

# **P E N N O R W A Y**

## **Turkey Elections:** What Does the Future Hold for Freedom of Speech?

**PEN Norway's Interview with Lawyer  
Züleyha Gülüm, MP for the People's  
Democratic Party (HDP)**

## Turkey Elections: What Does the Future Hold for Freedom of Speech?

Since 2020, as part of the Turkey Indictment Project, PEN Norway has examined 25 separate indictments focused on freedom of expression in Turkey and has produced reports on these indictments in cooperation with expert lawyers from different European countries. The PEN Norway Turkey Indictment Project reports of 2020 and 2021 revealed that every one of the 25 indictments in question failed to comply with Turkey's domestic legal provisions and also international provisions and contracts such as the European Convention on Human Rights and the UN Guidelines for prosecutors.

PEN Norway's in-person, recent, observations of such trials as the Gezi Park trial, the We Will Stop Femicide Platform case and trials of Turkey's chief physician Prof. Dr Şebnem Korur Fincancı, activist Pınar Selek and journalist Sedef Kabaş all demonstrate the lack of independence of the judiciary as well as serious fundamental flaws in the preparation of indictments.

Historic elections take place in Turkey on May 14th, 2023, in which the candidates for both the President and Turkey's Parliament will be determined. A month before the elections PEN Norway's Turkey Adviser travelled to Istanbul to interview representatives of the major political parties to question them about issues such as freedom of expression, the freedom of the press, the rule of law, and the right to a fair trial in Turkey.

As part of this interview series, we conducted face-to-face and written interviews with the following:

- Dr. Canan Kaftancıoğlu, the Istanbul Regional Chair of the Republican People's Party (CHP),
- Lawyer Züleyha Gülüm, Istanbul's MP for the People's Democratic Party (HDP),
- Former journalist and now MP for the Worker's Party (TİP) Ahmet Şık,
- Lawyer Bahadır Erdem, Vice Chair of the İyi Party,
- Bülent Turan, Vice Chair of the Justice and Development Party (AKP),
- Selahattin Demirtaş, imprisoned former co-chair of the People's Democratic Party (HDP),
- Serhan Yücel, Secretary-General of the Democrat Party,
- Mustafa Yeneroğlu, Justice and Legal Affairs Policy Chairman of the Democracy and Progress Party (DEVA),
- Muharrem Erkek, Vice President of the Republican People's Party (CHP)
- Zeynep Esmeray Özadikti, candidate for MP from Turkey's Worker Party (TİP)
- Bülent Kaya, Legal Affairs Chairman of the Saadet Party.

None of the content of the interviews has been altered by PEN Norway, the views expressed are those of the individual politicians.

We hope that these historic elections in Turkey will be instrumental in strengthening fundamental rights and freedoms for all.

*Caroline Stockford, Turkey Adviser, PEN Norway*  
*Şerife Ceren Uysal, Legal Adviser on Turkey, PEN Norway*

# PEN Norway's Interview with Lawyer Züleyha Gülüm, MP for the People's Democratic Party (HDP)

**Would you say that freedom of expression and freedom of the press exist in Turkey today? How do you see the general picture?**

You have just mentioned two concepts that we are about to forget soon. Because in Turkey, there is neither freedom of expression nor freedom of the press. How do we see this? It is not possible to talk about freedom of expression in an environment where every person who expresses his/her thoughts is imprisoned. You naturally cannot talk about freedom of the press in a period where press workers are arrested and tried with serious penalties. And it is not only a matter of facing trials, but also the press is immobilised by a series of legal regulations, is brought under the constant threat of punishment, and journalists are unacknowledged as real members of the press unless they have the press card issued by the Presidency. Furthermore, members of press are not allowed to attend certain events, and in the Kurdish region, they are constantly faced with violence. Let's say you are going to a protest and you are a press worker. you will be confronted with police violence. It is not possible to talk about freedom of the press under these conditions. Unfortunately, it is not possible to talk about freedom of expression either if there is no freedom of the press.

**A closure case is pending against your party, the Peoples' Democratic Party (HDP) and many of your party's MPs and mayors are under arrest; many of them being women. What is your take on this process? Why is that particularly women deputies and mayors are targeted?**

The closure case against our party actually reveals that the government cannot cope with us in the field of democratic politics. The government couldn't destroy us as they had hoped, and it also failed to hinder our activities. This is because the political line of our party represents the demands of the peoples of this country. Therefore, their failure to hinder us in the field of democratic politics led them to use the judiciary in their efforts to stop our activities and dissolve our party.

The judiciary is not independent in Turkey. Neither the Constitutional Court nor other courts are independent. They are operated on the instructions of the government. Therefore, both the closure case and the Kobane conspiracy case were initiated at the behest of the government and are actually tools being used to silence us via the judiciary. This is it in a nutshell. The cases lack any legal standing. They rest on a completely political one. These lawsuits have been filed with political motivations.

As for women, we all know that there is an intense struggle for women's freedom both in the world and in our country. Women in



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Turkey have never given up their struggles, rights and gains. The women's assemblies of our party, our women friends, our women MPs, our women mayors, and our women activists have been most effective throughout this process. Therefore, one wouldn't be surprised to see such a wave of attacks against us, given there is a government that is so hostile to women's politics, that launches all-out attacks women's gains, refuses any women representation in politics but says "we want to see you stay at home, not elsewhere and you will become submissive, 'admissible' women, you will obey". Because if you are hostile to women, if you are hostile to women's freedom, the very first target you attack is naturally the women members of the HDP. That is why the women are consistently the most commonly detained, arrested, and sentenced group in all court cases. The government considers them as an obstacle. Because they are attempting to build an authoritarian regime. They are trying to reinforce patriarchy. Naturally, the first place they attack is the women's liberation struggle.

This could be a minor detail, but the recent members of their alliance are a clear indication of this. On the run up to the elections, the AKP ruling party has forged an alliance that is clearly reminiscent of Taliban. And this alliance demands the following: They stipulated that the government abolish the Law No. 6284, the right to alimony, and women's gains as the condition of their participation. And the government accepted this. In fact, it is a very clear indicator of how they view women.

**We know that you are a feminist MP coming from a legal background. That's why we especially wanted to ask it to you. Why did Turkey withdraw from the Istanbul Convention? After 14 May, should we expect that Turkey returns to the Istanbul Convention?**

The Istanbul Convention was a very important, in fact a vital convention for us. It was signed thanks to the women's achievements, in fact through to the women's struggle. You know, the government always says: we signed it, we signed it. That is not the case at all. It was signed as a result of women's struggle that has been going on for years. Then the government withdrew from it. Why? Because the government no longer wants women's freedom in this country. It does not want women to live a life free from violence. The government does not want a system where women are economically independent of men. It wants to establish a social structure in which what they call "admissible women" obey and submit the male mindset of the state or of the man. The presence within this structure of a convention such as the Istanbul Convention is a hindrance to them. This is because with such a contract in place, they would fail to create the 'model woman' they want. Therefore, as a requirement of its new political line, the government had to give up this convention for the sake of the patriarchal social structure that favoured the oppressive war policies it was trying to build within the country. That is why they withdrew, but they did not stop there. As I just said, they're trying to abolish our right to alimony. They want to make legal arrangements so they could marry off girls at a young age to those who rape them. There is a constant wave of attacks on our multiple gains, for example on our right to abortion. In other words, there are many waves of attacks in the country, and the Istanbul Convention is only one of the targets.

From the point of view of the new government, it is clear that the decisive factor here is the Green Left Party, our party, and the

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struggle of women on the streets. Because we know that the so-called National Alliance also has certain elements who are against the Istanbul Convention. One of the parties in the National Alliance had been openly advocating for the “abolition of the Istanbul Convention”. Therefore, we do not count on them in this respect. But we’re counting on two things: One, we count on the struggle of the women of our party. Two, we count on the feminist struggle. We count on a women’s liberation struggle which has always been on the streets and the city squares, and announced that they will always be there for our rights, and of course we also count on the women’s liberation struggle in the world. If the Istanbul Convention will be signed in the new period, it will be signed thanks to these forces.

**Every year Turkey hosts Europe’s most crowded March 8 (Intl. Women’s Day) Night Walks and Pride Marches. But at the same time, almost every year we hear that many people are detained and injured during these parades. The 2023 Istanbul Pride will take place be after the elections. Prospectively speaking, how do you see the scenario for celebrating Pride in 2023 and Women’s Day in 2024? We know that the CHP has said that next year, March 8 would be enthusiastically celebrated in Taksim. Do you think that’s realistic?**

“ It is also important to know that before the AKP, we used to have serious problems too in terms of women’s freedom in our country. The patriarchy was present then as well. But the National Alliance announces that we will undergo a partial restoration to go back to before. But that’s not enough for us. We demand a line of total struggle against the patriarchy. ”

As I have just mentioned, whenever the National Alliance talks about women’s freedom, we know that they do not mean the same thing with us and the feminist struggle. It’s very clear. They have a partial definition of women’s freedoms in certain areas, but they do not actually represent a line that really struggles against patriarchy and that changes and transforms it in a broad sense. What they propose are partial adjustments. Moreover, the National Alliance talks about a restoration, not a radical change and transformation. It is also important to know that before the AKP, we used to have serious problems too in terms of women’s freedom in our country. The patriarchy was present then as well. But the National Alliance announces that we will undergo a partial restoration to go back to before. But that’s not enough for us. We demand a line of total struggle against the patriarchy. Yes, it may be that in the new period that the Women’s Day parades on March 8 will not be banned. Yes. It may be that the parades of the LGBTQ+ community will not be banned, yes. But they will still try to limit us, they will still refuse to accept our demands on some issues. Therefore, we will continue to struggle then as well. In other words, we will continue our struggle in the new period. This is how we see the coming period: If we can open up the channels of democracy, that is, if at least our right to assembly and demonstration, our right to freedom of thought, expression and association can be exercised, then we will make it thanks to our own struggle. This is how we look at it in general.

**As PEN Norway, we were present at almost all the hearings of the Gezi trial and we saw you in the courtroom. What are your views on the court processes of the Gezi Trial? In the future, how can we prevent similar violations and injustices in the judiciary in Turkey?**

In fact, the Gezi trial was no different from any other political trial in Turkey. Because the political trials in Turkey have this overall aim of silencing the centres of social resistance and those who struggle. In this sense, the Gezi resistance was one that caused great fear for the government. Because during the Gezi resistance, people said the following: “We will not submit to your authority, we will not submit to your environmental massacres, we will not accept the imposition on

women to give birth to 3 or 5 children.” Kurds said that they will not approve or tolerate their rights to be taken away, their language to be banned and the war policies to be imposed. The LGBTQ+ individuals refused to be ignored. Workers and labourers refused the slavery conditions. There were multiple areas like this. It was a rebellion, a way of saying “no”, actually. The Gezi resistance was a struggle for our rights and our lives. And the government, of course, did not like this at all. Because the government did not want such areas of freedom to exist in its desired social formation. And to this aim, it manipulated the judiciary and tried some of our friends involved in the Gezi resistance and sentenced them to serve time in prisons for up to several years. Was it legal? It was not. Had there been a real law in the country, these cases would not even have been filed in the first place. These cases should not have been filed, let alone being taken to the point of sentencing. Let us remember that despite many acquittals in these trials, they went on to exert pressure again, dismissed the judges, replaced them, formed new judicial panels in the court and handed down sentences through those new panels, and did this through retrials in cases that had already resulted in acquittals. Therefore, nothing was legal here. This was actually a way to seek revenge against those took part in the Gezi resistance, to gag and silence them. The government wanted to send the following message: Try to do such a thing once again and you will end up with life-sentences.

In terms of the Gezi resistance, Osman Kavala, of course, was not one of the people who was physically involved in the Gezi resistance. But they obviously wanted to seek revenge against certain groups, they wanted to target someone. And Osman Kavala was chosen in this context as well. Of course there were actually millions of people who took part in the Gezi resistance. Since it wouldn't work to the government's advantage to target all of them -as it was impossible for it to pick such an excessively defined target- it chose some symbolic names and attacked them. By means of targeting people such as architect Mucella Yapıcı, or our friends on trial in that case, the government actually instils fear in the society through its target. The punishment is intended for people other than that particular individual. This is the logic behind these proceedings. You judge one person, but you are sending a message to all those who took part in the Gezi resistance. I think that's why they chose some symbolic names and targeted them.

**After the 14 May elections, in the event of a change in government, what kind of a process do you foresee will unfold in the fields of freedom of expression and freedom of the press? What are some tangible plans of the Peoples' Democratic Party (HDP)? But of course, we would like to ask the same question in reverse. In case the current government remains in power, will the election results have any impact on the exercise of these rights and freedoms? If you were to say yes, could you give us an insight into what you envision?**

Here's what we're counting on: Now, in case the National Alliance wins the elections and the Green Left and the Labour-Freedom Alliance is able to make a strong entry into parliament, which is our goal, then we can seriously change a lot under these conditions. But we do not expect major changes if the Green Left fails to make a strong entry and if the current government that is trying to impose harsh conditions in this country wins the elections, or if the winner is the group that calls for restoration. But if we, as the Green Left Party, can make a strong entry into parliament -and this

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is our aim in terms of the number of deputies- then we can create some serious changes in parliament as people who represent the women's liberation struggle and the oppressed. And if we can make a major breakthrough together with the people on the street, that is, together with the struggle of the social sphere, then yes, we have the possibility of seeing all these things you mentioned realised. But the struggle itself will be decisive at this point. The National Alliance will take steps on some issues. Why will they do it? Because people who also vote for the National Alliance cry out: Enough is enough! We are tired of oppression, tired of poverty, tired of injustice and unfairness. We are tired of divisive policies. And they are voting for the National Alliance expecting that they will solve these problems. Therefore, thanks to this pressure, those who form the National Alliance will have to make changes. But it must be said very clearly that the main element is the Green Left, that is our party. Because without the Green Left, what they will do will be mere partial adjustments. They won't go too far. For example, we don't think that they are really interested in building a liveable country. They will take certain steps due to the pressure of the voters who supported them. I think there are two things we can count on in all these processes: One, the Green Left should be able to form a majority in the parliament, i.e. have a significant number of deputies. The second is the strong grassroots organisations, and the determination of those who are organised to insist on their demands and say "You have to keep the promises you gave us, this is not enough, we want more, we want that as well". If this country is to have a future, I think this is the way.■

## Züleyha Gülüm,

Züleyha Gülüm, a People's Democratic Party (HDP) MP, is a graduate of Istanbul Law Faculty.

She is a member of the Socialist Feminist Collective and the Women's Commission of the Association of Lawyers for Freedom. She has also been involved in other women's associations and women's co-operative activities.

She served as a member of the Justice Commission of the Grand National Assembly of Turkey.