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İNSAN HAKLARI DERNEĞİ HUMAN RIGHTS ASSOCIATION

3 November 2018

Dear Council, distinguished guests honoring our general assembly coming in from Turkey and abroad, esteemed Saturday Mothers and Peace Mothers, dear human rights defenders,

Welcome to the 19th Ordinary General Assembly of the Human Rights Association! I salute you with respect and love on behalf of IHD.

Rojbaş, hun bî xêr hatîn, ser seran ser çavan,

On the 70th anniversary of the adoption of the Universal Declaration of Human Rights, we are going through a period during which human rights have been increasingly instrumentalized and values have been gradually corroded. IHD continues to promote and protect human rights and democracy in a strict and authoritarian period once again after 32 years since its foundation in 1986.

We have set the main theme of our general assembly as to promote and protect human rights and democracy and to struggle to this end by strongly expressing dignity of the human person, freedom, equality, justice, and peace.

Distinguished guests, dear friends,

Our struggle for human rights and democracy has continued continually and will persevere.

The recent 2-year working term has proved to be a period during which the SoE has been implemented in the most arbitrary and strictest manner. Turkey's regime has been changed within this period and an authoritarian presidency regime, which we call the order of SoE, has been established. The political power has been building a new constitutional regime based on an authoritarian and anti-democratic strongman government.



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Since the day it was founded, IHD has been relentlessly stating that Turkey had a democracy and human rights problem. The most significant part of this problem is, certainly, the Kurdish issue. Turkey has to go through a genuine conflict resolution process in order to change its regime into a democratic one. A country can pass on to a new and democratic constitutional system only after successfully completing a conflict resolution process and materializing a peace deal to be signed between the parties of the problem, the latest instance of which was seen in Colombia. Yet, the contrary happened in Turkey. The Peace and Resolution Process that was initiated in 2013 ended in 2015. Armed conflict that started in 24 July 2015 still continues today in Syria and Northern Iraq encompassing a mid-level war having gone beyond Turkey's borders. Turkey has passed on to an authoritarian constitutional order based on monism instead of democratization in order to maintain this war and to sustain its own official ideology, that is, an ideology that is based on Turkish ethnicity and the nationalized form of Sunni Islam.

Dear friends,

The political power in Turkey is trying to sustain its expired political regime rowing against the tide. Yet I do believe that peoples' and workers' struggle for democratization will eventually triumph and we will establish a democratic order where peoples and belief groups living in these lands will have the chance to live in peace by going through a genuine conflict resolution process.

Distinguished guests, dear friends,

Developments in the world certainly had their share in Turkey's regime slide to a more authoritarian level. The crisis created by capitalism prompted states to adopt more interventionist and protective economic policies along with more authoritarian orientations. Under such an environment international bodies could not take the necessary preventive measures against countries leaning towards more authoritarian governments like Turkey. For instance, the Council of Europe was initially a mere spectator to the declaration of SoE 4 days after the failed coup d'état and the complete suspension of fundamental rights in Turkey in spite of the fact that the coup attempt on 15 July 2016 was quenched. The Council, then, resolved to enact a political monitoring process after 8 months but has not done what was necessary to this end. The Council's judicial



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body, the European Court of Human Rights, has been and still is refraining from fulfilling its duty continuously referring to Turkey's domestic laws. The United Nations Human Rights Council could not take action against gross human rights and humanitarian law violations brought about by Turkey's military campaign both at home and in Syria and Iraq. All these made it easier for governments not only in Turkey but also in many other countries to become more authoritarian. Capitalist modernity defaulted on protecting the very human rights system it created. Developments in the world reveal the fact that human rights face major risks.

The only way for the world and Turkey to move away from war and live in peace is human rights. I would also like to state that it is necessary for Turkey to give up its political project (a policy based on anti-Kurdish and anti-Shiite hegemony) that it is trying to implement in the Middle East, to withdraw its military presence from Afrin and Shahba located in the north of Syria in line with the principle of the right to self-determination of peoples, and to develop good-neighborhood relations with the regional government in Northern Syria.

Dear Guests, distinguished delegates,

Turkey is now going through a real constitutional, political, social, legal, and economic crisis. The political power fails to manage this crisis. Therefore, it formed a *de facto* power block by implementing a stricter repression policy. While the future of this alliance is uncertain affected by the impacts of the economic crisis, social sectors to engage in a struggle for democracy need to take Turkey back to the route of democracy once again. IHD continues its struggle to achieve this together with those who struggle for democracy in Turkey.

Turkey needs a new and democratic Constitution along with a genuine conflict resolution. We will always plead our demand for a new and democratic Constitution together with democratic powers and continue our struggle to this end as well.

Our demand for a new and democratic Constitution is one that needs to be handled together with confrontation with the past. Confrontation with the past constitutes one of the most significant parts of our agenda. We will, on all occasions, continue reminding all the concerned of the



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importance of confronting the past and be persistent in our attitude. Specifically, our persistent attitude regarding the Armenian Genocide and Dersim Genocide will persevere even if it leads to prosecution.

One of the most significant problems of Turkey proves to be the prohibition and punishment of freedom of speech. The judicial harassment on social dissidence expressing its opinions, notably on journalists, is at its most advanced point in the history of Turkey. Freedom of speech is the foundation of democracy. Freedom of speech definitely needs to be ensured in order to pave the path to democracy. About 140 lawsuits filed against our Co-Chairperson Eren Keskin reveal the situation freedom of speech is in. Aren't the severe sentences imposed upon jailed journalists persecution? We demand the immediate release of all jailed journalists in the persons of Ahmet Altan and Nazlı Ilıcak.

Turkey's new regime virtually represents a union of powers. The human rights value that suffers the most under such a regime is justice. The significance of the principle of separation of powers reveals itself before independent and impartial judiciary. It is not possible to serve justice without a judicial structure in line with the principle of rule of law. Human rights defenders' and certainly IHD's struggle against impunity has incessantly continued, the struggle for justice has persevered in this period. IHD's report on the elimination of injustice in Turkish penal legislation stands testimony to a more visible struggle in this field.

Weekly sit-ins, "Let the Disappeared Be Found, Perpetrators Prosecuted," staged under IHD's umbrella by Saturday Mothers and Peace Mothers, families of the disappeared, and human rights defenders within the struggle against impunity and quest for justice, have been incessantly staged against all kinds of repressive practices and bans. Human rights defenders' quest for justice will persevere.

One of the most important problems in Turkey is the failure to eliminate mob structures within the state. After the counter-guerilla reality, the fact that the Fethullah Gülen organization's presence within the state did not reveal itself until the failed coup attempt has shown how great was the danger. A democratic government, however, is necessary in order to prevent new illegal



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structures from replacing the eliminated ones. Furthermore, the policy and culture of impunity should be put to an end and the protection of public officers who committed offences should be renounced. IHD continued its involvement in cases of the coup period, litigation of murder by unknown assailants and enforced disappearance cases, and actively participated in endeavors against impunity at every turn.

Distinguished guests, dear friends,

This period has proven to be one that witnessed a serious setback in economic and social rights in Turkey. Such practices as the dismissal of about 150 individuals from public posts during the SoE, eventual unemployment of tens of thousands of workers pursuant to the expropriation of private companies have virtually imposed civil death on these people. IHD stood on the side of those who struggled against this situation. Furthermore, setbacks in economic and social rights like prohibition of strikes increasingly press on along with rising authoritarianism. The judicial harassment imposed upon the third airport workers by criminalizing their protests emanating from their right to legal remedies also demonstrate the degree to which the political power has moved away from economic and social rights. The increasing number of cases involving worker murders are very alarming. On this note, it is clear that IHD needs to be more engaged in the field of economic and social rights in the following term. Our struggle in this field will increasingly go on in the light of this awareness.

The failed coup attempt of 15 July 2016 was quenched merely a day after and acts of violence were stopped. The political power, however, staged a counter-coup and declared SoE on 20 July 2016 and sustained it until 18 July 2018. The government introduced thousands of permanent modifications in hundreds of laws via 32 decree-laws during the SoE. The Constitutional Court submitted to the pressure of the political power during this process and opened up a limitless space for the government by declaring that it had no jurisdiction in cases launched before it, notably SoE decree-laws. Indeed, the Constitutional Court declared, by this attitude, that no one in Turkey had the right to legal certainty. The political power did not confine itself to these and introduced a regulation that extended the SoE to another 3 years via Law No. 7145 on 31 July 2018. This is the reason why we have been stating that Turkey has still been governed under the



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SoE system. IHD took a stand that constantly maintained this important fact on the agenda and objected to it. The struggle against the permanent SoE laws should be sustained in the following term as well.

There was a dramatic increase in the number of torture and other ill-treatment cases at official detention centers under the continuing armed conflict in Southeastern and Eastern Anatolia during the SoE. One can argue that there was an increase in practices of torture for judicial reasons in such an environment as well. The same rising trend can also be seen in allegations of torture and other ill-treatment practices against inmates and convicts in prisons under the SoE conditions. Moreover, the violent methods utilized by security forces against those exercising their right to peaceful assembly during social protests amounted to the level of torture and ill-treatment. IHD took the necessary steps, launched applications and filed complaints with regards to allegations of torture and ill-treatment and undertook a series of activities to this end.

In this term, prisons continued to be the places where human rights violations took place the most as it has always unfortunately been the case. IHD's Central Prisons Committee regularly visited prisons and was engaged in an effective struggle to put an end to such violations. Our responsibility to deal with the problem of failure to release critically sick inmates and with such gross rights violations as beatings and disproportionate disciplinary actions amounting to the level of torture against inmates who object to practices like isolation and strip search contradicting dignity of the human person along with isolation, ban on the utilization of social spaces, and communication and correspondence bans continues.

The substantial isolation imposed on Abdullah Öcalan for more than 2 years who is incarcerated at İmralı Prison also reveal the degree to which repressive methods have become profound. IHD will at all times continue to express the fact that Abdullah Öcalan also has rights, firstly based on human rights and within the framework of the understanding that every dignified person has rights to be protected.

Distinguished guests, dear friends,



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Discrimination was maintained having become even deeper in a gradually authoritarian Turkey. Alawites' demands for equal citizenship are still valid. I would like to state that IHD stands with Alawites in their struggle for rights.

Discriminatory practices against different language and belief groups were maintained against LGBTI individuals as well. Our advocacy for the right to sexual orientation and sexual identity will increasingly continue.

We will also continue advocating the right to conscientious objection against militarism. The fact that the government has been selling the right to conscientious objection in exchange for money also reveals how significant this right is.

Dear friends,

The declaration of the SoE and the introduction of decree-laws solemnly suppressed an ample number of rights, notably the freedom of association, right to engage in political activities, right to peaceful assembly and protest, the right to seek legal remedies. This policy of suppression was conducted through the judiciary and, thusly, the judiciary has become an apparatus of repression for the political power.

The appropriation of 94 municipalities of the Democratic Regions Party and their eventual governance by appointed state officials alongside with the imprisonment of elected mayors constitute, at the same time, a substantial attack on the will of the Kurdish people. I would like to state that it is essential to release these elected mayors, notably Gültan Kışanak, and to return these municipalities to the people.

Furthermore, the imprisonment of elected deputies has also amounted to persecution. Doesn't democracy necessitate the release of Selahattin Demirtaş and other deputies? Doesn't the failure to release Leyla Güven, who is currently a member of the parliament, account for discrimination and otherization?



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Dear human rights defenders,

Judicial harassment against human rights defenders and lawyers have deteriorated in this term as well. Those who targeted human rights defenders with the Büyükada plot have not given up on their goal. The policy of harassment against human rights defenders has been sustained over the imprisonment of Osman Kavala, Hasan Ceylan, and Özgür Ateş. IHD's special reports on the judicial harassment against human rights defenders and lawyers have also been shared with the international community.

Several rights and legal bodies, prominently IHD and THIV, have issued fact finding and observation reports regarding places where curfews were declared beginning with 16 August 2015 and are still in effect in Eastern and Southeastern Anatolia regions. The Turkish General Staff filed a complaint against these reports and judicial pressure exerted over us continues to this day upon the General Staff's request.

An ample number of IHD executives and members were detained and arrested because of statements advocating peace against war and criticizing Turkey's military campaign against Syria's Afrin region beginning on 20 January 2018. Executives and members of other bodies were also subjected to such pressure via detention and arrests.

This term was also one during which many human rights defenders and activists had to leave Turkey. Former IHD Secretary General and THIV Executive Board Member lawyer Hasan Anlar and many other human rights defenders were forced to leave Turkey. Former IHD Central Executive Board member and Ankara Branch Executive Board member lawyer Halil İbrahim Vargün is in prison. Along with HRDs; journalists, academics, politicians, intellectuals, and authors had to leave Turkey just as was the case in September 12 period and they were virtually sent to exile.

Governors of many cities passed and implemented bans having been authorized by the SoE covering all protests with one-off and for a specific day/action or consecutive protests for various meetings, protests, and activities. These bans varied from a meeting on the negative impacts of



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geothermal plants to high-school and university festivals, from culture and arts and nature festivals to LGBTI+ events.

People participating in the sit-ins demanding “I Want My Job Back” staged by academic Nuriye Gülmen and teacher Semih Özakça, who were dismissed by SoE decree-laws, on 9 November 2016 on Yüksel Street, Ankara were detained tens of times, got punitive fines, prosecuted and lawsuits were filed against them. Sociologist Veli Saçılık, teacher Acun Karadağ, teacher Esra Özakça, paramedic Adnan Vural (IHD Central Executive Board Member), paramedic Mahmut Konuk, and many others joined these sit-ins later on. IHD stood by protests and events staged by KESK and other unions affiliated with KESK against such dismissals. IHD supported dismissed workers and took the necessary initiatives to protect their rights.

This term was also one in which the utterly negative impacts of social violence, legitimized by the declaration of SoE, were seen in practices involving women. The increase witnessed in the number of violence cases against women, instances of official violence against women, and the practices imposed upon women in prisons following the declaration of SoE offer crystal clear examples.

Many women were laid off, dismissed from their jobs; many women’s institutions were closed down, and many women were imprisoned because of violations of the right to freedom of expression with the declaration of SoE. The SoE hit women the hardest and proved to be a blow on women’s freedom.

Refugees, asylum-seekers, and immigrants faced intensive rights violations during this term. The fact that Turkey used people, who were forced to seek asylum in the country, as a trump card especially against the EU countries and EU’s stake-holding attitude in this policy brought about such violations. Refugee rights will continue to constitute one of the basic fields of study for human rights defenders.

IHD was also engaged in an intensive work term in the field of children’s rights as per the UN Convention on the Rights of the Child. IHD reminds all the concerned about the fact that the recent controversy about “Our Pledge,” a text recited at elementary schools, was not undertaken on the



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basis of the rights of the child and will persist in maintaining its attitude to protect children from such militarist documents.

Dear friends,

The works IHD has undertaken during this term highly disturbed the political power and IHD was subjected to administrative, financial, and activity audits by inspectors from the Interior Ministry; a first in the history of IHD. A final audit report was prepared and was transferred to Ankara Chief Public Prosecutor's Office resulting in lawsuits against IHD and its executives. The investigation is still pending.

Yet the political power had to acknowledge the fact that IHD was an independent human rights body in spite of the limitless mandate offered to the government by the SoE and its decree-laws and our association has dodged the risk of closure for now.

Consequently, our Central Executive Board has delivered its determination to sustain organized struggle regarding the challenges of the incoming term with a perspective that sees its own shortcomings within the last two years. IHD sincerely thanks for all the labor put in our initiatives notably by our Central Executive Board members, branch executives, headquarters and branch staff, and, last but not least, to all activists who contributed to and supported our works. I would especially like to thank Mr. Hüsnü Öndül and Ms. Sevim Salihoğlu whose executive posts have ended this term.

I would also like to thank my dear wife and children, my colleagues, the executives and staff of my employer SES union for extending all kinds of support to my endeavors.