



“WE CAN’T COMPLAIN”

TURKEY’S CONTINUING CRACKDOWN ON DISSENT OVER ITS MILITARY OPERATION
“PEACE SPRING” IN NORTHEAST SYRIA

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Cover photo: Police preventing members of parliament from the opposition Peoples' Democratic Party and others from reading out a statement criticizing 'Operation Peace Spring', Diyarbakir, 20 October 2019 © Bilal Güldem, Mesopotamia Agency.

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CRUSHING DISSENT OVER TURKEY'S MILITARY OFFENSIVE

“These detentions are done to inflict fear, to make sure no one dares to speak, to imprison everyone to their homes.”

Relative of one of the detainees in Mardin

On 9 October 2019, Turkey's president Recep Tayyip Erdoğan announced that the Turkish Armed Forces had started an offensive named “Operation Peace Spring” in northeast Syria.¹ The purpose of the military operation was described as establishing a 32-km-deep “safe zone,” which would serve two aims according to the President's spokesperson İbrahim Kalın: “securing Turkey's borders by eliminating terrorist elements and allowing refugees to return to their homes.”²

Following an agreement between Turkey and Russian Federation on 22 October that Syrian government and Russian forces will deploy in northeast Syria to ensure that Kurdish forces have withdrawn from the border area with Turkey, Turkey's Ministry of Defence announced that “[a]t this stage, there is no further need to conduct a new operation outside the present operation area,”³ effectively ending the military offensive in northeast Syria. Prior to that, on 17 October, Turkish authorities had announced that they were suspending the operation for five days following a deal brokered with the United States that the Kurdish forces will retreat from the 30-km area along the Turkey border.

Despite lasting only two weeks, the military offensive in northeast Syria caused devastating humanitarian consequences.⁴ In addition to this, it was accompanied by a draconian crackdown on dissent and censorship of the media with investigations under anti-terrorism laws, as well as police custody and pre-trial detention, targeting those criticizing or questioning the military operation.

Hundreds of people have been detained in Turkey in the days following the launch of the military offensive.⁵ These include members of the Kurdish-rooted leftist opposition People's Democratic Party (HDP), including members of Parliament, party activists and local government representatives, as well as journalists and others. While some individuals expressing views on the military offensive interpreted as opposition to the government were among those detained, in other cases of detention, the absence of any reference to the “Operation Peace Spring” suggests that the military offensive was also used as a pretext to escalate an ongoing crackdown on dissent that had continued despite the end of the two-year state of emergency in July 2018.

The intolerance of dissent has even reached beyond Turkey's borders. The day after the operation began, in an announcement relating to the military operation, Turkey's regulatory body for radio, television and on demand media services, informed the public that it is monitoring media outlets both within and outside Turkey.⁶ On 16 October, state-run Anadolu Agency reported that social media accounts run from abroad are also being monitored for ‘criminal content’.⁷ On 15 October, President Erdoğan's lawyers announced having issued criminal complaints under laws criminalizing ‘insulting the President’ to a former HDP MP Osman Baydemir for a speech

¹ Recep Tayyip Erdoğan (@RTErdogan), 9 October 2019, 15:16, twitter.com/RTErdogan/status/1181921311846735872

² İbrahim Kalın (@ikalın1), 7 October 2019, 10:32, <https://twitter.com/ikalın1/status/1181125145496182784>

³ Ministry of Defence, “Press Release Regarding The Peace Spring Operation And Recent Developments”, 23 October 2019, <https://msb.gov.tr/en-US/Slide/23102019-55886>.

⁴ Amnesty International, *Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies*, 18 October 2019, at:

<https://www.amnesty.org/en/latest/news/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/>.

⁵ On 16 October 2019, state-run Anadolu Agency reported that 186 people have been taken into police custody in relation to social media posts concerning Operation Peace Spring: <https://www.aa.com.tr/tr/baris-pinari-harekati/baris-pinari-harekatina-kara-propagandadan-24-kisi-tutuklandi/1615477>. According to daily human rights monitoring reports of the Human Rights Foundation of Turkey (TIHV), at least 84 people have been detained between 17 and 20 October for criticizing the operation; making the total number of police detentions at least 270 since the launch of the operation. TIHV's daily monitoring reports are available at: <https://tihv.org.tr/category/gunluk-insan-haklari-raporlari/>.

⁶ RTUK Press Statement on Operation Peace Spring, 10 October 2019: <https://www.rtuk.gov.tr/duyurular/3788/7101/rtuk-baris-pinari-harekti-basin-aciklamasi-10102019.html>

⁷ Anadolu Agency, 16 October 2019: <https://www.aa.com.tr/tr/baris-pinari-harekati/baris-pinari-harekatina-kara-propagandadan-24-kisi-tutuklandi/1615477>.

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he made outside the BBC in London.⁸ On 25 October, they announced another criminal complaint they have made against the French weekly journal *Le Point* for its coverage of the military offensive.⁹

Amnesty International calls on the Turkish authorities to end the crackdown on peaceful dissent. The authorities must ensure that criticism or questioning of the offensive, or appeals for peace through social media or other peaceful means, is not criminalized and no one is targeted through criminal investigations or prosecutions for exercising their rights to freedom of expression and to peaceful assembly.

Amnesty International collected the information provided in this briefing through interviews with lawyers in Ankara, Diyarbakır, İstanbul, İzmir, Mardin and Şanlıurfa representing individuals who were taken into police custody allegedly in relation to their criticism of the military operation as well as by reviewing documents related to investigations, including court documents concerning prosecutors' requests for pre-trial detention or bail conditions.

⁸ In a speech during a protest outside the BBC in London on 14 October, Baydemir asks 'who is the terrorist, who is the dictator?' The crowd replies 'Erdoğan.' Net Haber News Website, "Osman Baydemir BBC'nin önünden hakaretler yağdırdı," 14 October 2019: <https://www.nethaber.com/guncel/osman-baydemir-bbcnin-onunden-hakaretler-yagdirdi-2961>. Hüseyin Aydın (@hsynaydn), 15 October 2019, 14:19, <https://twitter.com/hsynaydn/status/118408125559770114?s=20>. Hüseyin Aydın is one of President Erdoğan's lawyers.

⁹ Hüseyin Aydın (@hsynaydn), 25 October 2019, 10:36, <https://twitter.com/hsynaydn/status/1187649133772972033?s=20>. Le Monde, "Qualifié d'« éradicateur », le président turc Erdogan porte plainte contre « Le Point »," 25 October 2019: https://www.lemonde.fr/international/article/2019/10/25/qualifie-d-eradicateur-le-president-turc-erdogan-porte-plainte-contre-le-point_6016888_3210.html.

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A DEEPENING CRACKDOWN

“One man asks another how life is in Turkey. ‘We can't complain,’ comes the reply. ‘That's great,’ says the first. ‘No, seriously,’ says the second. ‘We can't complain!’”

A joke doing rounds on social media in Turkey

On 9 October, Turkey's National Security Directorate made a statement that criminal investigations had been initiated against 78 people for “inciting enmity and hatred through black propaganda [smear campaign] against [Turkey] over Operation Peace Spring; sharing unsourced and false social media postings intended to destroy the reputation of [Turkey's] security forces and making propaganda for a terrorist organization.”¹⁰

The next day, Ankara¹¹, Istanbul¹² and Izmir¹³ Chief Prosecutors issued statements that they have initiated investigations for “making propaganda for a terrorist organization”, “denigrating the Republic of Turkey” and “praising a crime and a criminal” in relation to social media postings, news articles or other activities relating to the military operation.

At the same time, the Radio and Television Supreme Council (RTÜK), Turkey's regulatory body for radio, television and on demand media services, called upon all media outlets to act sensibly during “Operation Peace Spring” when releasing news, and warned, in a statement, that the Council will “not tolerate any broadcasting that may negatively impact the morale and the motivation of [...] soldiers or may mislead citizens through incomplete, falsified or partial information that serves the aims of terror”.¹⁴ The Council also informed the public that it is monitoring in particular online broadcasters and publishers followed by young people as well as media outlets outside Turkey.

On 11 October, just two days after the military offensive was launched, Minister of Interior, Süleyman Soylu stated during a speech, that 121 people had been detained for their social media posts “insulting “Operation Peace Spring”, describing [our] country as an invader and insulting the unity of our nation.”¹⁵

On 14 October, Directorate General for Security, Gendarmerie [Military Police] General Command and Coastguard Command carried out the fourth of a country wide operation dubbed “Turkey Applying Confidence and Tranquillity” but this time with the aim of “preventing and deterring sympathizers of the terrorist organization from [engaging in provocations related to] Operation Peace Spring.”¹⁶ According to an announcement on the website of the Ministry of Interior, over 500,000 people were interrogated and 152 people were detained during the operation.

As of 22 October 2019, hundreds of people have already been taken into police custody in relation to the military offensive and at least 24 people have been remanded in prison custody pending the outcome of criminal investigations.¹⁷

Cracking down on people who express dissenting opinions on issues of Kurdish rights and politics as well as opposing a military operation by Turkey is not new. Criticism of Turkey's military operation in Afrin in northern Syria, that began on 20 January 2018, was also met with criminal investigations, detentions, prosecutions and ultimately convictions, of those expressing it. When individuals, including human rights defenders and journalists, expressed opposition to the military offensive, senior members of the government

¹⁰ National Security Directorate, Press Statement on Negative Social Media Posts in relation to the Operation Peace Spring, 9 October 2019: <https://www.egm.gov.tr/09102019-tarihli-basin-aciklamasi>

¹¹ Press Statement by Istanbul Chief Prosecutor's Office, 10 October 2019: <http://www.ankara.adalet.gov.tr/sayfalar/medya-iletisim/dd/docs/10-10-2019-2.pdf>

¹² Press Statement by Istanbul Chief Prosecutor's Office, 10 October 2019: http://www.istanbul.adalet.gov.tr/basin_aciklamalari/20191010.pdf

¹³ Press Statement by Izmir Chief Prosecutor's Office, 10 October 2019: <http://www.izmir.adalet.gov.tr/duyurular/10102019/basinaciklamasi/basinaciklamasi.pdf>

¹⁴ <https://www.rtuk.gov.tr/duyurular/3788/7101/rtuk-baris-pinari-harekti-basin-aciklamasi-10102019.html>

¹⁵ T24 News Article, 11 October 2019: <https://t24.com.tr/haber/icisleri-bakani-soylu-baris-pinari-harekati-na-iscalci-nitelemesi-yapan-121-kisivi-goz-altina-aldik.843350>

¹⁶ Ministry of Interior Announcement, 15 October 2019: <https://www.icisleri.gov.tr/81-jilde-es-zamanli-turkiye-guven-huzur-uygulamasi-gerceklestirildi>. While this was the fourth of this type of operation in 2019, similar ones with the same name were organized in 2018. The overall stated aim of these operations is to “ensure public peace and order, to make public feel the presence of security personnel at all times [in strategic locations ...], to identify people who may provoke or commit crimes, to discourage them, to catch fugitives and seize evidence of crimes.”

¹⁷ See Anadolu Agency news article “Barış Pınarı Harekati'na kara propogandadan 24 kişi tutuklandı” on 16 October 2019: <https://www.aa.com.tr/tr/baris-pinari-harekati/baris-pinari-harekatina-kara-propogandadan-24-kisi-tutuklandi/1615477> and daily human rights monitoring reports of the Human Rights Foundation of Turkey (TIHV) available at: <https://tihv.org.tr/category/gunluk-insan-haklari-raporlari/>.

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and the President responded by labelling them “lovers of terrorism”.¹⁸ These statements were followed by anonymous threats and intimidation, as well as criminal investigations and the detention of hundreds of people for social media posts and other public statements critical of the Turkish military operation. According to the Ministry of the Interior, by 26 February 2018, 845 people had been detained for social media posts, 643 people were subject to judicial proceedings and 1,719 social media accounts were under investigation in connection with Afrin. This includes conviction of 11 doctors who are members of the Turkish Medical Association’s Central Council, who were sentenced to prison terms ranging from one year eight months to three years three months¹⁹ for their statement calling for an end to Turkey’s military operation in Afrin.²⁰

SOCIAL MEDIA POSTS

“Using the words ‘war, occupation, Rojava’ is a crime. The judiciary says ‘you cannot say no to war’.”

A lawyer from Diyarbakır

The scale of the social media crackdown in relation to “Operation Peace Spring” is already reaching the proportions of that meted out by the government regarding the Afrin operation. According to the state-run Anadolu Agency, as of 16 October, authorities have identified 839 social media accounts under investigations related to the “Operation Peace Spring”, which “shared criminal content.”²¹ As a result of these investigations, 186 individuals were reportedly taken into police custody since 9 October, 24 of whom were remanded in pre-trial detention.²²

Lawyers in the southeastern province of Diyarbakır informed Amnesty International that at least four individuals were detained on 13 October by the police due to content of their social media accounts in relation to the military offensive in northeast Syria. Prosecutors referred them to courts requesting that they be remanded in pre-trial detention on the allegation of ‘propaganda for a terrorist organization’.²³ According to lawyers, courts released them with judicial control measures involving regularly reporting at their local police station as well as overseas travel bans.

Amnesty International has seen the contents of one of these files, where the detainee was accused of ‘propaganda for PKK/KCK terrorist organization’ based on three retweets allegedly made by them. These retweets read: “...Rojava [the name given by the Kurdish population for the autonomous area they are attempting to create in northern Syria] will win, No to War,” “AKP-MHP fascist coalition ... is trying to reinvent its politics through hatred against the Kurds. This dirty war against Rojava will not bring anything but death to the peoples of the Middle East” and “...Raise your voice against fascism. #GiveVoicetoRojavaforPeace...” Although none of these come remotely close to constituting evidence of an internationally recognizable crime, the prosecutor considered them sufficient evidence of ‘propaganda for a terrorist organization’ to merit the request from the court a decision to remand the person in pre-trial detention. In this case, the court refused prosecutor’s pre-trial detention request but imposed an overseas travel ban and the obligation to report to a local police station twice a month.

On 11 October, at least 11 individuals were taken into police custody in Izmir for ‘making propoganda for a terrorist organization’ for their social media posts, including those shared before the launch of the “Operation Peace Spring”.²⁴ Amnesty reviewed the file of one of these detainees, which did not contain any evidence of an internationally recognizable crime.

¹⁸ Amnesty International, “Weathering the Storm: Defending Human Rights in Turkey’s Climate of Fear,” 26 April 2018:

<https://www.amnesty.org/en/documents/eur44/8200/2018/en/>

¹⁹ Deutsche Welle news article, “TTB Davasında 11 Kişiy Hapis Cezası,” 3 May 2019: <https://www.dw.com/tr/ttb-davas%C4%B1nda-11-ki%C5%9Five-hapis-cezas%C4%B1/a-48593834>.

²⁰ Amnesty International, Turkish Medical Association facing threats, 26 January 2018: <https://www.amnesty.org/en/documents/eur44/7796/2018/en/>.

²¹ Anadolu Agency, 16 October 2019: <https://www.aa.com.tr/tr/baris-pinari-harekati/baris-pinari-harekatina-kara-propagandadan-24-kisi-tutuklandi/1615477>. 62 these accounts were reportedly set up from outside of Turkey in Germany, United Kingdom and France.

²² Anadolu Agency, 16 October 2019: <https://www.aa.com.tr/tr/baris-pinari-harekati/baris-pinari-harekatina-kara-propagandadan-24-kisi-tutuklandi/1615477>

²³ Turkish Penal Code, Article 220/8 or Anti-Terror Law, Article 7/2.

²⁴ While state-run Anadolu Agency reported 11 detentions (<https://www.aa.com.tr/tr/baris-pinari-harekati/baris-pinari-harekati-ile-ilgili-yavinlara-11-gozalti/1609664>), a lawyer representing one of the individuals told Amnesty International that in total 13 people were detained in Izmir as of 11 October due to social media posts. Also see, <http://bianet.org/english/militarism/214306-11-people-detained-in-izmir-over-social-media-messages-about-syria-operation>.

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“They are using the judicial system to silence people like me who criticize the government, even when this is actually not [legally] possible and this leads to absurdities [like my detention].”

Lawyer and columnist, Nurcan Kaya, who was detained for a tweet

Despite the end of the operation, the crackdown continues. On 27 October, lawyer and columnist, Nurcan Kaya, was detained at Istanbul airport due to a criminal investigation launched against her for ‘inciting enmity or hatred’.²⁵ During the prosecutor’s interrogation, she was only questioned about one of her tweets that said “[...] we know from experience how everything you call a peace operation is a massacre. Down with your racism and your ideology that doesn’t even benefit you!”²⁶ Although she was later released the same day without any bail conditions, the next day, on 28 October, Istanbul Peace Penal Judgeship No. 11 imposed an overseas travel ban on her upon a request submitted by Istanbul Chief Public Prosecutor’s Office. This represents another instance where peaceful dissenting opinion that should be protected under the right to freedom of expression is being criminalized in Turkey.

The right to freedom of expression guarantees the right to seek, receive and impart information and ideas of all kinds, by any means. It is guaranteed by international law and standards,²⁷ and restrictions can only be placed on the right only where doing so is provided by a precise law, and demonstrably necessary and proportionate (the least restrictive measure to achieve the specified purpose) for the purpose of protecting specified public interests (national security, public order, or public health or morals) or the rights or reputations of others. Clampdowns on social media usage in the manner documented in Turkey are in themselves a violation of the right to freedom of expression; and also create a ‘chilling effect’ whereby citizens of Turkey self-censor their online activity so as to avoid sanctions.

JOURNALISTS AND OTHER MEDIA WORKERS

“Having my home raided by heavily armed and masked police officers, about thirty of them, terrorising my children... And this, simply for some social media posts calling for peace shows the level of suppression in Turkey of the right to freedom of expression”

Nurcan Baysal, human rights defender and journalist

According to his lawyer, Hakan Demir, the digital services manager of *Birgün* daily newspaper, was detained in the early hours of 10 October from his home in Istanbul and questioned in relation to a news article about “Operation Peace Spring” for ‘inciting enmity or hatred’ under the Article 216/1 of Turkish Penal Code. He was questioned over a tweet on *Birgün*’s official twitter account that posted a news article.²⁸ The tweet referenced Syrian Democratic Forces (SDF) who were quoted saying “Turkish warplanes have started to carry out airstrikes on civilian areas.” The original source of the quote is the US-based news broadcaster NBC.²⁹ Neither the tweet on *Birgün*’s official twitter account nor the news article on *Birgün*’s official website contains language inciting violence or any other content

²⁵ Article 216/1 of Turkish Penal Code.

²⁶ Nurcan Kaya (@nurcan_kaya_), 9 October 2019, 16:08: https://twitter.com/nurcan_kaya_/status/1181934568171085825?s=20.

²⁷ See, for example, Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. See also General Comment 34: ‘The Article 19: Freedoms of opinion and expression’, UN Human Rights Committee (CCPR/C/GC/34) para 12 and 15.

²⁸ *Birgün* news article, 9 October 2019: <https://www.birgun.net/haber/erdogan-acikladi-firat-in-dogusuna-operasyon-basladi-271907>

²⁹ NBC News, 9 October 2019: https://twitter.com/NBCNews/status/1181923431241125888?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1181923431241125888&ref_url=https%3A%2F%2Fwww.birgun.net%2Fhaber%2Ferdogan-acikladi-firat-in-dogusuna-operasyon-basladi-271907

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that may be considered a crime. Later the same day, Istanbul Peace Penal Judgeship No.12 released Hakan Demir with an overseas travel ban.

Similarly, the managing editor of the news website Diken Fatih Gökhan Diler was detained on 10 October from his office for a news article published on Diken with the title “SDF claim: two civilians lost their lives”³⁰ also for ‘inciting enmity and hatred’ under the Article 216/1 of Turkish Penal Code. The article reports SDF’s claims that civilians died from airstrikes in Ras al-Ayn referring to Reuters news agency and does not include any content that may be considered a crime. Fatih Gökhan Diler was also released by an Istanbul court the same day with an overseas travel ban pending the outcome of the criminal investigation.

Human rights defender and journalist, Nurcan Baysal, reported to Amnesty International that her house was raided around 5am on 19 October by approximately 30 armed police officers. Nurcan Baysal was not in Turkey at the time of the raid, but her husband and two children, aged 12 and 15, were at home. Police told Nurcan Baysal’s husband that they are looking for her due to her social media posts. As of 24 October, Nurcan Baysal’s lawyers have not been able to obtain details on the reasons for the raid or any accusations against her that prompted the raid beyond that it relates to her social media posts.

On 19 October around 1am police raided the home of Özlem Oral, a reporter for the leftist *United Struggle Newspaper (Mücadele Birliği Gazetesi)*, and detained her for ‘inciting enmity or hatred’³¹ for social media posts. She told Amnesty International that during her interrogation police confronted her with tweets criticizing “Operation Peace Spring” that were posted on the twitter account of a leftist students group, Revolutionary Students Union (DÖB), asked if she agreed with them. Amnesty International reviewed the police interrogation notes, during which officers questioned her about tweets by DÖB such as “Defend Rojava!” “#RojavaWillWin”, “Fascist attack of occupation has started” or “#StandupforRojava”. During her interrogation, Özlem Oral explained that the said twitter account is not hers. Regardless of this, the contents of these tweets do not incite “enmity or hatred” and are protected by the right to freedom of expression. There is a secrecy order on the file, and as such, neither Özlem Oral nor her lawyer are certain about the evidence against her. An Istanbul judge released Özlem Oral the next day with an overseas travel ban, requirement to regularly report at a local police station and obligation not to leave Istanbul, where she resides. The newspaper also reported that the same evening, the house of the newspaper’s editor Süleyman Acar was raided but he was not at home at the time.³²

It is not just Turkish journalists that have been targeted. On 25 October, lawyers of President Erdoğan announced³³ that they have filed a criminal complaint against the director and editor of French magazine, *Le Point*, following the publication of their October 24 issue, which used the cover headline “Ethnic cleansing: the Erdoğan method” in its coverage of the military offensive.³⁴

The magazine’s director, Etienne Gernelle, as well as the editor in chief of the publication’s international section, Romain Gubert are accused of publishing the cover, which allegedly constitutes an insult to the president, a crime under Turkish law.³⁵

Journalists play a key role in the effective realization of all aspects of the right to freedom of expression. For this reason the UN Human Rights Committee has recognised that states “should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression.”³⁶ Under no circumstances “can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with [the right to freedom of expression]. Journalists are frequently subjected to such threats, intimidation and attacks because of their activities.”³⁷

INVESTIGATIONS AGAINST OPPOSITION MEMBERS OF THE PARLIAMENT

In Ankara, Peoples’ Democratic Party (HDP) Co-Chairs Pervin Buldan and Sezai Temelli and three other HDP members of the parliament, Gülistan Kılıç Koçyiğit, Leyla Güven, and Berdan Öztürk are subject to criminal investigations³⁸ due to a statement and press briefing about “Operation Peace Spring.” They are accused of ‘making propaganda for a terrorist organization’,³⁹ ‘degrading the government of the Republic of Turkey’⁴⁰ and ‘praising a crime and a criminal’⁴¹.

³⁰ *Diken* news website, 9 October 2019: <http://www.diken.com.tr/dsg-turk-savas-ucaklari-sivilleri-ve-askeri-uslerimizi-vurdu/>

³¹ Turkish Penal Code, Article 216/1

³² *Artı Gerçek* news website, 19 October 2019: <https://www.artigercek.com/haberler/mucadele-birligi-gazetesi-muhabiri-gozaltina-alindi>

³³ Hüseyin Aydın (@hsynaydn), 25 October 2019, 10:36, <https://twitter.com/hsynaydn/status/1187649133772972033?s=20>.

³⁴ *Le Monde*, “Qualifié d’« éradicateur », le président turc Erdoğan porte plainte contre « Le Point »,” 25 October 2019:

https://www.lemonde.fr/international/article/2019/10/25/qualifie-d-eradicateur-le-president-turc-erdogan-porte-plainte-contre-le-point_6016888_3210.html and VOA News, “Turkey Targets Foreign Journalists in Press Freedom Crackdown,” 25 October 2019, <https://www.voanews.com/europe/turkey-targets-foreign-journalists-press-freedom-crackdown>.

³⁵ Turkish Penal Code, Article 299.

³⁶ General Comment 34: ‘The Article 19: Freedoms of opinion and expression’, UN Human Rights Committee (CCPR/C/GC/34) para 23

³⁷ General Comment 34: ‘The Article 19: Freedoms of opinion and expression’, UN Human Rights Committee (CCPR/C/GC/34) para 23

³⁸ Press Statement by Ankara Chief Prosecutor’s Office, 10 October, 2019: <http://www.ankara.adalet.gov.tr/sayfalar/medya-iletisim/dd/docs/10-10-2019.pdf>

³⁹ Turkish Penal Code, Article 220/8 or Anti-Terror Law, Article 7/2.

⁴⁰ Turkish Penal Code, Article 301/1

⁴¹ Turkish Penal Code, Article 215

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On 12 October, Ankara Chief Prosecutor's office announced that it had also started an investigation against another member of parliament, Sezgin Tanrikulu, under the charge of 'publicly denigrating the Turkish Government'. Sezgin Tanrikulu who is an MP from the main opposition Republican People's Party (CHP) is being investigated for one of his tweets and media interviews in relation to the military offensive in northeast Syria. The tweet referred to by the Ankara Prosecutor's Office reads: "Government needs to know this, this is an unjustified war and a war against the Kurds."⁴²

BLANKET BANS ON PEACEFUL PROTESTS

On 10 October, 26 men and women, majority of whom are affiliated with the Peoples' Democratic Party (HDP) were detained in front of the offices of HDP in Diyarbakir. Some of the individuals in the group had arrived there with the intention to read out a statement to protest the government's arbitrary decision to remove from office HDP mayors elected in March in three provinces in eastern Turkey including Diyarbakir.⁴³

According to two lawyers present at the scene, police intervened to break up the peaceful protest displaying an order detailing a blanket ban issued by Diyarbakir Governorate on 30 September⁴⁴ prohibiting for the period between 3 and 17 October any protest, gathering or public activity, including marches, reading statements, collecting signatures, hunger strikes or sit-ins, regardless of their subject or aim. Lawyers who requested a copy of the order were refused.

After being held at the anti-terrorism branch of Diyarbakir Security Directorate, the 26 men and women were taken to the Diyarbakir Courthouse on 12 October. According to lawyers representing some of those detained, the prosecutor requested from the court that 20 of them are released with judicial control measures and six are remanded in prison pending investigations in relation to charges of 'making propaganda for a terrorist organization.'

According to lawyers, the court ordered house arrest for two of the detainees and released the other 24 with judicial control measures involving regular reporting at the local police station and/or overseas travel bans.

Amnesty International reviewed the files including the court decisions in the case of six of these individuals. According to the files, the accusation of 'making propaganda for a terrorist organization' against them is based on the allegation that they have joined the protest in response to calls by the armed Kurdistan Workers Party (PKK). At least four of them were also questioned about shouting 'long live Rojava resistance' during the protest, which cannot be considered a crime as it is protected by the right to freedom of expression. The basis for the allegation is the existence of public calls to protest appointment of trustees made on some internet sites allegedly linked to the PKK.

Diyarbakir is not the only city where such blanket bans on assemblies have been imposed. Mardin Governor also issued a 30-day ban on all assemblies effective from 17 October on the basis that "information was received that terrorist organizations or other groups affiliated to them may organize protests against Operation Peace Spring under the instruction of senior leadership from the PKK/KCK and ISIS terrorist organizations."⁴⁵ Other cities where similar blanket bans were issued include:

- A 30-day blanket ban in the south eastern province of Gaziantep on all assemblies effective from 12 October,⁴⁶
- A 15-day ban issued on 11 October in the southern province of Adana on all assemblies specifically related to the "Operation Peace Spring,"⁴⁷
- A 15-day ban in the western province of Izmir on all assemblies concerning the military operation as well as the appointment of trustees to local municipalities effective from 14 October,⁴⁸
- A 30-day blanket ban in the eastern province of Tunceli on all assemblies on the grounds that protests may be organized in relation to the the military operation as well as the appointment of trustees to local municipalities in order to create chaos effective from 18 October,⁴⁹ and
- A 30-day blanket ban on all assemblies in the south-eastern province of Şanlıurfa issued by Governorate valid between 20 October and 18 November.⁵⁰

⁴² T24 News website, "CHP'li Tanrikulu hakkında Barış Pınarı Harekâtı soruşturması," 14 October 2019: <https://t24.com.tr/haber/chp-li-tanrikulu-hakkinda-baris-pinari-harekati-sorusturmasi.843654>

⁴³ Amnesty International, *Turkey: End Post Election Crackdown on Peaceful Dissent*, 23 August 2019: <https://www.amnesty.org/download/Documents/EUR4409332019ENGLISH.PDF>

⁴⁴ Diyarbakir Governorate Decision No. 2019/3636.

⁴⁵ Announcement by Mardin Governorate on the decision, 17 October 2019: <http://www.mardin.gov.tr/yasaklama-karari-ile-ilgili-duyuru>

⁴⁶ Press statement by Gaziantep Governorate, 11 October 2019: <http://www.gaziantep.gov.tr/basin-aciklamasi-2019-37>

⁴⁷ Press statement by Adana Governorate on the ban, 11 October 2019: <http://www.adana.gov.tr/md-55568999-> Adana Governor later issued another 15-day ban effective from 18 October specifically for protests relating to the appointment of trustees to local municipalities of Diyarbakir, Mardin and Van: <http://www.adana.gov.tr/md-43552235->

⁴⁸ Public announcement by Izmir Governorate, 15 October 2019: <http://www.izmir.gov.tr/kamuoyu-duyurusu11>.

⁴⁹ Announcement by Tunceli Governorate, 18 October 2019: <http://www.tunceli.gov.tr/kurumlar/tunceli.gov.tr/Duyurular/2019/Ekim/6/image1606.pdf>

⁵⁰ Public announcement by Şanlıurfa Governorate on the ban, 21 October 2019: <http://www.sanlıurfa.gov.tr/toplantı-ve-gösteri-yürüyüşleri-yasaklama-kararı>.

All of these blanket bans represent clear violations to the right to peaceful assembly as protected by international human rights conventions to which Turkey is a party,⁵¹ and Turkey's Constitution.⁵² While the right to peaceful assembly is not absolute and it can be limited for the purpose of protecting specified public interests, a hypothetical risk of public disorder cannot establish legitimate grounds for prohibiting a peaceful assembly. The principles of necessity and proportionality require consideration of all relevant circumstances of each individual assembly, the impact on the legitimate concern protected and the possibility that the risk will concretize, and whether less restrictive means would suffice. A blanket ban can never be considered necessary under international human rights law because, by definition, it means that the authorities fail to consider each assembly individually. The responsibility to maintain public order and to facilitate the enjoyment of the right to freedom of peaceful assembly lies with the state and its organs, including its law enforcement agencies.

The repression around "Operation Peace Spring" also targeted the relatives of the victims of enforced disappearances, Saturday Mothers, who have been holding peaceful weekly vigils every since 2009 to remember their loved ones disappeared by state authorities and demand truth and justice.⁵³ On 12 October, when they gathered in the narrow street where they were forced to hold their vigils since they were banned from their traditional location in Istanbul's pedestrianized Istiklal Avenue in August 2018,⁵⁴ police warned them that they'll intervene to prevent the vigil from continuing "if they utter the word 'war'" in their statement. Amnesty International observers present on the day described how the police brutally charged at those attending the vigil as soon as they began reading their statement outside the offices of the Human Rights Association near Taksim, in central Istanbul. A number of those in attendance complained of having been kicked and pushed by the riot police shields. Attendees were also affected by pepper powder dropped on the ground and at the entrance of the building. Two people were briefly detained at a nearby police station but later released without charge.

Authorities must stop breaking up peaceful protests and instead ensure that everyone, including those wishing to demonstrate against Turkey's military operations, can exercise their right to freedom of peaceful assembly. States have a positive obligation to facilitate peaceful assemblies in law and in practice. As is the case in Turkish law, the exercise of the right to freedom of peaceful assembly is not subject to the permission of government authorities, this right is also protected under international law and standards in conventions Turkey is a party to. Any decision to disperse an assembly should be taken only as a last resort and carefully in line with the principles of necessity and proportionality, i.e. only when there are no other means available to protect a legitimate aim which outweighs the right of people to assemble peacefully. In any such situation, police must as far as possible avoid any use of force and in any event must always restrict it to the minimum level necessary.

⁵¹ See, for example: Article 21 of the International Covenant on Civil and Political Rights and Article 11 of the European Convention on Human Rights and fundamental Freedoms.

⁵² Turkey's Constitution, Article 34.

⁵³ The relatives of the women and men disappeared in the 1980s and 1990s have been meeting at the square between 1995 and 1999, and then every Saturday since 2009 after a ten-year long enforced break in their vigils.

⁵⁴ Amnesty International, Turkey: Authorities must ensure relatives of people forcibly disappeared can continue with their peaceful weekly vigil, 29 August 2018: <https://www.amnesty.org/en/documents/eur44/9009/2018/en/>

"WE CAN'T COMPLAIN"
TURKEY'S CONTINUING CRACKDOWN ON DISSENT OVER ITS MILITARY OPERATION "PEACE SPRING" IN NORTHEAST SYRIA

AMNESTY INTERNATIONAL

TARGETING OF MEMBERS OF THE PEOPLES' DEMOCRATIC PARTY (HDP)

“These are ‘preventative’ detentions. Just like they sometimes do before May Day or before appointing trustees in place of elected mayors, they just rounded up people who may speak up against the military operation in Syria.”

A lawyer from Mardin

“Operation Peace Spring” has been used by the government as a pretext to escalate its assault on the Kurdish-rooted, leftist HDP, the only political party represented in the Parliament to oppose the military operation. Media reported that on 10 October, 21 people, at least nine of whom affiliated with HDP, including Derik district co-mayor Şerif Kiran, Mardin province, were detained in Mardin for terrorism related charges.⁵⁵ The following day on 11 October, police detained three others under the same investigation. Speaking to Amnesty International, lawyers representing some of the detained individuals said that they had been unable to obtain detailed information on the accusations and the reasons for their detention due to a secrecy order issued in relation to the investigation, barring them from viewing the contents of the file. However, two separate Mardin Peace Criminal Judgeships extended twice the police detention for 23 detainees, each for an additional four days, while another detainee was released due health problems after seven days in police custody. According to these court documents seen by Amnesty International, they are accused of participating or organizing protests such as ‘press statements and sit-ins with the instructions of a terrorist organization.’ Neither of the two decisions specified the charges or the evidence against the detainees. However, when police was taking the statements of some of the detainees after around ten days into their detention, their lawyers were told that all detainees are accused of ‘committing a crime in the name of an organization’ under Article 220/6 of Turkish Penal Code. According to the lawyers representing some of the detainees, the majority were finally released through court decisions with overseas travel bans on the day the 12-day maximum police custody period would expire. Those released include co-mayor Şerif Kiran.

According to Şanlıurfa Bar Association, at least 53 women and men, as well as a 17-year-old, were taken into police custody by Şanlıurfa Security Directorate’s anti-terrorism branch on 9 and 10 October. While lawyers representing some of the detainees were simply told that the allegations relate to the charge of ‘membership of a terrorist organization’, they weren’t provided with any details of the allegations until 20 October, when the prosecutor sent the detainees to Şanlıurfa Peace Criminal Judgeship No. 1 requesting that at least 30 of them are remanded to prison pending trial. Detainees, including members of Peoples’ Democratic Party (HDP) as well as local executives of two left-wing opposition trade unions, the Public Health Workers’ Union (SES) and the Education and Science Workers’ Union (Eğitim-Sen), a union of teachers and other education workers in Turkey, were all accused of ‘membership of a terrorist organization’. According to lawyers, the majority were accused in relation to their alleged membership to the Democratic Society Congress (DTK), a legal organization and one of those that had been in communication with the state authorities during a tentative Kurdish peace process that lasted until July 2015. Şanlıurfa Peace Criminal Judgeship No. 1 decided for the pre-trial detention of 30 of them and released the others with judicial control measures involving reporting at the nearest police station, as well as overseas travel ban in the case of some of them.

On Sunday 13 October, HDP co-chairs in two Istanbul districts (Küçükçekmece and Şişli) Hüseyin Fidanboy and Mutlu Öztürk, and seven other HDP members were detained by police for ‘organizing, leading and participating in an unlawful meeting and demonstration’

⁵⁵ See for example, Bianet “21 People Detained in Mardin Over Their Social Media Messages About Syria Operation,” 10 October 2019: <http://bianet.org/english/politics/214245-21-people-detained-in-mardin-over-their-social-media-messages-about-syria-operation> and Anadolu Agency, “Barış Pınarı Harekati paylaşımlarıyla terör propagandasına 21 gözaltı,” 10 October 2019: <https://www.aa.com.tr/tr/baris-pinari-harekati/baris-pinari-harekati-paylasimlariyla-teror-propagandasina-21-gozalti/1608376>.

and ‘making propaganda for a terrorist organization’. At the time of their detention, the nine who were outside the Beşiktaş district office of the HDP were being prevented by police from entering the building to join an event marking the seventh anniversary of the establishment of the Party, which was banned by the Beşiktaş district governorate. They had arrived from Şişli after a similar event was also banned by the Şişli district governorate on security grounds.

On Monday 14 October, they were remanded in pre-trial detention by the Istanbul Peace Criminal Judgeship No.1 on grounds that ‘they chanted slogans including ‘murderous State, long live the resistance in Northern Syria, long live the Kobani [a city in northeast Syria] resistance’; ‘attempting to create support against the Turkish army’s Operation Peace Spring and providing support to the terrorist organization YPG’; ‘considering the timing of the protest, it did not come under the right to freedom of expression, that there is strong suspicion that the protest was aiming at legitimizing the violent actions of the terrorist organization’; ‘that the protest taking place in a densely populated area created the possibility of arousing the population’; ‘considering the strong suspicion of guilt, the length of the sentence envisaged in the law, the fact that the investigation is ongoing, that there is a risk of pressure on witnesses, pre-trial detention is proportionate’.

Hüseyin Fidanboy, Mutlu Öztürk and five other men were taken to Silivri high security prison, two women were remanded in Bakırköy prison, both in Istanbul.

On 15 October, police also detained Semire Nergiz and Ferhat Kut, co-mayors of Nusaybin, a town in Mardin province bordering Syria. On 17 October, they were both remanded in prison custody for ‘membership of a terrorist organization.’⁵⁶ While it was not possible to obtain details of the accusations and evidence against the co-mayors due to a secrecy order issued on the file, accusations levelled during the interrogation of at least one of them did not relate to the military operation according to a lawyer who was present, but past statements or participation in protests related to the appointment of trustees to municipalities. However, local contacts Amnesty International talked to suspect that the co-mayors were targeted also due to a “crisis desk” they set up on 9 October in Nusaybin to cater to the needs of the local population in the district impacted by cross-border military activity⁵⁷, including deaths and injuries.⁵⁸ Police also raided the crisis desk on 15 October and detained a municipal council member present at the time.⁵⁹

While the official reasons for some of these detentions do not directly relate to Turkey’s military offensive in northeast Syria and the targeting of HDP members had started prior to the launch of the offensive, they have intensified since 9 October when the offensive has begun.

⁵⁶ Press Statement by Mardin Governorate, 18 October 2019: <http://www.mardin.gov.tr/18102019-basin-duyurusu>

⁵⁷ Nusaybinim, 12 October 2019: http://www.nusaybinim.com/nusaybin-belediyesi-kriz-masasi-olusturdu_15869.html

⁵⁸ Press Statements by Mardin Governorate on 10 and 11 October 2019: <http://www.mardin.gov.tr/10102019-basin-duyurusu> and <http://www.mardin.gov.tr/11102019-basin-duyurusu>. Following the launch of the “Operation Peace Spring”, Turkish authorities have reported that 11 people including children were killed and 59 were injured as a result of mortar shells and rocket projectiles fired from across Syria.

⁵⁹ Sendika.org, HDP’li belediyelere polis baskını, 15 October 2019: <http://sendika63.org/2019/10/hdpli-belediyelere-polis-baskini-565147/>

ABUSIVE LEGISLATION SHACKLING FREEDOM OF EXPRESSION

The definition of “terrorism” in Turkey’s anti-terrorism law is overly broad, vague and lacks the level of legal certainty required by international human rights law.⁶⁰ Fundamentally, it defines “terrorism” by its political aims rather than its tactics.⁶¹ Provisions criminalising membership of a terrorist organization have also led to abuses, such as Article 220/6 and 220/7 of the Turkish Penal Code, which allow the state to punish individuals as though they were members of a “terrorist” organization, even when they have not been proven in court to be members.⁶²

Similarly, according to Article 2 of the Anti-Terrorism Law, persons can be found guilty of membership of a terrorist organization without being a member of the organization if found to have committed a crime ‘in the name of such an organization’.⁶³

These “anti-terrorism” provisions have frequently been brought against individuals, who advocate political ideas that may be shared by groups authorities describe as “terrorist”, even when the prosecuted individuals have not themselves advocated violence, hatred, or discrimination, and are not prosecuted for direct involvement in violent acts.

Article 13 of Law 7145 extended police custody for suspects of “terrorism” related crimes allowing police to hold some suspects for up to 12 days without charge.⁶⁴

Several provisions of Turkish Penal Code directly limit the right to freedom of expression in a manner that is not permitted by international legal standards. These include:

- Article 301, which criminalizes denigration of “the Turkish nation, the state of the Republic of Turkey, the Turkish Parliament (TBMM), the government of the Republic of Turkey and the legal institutions of the state” ;
- Article 318, which criminalizes alienating the public from military service;
- Article 215, which criminalizes praising a crime or a criminal going beyond the legitimate aim of criminalizing incitement to commit a criminal act;⁶⁵
- Article 216/1 that criminalizes “incitement to enmity and hatred” and being used also to prosecute criticism of dominant beliefs and power structures;
- Article 216/2 that criminalizes “denigrating section of the population on grounds of social class, race, religion, sect, gender or regional differences”;
- Article 216/3 that criminalizes “denigrating the religious values of a section of the population”;
- Article 125 that criminalizes attribution of an “act or fact to a person in a manner that may devalue that person’s honour, dignity or prestige or.... An attack on someone’s honour, dignity or prestige by swearing”;
- Article 299 that criminalizes “insulting the President”.

These articles of the Penal Code have frequently been used to prosecute and punish peacefully expressed dissenting opinions; public support for the right to conscientious objection to military service voiced at street demonstrations or in newspaper articles; criticism of

⁶⁰ Analysis of relevant legislation under this section is from Amnesty International’s submission for the UN Universal Periodic Review, 35th session of the UPR Working Group, January 2020, “Turkey: Deepening Backslide in Human Rights,” 8 August 2019, available at: <https://www.amnesty.org/en/documents/eur44/0834/2019/en/>

⁶¹ Anti-Terrorism Law No. 3713, Article 1: “Terrorism is any kind of act done by a person or persons belonging to an organization with the aim of changing the characteristics of the Republic as defined in the Constitution, the political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation, endangering the existence of the Turkish State and Republic, weakening, destroying or seizing State authority, eliminating fundamental rights and freedoms, damaging the internal and external security of the State, public order or general health by means of coercion and violence; pressure, intimidation, deterrence, suppression or threats.”

⁶² Article 220/6 of the Penal Code punishes those who “commit crimes in the name of a [terrorist] organization and 220/7 criminalizes “knowingly and willingly assisting a [terrorist] organization.”

⁶³ Law No. 3713, Article 2 defines a “terrorist” offender as “any person, who is a member of organizations formed to achieve the aims specified under Article 1, and who commits a crime in furtherance of these aims in concert with others or individually, or who is a member of the organizations even if s/he does not commit the targeted crime. The second paragraph of the Article continues that “persons, who commit a crime in the name of the organization are also considered as terrorist offenders, even if they are not members of a terrorist organization.”

⁶⁴ Article 13 of Law 7145 amending Anti-Terrorism Law No. 3713 by an additional provision (Temporary Article 19) valid for three years upon its entry into force on 31 July 2018.

⁶⁵ Article 217 of the Penal Code separately criminalizes incitement to commit a criminal act. Amnesty International considers the wording of Article 215 extremely broad with a potential to abuse even though it states that the person carrying the offence will be punishable by up to two years imprisonment “in the case of a clear and present danger to public order as a result of praising a crime or a criminal”

dominant beliefs and power structures, and criticism of the actions of politicians and other public officials and they all must be repealed.

Other legal provisions are so broadly worded that they lend themselves to abuse, impermissibly limiting freedom of expression through their implementation. Article 6/2 and Article 7/2 of the Anti-Terrorism Law, which respectively criminalize “printing or publishing of declarations or statements of terrorist organizations” and “making propaganda for a terrorist organization,” include vague concepts of threat and coercion without specifying in respect of these a link to violence. As such, Article 6/2 allows for the prosecution of individuals for publishing statements that do not amount to incitement to violence, while Article 7/2 is used to prosecute statements, participating in peaceful protests or other similar activities that do not amount to incitement to violence.

On 17 October 2019, Turkey’s Parliament passed a number of legislative amendments with the government’s stated aim of “promoting and expanding rights and freedoms” under its “Judicial Reform Strategy” that failed to address the structural flaws in a judiciary buckled and broken under sustained political pressure.⁶⁶ The only amendment in the package relating to freedom of expression adds “statements made within the limits of providing information or made with the purpose of criticism cannot be criminalized” to Article 7/2 of the Anti-Terrorism Law. However, this vague wording is unlikely to remedy the current abusive use of Article 7/2.

FROM EMERGENCY TO OPPORTUNITY

The extent of the crackdown in the context of the military offensive raises serious concern that the authorities are using military operations in northern Syria as a pretext to further crush dissent and inflict fear. One of the declared aims of the police operation ‘Turkey Applying Confidence and Tranquillity’ launched after the ‘Operation Peace Spring’ began was to “make the citizens feel the presence of security authorities everywhere and all the time.”⁶⁷ The examples outlined in this briefing show the abusive application of anti-terrorism laws to silence all critical discussion of the military offensive, and clamp down on dissent on issues of Kurdish rights and politics more generally, intensifying the climate of fear already present across the country in stark violation of the rights to freedom of peaceful assembly, expression and fair trial rights. In this sense, the agenda pursued by the government is reminiscent of crackdown during the two-year state of emergency which went far beyond the legitimate aim of countering the threat posed by the coup attempt, and broadened into an attack on all forms of peaceful dissenting opinion. A year and a half after the state of emergency has ended, the military operation should not be used to further shrink the space for dissenting or alternative views.

⁶⁶ Law No. 7188 of 17 October 2019: <https://www.tbmm.gov.tr/kanunlar/k7188.html>. For Amnesty International’s analysis of the amendments, see, Amnesty International, “Turkey: “Judicial Reform” package is a lost opportunity to address deep flaws in the justice system,” 8 October 2019: <https://www.amnesty.org/en/documents/eur44/1161/2019/en/>.

⁶⁷ Ministry of Interior announcement of 15 October 2019: <https://www.icisleri.gov.tr/81-ilde-es-zamanli-turkiye-guven-huzur-uygulamasi-gerceklestirildi>

RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF TURKEY TO UPHOLD THE RIGHTS TO FREEDOM OF EXPRESSION AND TO PEACEFUL ASSEMBLY:

- Ensure that criticism of Turkey's military operations or calling for peace -- through media, social media, peaceful assembly or other peaceful means -- is not criminalized and no one, including journalists, opposition politicians and others, is targeted through criminal investigations or prosecutions for exercising their rights to freedom of expression or to freedom of peaceful assembly;
- Drop all charges and end prosecution of individuals or groups for peaceful expression of their opposition to Turkey's military operations, arbitrary removal of elected mayors or appointment of trustees to local municipalities;
- Ensure that people can gather and protest peacefully, including by lifting blanket bans issued by governors across the country;
- Amend the definition of "terrorism" in Article 1 and "terrorist" offender in Article 2 of the Anti-Terrorism Law in line with international human rights law and standards;⁶⁸
- Repeal Articles 301 (Denigrating the Turkish Nation), 318 (Alienating the public from military service), 215 (Praising a crime or a criminal), 299 (Insulting the President), and 125 (Criminal defamation) of the Penal Code;
- Repeal or amend paragraphs 6 and 7 of Article 220 (Committing a crime in the name of an organization) of the Penal Code, by setting out clear criteria for when assisting an armed group can be criminalized, including requiring that such assistance must itself be an internationally recognizable offence, including when it directly involves the planning or commission of such a crime;
- Repeal or amend Article 6/2 (Printing or publishing declarations/statements of a terrorist organization) and Article 7/2 (Making propaganda for a terrorist organization) of the Anti-Terrorism Law to ensure they are precisely and clearly formulated and can no longer be used to prosecute people merely for the peaceful expression of their views;
- Repeal paragraphs 2 and 3 of Article 216 of the Penal Code (Incitement to hatred or hostility) to ensure that they can no longer be used to prosecute people merely for the peaceful expression of their views.

⁶⁸ For an analysis of these provisions as well as those listed under recommendations concerning freedom of expression, association and the right to peaceful assembly, see Amnesty International, *Turkey Decriminalize Dissent: Time to Deliver on the Right to Freedom of Expression*, 27 March 2013 (Index: EUR 44/001/2013): <https://www.amnesty.org/en/documents/EUR44/001/2013/en/>



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