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RULE 9.2 COMMUNICATION

in the Oya Ataman Group of Cases (74552/01) v. Türkiye

Submitted by the
Fide Research, Monitoring and Reporting Association

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Submission by the Fide Research, Monitoring and Reporting Association pursuant to Rule 9.2 of the Committee of Ministers’ Rules for the Supervision of the Execution of Judgments, Additional Observations on the Implementation of Oya Ataman (App. No.74552/01) Group of cases judgments.

A. INTRODUCTION

1. The Fide Research, Monitoring and Reporting Association (Fide Araştırma, İzleme ve Raporlama Derneği - “FAIR”) was founded in Ankara in 2024 by human rights experts. FAIR aims to contribute to the efforts to make rights and freedoms accessible to all through research, reporting, and advocacy activities, prioritising ethical values and objectivity. Adopting universal human rights values and international standards, FAIR works for social, economic, legal, cultural, artistic, sports, and environmental rights and freedoms in Türkiye and abroad. It works for the strengthening of common networks in solidarity with civil society organisations by adopting a rights-based subject orientation and an inclusive gender perspective that makes the experiences of women and LGBTI+ visible.¹

2. This submission presents information to the Committee of Ministers about the persistent refusal of Turkish authorities to take full and effective measures concerning the execution of judgments in the Oya Ataman (No.74552/01) group of cases, to prevent violations of the right to freedom of peaceful assembly in Türkiye.

a. Background

3. This group concerns violations of the right to freedom of peaceful assembly, including the prosecution of participants and/or the use of excessive force to disperse demonstrations. Some cases also concern detention orders against the participants, failure to carry out effective investigations into the applicants’ allegations of ill-treatment or lack of an effective remedy in this respect (violations of Articles 2, 3, 5, 10, 11, and 13 of the Convention).

B. GENERAL MEASURES

4. Türkiye has failed to provide detailed and reliable data and statistics on critical human rights issues. Despite repeated calls for transparency and accountability, the Turkish government has consistently failed to provide comprehensive data and statistics on fundamental rights,

¹ www.fairder.org.tr

particularly in areas such as freedom of expression, peaceful assembly, arbitrary detention, police brutality, torture, and ill-treatment, as well as interpretations of legally binding instruments. Such lack of data not only undermines Türkiye's commitments under the Convention but also seriously hinders the ability of international organisations and civil society to assess the true extent of human rights violations in the country.

The Human Rights Action Plan

5. On 2 March 2021, Türkiye announced its Human Rights Action Plan (HRAP) under the vision of “Free Individual, Strong Society; More Democratic Türkiye.”² Although it has been claimed that the plan was developed through a participatory approach and incorporated input from CSOs, professional organisations, academics, media representatives, as well as local stakeholders, including the Council of Europe (CoE) and the European Union (EU). However, the information provided by Türkiye is limited, lacks historical accuracy and factual support, and cannot fully substantiate these claims. The Human Rights Department at the Ministry of Justice has been working on a new Human Rights Action Plan since 2014. The first Action Plan was an intent for the implementation of ECtHR decisions: “Action Plan for the Prevention of Violations of the European Convention on Human Rights”. The preparation of the second Action Plan was announced to the public by the Turkish Presidency in 2018 within the scope of its second 100-day Action Plan of the government. It was indicated that a new initiative was underway based on the “Action Plan for the Prevention of Violations of the European Convention on Human Rights,” which was published in the Official Gazette of 1 March 2014. Yet, the action plan for 2014 and the attempt in 2018 were not enforced. The 2021 HRAP appears likely to meet a similar fate, fading into obscurity due to unmet commitments and partial efforts, with its grand objectives unlikely to be realized in any meaningful way. The Law on Meetings and Demonstrations (2911) allows the administration to take abstract, discretionary, and arbitrary decisions to ban assemblies, meetings and demonstrations. The 15-day bans regularly imposed by governorates in many provinces refer to the relevant articles of the Law and do not provide any justification. The ban decisions taken by the provincial administrative authorities on the exercise of the right to assembly and demonstration marches, some of which cover all demonstrations and events, based on the authority granted by Article 11/C of Provincial Administration Law No. 5442 and Article 17

² <https://insanhaklarieylemplani.adalet.gov.tr/Sayfa/ikinci-insan-haklari-eylem-planı>

of the Law No. 2911 on Meetings and Demonstrations, have led to a chain of serious and extensive violations of rights. In addition, the disproportionate use of force by law enforcement officers against protests not only led to violations of the right to peaceful assembly but also to acts of torture and ill-treatment. Therefore, instead of making constructive progress towards the aims and objectives outlined in the Human Rights Action Plan, a situation has arisen that significantly falls short of both these objectives and international standards.

The Right to Freedom of Peaceful Assembly

6. In the area of freedom of peaceful assembly, Türkiye's restrictive laws and government practices have led to widespread censorship and suppression of dissent. However, reliable data on the number of people prosecuted or convicted for exercising this right is generally not available. The authorities either do not publish detailed reports or provide vague and incomplete information, making it difficult to track the extent of such violations. As regards police brutality and torture, and ill-treatment, although Türkiye is obliged to comply with international standards, there is insufficient data on the prevalence of these violations. Allegations of police brutality during peaceful protests and torture in detention centers are common, but official data documenting these allegations are either not published or are not detailed enough to allow meaningful analysis. The lack of reliable statistics in these areas seriously hinders accountability and fosters an environment in which violations can go unpunished.

7. Türkiye has consistently sought to present itself to the international community as a country that supports and facilitates the right to peaceful assembly. In various reports and statements to international organisations, the government emphasises the legal framework guaranteeing freedom of assembly and refers to isolated instances of protests or assemblies being allowed to continue. Official discourse often emphasises the existence of mechanisms designed to protect these rights and claims that restrictions are imposed only in the interest of public safety or order. Yet, these assertions frequently conflict with the actual situation, as peaceful gatherings are regularly met with disproportionate police interventions, unjust detentions, and judicial proceedings targeting those involved. By selectively highlighting certain events and trivialising or justifying the suppression of others, Türkiye attempts to convince the global community of its commitment to democratic principles, while in practice often undermining the very rights it claims to protect.

8. One of the most striking examples of this approach can be seen in the “Meetings and Demonstrations” section of Türkiye's second periodic report to the UPR. According to data provided by the government, the total number of participants in meetings and demonstrations exceeds half of the population. The average number of “protests/events” reported from 2016 to 2021 is around 40,000 per year, even during the pandemic, despite a decline in participation. However, as is often the case, Türkiye does not provide any breakdown of the nature of these protests or events. The government includes political party rallies, public concerts, inauguration ceremonies, and government-sponsored gatherings in these figures. Türkiye should therefore provide detailed information on the specific nature of these protests and activities. Accurate data and statistics are essential for a reliable analysis of the situation regarding protests.³

260. In the last 5 years, more than 99% of the mass protests/activities in Türkiye were held in a peaceful environment without any intervention. Figures regarding demonstrations and intervention rates are listed in the following table.

<i>Year</i>	<i>Protests/activities</i>	<i>Protestors/participants</i>	<i>Intervention rate</i>
2016	40.016	43.900.170	2%
2017	38.976	25.277.339	0,8%
2018	46.389	31.036.329	0,8%
2019	53.118	32.553.402	0,7%
2020	33.609	5.452.212	0,8%
2021	46.555	10.016.895	0,6%

9. In its statistics for 2023, the Ministry of Justice provided data⁴ on Law No. 2911 (Law on Meetings and Demonstrations). These data are as follows:

Investigation (person)	Non-prosecution (person)
6,864	3,697

Prosecution (person)	Conviction (person)	Acquittal (person)
4,622	426	2,908

10. More recently, on 19 March 2025, mass meetings and demonstrations were held in many cities across Türkiye in reaction to the detention and arrest of 107 politicians, including İstanbul Mayor Ekrem İmamoğlu. Throughout the peaceful protests, numerous fundamental

³https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F2023%2F2F2&Lang=en

⁴ https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/22042024115644ADAlet_ist-2023CALISMALARI59.pdf

human rights were violated, with police brutality notably targeting peaceful assemblies and demonstrations. These violations undermine the principles of freedom of expression and assembly that form the cornerstone of human rights. Following President Recep 'Tayyip Erdoğan's statements⁵ targeting the demonstrations, police violence accelerated, and many people, including university students, lawyers, journalists, and political party representatives, were arbitrarily detained in house raids. From beatings to the disproportionate use of chemical agents, many acts of torture and ill-treatment were committed. İstanbul Governorate issued a blanket ban on all assemblies and protests across the city until 23 March 2025, with a decision taken on 19 March 2025, the day İstanbul's mayor and his colleagues were detained.⁶ On 22 March 2024, the Governorate extended the ban until 26 March 2025 and restricted entry and exit to and from the city and neighboring cities to prevent participation in the demonstrations. In the following days, the ban was extended until 27 March. Ankara, İzmir, and Manisa Governorates also banned all kinds of assemblies, demonstrations, events, and marches for 4 days on 21 March 2023. The bans were extended until 1 April 2025 in Ankara and 29 March 2025 in İzmir.⁷ According to the statement of Minister of Interior Ali Yerlikaya dated 27 March 2025, 1,879 people were detained in connection with the protests against İmamoğlu's detention since 19 March 2025 while 260 people were arrested. 468 people were released under judicial control measures while 662 others are still awaiting decisions. Furthermore, Yerlikaya stated on 25 March that 43 people were detained for insulting the president and his family. Minister Yerlikaya announced that 150 police officers were injured in the incidents between 19 and 26 March.⁸

11. Freedom of assembly, which forms the foundations of a democratic society, is one of the basic means and methods of defending human rights. In Türkiye, peaceful assemblies and demonstrations have become impossible due to bans and interventions, thus making it impossible for citizens to express their views.

⁵ <https://www.bbc.com/turkce/articles/cgl0w2d30x0o>

⁶ https://ankahaber.net/haber/detay/istanbul_valiligi_istanbula_giris_ve_cikisi_yasakladi_eylem_yasagi_4_gun_daha_uzatildi_228539

⁷ <https://www.dw.com/tr/ankara-ve-i%C3%87zmirde-g%C3%B6steri-ve-eylem-yasaklar%C4%B1-uzat%C4%B1ld%C4%B1/a-72028788>

⁸ <https://www.icisleri.gov.tr/icisleri-bakanimiz-sayin-ali-yerlikaya-gundem-ve-trafik-tedbirleri-konularinda-aciklamalarda-bulundu>

C. CONCLUSION AND RECOMMENDATIONS

12. General measures to prevent violations of the right to freedom of peaceful assembly and effective investigations into cases have so far been insufficient.

13. No significant changes have been introduced to the relevant provisions since the latest meeting of the Committee of Ministers at which the current group of cases was reviewed. The amendments previously introduced have not produced the results proposed by the government. FAIR believes that the Turkish authorities have not adequately resolved the structural issues identified by the ECtHR and the Committee of Ministers, which continue to remain unaddressed.

14. Having in mind the arguments above, FAIR requests the Committee of Ministers to set out the following recommendations to the Turkish authorities:

- ❖ Urge Türkiye to revise its Action Plan and address in full the structural problems arising from the domestic legislative framework identified by the ECtHR in the Oya Ataman Group;
- ❖ Amend Law No. 2911 on Meetings and Demonstrations to ensure that its provisions are fully in line with the principles set out in the case law of the ECtHR;
- ❖ Amend Law No. 5442 on Provincial Administration to ensure that its provisions are fully in line with the principles set out in the case law of the ECtHR;
- ❖ Call on Türkiye to pursue a clear and detailed strategy to prevent violations of the right to freedom of peaceful assembly;
- ❖ Request Türkiye to provide detailed information on administrative bans imposed on assemblies and demonstrations, on interventions by law enforcement officers to disperse demonstrations and meetings, and on assemblies and demonstrations that were allowed to take place without police intervention although they failed to comply with the requirements of the Law No. 2911, as well as the number of criminal and administrative prosecutions and convictions linked to breaches of Law No. 2911;

15. Finally, the Oya Ataman Group of cases must remain supervised under the enhanced procedure, and this group of cases should regularly be reviewed at the quarterly Human Rights meetings of the Committee of Ministers.