embassy in Georgia he was able to obtain a new passport ... and the advice to surrender to Georgian authorities. Which he did. With support of the embassy he got a lawyer as well.

At this stage we stopped our public campaign and began using only diplomatic means to intervene. With this new situation we could discuss the case with some parliamentarians. Afterwards they used their contacts in the German Foreign Office to strengthen its support for İlhami Akter. Furthermore we got in contact with the Ombudsman for Human Rights in Georgia who was going to observe the situation and thereby demonstrate interest in his case. We stayed in regular contact with İlhami Akter to exchange information about the ongoing processes on different levels.

Two months later the criminal proceedings in Georgia were able to be stopped by paying a fine. İlhami then was able to leave Georgia and to return to Germany.

The role and strategies of local grassroots' support groups and networks

This chapter is about how local activists can make most use of international support. It is not about defence of activists in general, not about what to do for one's own security, not how to analyse using the risk formula previously discussed, nor what to do when arrested and facing prison or worse. We pointed out in the introduction that there are good handbooks about these matters. We here look at only one aspect: The interface between local activists and *protection from afar*. Please see also the section in the chapter "[Overarching issues](#)

[when organizing protection](#)" because it also touches upon the roles and tasks of local Turkish groups and networks.

Several roles can be distinguished:

Alerting international networks

In most cases, local groups are the first to learn about persecution or arrest of a fellow activist. Or, in case the person persecuted is not really an activist (this goes especially for staff members of well-known human rights organisations in Turkey), the local groups may first be contacted by a family member or friends of the accused. In such a case, it falls upon the local group to reflect and decide if it makes sense to alert an international network. Or to decide if the case is better handled "behind the scenes". Several criteria should play a role here.

Once the decision has been taken to inform an international network, or if the person arrested was a foreigner and the local activists were contacted by such an international network, it is important that the local activists stay in contact with the internationals. The latter need the assessment and advice of the locals. There may be cases when the internationals do not properly heed the advice of the locals. They may even decide to act against the locals' advice. In such cases it is important for the local group to insist on being heard and listened to.

Providing accurate information

The international supporters are dependent on the locals for accurate, reliable and detailed information about the case. Sometimes the task may merely be to write it up and translate it to an international language. In other cases, information gathering may require visits to family members or friends or speaking to the lawyer(s).

There are at least two challenges here. First is the language – people from the support network, unless they are family and friends, often may not speak Turkish. They may need information in a Western European language. For written communication, computer translation programs have improved enormously over the last years (for example, translate/google.com or deepl.com). These programs can help in translating a text into English or other languages.

In some cases the international support network could be asked to help with financing the legal support – either through existing available finances or by doing some fundraising

The second challenge is the security of the information itself. Basically the rule here is: Whatever is passed on electronically or via telephone will also go to the authorities. Never write anything about an action that the accused person might be involved in. You should focus on the official claim (the accusation) and on the wellbeing – both physical and psychological – of the person accused. And of course you must continue to monitor and record any ongoing human rights violations. Also do not trust sensitive information to encryption, though it may be a good idea for all other communication. The bottom line is: If you want to make sure the authorities don't see it ... Do not say it!

Assuring accuracy of the information might be another concern. Based on our experience in conducting interviews, most people tend to speak in general terms – without focusing on the all-important details, including dates, places, names, specific actions, etc. It would be particularly useful if a checklist of questions would be developed before asking for information.

Finding legal support

Organizing legal support within the country falls to locals. In case those persecuted are foreign citizens or at least live abroad (and therefore are entitled to support by a consulate) it is important that there is direct communication between the lawyers and the consulate. Again, local supporters may be called upon to facilitate that, or to make sure that there is close consultation.

In some cases the international support network could be asked to help with financing the legal support – either through existing available finances or by doing some fundraising. This may be less needed in cases where the person arrested is of foreign nationality because in such cases the embassy has the duty to look after him or her. But it is essential for local people unless their family has the means to pay for the lawyers.

Media work

If it is decided to go public, the local group might be responsible for informing the national media and international based in Turkey. On media work, see the following section on page [31](#).

Other financial support

Depending on whether the family of the accused lives in Turkey or lives abroad, there may be need for financial support for them. If the family is in Turkey it is again up to the local group to determine if there is a need. If so, they will likely want to make a request to the international supporters to help with meeting this need, either through existing sources or through fundraising.

Other support for the family in Turkey

Support of the family goes beyond financial aid. They have other needs besides paying for rent and groceries. They need assistance in understanding the situation of their loved one and in getting realistic assessments of what might happen. They may need help to send and receive messages. They need comforting and, above all, they need to know that they are not alone. In some cases, professional psychological aid may be required (and paid for). For all of this, the locals form the link to the international support network. The locals keep the internationals informed and let them know what the network might be able to do to help.

Maintaining contact into prison

In Turkey it is mostly lawyers and close family who are entitled to direct face-to-face access to prisoners. In the case of foreign citizens, members of the consulate are also entitled. In regards other types of communication with the detained, rules vary in accordance with the type of prison and the type of accusation. The *WRI Working Group* recommends consulting with a lawyer or a human rights organisation to learn about the rules regarding letters, phone contact, scope of visits, sending of books or other materials and such. ■

International support is often seen only as stimulating international public attention. But this is only one of several different means. In any case, a fundamental step is first to see – if at all possible – what particular kind of support the affected person and the local group want from the external internationals. It would be helpful to the locals if the internationals would provide an idea about what kind of work could be done at the international level and details about the mission of the relevant International Nongovernmental Organisations (INGOs). A trustful collaboration means that the international supporters accept that the main decisions are done by the affected person, by the local support group and by the lawyer. Please also see the chapter [“Overarching issues when organizing protection”](#) above because it also touches upon the roles and tasks of international support and networks.

The role and strategies of international grassroots’ support groups and networks

With or without public attention?

As emphasized before, one main question for solidarity work is whether public attention is desired and useful, or not. Besides the decision of the person directly affected there are different cases when public attention could diminish support or could raise more difficulties and obstructions. On the other hand public attention can sometimes open other channels of international support. An analysis about strengths and weaknesses of publicity would be helpful. Please see the chapter [“Overarching issues when organizing protection”](#) above for more on this question.

Diplomatic interventions and calls to intergovernmental organisations

An often-used strategy that has sometimes been successful is eliciting the support of international governments, Intergovernmental Organisations or International Governmental Organisations (IGOs). See the following chapter on page [34](#) about this.

Support in prison

As already mentioned it is very likely that, at first, only relatives and lawyers will have access to the prisoner. The imprisoned person should also provide authorities a list of relatives, and up to three names of others, for visiting privileges. And another list should be provided for phone calls.

International public attention is only one of several different means

If the imprisoned holds a foreign passport, representatives of embassies are entitled to visit. Other people, i.e. activists or politicians from abroad or well-known people, can only visit prisons with a permission received from the prosecutor. But such permission is unlikely to be granted.

These matters can be accomplished, with or without public attention, in collaboration with the local partners.

Media work

If it is decided to go public, the international support group can inform media outside Turkey. There are different methods to do so.

Here are some questions to consider:

- What is the objective of contacting the media?
- Which media?
- Are there journalists who have written about comparable cases who could be contacted?
- How to approach the media?

A press release alone usually only works if the accused person is a public figure. Or it may work if there is a prominent person in the support circle whose presence drives media attention. In all other cases, phone calls to the editors or journalists might be effective, at least as a follow-up to an email or other written messages.

There are rules for how a press release should look. If there is nobody in your group with this know-how, take a look in the internet, for example: <https://blog.justreachout.io/how-to-write-press-release/>.

Another possible step is a press conference. This works if there are journalists who are already interested in the case or if you can make them interested by promising some information they have not yet received. Press conferences can only be organized where journalists are based. They will not travel for a press conference. You will need a room, an announcement with a list of speakers, and a good plan how to say the most important things in ten minutes. The journalists will not listen to long talks, and they are not interested in defamation or outrage. Speak factually and to the point.

Appeals

As a part of a campaign, public appeals to the authorities of the relevant country could be started. The local group could give advice about who should be

addressed. Campaigns could be done via postcard and/or online via websites and social media.

Supporters should have continuous opportunity to follow the case. Try therefore to ensure that they are updated regularly.

Private appeals have sometimes also been used, especially if there is already a contact through private channels to someone influential in the government or justice system. This may mean looking for someone who does have such contacts, and convincing him/her to intervene silently and privately.

Demonstrations, vigils, etc

In some prominent cases (like the one of Deniz Yücel in Germany) there have been vigils, car parades, placards and a hashtag for the social media. Sometimes also relatives and support groups mount small vigils to make people aware of the case.

Financial support

Cost of the proceedings, the lawyer, the staff, communications and so forth ... all add up to a significant amount of money. It is difficult to make estimates here and it depends very much from case to case.

Even with all the options mentioned above, it is very difficult to raise money. Of course you can ask for financial help from any institution or individual who gets in contact with you. Some foundations might offer help, especially in case of political proceedings. But experience shows that this source is very limited.

An easier way to raise money for foreigners as well as for Turkish citizens would be to combine fundraising with a public information campaign. This usually requires developing a mailing list and engaging in online appeals. In this way supporters can easily be asked for donations. It can be part of a public appeal for justice for the accused.

Take note that if a person from abroad must arrange to stay in Turkey for the purpose of assisting in such a campaign that will of course mean that she or he will have no income ... but will have a lot of regular expenses (rent, car, insurances and so on). Therefore one step for supporters to reduce the financial burden should be to get in contact with the different institutions to speak about options for how to handle this. And in that case certain supporters will need a *power of attorney*. ■

The role and strategies of governmental support

International support is often seen as providing international public attention and pressure from the grassroots. But this is only one of different possible instruments. There is also the option to look for governmental support. In this chapter the *WRI Working Group* would like to describe possibilities and limitations of this approach.

Accurate information should be the basis of any support. Because the law and the rules in Turkey are frequently amended – and how they are put into practice is linked to Turkish politics – it is very important to get in contact with independent experts in Turkey. Especially in the field of human rights.

This could include the *Human Rights Association*¹ or in case of ill treatment the *Human Rights Foundation*². Contact should include the lawyer(s) and the embassy if the person affected has a foreign passport. To be prepared to do this, the affected person needs to give a power of attorney to a responsible person of the support network.

Citizenship decides

If you see it from the perspective of national governments, they always look first to the citizenship of the affected person. Here are different possibilities:

- If the person has the citizenship of his home country only, the embassy of that country in Turkey has a responsibility to respond and try to protect the person. That means the embassy usually offers administrative assistance, visits the prisoner, monitors any proceedings, provides contacts to a lawyer and may also be a link to the government back home. If the person's home country does not have an embassy of its own in Turkey, normally another embassy will be in charge to represent the country. Here is a link to the list of which countries have diplomatic missions in Ankara: <http://cd.mfa.gov.tr/mission/mission-list?clickedId=3>
- If the person has a double citizenship (e.g. German and Turkish), then the embassy doesn't see a responsibility to follow normal legal proceedings. The embassy considers the affected person with Turkish citizenship as being under Turkish law; which is the same position the Turkish authorities assume. This might change if a charge is clearly politically based or if the proceedings violate international law.

- Even if the person lives and works in Germany, for instance, but only has Turkish citizenship, the German Embassy will not see any responsibility to get involved.

In any case, the support that the embassy can provide is limited. It is more about giving advice and monitoring the case, but not about exerting any political pressure. Furthermore, this kind of support is normally not a public one. Nonetheless, connection with the embassy might be a very important way to get information about the situation of the affected person. And in any case, even without going public, it shows that there is attention of the case by another government.

Preparation by internationals visiting Turkey

If there is any danger of problems arising for internationals who are preparing to visit Turkey, they should provide basic information about their visit to the Foreign Office of their home country or their home country's embassy in Turkey.³ Keep in mind, however, that information given could be used as evidence for an accusation. This doesn't mean you should not use the system, but just beware of giving information that might be detrimental to the case.

The basic information should include: name, birth date, expected time of arrival and departure, places you intend to stay, planned political activities, the names and contact details of persons to be informed in case of an emergency, and who has the person's power of attorney. It would be helpful as well to determine in advance if public attention is wished or not.

In order to raise more diplomatic attention

Experience shows that embassies work most properly if they see that there is attention to a case in the home country or internationally. This applies especially to cases where the accused has a single foreign citizenship or a double one. In such a case it is easier to organize through political channels without public attention, as described below. International attention can also be relevant for Turkish activists who do not have external connections.

From our experiences it might be helpful to get in contact with influential persons like politicians, diplomats of the foreign ministry, and/or members of the parliament of the home country. Those kinds of individuals can use their clout to force their embassy to take care of the affected person. Furthermore you could seek support of local politicians, mayors, board members of the company where the affected person is working or in the community where the affected person has been active. You should take a look at the whole environment of the person affected and search for people who might have contacts that could be made use of for support in diplomatic, non-public ways.

In many cases these potential supporters are not informed about the background of the affected person. They often do not have accurate information

about circumstances of the case. They may not even be aware of the overall situation in Turkey. This could be changed by providing a reliable documentation about the case. See the section above, *Documentation* on page 20.

Intergovernmental organisations have quite sophisticated structures

By providing relevant documentation to people you have identified as being potentially helpful for diplomatic intervention you can open doors that might otherwise have been closed to you. At the parliamentary level, for instance,

you could approach members of the parliamentarian group on Turkey (at either the national or the European level). Or you could, by providing useful documentation, make powerful connections with civil society groups who are working on human rights issues. Use email to request a meeting to talk about possibilities for support (but do not disclose any sensitive information since email is not secure). Take the time to meet them and to discuss what they can do or offer. This might be more than you expect.

There are other, even more ambitious, objectives you could pursue. You could try to influence or appeal directly to the officials in Turkey who are responsible for prosecuting or judging the case. You could try to raise attention through person-to-person contact at the concerned embassy. And of course you could try, by various means, to bring the case to the top of the Foreign Ministry or even to the head of government.

To support an affected person with only Turkish citizenship

For affected persons who have only Turkish citizenship, embassies are not likely to be of assistance. But there are other diplomatic (not public) interventions that are possible. As a first step all information about the case should be collected and verified via a support group or relatives in Turkey. As a second step this information should be assembled into a document suitable for your advocacy work. The material should emphasize what connection the accused person has to you, and why this case should be of relevance to those who are addressed (for example, because it constitutes a human rights violation). Your advocacy could be in collaboration with relatives of the accused who are in another country. It could reach out to former neighbours and colleagues of the accused. It could include institutional and other contacts as described above.

Call to intergovernmental organisations

Intervention of intergovernmental organisations (IGO) can also effect important action on the case. You can submit individual complaints as well as organisa-

tional or media-generated reports to the IGOs.⁴ Some of the institutions have mechanisms for urgent actions and/or fact-finding missions, especially where immediate intervention is necessary.⁵

Intergovernmental organisations consist of two categories: internationally, the United Nations; and regionally, the Council of Europe. These organisations can be approached through their agencies such as the Human Rights Committee of the UN (OCHCR)⁶, the OSCE Office for Human Rights⁷ or the Council of Europe.⁸

You can submit individual applications to these bodies in cases of arbitrary detention, of conditions of places where people are deprived of liberties, and of torture or other forms of ill treatment. It is also possible to apply when you think that the violation is about, or is a result of, freedom of conscience and/or thought.

Interpretation of concepts – such as torture – by these mechanisms is probably different than you have been thinking. Some of the mechanisms have quite complicated application formats and strict rules for application. It is better, therefore, if you consult a lawyer or an expert on international law. You might do well to prepare the complaint together with them.

Intergovernmental organisations have quite sophisticated structures – special rapporteurs, working groups, commissions and others. All these bodies have assistants who are easily accessible for consultation to determine possible steps to take. It is important, however, to contact the relevant body that suits your case of concern. But in case you mistakenly apply to an inappropriate body, it is our experience that the assistants will guide you regarding the correct procedure to follow. Contacting experts, meeting representatives of Nongovernmental Organisations (NGOs) working at the intergovernmental organisations, listening to activists who are familiar with the IGO structures and maintaining relations in the relevant institutions ... all those actions will make the process easier and faster.

Your submission to the chosen IGO should be a brief story written in English including, if possible, pictures and other supporting materials. UN mechanisms do not accept your submission if in Turkish. To the Council of Europe, however, submissions in Turkish are accepted but translation will take time and sometimes critical points of your submission might get lost in translation. If at all possible write your submission in English.

UN mechanisms

A considerable number of avenues exist for bringing individual complaints to the UN. Under the United Nations Secretariat, complainants can consider submitting to the Human Rights Council Complaint Procedure; to the mandate-holders (special rapporteurs and working groups) of the Human Rights Council; as well as to other treaty bodies, discussed below.

Role and strategies

The Human Rights Council Complaint Procedure addresses communications submitted by individuals, groups, or non-governmental organisations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations. You can receive more information from the Council web site www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx; applications should be submitted to this email: CP@ohchr.org or this fax number: +(41)229179011.

Secondly, there are so-called Special Procedures. In the Special Procedures, there are thematic working groups, independent experts and special rapporteurs. Special Procedures undertake country visits; they act on individual cases as well as on concerns of a broader, structural nature by sending communications to governments in which they bring alleged violations to their attention. Special Procedures conduct thematic studies and convene expert consultations. They develop international human rights standards, engage in advocacy and raise public awareness. They provide advice and support for technical cooperation. Special Procedures report annually to the Human Rights Council and the majority of the mandates also report to the General Assembly.

All the mechanisms under Special Procedures receive individual complaints and urgent action applications. The Special Procedures have a standard procedure for application, one that is very simple. You can find more information about the procedures and a sample application form in the following link: <https://www.ohchr.org/EN/Issues/Detention/Pages/Complaints.aspx>.

At https://www.ohchr.org/HRBodies/SP/VisualDirectoryNovember2018_en.pdf you can find the list of experts, their thematic area of work, and their contacts.

All the individual applications and urgent appeals should be sent to this email: urgent-action@ohchr.org.

The third category in the UN is treaty bodies. These bodies were established with specific covenants or conventions. All the treaty bodies might be relevant for applications by individual cases under specific conditions.

These bodies include the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities, and the Committee on Enforced Disappearance. <https://www.ohchr.org/EN/HRBodies/Pages/Overview.aspx>. In particularly urgent matters send a fax to + 41 22 917 90 22. Note that some agencies have their postal mail scanned for poisons, causing delays. And emails can easily get overlooked. Faxes have neither problem and usually go through quickly.

Council of Europe

The European Court of Human Rights (ECtHR) belongs to the Council of Europe. You can make a normal complaint directly to that Court.

Where the case is urgent and the applicant is at imminent risk of his/her life or personal safety, a request may be made for interim measures. You can find further information here:

https://www.echr.coe.int/Documents/PD_interim_measures_intro_ENG.pdf.

As it was tried to show, a combination of good collaboration among internationals, locals, family, the affected persons and others can provide a good basis for strengthening protection and support.

The procedure is set out in a Practice Direction available on the website of the Court. In exceptional situations, a request

for interim measures may be made by fax to a dedicated fax number at the Registry. You can find the number in the link provided above. The request should specify with as much precision as possible what the exact threat is to the applicant, the cause or source of that threat, and the expected timetable for the remedies or other appeals which are being attempted to prevent the threat from materialising. This information should be provided to the Registry as far as possible in advance of the anticipated threat. Interim measures are, in practice, reserved for cases of life-threatening danger, torture and other forms of extreme ill treatment.

You can find detailed information for application procedures here: https://www.echr.coe.int/Pages/home.aspx?p=applicants&c=#n1357809352012_pointer.

The whole process is quite complicated and has strict time frames and formal requirements. The WRI Working Group strongly recommends asking for a support from an expert for this procedure.

Secondly, there is the Committee for the Prevention of Torture (CPT). Unlike the European Court of Human Rights, the CPT is not empowered to process individual complaints. However, information from individuals about allegations of ill-treatment may be of value to the Committee, especially in the context of visits the Committee might make to the country concerned. Cases should be reported in writing, giving as many details as possible. They will be treated on a confidential basis.

When notifying the CPT of an allegation of ill-treatment, it should be borne in mind that the alleged act must have occurred in a place of official detention, or while being temporarily deprived of one's liberty anywhere by authorities.

Support in prison

As previously mentioned it is very likely that, at first, only relatives and lawyers have access to the prisoner. But as a sign of international solidarity it could be

Role and strategies

helpful if politicians or diplomats from abroad or other well-known people could visit – or even just try to visit – the prisoner. It is a good way to provide emotional support to the prisoner. And it is a strong sign of external support that may positively influence the local authorities. This could be done with or without public attention organized in collaboration with the local partners. ■

Footnotes

- 1 <https://ihd.org.tr/en/>
- 2 <https://www.hhri.org/organisation/human-rights-foundation-of-turkey-hrft/>
- 3 In Germany they have an online system called Elefant which can be accessed via the website of the Foreign Office. Take note, however, that information put into the Elefant system can be used, as it was in the case of Peter Steudtner, as evidence for the accusation.
- 4 You can find procedures on how to make individual submissions to the UN Human Rights Treaty Bodies here: www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#proceduregenerale. You can find information for the UN independent human rights experts under Special Procedures of the Human Rights Council and Working Groups here; <https://spsubmission.ohchr.org/>
- 5 <https://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/Appeals.aspx>
- 6 <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>
- 7 <https://www.osce.org/odihr>
- 8 <https://www.coe.int/en/web/portal>

Conclusions

The fluid situation in Turkey and the readiness by authorities to disregard the provisions made by the penal code make it hard to pursue solely legal venues in case someone is persecuted for obvious political reasons. As emphasized, however, finding legal support is still a central element for anyone who is arbitrarily arrested. A lawyer (or sometimes a team of lawyers) is needed for representation of the accused. A lawyer can help find gaps in political institutions and windows of opportunity in the court proceedings. A lawyer can also be important for the psychological well-being of the person persecuted.

It is very important that a local support network is found. Or that a human rights organisation adopts the case. Working purely from abroad, in contact only with a lawyer in Turkey, will achieve very little.

As it was tried to show, a combination of good collaboration among internationals, locals, family, the affected persons and others can provide a good basis for strengthening protection and support. Every part of this kind of network has its own meaning, its own importance and its own strength. Only by working together can protection from afar be effectively accomplished.

Helpful resources

Lessons on how to prepare for and how to survive in prison: <https://coping-with-prison.org>

Contact address to the WRI Working Group: turkey@wri-irg.org

List of which countries have diplomatic missions in Ankara:

<http://cd.mfa.gov.tr/mission/mission-list?clickedId=3>

Complaint to Council of Europe for interim measures. Interim measures are, in practice, reserved for cases of life-threatening danger, torture and other forms of extreme ill treatment. You can find detailed information for application procedures here: www.echr.coe.int/Pages/home.aspx?p=applicants&c=#n1357809352012_pointer

Complaint to the Human Rights Council. You can receive more information from the Council web site www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx; applications should be submitted to this email: CP@ohchr.org

Special Procedures to thematic working groups, independent experts and special rapporteurs of the Human Rights Council. All the mechanisms under Special Procedures receive individual complaints and urgent action applications. The Special Procedures have a standard procedure for application, one that is very simple. You can find more information about the procedures and a sample application form in the following link: <https://www.ohchr.org/EN/Issues/Detention/Pages/Complaints.aspx>

How a press release should look. If there is nobody in your group with this know-how, take a look in the internet, for example: <https://blog.justreachout.io/how-to-write-press-release/>

About the WRI Working Group

The Working Group *Stop the Cycle of Violence in Turkey* was founded by *War Resisters' International* (WRI) in 2016 when fighting broke out between the PKK and Turkish security forces in cities of southeast Turkey. *War Resisters' International* had received a call for assistance by human rights defenders (HRDs) and antimilitarists in Turkey regarding ongoing human rights violations in the country. The HRDs asked WRI to provide information about these violations to European NGOs and to the European Parliament. They wanted furthermore to alert and activate international and Turkish public opinion.

The *WRI Working Group* came to the conclusion that there was an urgent need for a resumption of the ceasefire and a restarting of the peace process. With this focus the Working Group started an international campaign to the High Representative for Foreign Affairs of the European Union and to the German Foreign Minister. Furthermore the *Working Group* decided that there was a need for first-hand information. Therefore a delegation was sent to Southeast Turkey to make contact with human rights, civil rights, refugee and local organizations to explore possibilities of collaboration with the aim to strengthen nonviolent activities and work for democracy and human rights.

After 2016 the *WRI Working Group* continues to respond to the needs and requests of its Turkish partners. One of its most important activities has been, and continues to be, providing support in cases of arbitrary arrests of HRDs.

Members of the group are activists from Turkey and Europe belonging to the *War Resisters' International*, the *Fellowship of Reconciliation* Austrian branch, *Connection e.V.* and the *Federation for Social Defence*. More information are available at <https://wri-irg.org/en/programmes/turkey-stop-cycle-violence>.



www.wri-irg.org



www.versoehnungsbund.at



www.Connection-eV.org



www.soziale-verteidigung.de