

8 September 2017, Friday

FACT SHEET 3: IMPRISONED HUMAN RIGHTS DEFENDERS

INTRODUCTION

On 2 July 2017, participants from various rights' organizations came together at a hotel at Büyükkada in order to exchange knowledge and experiences within the scope of a work meeting aiming to render rights' defence activities more reliable, healthier, more secure and effective.

On the morning of 5 July, Wednesday, as they were beginning the third day of the five-day workshop program, they were detained by security forces which raided the hotel.

This file contains information on the events that have taken place since 5 July 2017, the institutions and individuals involved.

Who were the individuals detained at Büyükkada?

This meeting, at which ten rights' defenders were detained, had been planned at the annual ordinary meeting of the Human Rights Joint Platform (İHOP) held in Antalya from 7 to 9 April 2017. The meeting was an activity aimed at developing and consolidating rights' defense, the kind of meeting which has been and continues to be organized, in a widespread manner, both in Turkey and across the world in terms of its aims and content. The workshop aimed to increase the capacity of rights' defenders in the fields of work, communication and informatics security.

What is İHOP



The Human Rights Joint Platform (İHOP)¹ is a network of communication, sharing, solidarity, co-learning and co-working formed in 2005 by five non-governmental organizations working in the field of developing human rights and freedoms and democracy in Turkey. The platform was formed by the Citizens' Assembly (formerly

¹ <http://www.ihop.org.tr/>

known as the Helsinki Citizens' Assembly – hYd)², the Human Rights Association (İHD)³, the Association for Human Rights and Solidarity with the Oppressed (MAZLUMDER)⁴, the Human Rights Foundation of Turkey (TİHV/HRFT)⁵ and Amnesty International Turkey⁶. In the course of time, Mazlumder and HRFT left the Board of the platform, taking part in joint work and defense activities in certain fields. In 2013, the Human Rights Research Association and the Human Rights Agenda Association⁷ joined İHOP.

Since its establishment phase, İHOP has continued its work towards the realization of four fundamental goals: first and foremost, the consolidation of the culture of collaborative work and solidarity among civilian society organizations active in the field of human rights; secondly, to facilitate access to the universal knowledge produced in the field of human rights; thirdly, to contribute to the consolidation of the knowledge and ability of human rights defenders and organizations, and finally to contribute to the strengthening of an environment respectful to principles of human rights and the rule of law in Turkey.

İHOP has been active for 12 years with its founding and member organizations; it has carried out, in collaboration with member organizations and rights-based organizations, first and foremost, work towards the institutionalization of human rights in Turkey (the National Human Rights Institution, Equality Institution, etc.), and has also carried out various educational, reporting, analysis and defense activities in many fields of human rights including children's rights, disability rights, gender equality, justice, impunity and the protection of human rights' defenders. It has also entered into consultation with government agencies, contributed to official work processes aimed at the development of rights and freedoms, and has supported efforts towards the democratization of Turkey.

The meeting, the participants of which have had a prosecution brought against, was then, a meeting organized by İHOP, a "capacity development" education/sharing meeting, planned within the structure of İHOP within the scope of the goal of consolidating rights defenders' and organizations. Its aim was to strengthen rights' organizations and their members against threats and risks, and build up rights' defenders capacity to cope with the traumas they are subjected to.

Who Are Rights' Defenders?

As accepted by the UN, the Council of Europe, and the OSCE, to all of which Turkey is a member, rights' defenders are individuals who in the local, national, regional and international field work to support and act in order to develop, protect and realize human rights and fundamental freedoms, individually or in collaboration with others'. Rights' defenders accept, with no discrimination whatsoever, that human rights are universal for everyone, and defend human rights through peaceful means.

Rights' defenders do not only work for the rights and freedoms of others, they also carry out work that will increase their knowledge and ability and develop measures to increase their individual and organizational safety in the face of threats and attacks in order to protect and develop themselves and their organizations. The effective protection of the dignity, physical and psychological integrity, freedom and security of human rights defenders is a prerequisite to realize the right to defend human rights.

2 <http://www.hyd.org.tr/>

3 <http://www.ihd.org.tr>

4 <http://www.mazlumder.org/>

5 <http://tihv.org.tr/>

6 <https://www.amnesty.org.tr/>

7 <http://www.rightsagenda.org/index.php>

Communication and Informatics Security -Why?

Communication and informatics security has, in recent years, become an increasingly urgent need and a public issue both on the institutional and the individual level. The internet has, since its emergence, elevated international insitutional collaboration and individual freedoms to a new level; and today, due to manipulative and misleading information and news spread in the same environment for different reasons, has also assumed a character that threatens such collaborations and freedoms. Along with these developments, cyber-attacks in particular have made it mandatory for institutional structures and the employees of these institutions to gain awareness and information on data security, the reliability of news that spreads in cyberspace and information pollution in order to carry out their communication in a secure and healthy manner.

Thus, in recent years, it is well-known that ministries, state institutions and civilian society organizations have regularly organized training programs on this topic for their employees and members.

The workshop, which was planned at the annual ordinary meeting of İHOP held in April 2017, and for which preparations began two weeks after the meeting, too, aimed to inform rights' defenders about communication and informatics security and literacy regarding these technologies, and to share experiences, and also to increase the capacity of rights' defenders in the areas of coping with stress during difficult times. The preparation was carried out within the framework projected by İHOP, in an entirely transparent and participatory manner, with the knowledge and approval of member organizations taking part in the meeting, and by people who assumed initiative and responsibility on a voluntary basis. As experts, two figures who are experienced, competent and renowned in their respective fields were selected for collaboration: Ali Gharavi, who hYd had known since its project titled "New Tactics in Human Rights"⁸, carried out from 2000 to 2004, and Peter Steudtner, who had expertise and experience particularly in the field of "dealing with stress during difficult times".

8 <http://hyd.org.tr/tr/yayinlar/36-insan-haklarinda-yeni-taktikler-aktivistler-icin-bir-kaynak>;
<http://hyd.org.tr/tr/yayinlar/37-insan-haklarinda-yeni-taktikler-kitapciklari>

WHO IS WHO

Experts

Ali Gharavi



Ali Gharavi, one of the moderators of the meeting, is a Swedish citizen of Iranian origin. Gharavi received high-level education in electrical engineering and robotics. He worked at Center for Victims of Torture (CTV)⁹, which is an organization based in Minneapolis, USA and provides direct support to survivors of torture and carries out international campaigns in this field. While he was working as the director of the information technology department of the Center, he made contributions to the "New Tactics for Human Rights" project. He worked at the Tactical Technology as the director of "Privacy and Expression" program, seeking to facilitate human rights defenders' access to tools and resources concerning digital strategy and security. With his pen name Ali Ravi, he contributed to numerous publications that serve as a source of reference for human rights defenders. He is also a familiar figure for the state institutions in Turkey. He worked as the IT expert of the core team that organized the International Symposium on New Tactics for Human Rights Struggle¹⁰, which was held in Ankara in 2004 with the cooperation of Center for Victims of Torture and Citizens' Assembly; Promotion Fund of the Turkish Prime Ministry co-financed this symposium with \$ 300,000. Abdullah Gül, who was the Turkish foreign minister at the time, was the keynote speaker and Recep Tayyip Erdoğan, who was the Turkish prime minister of the time, gave the closing speech of the symposium that lasted for 5 days. In his speech, Erdoğan stated that human rights cannot be compromised even in the matter of terrorism.

Peter Steudtner



He is a German citizen who studied political science. He carried out works for reintegration of child soldiers in local communities in Mozambique. He worked as the Mozambique representative of the INKOTA Network, a Berlin-based organization focusing on development policies. Since 2011, he has been offering international training in the Center for Training and Networking on Non-violent Action "Kurve Wustrow" (Germany), Spino Fante (South Africa) and Stella Tamang (Nepal). With Ali Gharavi, Craig Higson-Smith and Daniel Ó Cluanaigh, he co-authored a handbook¹¹ on holistic approach and digital technology in the field of human rights advocacy. In 2015, within HIVOS¹² (an international organization that works in 43 countries seeking new and peaceful solutions to persistent global issues), he carried out works in Angola, Kenya and Mozambique for providing support to human rights organizations concerning information security. With Friends of the Earth International (Justicia Ambiental), he prepared a documentary series on land grabbing and human rights violations in Mozambique. In 2016, he cooperated with ORAM, a Mozambican farmers' union, on behalf of INKOTA and shot a documentary on the development of good practices in farming.

⁹ <http://www.cvt.org/>

¹⁰ <https://bianet.org/bianet/insan-haklari/43891-insan-haklari-mucadelesinde-yeni-taktikler>

¹¹ <https://holistic-security.tacticaltech.org/>

¹² <https://www.hivos.org/>

Working as experts for similar works in various places in the world, Ali Gharavi and Peter Steudtner stick to certain ethical principles in every work to which they provide expert support and expect the participants to stick to the same principles. These principles include respect to human rights, non-violence and do-no-harm. There are other principles that Ali Gharavi and Peter Steudtner pursue in every work in which they participate, such as: not to intervene in or shape the organizational structures or agendas of the human rights defenders and organizations to which they provide expert support; and obeying the rules of the institutions and activities to which they provide facilitative support and the laws of the countries in which the events are held.

PARTICIPANTS OF THE WORKSHOP

Envisaged participants of the meeting, which was designed as a workshop, were the representatives of the organizations that are founders and members of IHOP (Human Rights Joint Platform). After the availability of the envisaged participants was checked, a limited number of participants were selected from other civil society organizations that carry out rights-based works. Thus, the profile of participants became diverse:

- Özlem Dalkıran and lawyer Nalan Erkem from Citizens' Assembly Turkey;
- İlknur Üstün, Coordinator of Women's Coalition;
- İdil Eser, Director of Amnesty International Turkey;
- Günel Kurşu and Veli Acu, board members of Human Rights Agenda Association;
- Nejat Taştan, Coordinator of Association for Monitoring Equal Rights;
- Muhammed Şeyhmus Özbekli, a newly qualified lawyer who is a former member of Mazlum-Der and a member of the Rights Initiative working in Diyarbakir.

Nalan Erkem



Participating in the workshop held in Büyükada as member of the Citizens Assembly, Nalan Erkem is a lawyer. She was the board member of the Izmir Bar Association between 2002 and 2004, and carried out "The Role of Lawyers in Preventing Torture" project supported by the EU. She also carried out Rusihak's (Human Rights in Mental Health Initiative Association) projects for monitoring human rights in psychiatric hospitals and care institutions. She worked as an expert for projects such as prevention of violence in juvenile detention centers carried out by the Bar Association; "Don't Remain Silent against Torture" and "Monitoring Violence against Women" projects carried out by IHD (Human Rights Association of Turkey); and "monitoring judicial processes", "monitoring discrimination" and "Empowerment of Women Commissions in Bar Associations" programs of IHOP. She also published monitoring guides as part of these projects.

Özlem Dalkıran



Member of Citizens' Assembly, Özlem Dalkıran is a founding member of Amnesty International's Turkey branch. She has worked as a human rights defender in various human rights organizations for years and carried out campaigns. She took initiative and assumed responsibility during the process of establishing Amnesty International's Turkey branch; she served as the head of the Amnesty International Turkey branch for two terms and also worked as the organization's head of media relations. She has been contributing to and working as an expert in many projects, campaigns and educational works of Citizens' Assembly, including "New Tactics for Human Rights" project and carrying on administrative tasks. She also worked as a

coordinator at Binaet (Independent Communication Network). For years, she had been a member of Hrant Dink Foundation Award Committee and she still provides support to the Foundation. She works as a freelance translator.

İlknur Üstün



Participating in the workshop on invitation as the coordinator of Women's Coalition, İlknur Üstün studied philosophy in Ankara University. She continued her graduate studies on "Gender and Women's Studies" at the same university as special student. She is actively involved in various women's organizations. She worked as the chairperson of KA.DER's (Association for Supporting Female Candidates) Ankara branch; since 2002, she has been working as the Coordinator of Women's Coalition. She studied on gender and local politics. She takes part in works for monitoring equality on local level and has been seeking to develop an original model for monitoring the activities of local governments in terms of gender equality. She also played an important part in the reform of laws in favor of equality between women and men. She worked as a trainer and researcher in Human Rights Joint Platform's projects on gender equality, disability rights and combating discrimination. She wrote the following books: Home Sweet Home: Women and Men in the Democratization Process; Try that Perspective: Gender Inequality Is Not a "Women's Issue", It Is a Social Issue; Gender Equality: Are We Able To Take It Into Account?; Understanding Trabzon; Did We Get All That Education for Nothing?.

İdil Eser



Director of Amnesty International Turkey branch, İdil Eser received MA degree in international relations from Columbia University and continued her PhD studies on Russian history at Chicago University. She worked as a freelance translator for a long time. She wrote reports on human rights issues, carried out projects and works for developing strategies and programs in organizations like TEMA (Turkish Foundation for Combating Soil Erosion, for Reforestation and the Protection of Natural Habitats), History Foundation (Tarih Vakfı) and Citizens' Assembly. She worked as networking expert in Civil Society-Public Administration Cooperation project. She offered classes to NGO workers on project budget planning as part of pilot project of NGO Master's Degree Program of Bilgi University. She actively contributed to the establishment of the cooperation between Citizens' Assembly and Doctors Without Borders (Spain). Since May 2016, she has been working as the Director of Amnesty International Turkey branch.

Günel Kurşun



Günel Kurşun is a board member of Human Rights Agenda Association and an academic with PhD degree in law. Before he was dismissed by an emergency decree, he was a faculty member at Çukurova University School of Law. He is one of the few academics in Turkey who studied on International Criminal Court (ICC). He also carried out civil society activities for Turkey's membership to ICC and against hate crimes. He is an Amnesty activist and a board member of IHOP.

Veli Acu



Participating in the workshop as the board member of Human Rights Agenda Association, Veli Acu was born in 1988 in Siirt. He studied political science and public administration at Gazi University. He continues his studies at Gaziantep University English Language and Literature Department. He has been working as a member of executive board of Human Rights Agenda Association since 2009 and a member of Amnesty International since 2010. He is interested in human rights, nationalism, political theory, social movements, liberal thought, theories of democracy, and civil society. Since 2010, he has worked as a volunteer and professional in various civil society organizations. He works as a professional in United Nations World Food Program since May 2016.

Nejat Taştan



Participating in the workshop on invitation, Nejat Taştan, Coordinator of Association for Monitoring Equal Rights, is a human rights defender since 1986. He was a board member of the IHD and also worked in IHD as the general bookkeeper between 2002–2004 and secretary general between 2004–2006. During the same period, he was a board member of IHD and IHOP. He is a member of IHD founder's committee. He took part in administrative and advisory boards of numerous civil society organizations working in the fields of human rights and discrimination. He is an expert on numerous fields of human rights, including discrimination on the basis of race, ethnicity and religion, disability rights, freedom of expression and association, and right to fair trial. As a member of the Independent Election Monitoring Platform, he has been actively working in monitoring all elections in Turkey since 2011. Since 2010, he has been the general coordinator of Association for Monitoring Equal Rights of which he is a founding member.

Şeyhmus Özbekli



Invited to the meeting via Rights' Initiative, Şeyhmus Özbekli was born in Diyarbakir in 1992. He has recently graduated from Dicle University School of Law and he is still a law apprentice at Diyarbakir Bar Association. He has been working in the field of human rights for about 4 years. He is an active human rights defender working in Rights' Initiative. He is also working in the Diyarbakir Bar Association's Human Rights Department.

Participatory Institutions

HIVOS / www.hivos.org



Founded in 1968, HIVOS is a The Hague-based human rights and environment organization working in the fields of “sustainable food, renewable energy, transparency, accountability, freedom of thought, sexual rights and diversity and furthering women’s rights”. While HIVOS report titled “The Evolving Role of Gulf Countries in the Middle East and North Africa and Beyond” is featured in Turkish National Security Council’s website, HIVOS provided support to Turkey in some projects launched after the earthquake in 1999 and recent projects concerning Syrian refugees. It provides financial support to civil society organizations in Africa, Latin America and Asia. It also provided support to the workshop of human rights defenders by covering some part of travel and accommodation expenses of the participants.

Citizens’ Assembly Turkey / www.hydr.org.tr



Citizens’ Assembly (formerly known as Helsinki Citizens’ Assembly) is a civil society organization working with the purpose of strengthening citizenship platform in the fields of fundamental rights and freedoms, peace, democratization and pluralism since 1990. It started its activities in 1990 in parallel with the initiative of the international Helsinki Citizens’ Assembly. In 1993, it was established in Istanbul as the first organization recognized by the Turkish Council of Minister as an internationally operating association with its intercountry, transborder perspective, goals and working principles. The name of the organization, which refers to The Helsinki Final Act, was changed to Citizens’ Assembly in the general meeting held in 2016 for the sake of easier communication. hCa carries out works aiming to enable citizens to have a say in decisions and actions that shape their lives and to initiate an economic transformation based on social texture and peace, and humane, social, urban and ecological common interests. It aims to introduce - into daily life - values such as life with dignity, the rule of law and justice, accountable, transparent and participatory public administration, gender equality as enshrined in international conventions; resolution of conflicts and problems through peaceful negotiations, consultation and dialogue and to ensure that these values be concretely reflected and spread on a civic basis.

Women’s Coalition / www.kadinkoalisyonu.org



Women’s Coalition is a platform consisting of locally and nationally organized independent women’s organizations that came together with the purpose of furthering women’s participation in social and political life, and enabling a political practice aiming to justice in the face of existing politics based on power and violence and encouraged by discrimination. The main concerns of the Coalition are to defend women’s rights and freedoms, establish justice, secure equal and effective participation and establish a peaceful and anti-discrimination policy. Thus, it carries out works aiming to develop advocacy tools; establish monitoring mechanisms in consideration with previous gains that would make possible to participate in all public policies on local and national level; and to develop environments that would enable solidarity and joint action with other organizations having the same values. It consists of more than 100 women’s organizations, including Association for Supporting Female Candidates, Center for Women and Turkish Women’s Union.

Amnesty International / www.amnesty.org.tr



Amnesty International is an internationally-renowned global movement that consists of people working for securing respect for human rights, preventing human rights violations and protecting these rights. Its vision is a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. Cooperating with more than 7 million people, Amnesty International is a global movement operating in a total of 216 countries and regions. These people with different cultures and different religious and ideological beliefs join forces through the commitment to working for a world in which every person enjoys fundamental human rights and every one adopts, conforms and protects human rights. Amnesty International, with its activists, members and supporters, undauntedly seeks to improve human rights through campaigns based on international solidarity. Establishment of Amnesty International Turkey branch dates back to the initiative launched by Amnesty volunteers in Istanbul in 1995. After works and campaigns carried out by the volunteers, Amnesty International Turkey branch was officially established in 2002.

Human Rights Agenda Association / www.rightsagenda.org



The Human Rights Agenda Association was established in 2003 in İzmir with the participation of human rights defenders from different regions of Turkey in order to operate in the field of human rights on a national and international level. Accepting human rights as a value that is above all political ideologies and worldviews, the Association believes that rights can be improved only by developing an approach that would get into the bottom of existing problems and by using proper tactics and strategies to apply concrete solutions to real life. Denouncing all forms of violence categorically, it acknowledges that the state is the main agent of human rights violations, but also objects to the human rights violations committed by the armed dissident groups.

Association for Monitoring Equal Rights / www.esithaklar.org



It was established in 2010 with the purpose of making human rights and freedoms recognized by all and enjoyed equally. It carries out monitoring and reporting works for prevention of discrimination, improvement of respect to human rights and differences, and creation of a democratic society. The focus of the works is discrimination.

AMER has been carrying out the following works: Monitoring and issuing reports concerning elections with Independent Election Monitoring Platform since 2011; monitoring and issuing reports concerning discrimination based on ethnicity and religion since 2014; monitoring and issuing reports concerning right to peaceful assembly and demonstration and right to fair trial since 2015; and monitoring disabled people's access to justice and carrying out works for furthering it since 2017. In 2013, it issued reports for monitoring the condition of refugees who don't live in camps. Since 2011, with Independent Election Monitoring Platform, it has been monitoring all elections in Turkey and issuing reports on them. It is a member and Turkey coordinator of Global Network of Domestic Election Monitors organization.

Other activities include issuing and presenting shadow reports to international institutions, following court cases with regard to fair trial, and providing legal support to individuals. When necessary, it applies to Ombudsman Institution and National Human Rights and Equality Institution of Turkey to ask their ideas and comments.

Rights Initiative



After 16 branches of MAZLUM-DER, which has 26 years of experience in human right advocacy, were shut down, human rights defenders, basing on this background, established Rights Initiative on April 20, 2017. It operates in 20 cities in every field of human rights.

DETENTION PERIOD AND VIOLATIONS OF RIGHTS

On Wednesday 5 July, at 9.30 AM, upon the Adalar (Princes Islands) Public Chief Prosecutor's order and, as indicated in the Adalar police arrest warrant, "by way of raid," human rights advocates were arrested in their meeting room, the doors of which were open, and put under custody on the basis that there had been a denunciation. Some of the rights violations to which human rights advocates were submitted during the arrest can be summarised as follows:

No proceedings were made towards establishing the content of the computers, cell phones and other digital equipment as they were confiscated during the raid.

The police informed no one that the human rights advocates had been taken into custody and furthermore did not allow them to inform their families or lawyers.

It was by pure chance that the news of their arrest came out on the evening of 5 July. Despite the fact that they were taken under custody around 9.30 AM, the custody record mentions the arrest time as 2.30 PM.

On the day of the arrest, it was announced around midnight that eight of the arrestees had been dispatched to different police stations on the Anatolian shore by groups of two, but no information was given as to exactly where these people had been sent.

They were finally permitted to inform their close ones some 30 hours after their arrest, on Thursday 6 July at approximately 2.30 PM. It was only then that the information was given that a confidentiality order had been given concerning the case and the police stations where the human rights activists were detained.

The custody period was declared to be of seven days, beginning on 5 July 2.30 PM according to the official records.

Because of the confidentiality decision, lawyers were able to obtain neither oral nor written information concerning the imputed offence; however they were able to establish on the basis of the documents prepared for their visits that the word "terror" and, as the name of the organisation, the letter "A" had been written down.

The decision of confidentiality had been taken from the very first moment. The justification for the custody of the human rights advocates could therefore not be understood and no possible legal basis or evidence be examined.

On Monday 10 July, the sixth day of their custody, towards the evening, the houses of the human rights advocates who lived in İstanbul, and towards the morning the houses of those who lived in other cities were searched. The prosecutor in charge of the investigation then decided to prolong the custody for seven more days, on the basis of this event.

From the third day of custody onwards, the human rights advocates were held at the Terrorism Branch Office of the İstanbul Police Headquarters, in an airless and dark environment, five or six people having to stay in rooms that could accommodate a maximum of three people, and having therefore to sleep quite a few times on the ground they were sitting on.

Despite the legal requirement to have a competent health care institution hold a health check-up for people under custody, it was considered sufficient to have people presented as "medical doctors" come over to the police headquarters and ask whether the detainees wanted any drugs. These were the conditions under which medical check-ups were implemented. Practically all the medical consultations carried out on the human rights advocates who did not speak Turkish were made without the presence of an interpreter, despite the repeated demands of their lawyers. Ali Gharavi fainted twice during this

detention, but no required detailed and full-fledged medical examination was carried out. Indeed, he was sent off to a doctor who did not speak English for a botched examination, held without an interpreter, despite the fact that his lawyers had provided one. Neither was a health report presented to his lawyers, despite their request for one.

The specific food for the special diet required for the human rights advocates due to their health problems were not provided to them and the request to have the food fetched or obtained from outside the prison was refused, despite the insistence of the lawyers and the medical reports presented.

SMEAR CAMPAIGN

Despite the secrecy constraint imposed on the investigation, the social and mainstream media launched an all-out smear campaign against the detainees, in open violation of the principle of presumption of innocence as well as the constraint decision, thus committing the offence of calumny. A number of media organs pursued day by day their sham and baseless allegations against the human rights advocates, who have for years conducted their work openly and rightfully, accusing them of being “spies” meeting secretly to conspire against the government. Releases made by some of the social and mainstream media amount to hate speech according to the definition adopted by the Committee of Ministers of the Council of Europe in their recommendation in 1997.

Thus, while it was legally necessary to abide by the secrecy constraint brought to the case by the confidentiality order, it was not applied to the media establishments who not only trampled it but also showed total disregard for the privacy of the people under custody as well as for the principle of presumption of innocence. On the other hand, human rights advocates under custody, their lawyers, relatives and the civil initiatives they were member of were rendered unable to explain the truth against the unfair allegations and the distorted facts put forth against them.

Discrimination and hate speech, the latter being one of the concrete forms it takes through the media, can have dire consequences, having the potential to cause damage to both society as a whole and to each and all of its individuals. The potential effects of the smear campaign launched through the social and mainstream media which began with the arrest of the human rights advocates on 5 June are even more serious than those we mentioned concerning hate speech. For this smear campaign and the efforts to portray human rights and human rights advocates as guilty in the eyes of the public carry the potential of intimidating them and of inciting prejudice and violence against them. These destructive effects will become clearer when a few press releases are given as examples of this smear campaign led against human rights advocates.

The first news of the event appeared in the press on the next day of the arrests, on 6 July 2017. Despite the different headings, the content of these releases was similar in many press organs. The news presented the raid as an “Operation on a Meeting taking place in Büyükkada” in the *Sabah* newspaper, as a “Raid on a secret meeting in Buyükkada” in the *Akşam* newspaper, as a “Spy Hunt in İstanbul” by A Haber, as a “Police Raid on a Meeting taking place in Büyükkada: 12 in custody” in the Haberler.com web site, and as a “Spy Hunt in İstanbul” by the *Takvim* newspaper. A number of internet sites and local newspapers presented these news stories under similar headings. The news content was the same in all publications. Press releases mentioned a police raid carried out following obtained intelligence and the arrest during this raid of 9 people said to have organised a “training program related to the protection of human rights advocates”. Having mentioned the fact that the Police Headquarters had made no declaration concerning the event, the news referred to another meeting which took place in Büyükkada on the very day the 15

July coup attempt was launched, the outcome of its related investigation remaining unclear despite different slanders and allegations. This reference contained a series of “exaggerations, charges and distortions,” providing hints on the discourse being set up in relation to the detainees.

Characterising human rights advocates as “agents” in headlines and insinuating that an open workshop meeting which – even according to the related police report – took place in a hotel in Büyükada in a hall the door of which was kept open as a “secret” meeting clearly constitutes a malicious act of distortion and calumny.

The discourse that the headlines, under which the first news appeared right at the beginning of the detention, and the identical contents of the stories were all trying to develop became clearer in the following days. The written statement made on 7 July 2017 by the Police Headquarters described a routine custody operation. After specifying that 10 people had been taken under custody following a denunciation, the statement declared that “Upon the order of the Adalar Criminal Court of Peace, meetings of the persons put under custody with their lawyers is limited to a 24-hour period, starting 2.30 PM on 6 July, that individuals under custody were given the possibility to meet with their lawyers in conformity with the relevant article of the Code of Criminal Procedure (CMK) and that their meals have been served and their medication requirements met from the moment they have been arrested.” It was also stated that throughout the period they were kept under custody, the said individuals experienced no health problem. Despite this statement, from 7 July onwards, certain media organs’ news and headlines continuously included slandering and incriminating statements, mentioning things like spying and chaos plans.

While human rights advocates were still under custody, a newspaper ran the following headline on 8 July: “Shocking detail concerning the Büyükada raid: They were caught with a map in hand.” One of the subjects treated in the workshop was titled “Coping with Stress.” During the work session, Veli Acu from the Association for a Human Rights Agenda had described refugees-related events he had witnessed while working for a UN project in Gaziantep, Turkey. The other participants having been very affected by this testimony, facilitator Peter Steudtner, and expert on “coping with stress,” decided to have a break, asking the participants to sketch the points that affected them. In the context of this exercise consisting of expressing one’s feelings by means of this picture-drawing method, which is sometimes used to help cope with stress, Özlem Dalkıran scribbled on a piece of paper the subjects that disturbed or made her sad in Turkey.

Presented in the press as a map, this sketch is difficult to understand without the guidance of Özlem Dalkıran herself. For in this picture which Dalkıran randomly sketched, she depicted many issues causing her grief and concern, issues ranging from the war raging in Syria, the overbuilt cities of the Aegean region which she tried to symbolize with high rise buildings, wire fences with which she tried to express the dramatic fate of refugees along the Aegean coast, to the hydro-electric plant projects blighting the Black Sea region. This sketch was drawn on the fly in a haphazard manner as part of a stress-management exercise made during the workshop. What was reflected as a map in the press headlines on 8 July, only two days after the beginning of custody, was in fact this childish scribble made as a stress relieving exercise.

The impact of this media hate speech which equates the activities of human rights advocates to spying will increase in the days to come. It is clear however that this hate speech which is being stirred up and intensified by certain media organs serves to both influence the trial undergone by the human rights advocates and manipulate public opinion.

According to certain press headlines, “the insidious plan had been exposed just as (opposition party leader) Kılıçdaroğlu was approaching İstanbul (in his protest march)” and described those under custody as “so called human rights activists preparing new Gezi

Park type provocations.” Most of these press releases also referred to the nationality of the two expert facilitators whose competence and experience in human rights advocacy matters have been shown above in this report, going as far as trumping up “CIA and MI6 links.”

As for the denunciation that led to the police raid and the deposition of the anonymous witness who did the denunciation, it included little more than negative interpretations of certain presentations which dealt with subjects like how to protect delicate information, security measures and how to provide internet and data security for institution computers. The anonymous witness had not hesitated to make certain additions to the presentations made on communications and IT, which were made in total consistency with the objectives of the workshop, and to the related questions asked. In the following days, participants in the workshop revealed that this anonymous witness was one of the two persons taking part in the workshop as professional interpreters, that this person’s interpretation performance during the workshop had been very much criticised, and that he had made additions to the questions asked by the participants to the expert facilitators instead of translating them exactly and had given his own answers to these questions.

It is said that this operation which, apart from being directed against human rights advocates, further tarnishes our country’s understanding of law and justice, was launched by a county prosecutor. The İstanbul Office of the Chief Public Prosecutor and the Office of Terror and Organised Crime Investigations were later included in the case. Despite all the official statements made since the beginning of the custody, all of which declared that the raid was ordered by the Adalar Office of the Chief Prosecutor and executed by the Adalar police following a “denunciation,” certain newspapers were mentioning in their news “A successful operation of the security intelligence who made a raid against 10 spies, two of them foreigners, as they were preparing an insurrection under the guise of human rights activists.”

In their statements, State officials insisted that the verdict concerning this raid, which followed a denunciation, and concerning the people under custody was to be given by a judge. However, some media organs had already begun to talk about “the spies caught in Büyükdada,” having long given their own verdict concerning the human rights advocates. While these calumnies and slanders continued in the media, the human rights advocates’ custody came to an end. These ill-intentioned, baseless, calumny-filled press releases went on without diminishing after the custody of the human rights advocates had come to an end.

ARREST WARRANT AND CHARGES

On 17 July 2017, after 13 days of custody, all of the human rights advocates were sent to the Criminal Court of Peace on duty for arrest, upon the orders of the Terror and Organised Crime Investigation Office of the İstanbul Public Chief Prosecutor Office, after they had made their depositions. The Office of the 10th Criminal Justice of the Peace requested that six of the ten human rights advocates be arrested. İdil Eser, Özlem Dalkıran, Ali Gharavi, Peter Steudtner, Veli Acu and Günel Kurşun were arrested on charges of “assisting an armed terrorist organisation” and sent to the prisons of Bakırköy, Maltepe and Metris. Nalan Erkem, Şeyhmus Özbekli, Nejat Taştan and İlknur Üstün were released while remaining on judicial control, having to present themselves to the police and sign in 3 days a week. However, upon the objection of the investigation prosecutor, an arrest warrant was issued for these four people that had been released, Despite the fact that the four of them had presented themselves of their own free will to the relevant authorities, the declared motives for the arrests of Nalan Erkem and İlknur Üstün were that “A study of the case concluded that considering the fact that the acts of the suspects were deemed of

the same nature as those of the other suspects, the fact that there was concrete evidence of the crime of supporting an armed terrorist organisation, the nature of the crime and suspicion that suspects might abscond and go into hiding, the judicial control measure would not be sufficient." Nalan Erkem was sent to the Bakırköy prison and İlknur Üstün to the Ankara Sincan prison.

Nejat Taştan was released but remained under judicial control, having to present himself and give his signature twice a week while Şeyhmuz Özbekli who was also released had to present himself three days a week. Both of them were banned from leaving the country.

The fact that the cover letter for Ali Gharavi's arrest warrant mentioned the presence of "a map in which the South-East and East Anatolian regions situated within the borders of the Turkish Republic are shown as etymologically separate and as if they belonged to another State" goes to show that the prosecutor made a deliberately far-fetched interpretation of a map, which amounts to a misrepresentation of its actual nature of which he must have been quite aware. The only concrete evidence shown for the arrest of Ali Gharavi was an Atlas of languages with colours showing which languages were spoken at which period in the countries of Asia, which he used in his own country in a general knowledge course for high-school teachers in a university he had been invited to, and was not used in any way in the Büyükada workshop, being unrelated to the subject and not included in the materials he used in it. Ali Gharavi's course program included many related etymological texts and illustrations apart from this map but none of them were taken into consideration. Not a single evidence was found concerning Peter Steudtner just as there was no imputed offence to be brought against him.

During his interrogation at the Prosecutor's office, he was accused of contacting Günel Kurşun through someone using ByLock and of "harbouring the organisation" A member of the Association for a Human Rights Agenda, Günel Kurşun had been commissioned by the Çukurova University, where she was then working, to take part in an education program organised together with the Ministries of Justice and of the Interior. A head of police who was in charge of the program's coordination had called a few times to ask questions regarding the organisation. A ByLock connection was detected on this policeman's phone but no investigation was made until he finally retired. As for the crime of "Aiding and Abetting a Terrorist Organisation," it was practically impossible to discuss. Indeed, the prosecution proceedings specify neither what kind of aid and abetting was provided nor to which terror organisation this was done.

A similar charge was brought against Nalan Erkem. She was faced with the following allegation during her police interrogation: "Someone with a ByLock phone app has called you." The phone number in question belonged to Prof. İştâr Gözaydın, who was arrested on 27 December 2016 in relation to the FETÖ (Fethullah Gülen Terror Organisation) investigation and later released. According to the HTS (Historical Traffic Search) records brought forward, she had been called five times by İştâr Gözaydın and she had called her three times. These calls had begun after Prof. İştâr Gözaydın had appointed Lawyer Nalan Erkem as her representative, in other words immediately after the letter of attorney had been established, and continued for a period of three months. Evidently, besides both of them being members of the same association, Nalan Erkem acted as İştâr Gözaydın's representative and the calls made during that period took place within the scope of a representative - client relationship. Moreover, İştâr Gözaydın's representative happened to be among the other lawyers present during the police interrogation of the human rights advocates. Having determined this substantive mistake in the documents, the lawyer declared that: "No ByLock app was found in İştâr Gözaydın's phone; the documents contain incorrect information," and asked for them to be corrected, which was done after a police investigation was made. Besides the point of the reference to ByLock, the five phone calls Erkem had made to Gözaydın were used as evidence for her incrimination despite the fact that no verdict of conviction had been given against İştâr Gözaydın. In other words, a

conversation between a lawyer and his client was turned into a motive for that lawyer's arrest, causing that person to be the subject of an inconceivable accusation. Nalan Erkem had been at first released by the investigating judge. However, following the opposition of the investigating prosecutor, a warrant of arrest was again issued against her and she was again put under custody, spending the night in detention at the anti-terror branch office. The next day she was brought before the interrogation judge as late as midnight, despite the fact that she had been transferred to the courthouse in the morning. Another "evidence" related to Erkem's arrest was a document of the MIT (National Intelligence Organisation) found in her computer. This document had been included in the Malatya Zirve Trial, in which Erkem acted as a lawyer. It was handed over to the defendants (the suspect and his lawyers present) in the form of a CD by the presiding judge during a hearing and this act was formally mentioned in the records of the proceedings. The said MIT-signed document was a section of a Turkish Grand National Assembly Commission of Investigation report. The report can still be seen on the Turkish Grand National Assembly website. Thus, this allegation, too, had to do with a document from a trial in which Nalan Erkem acted as a lawyer.

No special and concrete charge of the crime of supporting an armed terror organisation was brought against İlknur Üstün. No concrete evidence liable to indict İlknur Üstün or give rise to reasonable doubt was found either in her phone registry or her digital material and the prosecutor did not pursue the case. The only particular question asked to the applicant was related to a Word document found in her computer, the title of which began with the words: "Taking place with the support of your Embassy" and continued as: "gender equality, participation in policy-making and reporting." The document was considered to have been written by İlknur Üstün and she was asked what this amounted to. It was explained in detail to the prosecutor and the Court that the project was not İlknur Üstün's project but the project of a coalition of women which included some 100 women, that it was run by the Ayizi Publishers and that İlknur Üstün was following the project as coordinator of the Coalition of Women, the subject of the project being Gender Equality, Participation in Policy-Making and Reporting.

One of the human rights advocates who was most exposed to press attacks was Özlem Dalkıran. As the others, she was submitted to serious violations of rights and became the target of press attacks and smear campaigns. Despite dozens of news stories about her, the only charges consisted, as in the case of Nalan Erkem, of making a phone call to Prof. İftar Gözaydın and of a Word document titled "İstanbul Hayır Meclisleri Buluşması-Tartışmalar" (İstanbul "No" Assemblies Meeting: Debates).

Despite the fact that Özlem Dalkıran's telephone conversations were screened for as long as year and a half (from 01 January 2016 to 05 July 2017), only one call, made to Prof. İftar Gözaydın on 8 April 2017, could be taken into consideration, which only goes to show "to what extent the charge can be taken seriously and what it is worth from a legal point of view."

Arrested on 27 December 2016 on the grounds of her position as head of the sociology department of Gediz University which was closed down, and released 3 months later, Prof. İftar Gözaydın was among the founders of hYd (Helsinki Citizens Assembly). Thus, it is only natural that not only Özlem Dalkıran and Nalan Erkem, members of the same association who have been active in it for years, but many other people and organisations active in the field of human rights should make a phone call to a scholar they know. Notwithstanding the fact that there was no definitive court ruling, to come to the conclusion in a legal text (the warrant of arrest prepared by the investigation prosecutor's office) that a non-detained person whose trial has not even begun (the first hearing is to take place at the 27th İstanbul Criminal Court on 12 September 2017) is linked to FETÖ/PDY (Fethullah Gülen Terror Organisation/Parallel State Structure) is equivalent to sentencing someone before a first hearing has even taken place.

As can be seen, the “extrajudicial” attack launched against Prof. İřtar Gözaydın was pursued against Özlem Dalkıran and Nalan Erkem and both were arrested on the ground that there was a record of a meeting they had had with Bedriye İřtar Tarhanlı, who had been arrested and put under detention in the context of an operation launched against the FETÖ/PDY terror organisation.

The reason Özlem Dalkıran was arrested a second time is equally absurd. Indeed, it was established that the Word document entitled: “İstanbul Hayır Meclisleri Buluşması-Tartışmalar” was found on her computer, and in its Debates section, the document mentioned how to distribute writings concerning Semih Özakça and Nuriye Gülmen, who had been arrested for alleged activities within the DHKP/C Terror Organisation, in the districts where public marches were to take place.

Until today, Özlem Dalkıran has not taken part in the “Hayır” (Nay) assemblies, which began to take shape on a district and provincial level during the referendum period, and has not participated in any of their activities or meetings. She has not written this text, but simply downloaded it on her computer. The fact that the content of this text refers to the Gezi events and the March for Justice has neither meaning nor base in terms of the charge imputed to her. Besides the fact that Özlem Dalkıran has declared that she has only downloaded this text and not read it, the content of this text, in itself, includes no element of crime. The text only mentions opposition to the people in power, which does not constitute any offence or crime.

The text providing a base for allegation consists of two separate Word documents: the “İstanbul ‘Nay’ Assemblies Meeting Notes” and the “İstanbul ‘Nay’ Assemblies Meetings Conclusions,” both written during the İstanbul “Nay” Assemblies Meeting which took place on Sunday, 18 June 2017 at the Harbiye Kenter Theatre. Both texts were and still are openly shared on social media.

Judging from the first sentences of the conclusion text, the meeting had been announced days before on social media (via an open call) before it took place at the Kenter Theatre with a participation of some 400 people.

The charge brought against Özlem Dalkıran mentioned above was not based on the neatly edited “Conclusion Text” but on the “Meeting Notes” which include the completely different, sometimes contradictory and sometimes opposing opinions of the participants. The “Meeting Notes” consisted of personal views concerning the country’s agenda, the opposition policy to be implemented and peaceful actions that excluded anything that could constitute an offence, and dozens of different issues and action proposals ranging from the question of how to avoid the deaths of Semih Özakça and Nuriye Gülmen, who had started an indefinite hunger strike after their request to be reappointed to the jobs they had lost was refused, to how the march for peace could be reinforced at district and provincial level, none of these related deeds constituting an offence.

Özlem Dalkıran was not informed of the conclusions of this meeting which she did not attend to. Still, had she herself gone to the meeting and expressed these views or had these texts been written by herself, then what of it?! Can anyone claim that a meeting content and/or the expression of such content of ideas constitute a crime?

İdil Eser was charged with hosting among her own digital material documents related to Semih ÖZAKÇA and Nuriye GÜLMAN the picture of a message sent from a fake social media account to the social media account of the Turkish branch of Amnesty International, and “documents sent to the Embassy of South Korea in Ankara, asking them not to export gas to Turkey...”, as well as having had a telephone conversation with someone who was using the ByLock app. The document related to Semih Özakça and Nuriye Gülmen was a call for urgent action from Amnesty International. Urgent Action is the name given to the swift, short term signature campaigns led by Amnesty International since 1973 for individuals whose human rights have been violated and whose situation requires urgent

action. Amnesty International does not support hunger strikes and tries to convince hunger strikers to put an end to such protest actions. However, Amnesty International is against punishing hunger strikers for refusing to be fed as well as any attempts to force them to put an end to their hunger strike. The message of the urgent action we are talking about here was about respecting this principle. As for İdil Eser, she received the message that the headquarters was about to take a decision concerning the mentioned urgent action and, as an employee of Amnesty International, she did her duty and shared this information with her concerned colleagues. Thus, the situation concerning the message produced as evidence for the criminal charges put forth against İdil Eser is quite clear.

Concerning the fake message, civil society organisations are organisations open to the public and they share their information in an open and transparent manner. As is the case for other CSOs, the Turkish branch of Amnesty International receives a great number of messages every day. After receiving this message, as director of the branch, İdil Eser presented it to the board of managers; having determined that the sender was situated outside the country and had used a fake account, the board of managers considered the message to be fake and not to take the sender into consideration.

The matter of the letters written to the Embassy of the Republic of South Korea has to do with a campaign launched after a call dated 9 December 2014 received from the headquarters of Amnesty International. Following this call which the AI headquarters disseminated to its branches, the Turkey Branch of AI launched on 30 December 2014 a campaign entitled “Korea, Stop Egging Us On” which it conducted during the period January 2015 - June 2015. It was May 2016 when İdil Eser started working for AI’s Turkey Branch. Therefore, the said campaign was conducted before İdil Eser started working for AI’s Turkey Branch. Besides, AI’s Turkey Branch reported its campaign activities for the years 2014-2015, the period it conducted the said campaign, to the Associations Division of the Ministry of the Interior by means of the requisite Activity Report Form and the Associations Declaration which it submits to the said division in February and April every year in accordance with the regulations governing associations.

The person İdil Eser had telephone conversations with, on whose phone ByLock was allegedly installed, was Amnesty International’s Chairperson Taner Kılıç. It is perfectly natural for İdil Eser to call, to consult and to communicate with Taner Kılıç, who remained the AI Chairperson throughout İdil Eser’s term as the Director of AI’s Turkey Branch, and vice versa. What’s more, no final court ruling exists affirming Taner Kılıç’s using ByLock. In fact, the technical expert witness determined that ByLock was not installed on Taner Kılıç’s telephone, which fact was entered in the investigation file concerning him and was submitted to the case file by his lawyers in a report.

Similarly, Veli Acu was arrested although he did not have ByLock on his phone because someone who called him had ByLock on *his* phone, because he had a telephone conversation with a person who was a supporter of PKK/KCK’s youth organization, because he had six books on his flash disk, and because he had received an email that included references to Semih Özakça and Nuriye Gülmen. The person who allegedly had ByLock on his phone was someone Veli Acu did not know who had found Veli Acu’s name on the career network site LinkedIn and wanted to consult with him about a job application he had submitted to the United Nations. This person’s phone number was not recorded in Veli Acu’s phone book. Besides, *he* was the one who had called Veli Acu. Veli Acu had no chance of knowing whether a stranger who was calling from an unfamiliar number was a ByLock user or not. As for the person who was allegedly a supporter of the PKK/KCK organization, he was a relative and a schoolmate of Veli Acu’s. He was arrested on the aforementioned grounds and subsequently released, case pending. The telephone conversations were chats about family relationships and school ties which had taken place after release. The books in question were reference sources publicly accessible on the internet which Veli Acu had cited in the references section of a homework he had

prepared when he was still a student back in 2013 when these books were not the object of a confiscation ruling. This homework of Veli Acu's is in a folder named "homework" on the flash disk but the books were deleted after the homework was completed. The covers of the books, however, were restored and entered in the case file. The contents of the email Veli Acu received that had references to Semih Özakça and Nuriye Gülmen are not in the case file. It is perfectly natural for human rights advocates to receive such emails.

NEWS STORIES IN THE WAKE OF DETENTION AND INDICTMENT

The propagation of defamation and hate speech continued through the media after the detentions despite a confidentiality order in the investigation numbered 2017/99344 conducted by the İstanbul Office of the Prosecutor for Terrorism and Organized Crime. This time the sights were set directly on Ali Gharavi and Peter Steudtner. In a story headlined "Peter the Chaos Coach: "The consulate was watching us"" on 25 July 2017, the daily *Star* claimed that Ali Gharavi and Peter Steudtner were plotting an uprising; that the German consulate was monitoring every phase of the preparations for this "uprising;" that Peter had organized acts of chaos in a great many countries including Kenya, Angola, Mozambique and Nepal; that he had engaged in nefarious acts in the four corners of the world, and that he had stated that the German consulate was keeping track of them via an app called Elefand which it had them install on their phones.

In a similar vein, the daily *Güneş* claimed on the same day under the headline "Hatching an Evil Plot" that HDP had pressed the button to set off the street provocations plotted at the cloak-and-dagger conference in Büyükkada, that the human rights advocates were the organizers of this plot, that it had been discovered that Peter Steudtner's every step was tracked by Berlin by means of an app called Elefand - meaning elephant, that he had taken part in chaotic plots in a great number of countries, and that Peter had organized acts of chaos in a large variety countries including Kenya, Angola, Mozambique and Nepal besides Turkey. The story also included the quote "The German representation in İstanbul is cognizant of my every move from my entry in Turkey to my accommodations."

Besides openly distorting facts and being in the nature of a vicious assault on the personal rights of Ali Gharavi and Peter Steudtner whom they flagrantly target, these publications are in breach of the confidentiality order on the file linked to their pre-trial arrest not to mention the doctrine of presumption of innocence safeguarded by domestic and international jurisprudence. Another interesting fact about these stories is that they were written by the same reporter for three different newspapers.

The app Elefand mentioned in these reports did not serve to ensure Peter Steudtner's tracking by the German consulate. It is a data storage app offered as an optional service to all German citizens travelling abroad so that their personal safety can be ensured and their kin may be notified in the event they suffer some hardship abroad.

That the human rights advocates "had stated that the German consulate was keeping track of them via an app called Elefand which it had them install on their phones" as claimed in the story turns this fact upside down. Elefand is not an app that can be downloaded to phones. It is a system whereby German citizens travelling abroad can notify the consulate concerned of their whereabouts; namely a system serving to keep the consulates informed. In fact, the embassies and consulates of the Republic of Turkey also have a similar system in place which functions over the GSM service providers' networks from which citizens receive service. Therefore, this deliberate misreporting that "the German consulate was watching [us]" is nothing more than a distortion of the facts and an attempt to present Peter Steudtner as a spy.

That the human rights advocates were going to start an uprising with the consulate watching every step was another piece of fabricated disinformation. The fabrication did not end there: charges one could hardly imagine even if one forced oneself to, such as Peter's "having organized acts of chaos in a great many countries including Kenya, Angola, Mozambique and Nepal and engaging in nefarious acts in the four corners of the world," were presented to the public in a manipulative manner in news format. That Peter Steudtner has indeed been to the countries mentioned is a fact easily accessible on the internet. He was active in reclaiming child soldiers back to society in Mozambique and has been helping provide communication and information security related support in countries including, among others, Kenya, Angola and Nepal since 2011 with HIVOS, a Netherlands-based non-governmental organization. As a matter of fact, his participation in the workshop upon invitation as a facilitator took place through the same channels.

The falsehood in the daily *Star's* story according to which "The agents who met in a hotel in Büyükada on 15 July had plotted a coup; when the coup failed, FETÖ's masters reunited in Büyükada one year later" is a total slander fabricated by the newspaper. Not a single question was asked pertaining to such an accusation in any interrogation be it by law enforcement agents, the prosecutor, or the criminal justice of the peace.

In its story entitled "Hatching an Evil Plot" the daily *Güneş* alleged, also in breach of the presumption of innocence, that HDP had pressed the start button for the street provocations plotted at the cloak-and-dagger meeting in Büyükada and that Peter was the organizer of this plot, also painting the meeting staged by the Joint Platform for Human Rights (İHOP) to ensure that the data used by human rights advocates in their work was more reliable, credible, secure and effective as a gathering for provocation. Finally, the daily *Akşam* passed judgment on the human rights advocates with a headline that read "German Chips for the Spies" with utter contempt for the independence of the judiciary and the judicial proceedings.

Because of such manipulative stories, people against whom not even an indictment had been prepared yet were pronounced guilty by publishers who put themselves in the place of the judiciary in an ongoing investigation on which there is a confidentiality order to boot. The human rights advocates were portrayed as "Chaos Coaches," "People Who Organize Acts of Chaos in Various Countries across the World," "People Who Were Going to Start an Uprising," "People Engaged in Nefarious Activities," and "Spies Organizing an Evil Plot" in the newspaper stories in a sheer violation of their personal rights and reputations. Worse, they have been exposed to the risk of being assaulted due to such intensive slander and labelling.

In spite of an order restricting access to the investigation file, Peter Steudtner's deposition to the prosecutor and graphic materials found among Ali Gharavi's personal belongings searched during the deposition on allegations of being an "Etymological Map" were shared with the public in the 25 July 2017 issues of the dailies *Akşam*, *Star* and *Güneş* and the 26 July 2017 issue of the daily *Akşam*, mysteriously accessed by these newspapers.

The lawyers lodged an official complaint about the utilization as a tool of manipulation conducted by certain press organs of documents in the investigation file which were inaccessible even for the lawyers of the human rights advocates. A thorough investigation was requested on possible public officers in view of the likelihood that the confidential documents in the investigation file were leaked to the press by a person or persons of the office staff.

A written warning with a request for retraction was sent to the daily *Star*. A suit was filed against the newspaper when it failed to comply with the request for retraction which included a legal response and correction. However, the competent Küçükçekmece Office of the 1st Criminal Justice of the Peace considered this fallacious and slanderous story

admissible under the principle of freedom of the press and rejected the request for retraction. An objection was also made to this decision of rejection.

Official complaints were lodged against 20 press organs on account of the stories where documents were published from a file on which a confidentiality order had been issued. The office of the prosecutor decided on non-prosecution and declared itself incompetent concerning official complaints about public officers. The lawyers objected to these decisions, too. Litigation is pending.

An objection was also made to the rejection on illegal grounds of a request to remove from publication and block access to the fallacious and slanderous stories published on the internet as per the provisions of the “Law on Regulating the Publications on the Internet and Fighting the Crimes Committed through Such Publications” by the İstanbul Office of the 9th Criminal Justice of the Peace which considered all of these publications as falling under the scope of “freedom of the press”.

While it is not applied by the Republic of Turkey to its own citizens, the country practically “boasting” the world’s greatest number of journalists kept under custody or in prison, the concept of Freedom of the press appeared in the court ruling only to be used as a shield to protect the propaganda campaign of calumny and false reports led against the human rights advocates.

INDIVIDUAL APPLICATIONS TO THE CONSTITUTIONAL COURT

Objections to the arrest warrants were submitted in detail to the competent court upon the arrest of the human rights advocates by the Criminal Court of Peace under the CMK. These legal objections were rejected with unreasoned decisions in blatant disregard of current legislation and the precedents of higher courts that have been common practice of late. It is obvious that these rejection decisions established no relationship between the charge and the evidence and did not present any pertinent arguments either. This decision concerning all detainees consisted of merely 1.5 pages drafted in cut-and-paste fashion.

Hence, individual applications were submitted to the constitutional court in order to annul the custody measure and secure the release of the human rights advocates since all legal means were exhausted that could serve to reverse the illegal custody measure.

PRISON CONDITIONS

8 human rights advocates who were taken under custody during a meeting in Büyükkada on 5 July and subsequently arrested were placed first in the Bakırköy Women’s Closed Prison, the Metris Prison and the Maltepe Prison and later transferred to the Silivri Type F Prison.

Although no criminal organization had been specifically named so far during the investigation, the human rights advocates are arbitrarily kept under conditions applied to FETÖ detainees in both prisons. Therefore, they are facing severe human rights violations in prison.

Veli Acu and Günel Kurşun were sent first to the Metris Prison and then transferred to the Silivri Prison. Currently, they are in Silivri Prison No. 9. They remained in solitary confinement for longer than a month. They are now sharing three-person cells with another cellmate each.

Özlem Dalkıran, Nalan Erkem and İdil Eser stayed in the same cell in the Bakırköy Women's Prison until 27 July when all of a sudden they were sent to separate cells. Although the authorities promised the lawyers that the three would be reunited in the same cell, something quite the contrary happened and all three were transferred to the prison compound in Silivri on Monday, 31 July, upon the instructions of the Ministry of Justice. At present, they are staying in separate two-person cells in Silivri Prison No. 9. Nalan Erkem and İdil Eser are suffering from illnesses requiring medical attention. Nalan Erkem was handcuffed as she was taken to see a doctor.

Ali Gharavi and Peter Steudtner stayed in the İstanbul Maltepe Prison until Tuesday, 1 August. Ali and Peter's discussions with their lawyers during July when they were in the Maltepe Prison were videotaped and watched over by numerous prison guards. A ruling concerning their lawyers' application to the office of the İstanbul Anatolian Shore Office of the 2nd Judge of Execution to have this illegal practice discontinued was issued on 15 September 2017.¹³ This ruling of the office of the İstanbul 2nd Judge of Execution established the illegality of monitoring Ali and Peter's meetings with their lawyers with documents.

They were transferred to Silivri Prison No. 9 on 1 August. Initially kept in solitary confinement at Silivri, Gharavi and Steudtner are now sharing separate three-person cells each with another cellmate.

İlknur Üstün was released after her time in custody only to be arrested on 23 July upon a prosecutor's objection and sent to Ankara Sincan Prison where she still is.

Thus, all of the human rights advocates taken under custody in Adalar and arrested with a clamorous press campaign have been sent to Silivri Prison No. 9 with the exception of İlknur Üstün who remains in the Ankara Sincan Prison.

The arrested human rights advocates are subjected to human rights violation in prison, too.

The human rights advocates are not allowed to exercise their right to name three visitors other than their relatives who may come to visit them.

As opposed to other inmates, they cannot participate in any social activities or courses in the prison and cannot use any of the amenities available to the other inmates, chief among them the gym.

As opposed to other inmates, they can only see their lawyers for one hour on only one day of the week to be determined by the prison administration, which means they can see their lawyers for only one hour per week and can see a maximum of three lawyers at present. Limiting lawyer meetings to one hour per week is also different from the practice applied to the other inmates. Besides, their discussions are recorded on video and there is an execution officer in the room who can hear everything and see the legal documents presented by the lawyer; and this officer intervenes in the discussion from time to time.

The human rights advocates' right to receive and send letters is also ignored contrary to the practice with other arrestees. None of the letters sent by their families or friends have reached them so far and they have been told, in fact, that such letters would not be delivered to them just as the letters the human rights advocates wrote would not be delivered to their addressees.

The grounds for these practices in the prison – the decisions, actions and/or orders they were based on – were never explained despite the insistent questions and complaints of

¹³ Office of the İstanbul 2nd Judge of Execution. Base File No. 2017, Decision No. 2017/3461; Decision No. 15.09.2017

the lawyers of the human rights advocates. Not a single document that could constitute any ground for these practices in the prison was shown or provided to the lawyers.

In addition to phone calls limited to just one hour per week with their lawyers and one hour per week with their families, the human rights advocates under arrest are entitled to ten minutes of phone calls every fifteen days with their kith and kin whose names have been previously submitted to the prison administration and approved by the same.

The English-Turkish dictionaries and linguistics books deposited repeatedly by their lawyers were not handed to Ali Gharavi and Peter Steudtner after they were transferred to Silivri Prison. It had been possible, however, to deliver some books and magazines to them at the Maltepe prison. The Silivri Prison administration requires petitions in Turkish for everything from buying cleaning materials from the prison canteen to seeing a doctor but neither Ali Gharavi nor Peter Steudtner speak Turkish. The dictionaries brought to them in the hope that they might write petitions in Turkish, albeit broken, are kept by the prison administration.

Ali Gharavi stays with someone who does not speak a word of English and is suffering from a trauma. He can communicate with this person in sign language for a maximum of 15 minutes a day, which means he is literally being kept in spiritual and mental isolation.

Peter Steudtner was not provided with a list of canteen supplies for weeks. A list with an English translation was finally provided early September following numerous objections.

Ali Gharavi has been denied medical examination in the presence of an objective interpreter for longer than two weeks despite his personal requests and his lawyers' applications. The anxiety pills he was supposed to take were not given to him. His request to see a psychiatrist was turned down. Despite the fact that Gharavi had passed out twice at the police station, the administration did not provide him with an English-speaking psychologist. The medical services that had to be delivered on account of his existing health ailments proved to be ineffective physical examinations due to the failure to communicate in different languages. Ali Gharavi's health problems persist. He has no choice but sleep on the concrete floor, which is firmer, instead of the bed, due to his sciatic pain.

Ali Gharavi and Peter Steudtner cannot receive any card or letter sent by their families. The letters they mailed to their lawyers from prison did not reach them although months have passed.

The objections and applications submitted to the offices of the Judge of Execution of Maltepe and Silivri regarding the prison conditions surrounding Peter Steudtner and Ali Gharavi have not been answered yet. The objections and applications submitted directly to the Ministry of Justice and the Office of the Prosecutor of the Silivri Prison on the same issues did not elicit any response, either. Another application that included our objections and requests submitted to the Office of the İstanbul Chief Prosecutor upon receiving no response to our applications from the offices of the judges of execution, which are primarily competent vis-a-vis the execution conditions, was dismissed on the grounds of incompetence by the İstanbul 14th Criminal Court of Peace which suggested we apply to the office of the judge of execution which had hitherto refrained from making a decision in the first place. The lawyers are going to object to this, as well.

CONCLUSION

An overview of the string of events that began when human rights advocates were taken under custody by the Adalar police which stormed the hotel where they were on the third day of a conference they had scheduled to last five days shows that not only there are no grounds for custody but also that the events are driven by false accusations.

Everything is so clear as to leave no room for doubt when one considers what platform was conducting the workshop in Büyükada that became the subject of a police investigation, the purpose of this workshop, its content matter, the non-governmental organizations the human rights advocates represented, and their curricula vitae. This conference that did not involve any wrongdoing and was no different than any other conference with a human rights agenda the likes of which are held by the hundreds every year – sometimes by public agencies with representatives of the highest echelons of government in attendance – was a workshop attended by human rights advocates.

The charge brought against the detained human rights advocates was stated as “aiding and abetting a terrorist organization of which they are not members” under Article 220/6 of the CMK. Moreover, the human rights advocates were portrayed as “agents” in the public opinion although not a single charge to that effect had been yet directed at them by the office of the prosecutor.

The fact that the human rights advocates who attended the conference had met with individuals some of whom hadn't even had an investigation initiated and some others for whom no conviction had been ruled, pending ongoing investigation being presented as evidence of the crime of “aiding and abetting a terrorist organization.” The human rights advocates charged with “aiding and abetting terrorist organizations by holding a secret meeting” requested professional interpreters for their conference from an organization which they did not previously know and had never come together with in any previous project. One of these interpreters is a witness and the other an anonymous witness. The interpreter who is the anonymous witness deliberately made additions to speakers' comments during consecutive interpretation, gave explanations the facilitators had not given, and asked leading questions the participants had not asked. He was warned about these several times. In fact, the English-speaking human rights advocates some of whom had also worked as interpreters, were put off by the said interpreter's brazen disrespect for professional ethics. Taking the anonymous witness testimony of this interpreter as the basis for a custody decision in the absence of decisive and irrefutable evidence contravenes the basic tenets of criminal law.

The investigation file mentions a couple of commandeered maps related to the conference. One of these is a doodle on an A4 size sheet of paper in which Özlem Dalkıran sketched the issues putting her under stress upon Peter Steudtner's advice. The other is a linguistic map found among Ali Gharavi's personal effects showing the distribution of Persian and the languages influenced by it, as well as of the different language groups across the Asian continent. It was prepared for a presentation during his lessons with his students who are high school teachers themselves, forming merely a small part of a full course, having nothing to do with the workshop in Büyükada and neither brought up nor used during the conference. Neither of these two graphic materials contains the slightest element of crime.

The arguments supporting the charges against the human rights advocates such as having received emails about Semih Özakça and Nuriye Gülmen, being called by ByLock users or having had phone calls with some of their clients about whom investigation is pending – which also comprise the grounds for the detention of some of the human rights advocates – are insane and beyond all reason and moreover downright illegal.

The disinformation scheme against the human rights advocates was carried to such extremes that they were accused of being “German agents” in much the same way as perhaps every environmentalist is labelled in Turkey and were painted as agents when no such charges were forthcoming. Furthermore, they were linked to the Justice March of the main opposition party CHP and subsequently the Conscience and Justice March staged by the Peoples’ Democratic Party(CHP), being thus made to serve as fodder for domestic politics.

The pre-trial detention of the human rights advocates, against whom no specific evidence exists and whose innocence is incontestable, in a manner that robs them of their freedom in conditions of direct or indirect isolation and deprivation, with their right of defence directly and effectively constrained because of the extension of the confidentiality order concerning their case file and the heavy restrictions governing their face time with their lawyers constitutes a direct and clear violation of their fundamental rights and liberties.

Human Rights Joint Platform:

Human Rights Association

Association for a Human Rights Agenda

Turkey Branch of Amnesty International

Citizenship Association