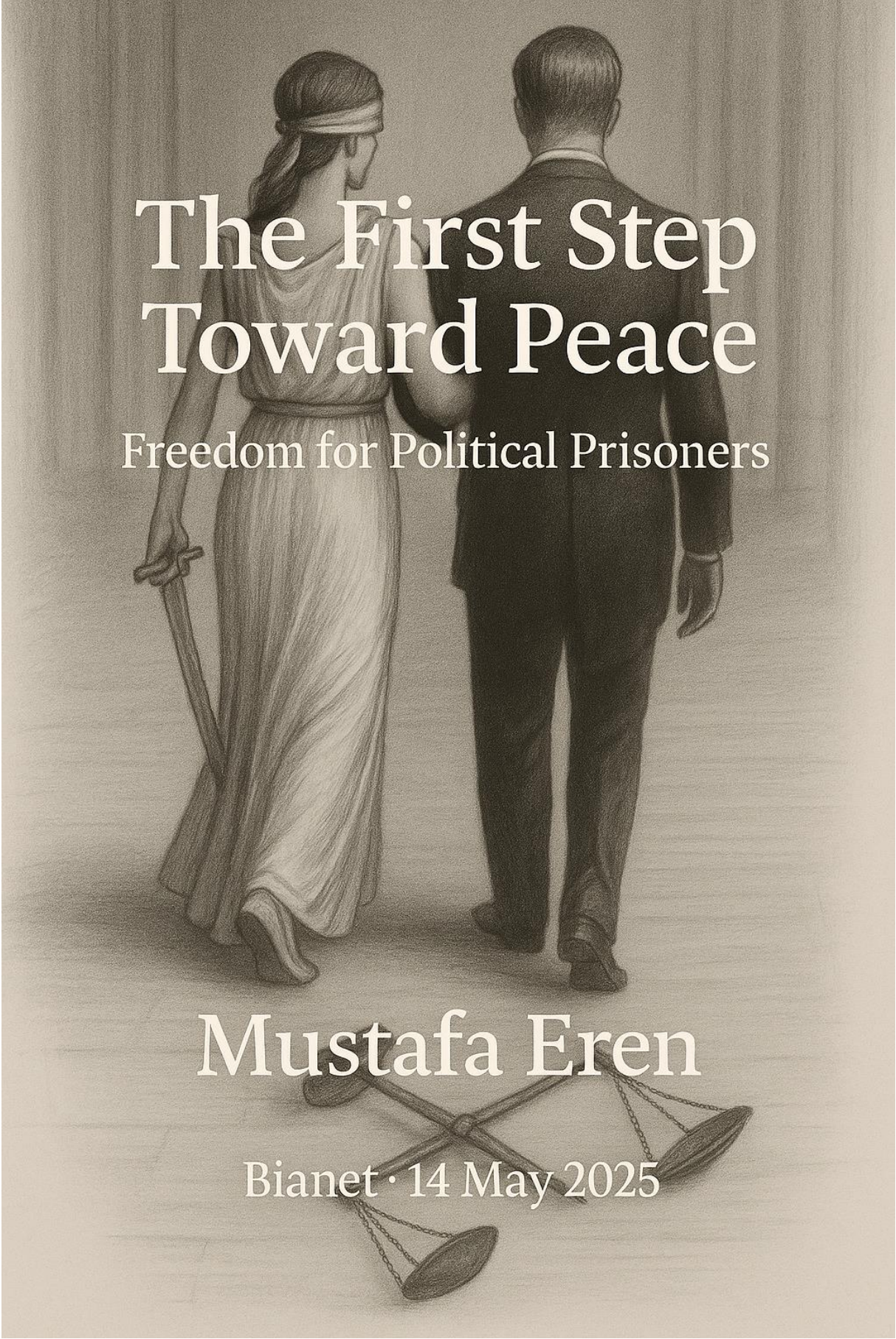




The First Step Toward Peace

Freedom for Political Prisoners

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The First Step Toward Peace: Freedom for Political Prisoners

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The Kurdish movement's decisive stance to lay down arms and dissolve itself has brought the possibility of a new “solution” or “peace” process back into the public agenda, following decades of conflict fueled by denialist state policies in Turkey. While some interpret this as a historic rupture, others see it as a phase of silence that creates room for the government to reshape the political landscape. Regardless of interpretation, this new political climate raises expectations about what steps the state and government will take.

One of the most debated issues in this context is the release of political prisoners—thousands of whom have been held for over 30 years—or in other words, the issue of “amnesty.”ⁱ Although government officials have declared that a general amnesty is not on the agenda, they have indicated that limited amendments to the penal execution system could be possible.ⁱⁱ However, in Turkey—especially during the AKP era—penal execution reforms have not merely been technical adjustments; rather, they have become tools of discriminatory and selective policies with deep political implications.ⁱⁱⁱ

Penal Execution Policies Under the AKP: “Covert Amnesties” and Discrimination

During the AKP’s rule, nearly all penal reforms were deliberately designed to exclude political prisoners. While reductions in sentence durations were granted to those convicted of ordinary crimes, political prisoners were systematically excluded. These policies, though not explicitly framed as such, functioned as “covert amnesties” that discriminated against and further victimized political prisoners.

The most striking example of this practice was the 2020 Law No. 7242, passed under the pretext of the COVID-19 pandemic. This law enabled the release of tens of thousands convicted of non-political offenses, while those imprisoned for exercising their freedom of thought and association were explicitly excluded from sentence reductions. The government’s security-oriented approach has turned this discrimination from an exception into the rule.

The Injustice in Law: Double Standards

The injustice embedded in the penal system is not limited to temporary reforms—it is entrenched in the legal framework itself. Before the AKP era, individuals convicted of ordinary crimes were eligible for conditional release after serving two-thirds of their sentence, whereas political prisoners had to serve three-quarters. Legal amendments introduced under the AKP reduced the required term to half for most ordinary offenses, yet the discrimination against political prisoners remained intact, with their term merely reduced to two-thirds.

This legal injustice is compounded by discriminatory practices. The probation system is widely applied to ordinary prisoners, but political prisoners are often denied this right on the arbitrary grounds of not being deemed “well-behaved.” Thus, for a political prisoner to “complete” their sentence, they not only have to remain in prison longer, but also be subjected to the discretionary power of prison authorities. This transforms the issue from a legal injustice into an administrative one. A recent case exemplifying this is the release and immediate re-arrest—within 24 hours—of Selçuk Kozağaçlı, the honorary chair of the Progressive Lawyers Association (ÇHD).^{iv}

The Litmus Test of Peace: An Egalitarian Penal Reform

If a genuine peace or resolution process is to be built, one of the first steps must be the transformation of this longstanding, unjust penal system. Legal frameworks and practices that systematically exclude political prisoners not only undermine the rule of law in Turkey but also reinforce the perception that justice is merely rhetorical. This, in turn, fuels public doubt about the government’s sincerity and erodes trust in the possibility of achieving societal peace.

Whether or not an “amnesty” is introduced to open the path to freedom for political prisoners—who have been subjected to decades of double standards and injustice—is far more than a technical decision. The state’s willingness to stop treating political prisoners differently is not only a matter of law; it is also a critical political gesture of sincerity and a necessary step toward rebuilding a sense of justice. Dismantling the injustice architecture shaped by covert amnesties is one of the essential prerequisites for genuine democratic normalization.

Note on Translation:

This English translation was generated with the assistance of ChatGPT and subsequently reviewed and edited by the author, Mustafa Eren.

Endnotes

ⁱ According to the 2023 report of the Council of Europe's Annual Penal Statistics, known as "SPACE statistics" (Statistiques Pénales Annuelles du Conseil de l'Europe), out of the **306,031 convicted prisoners** in Turkey at that time, **23,125** had been sentenced for offenses classified as "terrorism." In addition, **11,494** of these convicted prisoners were serving life sentences, while **53,682** had been sentenced to **20 years or more**.

See: SPACE I / 2023, pp. 46–49. <https://www.coe.int/en/web/prison/space>

ⁱⁱ In a public statement, Minister of Justice Yılmaz Tunç explained that the new penal execution reform package—known as the "10th Judicial Package"—consists of 40 articles, and that it does not constitute an amnesty. He stated that the primary beneficiaries of this reform would be those who did not benefit from the previous COVID-19-related release arrangement in 2020—specifically, individuals who were not in prison as of July 31, 2023, but had committed an offense earlier, whose sentences had been finalized but had not yet been enforced. *Hürriyet*, 11 May 2025

ⁱⁱⁱ When Statutory Decree No. 671—arguably the first large-scale penal execution reform introduced by the AKP, which envisioned the release of approximately one-fifth of the prison population—was issued in 2016, I publicly expressed my views on behalf of the Civil Society in the Penal System Association (CISST) with the following statement:

"This regulation violates the principle of equality. This amnesty does not cover all prisoners; it excludes those prosecuted under the laws listed above. This is not a debate about absolute equality. However, a legal regulation of this kind should, from the perspective of legal sociology, be based on a broad social consensus. It can be said that this regulation, in its current form, lacks such a consensus, and does not align with the collective conscience or the pursuit of social peace.

The wholesale exclusion of political prisoners (those prosecuted under the Anti-Terror Law) and perpetrators of offenses classified as crimes 'against the state' from the scope of this amnesty is a matter open to serious debate. In the past, the state's practice of releasing perpetrators of crimes 'against individuals' while keeping those convicted of crimes 'against the state' imprisoned has already been challenged and brought to court. Furthermore, this regulation—designed to free up space for thousands of new detainees—relies on the assumption that those who are still in pre-trial detention, who have not been convicted and are therefore presumed innocent under the principle of presumption of innocence, are somehow more 'guilty' than those being released. This presumption is illogical and unacceptable from the standpoint of legal sociology."

CISST Official Website:

https://cisst.org.tr/basin_duyurulari/kismi-ozel-affa-iliskin-dusuncelerimizdir/

^{iv} For further discussion on this issue and the functioning of the "Prison Administration and Observation Boards" (Cezaevi İdare ve Gözlem Kurulları) see:

Hikmet Andal, "His Release Lasted Less Than a Day: Selçuk Kozagaçlı Sent Back to Prison," *Bianet*, April 17, 2025.

<https://bianet.org/haber/tahliyesi-bir-gunden-az-surdu-selcuk-kozagacli-hapse-gonderildi-306546> (Accessed: May 13, 2025)

Evrin Kepenek, "How Do Prison Administration Boards Operate? The Case of İlhan Sami Çolak," *Bianet*, August 23, 2024.

<https://bianet.org/haber/ilhan-sami-comakin-tahliyesini-engelleyen-cezaevi-idare-kurullari-nasil-calisiyor-298913> (Accessed: May 13, 2025)

References

Council of Europe. (2023). *SPACE I – Annual Penal Statistics of the Council of Europe*. Strasbourg: Council of Europe. Retrieved from <https://www.coe.int/en/web/prison/space>

Hürriyet. (2025, May 11). *Adalet Bakanı Tunç'tan 10. Yargı Paketi açıklaması*. [News article].

Civil Society in the Penal System Association (CISST). (2016). *Our Thoughts on the Partial Special Amnesty Regulation* [Statement]. Retrieved from https://cisst.org.tr/basin_duyurulari/kismi-ozel-affa-iliskin-dusuncelerimizdir/

Andal, H. (2025, April 17). *His Release Lasted Less Than a Day: Selçuk Kozağaçlı Sent Back to Prison*. Bianet. Retrieved May 13, 2025, from <https://bianet.org/haber/tahliyesi-bir-gunden-az-surdu-selcuk-kozagacli-hapse-gonderildi-306546>

Kepenek, E. (2024, August 23). *How Do Prison Administration Boards Operate? The Case of İlhan Sami Çolak*. Bianet. Retrieved May 13, 2025, from <https://bianet.org/haber/ilhan-sami-comakin-tahliyesini-engelleyen-cezaevi-idare-kurullari-nasil-calisiyor-298913>