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İNSAN HAKLARI DERNEĐİ
HUMAN RIGHTS ASSOCIATION

Necatibey Cad. 82/11–12,
06430 Demirtepe–Ankara
TÜRKİYE
Phone: +90 312 230 35 67–69
Fax: +90 312 230 17 07
e-mail: ihd@ihd.org.tr,
www.ihd.org.tr

Department for the Execution of Judgments of the ECHR

Directorate General Human Rights and Rule of Law

Council of Europe 67075

Strasbourg Cedex France

Email: dgi-execution@coe.int

RULE 9.2 COMMUNICATION

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

Submitted by the
HUMAN RIGHTS ASSOCIATION

27 February 2023

DGI -Directorate General of Human Rights and Rule of Law
Department for the Execution of Judgments of the European Court of Human Rights
F-67075 Strasbourg Cedex FRANCE
Email: DGI-Execution@coe.int
Sent by email

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Submission by the Human Rights 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 (74552/01)* group of cases judgments.

I. INTRODUCTION

1. The Human Rights Association (İnsan Hakları Derneği – “İHD”) is a non-governmental, independent, and voluntary body. The association, founded in 1986, is the oldest and largest human rights organization in Türkiye and its sole and specific goal is to promote “human rights and freedoms.” İHD issues special reports on various human rights issues, including annual reports on human rights violations in Türkiye. İHD also submits shadow reports before committees at the United Nations and the Council of Europe as well as submitting Rule 9.2 communications.¹

2. This submission aims to present information to the Committee of Ministers about the persistent negligence of Turkish authorities to take full and effective measures concerning the execution of judgments in the *Oya Ataman (74552/01)* group of cases to prevent violations of the right to freedom of peaceful assembly in Türkiye.

¹ <https://www.ihd.org.tr/en>

A. Background

3. The *Oya Ataman* group concerns violations of the right to freedom of peaceful assembly, including the prosecution of participants in demonstrations and the use of excessive force to disperse peaceful demonstrations. The cases also concern unjustified detention orders imposed on the participants, the failure to carry out effective investigations into the applicants' allegations of ill-treatment, and the lack of an effective remedy in this respect (violations of Articles 2, 3, 5, 10, 11 and 13 of the Convention).

II. GENERAL MEASURES

4. The right to freedom of peaceful assembly is freedom of expression in practice. Türkiye is under the monitoring of the CoE Committee of Ministers in the *Öner and Türk v. Türkiye* group of cases on freedom of expression. İHD submitted a Rule 9.2 communication on the *Öner and Türk* group of cases² before the March 2023 meeting. İHD would like to emphasize that the issues expressed in this communication regarding the problems before freedom of expression must be taken into consideration in the *Oya Ataman* group of cases as well.

5. The political power in Türkiye has created a political environment within the last decade that restricts fundamental rights and freedoms through various means of repression. In this political environment, especially the right to freedom of peaceful assembly has been increasingly restricted. Four turning points have dramatically affected the country within the last decade. The first of these turning points was the İstanbul Taksim Gezi Park Protests that started on 28 May 2013. These protests, which were not affiliated with any political party or structure and developed spontaneously, were a collection of protests that reflected on the streets the totality of all the grievances arising from the past of all social segments of society who were ignored, whose freedoms were restricted, whose right to life was interfered with, and who were sensitive to their cities and environmental problems; and these peaceful assemblies were accompanied with peaceful demonstrations. In the aftermath of the Gezi Park Protests, which lasted for nearly three months, the government imposed restrictions on the exercise of many rights, especially the freedom of peaceful assembly. As a result of the government's attempt to pin all responsibility on the protesters by labeling it as a "coup attempt," a lawsuit known as the "Gezi Trial" that had no legal basis

² https://ihd.org.tr/en/wp-content/uploads/2023/02/2023_İHD_Öner-ve-Türk-Rule-9.2.pdf

whatsoever was brought. The case against Osman Kavala was later expanded to include people who participated in the Gezi Park Protests and was named the “Gezi Trial.” This case ended with the 25 April 2022 ruling of the İstanbul 13th High Criminal Court and the defendants Osman Kavala, Mücella Yapıcı, Çiğdem Mater, Hakan Altınay, Can Atalay, Mine Özerden, Yiğit Ali Ekmekçi, Tayfun Kahraman were convicted under Article 309³ of the Turkish Penal Code (TPC). This case shows that a very severe penal article such as Article 309 of the TPC could be used instead of the special penal Law No. 2911 on Assemblies and Demonstrations that is commonly resorted to in cases covering the right to freedom of assembly.⁴ This case laid bare the problem of interchangeable penal articles, which is very common in Türkiye. As in other cases related to the Gezi Park protests, the government directly or indirectly targeted many civil society organizations, including human rights organizations. The pro-government media consistently published and broadcast hate speech.

6. The second breaking point in Turkey was the collapse of the peace and resolution process. The peace process, which was initiated by the government in 2013 to solve Türkiye’s most important problem, the Kurdish Issue, ended in failure in 2015. In the general elections held in Turkey on 7 June 2015, the ruling AKP lost its majority and could not form a government on its own. When coalition talks failed, early elections were called. On 1 November 2015, the run-up to the early general elections was quite bloody. First, on 24 July 2015, armed clashes were launched to solve the Kurdish issue through violent means once again. Then, on 16 August 2015, without the declaration of a state of emergency (SoE) or martial law, a period of prolonged curfews began, the first of its kind in Türkiye’s history.⁵ During this period, many civilians lost their lives in the cities. All kinds of assemblies and demonstrations were banned. On 10 October 2015, the deadliest massacre of civilians in Türkiye’s history took place in Ankara. Two suicide bombings were carried out against the Peace Rally organized by labor and professional organizations in Ankara and the law enforcement forces failed to fulfill their duty of prevention.⁶ The consequences of the collapse of the peace process have

³ TPC Article 309: “Any person who attempts to abolish, replace or prevent the implementation of, through force and violence, the constitutional order of the republic of Turkey shall be sentenced to a penalty of aggravated life imprisonment.”

⁴ <https://ihd.org.tr/en/joint-ihd-hrft-statement-on-the-gezi-park-trial-verdict/>

⁵ <https://en.tihv.org.tr/curfews/>

⁶ <https://ihd.org.tr/en/the-massacre-of-october-10th-2015-during-the-labour-democracy-and-peace-rally-in-front-of-the-ankara-central-train-station-the-human-rights-association-preliminary-observation-report/>

been devastating, gross human rights violations were committed especially during the curfews, and these were documented by human rights organizations.⁷ Following the public disclosure of the reports prepared by the organizations, President Erdoğan, in his speech on 7 April 2016 on the occasion of the 171st anniversary of the establishment of the police organization targeted human rights organizations saying: “Those who published these reports should be taken to task. What reports are you publishing?”⁸

7. Türkiye reached a third turning point: The 15 July 2016 attempted coup d’état. The countrywide state of emergency (SoE) declared immediately afterward turned into a very useful tool in the hands of the political power against civil society organizations. The de facto start of a new order of government led to an authoritarian one-man regime, the principle of separation of powers was suspended while checks and balances were rendered dysfunctional with the constitutional referendum held on 16 April 2017 as the SoE was still in place.⁹ Although the SoE was lifted on 19 July 2018, Law No. 7145 on the Amendment of Some Laws and Decree Laws made the SoE practices permanent.¹⁰

8. In March 2020, Türkiye began to be governed by prohibition measures under the name of various administrative measures with the COVID-19 pandemic. All kinds of assemblies and demonstrations organized by many human rights defenders and NGOs are frequently prevented on the grounds of public security, public morality, and prevention of crime, and when such restrictions are imposed, no justification is even stated for the necessity and proportionality of the measure taken, contrary to what is required by national and international legislation.¹¹ Therefore, different groups, including trade unionists, lawyers, students, LGBTI+, and women, face smear campaigns, criminalization, judicial harassment, police violence, and even police custody for legitimately exercising their right to freedom of peaceful assembly. As a result, many people in Turkey are now reportedly afraid to exercise their right to freedom of assembly in public spaces.¹²

⁷ https://ihd.org.tr/en/wp-content/uploads/2020/09/sr20200707_IHD-HRD-Repression-Report-2020.pdf

⁸ <https://bianet.org/bianet/siyaset/173711-erdogan-dan-stk-lara-sen-neyin-raporunu-yayinliyorsun>

⁹ https://ihop.org.tr/wp-content/uploads/2022/06/OHAL-Raporu_-2016_2018.pdf

¹⁰ <https://ihd.org.tr/en/regarding-law-no-7145-regulating-permanent-state-of-emergency/>

¹¹ https://www.ihd.org.tr/wp-content/uploads/2020/08/20200811_IHD-Kovid19TedbirleriRaporu.pdf

¹² <https://ihd.org.tr/en/a-perpetual-emergency-attacks-on-freedom-of-assembly-in-turkey-and-repercussions-for-civil-society/>

9. Türkiye is also under infringement procedure by the Parliamentary Assembly of the Council of Europe for not implementing the ECtHR judgment in the case of *Osman Kavala v. Turkey* (28749/18). Despite this procedure, freedoms of expression and peaceful assembly are being restricted in Türkiye in violation of the country's own Constitution and international conventions to which it is a party.¹³ Türkiye's refusal to implement ECtHR judgments, particularly in the cases of *Selahattin Demirtaş* and *Osman Kavala*, has further raised concerns about the judiciary's commitment to international and European standards. Türkiye's withdrawal from the Istanbul Convention has also called into question its commitment to such standards.¹⁴

10. Decree laws issued during the SoE in Türkiye were rendered permanent with the subsequent Law No. 7145.¹⁵ One of the provisions that became permanent is the additional paragraphs amended to Article 11 of Law No. 5442 on Provincial Administration.¹⁶ With these paragraphs, governors were authorized to restrict the gatherings of people in certain places or at certain times within the provincial borders for a period of 15 days. In its ruling on Law No. 7145, the Constitutional Court dismissed the appeals for the annulment of the "Rule on the Authority Granted to Governors Regarding the Measures to be Implemented within the Provincial Borders" and the "Rule on the Criteria to be Taken as a Basis in Determining the Location and Route of Assemblies and Demonstrations in Provinces and Districts."¹⁷ In addition, the Anti-Terrorism Law No. 3713 (ATL) contains vague and overly broad definitions of terrorism and terrorist offenses, which pose a serious threat to the freedoms of assembly, expression, and thought. Thus, the ATL can also be used as a tool of repression against people exercising their right to freedom of peaceful assembly in Turkey. A case in point is the fact that only one criminal chamber, namely the 3rd Criminal Chamber of the Court of Cassation, reviews the appeal of decisions rendered under the ATL and Law No.

¹³ <https://ihd.org.tr/en/a-perpetual-emergency-attacks-on-freedom-of-assembly-in-turkey-and-repercussions-for-civil-society/>

¹⁴ <https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-10/Turkey%202021%20report.PDF>

¹⁵ For further information, see: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)037-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)037-e)
<https://rm.coe.int/venice-commission-Compilation-on-states-of-emergency-eng/16809e85b9>

¹⁶ "Governors may, for a period not exceeding fifteen days in cases where public order or security has deteriorated or there are serious indications that it will deteriorate in such a way as to halt or interrupt ordinary life, restrict entry to and exit from certain places in provinces for persons suspected of disrupting public order or public security; regulate or restrict the movement of persons, gatherings, and the movement of vehicles in certain places or at certain times; and prohibit the carrying and transportation of all kinds of weapons and bullets, even if licensed."

¹⁷ <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2017/36237>

2911. Therefore, when examining the *Oya Ataman* group of cases, the amendments to the Law No. 2911 on Assemblies and Demonstrations, the powers granted to provincial governors under Law No. 5442, Articles 125, 215, 216, 299, 301 of the TPC concerning freedom of expression, Article 260 of the TPC regulating the provision on resisting the police, and the ATL due to the ambiguity of the definition of terrorism should be considered together. İHD's Rule 9.2 submission on the *Öner and Türk* group of cases offers a comprehensive analysis of the vagueness of the definition of terrorism.

11. In Türkiye, the armor of impunity granted to law enforcement officers is a factor that escalates police brutality and curbs citizens' exercise of their right to freedom of assembly and access to justice in case of violations. Law No. 4483 on the Prosecution of Civil Servants and Other Public Officials makes the investigation of any police officer subject to the permission of provincial governors, which is not granted in the vast majority of cases of police violence. Yet, human rights defenders subjected to torture and ill-treatment face judicial harassment.¹⁸ Criminal complaints filed against law enforcement officers for obstruction of the right to freedom of peaceful assembly are not allowed to be investigated on the grounds of Law No. 4483, and these criminal complaints result in decisions of non-prosecution. Even if the appeals made to the Regional Administrative Courts against decisions of non-prosecution (regarding the denial of permission to investigate) are accepted, it takes a long time for the chief public prosecutors' offices to initiate investigations against law enforcement officers. The lawsuits filed (against public officials) are not for violations of prohibition of torture and ill-treatment, but for misconduct in office under Article 257 of the TPC. According to the "2021 Judicial Statistics" released by the Ministry of Justice, General Directorate of Judicial Records and Statistics, 2,190 people were investigated for torture and torture crimes under Articles 94 and 96 of the TPC, non-prosecution decisions were delivered for 953 people, 866 people were prosecuted while 371 people were handed down other decisions. Yet, in 2021, 156,110 people were investigated for crimes against the security and functioning of public administration, including Article 265 of the TPC, which constitutes the crime of "resisting a public official," and 52,325 people were prosecuted. The fact that there is such a high difference between the number of cases filed for the crime of torture and the crime of resistance under the conditions of the de facto

¹⁸ <https://ihd.org.tr/en/a-perpetual-emergency-attacks-on-freedom-of-assembly-in-turkey-and-repercussions-for-civil-society/>

state of emergency and COVID-19 measures in 2021 when law enforcement brutality increased, clearly shows the extent of impunity and its utilization as a systematic policy.¹⁹

12. The Metin Lokumcu case is one of the examples of lawsuits against public officials that authorities intend to drag out. On 31 May 2011, before the election rally of then Prime Minister Recep Tayyip Erdoğan in Hopa district of Artvin, the police intervened against those who wanted to make a press statement in Hopa's Cumhuriyet Square about the problems of tea producers and hydroelectric power plant (HEPP) projects scheduled to be built in the region. And retired teacher Metin Lokumcu died of a heart attack due to the tear gas used during the intervention. Ten years after Mr. Lokumcu's death, a lawsuit was filed for involuntary manslaughter against public officials at the Trabzon 2nd Criminal Court of First Instance. As a result of the perseverance of lawyers and various human rights organizations, Trabzon 2nd Criminal Court of First Instance decided to dismiss the case on the grounds of probable intent and sent the case to the Trabzon 2nd High Criminal Court at the hearing held on 28 June 2021. The Lokumcu case, which we are afraid will end up in impunity by dragging out the investigation and the trial, is still pending before Trabzon 2nd High Criminal Court (2021/273 Merits).²⁰

13. Saturday Mothers, relatives of forcibly disappeared persons and human rights defenders who had been peacefully gathering at Galatasaray Square in front of Galatasaray High School on İstiklal Street in Taksim, İstanbul since May 1995 demanding justice and to learn the fate of their forcibly disappeared relatives were prevented from their 700th week vigil on 25 August 2018, while Galatasaray Square has been closed to all protests since then. 46 people who exercised their right to freedoms of expression and peaceful assembly were charged with "participating in unlawful assemblies and demonstrations without weapons and not dispersing despite warnings."²¹ This case is still pending before the İstanbul 21st Criminal Court of First Instance with merits No. 2020/559. The Beyoğlu District Governor's Office in İstanbul banned²² the mothers' 700th week sit-in, the administrative annulment lawsuit filed by İHD against the decision to close Galatasaray Square to all protests was dismissed, the

¹⁹For further information, see: https://ihd.org.tr/en/wp-content/uploads/2022/11/SR2022_2021-Turkey-Violations-Report.pdf

²⁰ <https://www.failibelli.org/metin-lokumcu-davasi-izleme-raporu-26-27-ocak-2023/>

²¹ <https://ihd.org.tr/en/joint-ihd-thiv-statement-on-the-ban-on-saturday-mothers-vigils/>

²² Decision dated 25 August 2018, numbered 2018/1757.

appeals court and the Council of State dismissed the appeals, and finally the Constitutional Court (App. No. 2021/32065) also found the application inadmissible, and an individual application (No. 48154/22) was launched before the ECtHR. Further, the 900th meeting to be held in Galatasaray Square on 25 June 2022 was also prevented and 16 people, including İHD Co-Chairs Öztürk Türkdoğan and Eren Keskin, relatives of the disappeared, Saturday Mothers and human rights defenders were taken into custody.²³ İHD co-chairs and others who were arbitrarily detained and prevented from making a press statement were released after a few hours and the investigation against them ended in a non-prosecution decision.

14. Since the SoE was declared in 2016, protests and assemblies have been banned for more than six years by the Van Governor's Office for consecutive periods of 15 days in Van.²⁴ The Constitutional Court did not annul the rule regarding the authority granted to the governors for the measures to be taken within the provincial borders described under heading 6 on the grounds that "considering the nature and duration of the measure, it can be concluded that administrative judicial review provides an effective and immediate control mechanism against arbitrary practices and that the rule does not impose disproportionate restrictions on the right to organize assemblies and demonstrations and freedom of movement."²⁵ Although the Constitutional Court mentions in its judgment that administrative judicial review provides an effective and immediate review mechanism against arbitrary practices, the administrative courts did not deliver annulment decisions in any of the lawsuits filed against the 15-day protest bans issued by the governors' offices. As a matter of fact, when the annulment lawsuits filed against the decision of the İstanbul Beyoğlu district governor's office banning the sit-in of the Saturday Mothers were rejected, the appeal to the Constitutional Court (App. No. 2021/32065) was also dismissed. Thus, the Constitutional Court has demonstrated that there was no effective domestic remedy against such ban decisions.

15. In addition, in the context of the government's increasingly anti-LBGTI+ policies, LBGTI+ events are still subject to bans all over Turkey. Most recently, before the İstanbul Pride

²³ <https://ihd.org.tr/en/ihd-hrft-joint-statement-immediately-release-detained-hrds-and-apologize-to-saturday-mothers/>

²⁴ <https://www.evrensel.net/haber/463584/vanda-evlem-yasaklari-15-gun-daha-uzatildi-yasaklar-6nciyila-yaklasti>

²⁵ Judgement dated 30 June 2022, numbered 2018/137 Merits – 2022/86 Judgement (E.2018/137, K.2022/86, 30/06/2022, § ...): <https://normkararlarbilgibankasi.anayasa.gov.tr/ND/2022/86>

March scheduled to take place on 26 June 2022, the roads leading to Taksim Square were closed by the governor's office's decision and 373 people were taken into custody having been subjected to ill-treatment.²⁶ During the student protests against President Erdoğan's appointment of a rector at Boğaziçi University, the police responded with excessive force, detaining people without question and raiding their homes. Hundreds of students who participated in the Boğaziçi protests were taken into custody and many of them were handed down international travel bans and house arrest orders. Eleven students were imprisoned for participating in these protests.²⁷ Numerous lawsuits were filed against protesting students. These lawsuits were filed not only for violating Law No. 2911, but also on charges such as "inciting the public to hatred and enmity" under Article 216 of the TPC.²⁸ The İstanbul Governor's Office announced a ban on assemblies, marches, press statements, sit-ins, opening stands, setting up tents, distributing leaflets, etc. before the Feminist Night March on 8 March 2022 as well.²⁹

16. As another example, since the declaration of the SoE, bans have been imposed on demonstrations and events organized on Yüksel Street in central Ankara. In 2017, a prefabricated police station was built on Yüksel Street in order to intervene quickly in assemblies and demonstrations.³⁰ In its judgment in the case of *Adnan Vural et al.* (2017/36237),³¹ the Constitutional Court reviewed the custody and imposition of administrative fines on people, who participated in solidarity protests in Yüksel Street for two people dismissed from their jobs by SoE decrees, as a violation of the right to assembly. This judgment, however, did not mention the fact that İHD co-chair Öztürk Türkdoğan, who was also taken into custody and was among the applicants, as a human rights defender and co-chair of the country's oldest and largest human rights organization. The Constitutional Court acted wary in this judgment and did not reveal the violation in all its dimensions. Even though the Constitutional Court found a violation, it did not accept the applicants' claim for compensation.

²⁶ <https://www.bbc.com/turkce/61947095>

²⁷ <https://en.tihv.org.tr/alternative-shadow-reports/preliminary-assessment-report-on-violations-of-rights-during-the-protests-against-the-appointment-of-rector-to-bogazici-university-by-the-president/>

²⁸ For detailed information about the cases, see: <https://www.amnesty.org.tr/icerik/bogazicisergi>

²⁹ <https://kaosgl.org/haber/istanbul-valiligi-nden-8-mart-feminist-gece-yuruyusu-yasagi>

³⁰ <https://www.gazeteduvar.com.tr/gundem/2017/11/14/yuksel-caddesine-mobil-karakol-kuruldu>

³¹ <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2017/36237>

17. According to the 2021 statistics released by the Ministry of Justice, a total of 7,704 investigations were conducted under Law No. 2911, and 3,214 of these resulted in non-prosecution decisions, while 3,575 investigations led to lawsuits. In 2021, a total of 8,312 lawsuits were heard under Law No. 2911, of which 1,674 resulted in convictions and 3,838 in acquittals.³² The repression, threats and coercion faced by citizens, and especially human rights defenders, largely take place during or in connection with assemblies and demonstrations. The freedoms of expression and association, as well as the freedom of assembly, which constitute the foundations of a democratic society, are the essential means and methods of defending human rights. When peaceful assemblies and demonstrations become impossible as a result of bans and interventions, it also becomes impossible for citizens to express their views.

18. Although projects such as the Project on Increasing the Effectiveness of Constitutional Court Decisions are carried out with the Council of Europe for judges and prosecutors, these projects and the trainings provided within their scope do not yield any positive results. Especially decisions delivered by judges and prosecutors appointed after the SoE do not comply with the case law and standards of the ECtHR and the Constitutional Court.³³ Following the attempted coup on 15 July 2016, SoE was declared on 20 July 2016, and approximately 4,500 judges and prosecutors were dismissed from their jobs by the Supreme Board of Judges and Prosecutors (now the Board of Judges and Prosecutors) under the state of emergency. According to the statistics of the Ministry of Justice,³⁴ there were 12,395 judges and prosecutors in Turkey, including 4,674 prosecutors and 7,721 judges at the level of first instance and regional courts of justice as of the end of 2016. Of these, 4,500 were dismissed, leaving 7,895 judges and prosecutors. The SoE ended in 2018. According to the statistics of the Ministry of Justice, by the end of 2018, there were a total of 15,416 judges and prosecutors in the same group, including 5,883 prosecutors and 9,533 judges. We also estimate that around 1,000 judges and prosecutors retired during this period. In this case, **8,521 of the judges and prosecutors on duty at the end of the SoE were appointed during the SoE, which corresponds to a rate of approximately 60 percent.** It is very difficult to

³² <https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/310520221416422021H%C4%B0ZMETE%C3%96ZELK>

³³ See Constitutional Court President Zühtü Arslan's statement: <https://gazetekarinca.com/aym-baskanindan-iktidara-anayasa-mahkemesi-kararlarini-uygulayin/>

³⁴ <https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/310520221416422021H%C4%B0ZMETE%C3%96ZELK%C4%B0TAP.pdf>

expect the ECtHR case law to be implemented with such meritless appointments. Even for this reason alone, the monitoring process must continue.

IV. CONCLUSION AND RECOMMENDATIONS

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

20. No significant changes have been introduced to the relevant provisions since the last 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. İHD is of the view that the structural problems observed by the ECtHR and the Committee of Ministers persist and have not been properly addressed by the Turkish authorities.

21. Having in mind the arguments above, İHD 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 ECHR in the *Oya Ataman group*;
- Amend Law No. 2911 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 to ensure that its provisions are fully in line with the principles set out in the case law of the ECtHR; in particular, amend Article 11(C) which grants broad powers to governors to ban both peaceful public assemblies and indoor human rights events,
- Review the 2016 Directive on the use of tear gas and other crowd control weapons to ensure that it complies in all respects with international standards in relation to the use of crowd control weapons and to make use of the international expertise which could be made available through the Council of Europe;

- Urge Türkiye to put in place an effective *ex post facto* review mechanism to assess the reasonableness and proportionality of any use of excessive force by law enforcement officials;
- Call on Türkiye to stop the criminalization of the members of civil society who exercise their right to freedom of peaceful assembly;
- 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 (including information on the locations, the authorities who ordered, dates, their scope and durations), 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;
- Request Türkiye to provide detailed information on the criminal investigations and proceedings initiated against law enforcement officers accused of using excessive force to disperse assemblies and demonstrations (including information on the numbers of prosecutions, convictions and acquittals, the type of offences and sentences).

22. Finally, *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.