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Annual Report 2013

The state of the world's human rights

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Turkey

Head of state **Abdullah Gül**

Head of government **Recep Tayyip Erdoğan**

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Freedom of expression remained restricted despite limited legislative reforms. The police used excessive force to break up peaceful demonstrations. Investigations and prosecutions into alleged human rights abuses by state officials were flawed. The pattern of unfair trials under anti-terrorism legislation persisted. Bomb attacks claimed the lives of civilians. No progress was made in recognizing the right to conscientious objection or in outlawing discrimination on grounds of sexual orientation or gender identity. The number of refugees from Syria seeking shelter in Turkey reached almost 150,000. Turkey adopted stronger legal protections to combat violence against women and girls but existing mechanisms were inadequately implemented in practice.

Background

Discussions regarding the adoption of a new Constitution continued throughout the year but with little evidence of consensus among the political parties or effective engagement with civil society.

In October, the Parliament passed a resolution authorizing military intervention in Syria for 12 months and another extending the existing authorization for intervention targeting the armed Kurdistan Workers' Party (PKK) in northern Iraq for another year. The vote followed a Syrian mortar landing in Akçakale, a border town in Turkey's Şanlıurfa province, killing five people.

Armed clashes between the armed forces and the PKK had also increased. The army claimed to have "rendered ineffective" 500 armed PKK members in September alone. In December the government announced that it had taken part in negotiations with the PKK.

Hundreds of prisoners across Turkey went on hunger strike in February and again in September to protest at the authorities' refusal to allow imprisoned PKK leader Abdullah Öcalan to receive visits from his lawyers, among other demands. The protests ended in April and November respectively, following calls to do so from Abdullah Öcalan.

In May, the Parliament passed the urban regeneration law, which removed procedural guarantees for residents affected by such projects and heightened concerns that they would result in forced evictions. In October, the Parliament passed trade union legislation that failed to uphold ILO standards, particularly with regard to the right

Human rights by region



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Amnesty International on

to strike and the right to collective bargaining.

In September, more than 300 serving and retired military officers were convicted of planning “Sledgehammer”, an alleged violent plot to overthrow the government. The verdict polarized opinion in Turkey between those seeing it as a victory against impunity for abuses by the military and others who alleged that the evidence used to secure the convictions had been fabricated.

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social networks



Freedom of expression

Little progress was made in addressing the restrictions on freedom of expression in the media and more widely in civil society. Criminal prosecutions frequently targeted non-violent dissenting opinions, particularly on controversial political issues and criticism of public officials and institutions. Dissenting opinions related to issues of Kurdish rights and politics were foremost of those subjected to criminal prosecution.

In July, Parliament passed a series of reforms as part of the “Third Judicial Package”, which abolished or amended several laws used to limit freedom of expression. The reforms did not amend the definitions of offences used to limit freedom of expression, including, notably, those contained in anti-terrorism legislation.

- In February, conscientious objector and human rights defender Halil Savda was imprisoned for “alienating the public from military service” under Article 318 of the Penal Code. In April he was given a conditional release from his 100-day sentence. In September, he was fined and temporarily prevented from continuing on his “peace march” in the southern province of Osmaniye. In December, Halil Savda was acquitted in two separate cases brought under Article 318. Another conviction under Article 318 remained pending at the Supreme Court of Appeals.
- In October, the trial of pianist Fazıl Say began. Prosecutors brought the case under Article 216 of the Penal Code for “publicly insulting religious values” in tweets he made mocking religious individuals and Islamic conceptions of heaven.
- In March, journalists Ahmet Şık and Nedim Şener were released after 375 days of pre-trial detention. Their prosecution, with other journalists, for “committing a crime on behalf of a terrorist organization” under Article 220/6 of the Penal Code continued at the end of the year. They stood accused of assisting the media strategy of “Ergenekon”, an alleged criminal network with links to the military and other state institutions, charged with plotting to overthrow the government.
- Large-scale trials, targeting alleged membership of the PKK-linked Kurdistan Communities Union (KCK), continued throughout the year. The trial of 44 journalists accused of KCK membership began in September.
- A separate prosecution of 193 people, including academics Ragıp Zarakolu and Büşra Ersanlı for membership of the KCK continued at the end of the year. The evidence against Ragıp Zarakolu and Büşra Ersanlı was based on their involvement in the Politics Academy of the pro-Kurdish Peace and Democracy Party (BDP), a recognized political party. They were released in April and July respectively pending the outcome of the trial.

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Torture and other ill-treatment

Allegations of torture and other ill-treatment in official places of detention persisted. In June, the Parliament passed legislation to create an Ombudsman’s Office and a separate national human rights institution. The national human rights institution lacked guarantees of independence. At the end of the year, it was unclear how or whether it would fulfil the obligations of the Optional Protocol to the UN Convention against Torture in providing independent monitoring of places of detention. Other independent mechanisms promised by the government, such as a police complaints procedure, were not established.

- In March, boys held at Pozantı prison in the southern province of Adana were transferred, following allegations that prison officials had subjected them to abuse, including sexual abuse. An official investigation continued at the end of the year. The European Committee for the Prevention of Torture visited Pozantı prison in June but its report was not publicly available at the end of the year.

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Excessive use of force

There were frequent allegations of excessive use of force by police during demonstrations, including beatings, throughout the year. Three deaths at demonstrations, allegedly as a result of excessive use of force, were reported.

- In December, up to 50 students were injured following clashes with police on the campus of Ankara’s Middle East Technical University. The clashes occurred following attempts by police to break up a peaceful protest that occurred during the Prime Minister’s visit to the University. One student was hospitalized due to a suspected brain haemorrhage as a result of a police gas canister striking him in the

head.

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Impunity

Investigations and prosecutions of public officials for alleged human rights violations remained flawed with little prospect of those responsible being brought to justice. Convicted officials frequently received suspended sentences and remained in post.

- In January, four people were convicted of participating in the 2007 murder of journalist and human rights defender Hrant Dink. They received sentences of up to 10 weeks (for possession of ammunition) to life imprisonment (for instigation of murder). The court ruled that the convicted men were not part of a wider organization and they were acquitted of "membership of an illegal organization". The culpability of state officials in the murder was still not fully investigated.
- In July, Sedat Selim Ay, a police officer convicted of ill-treatment of detainees in 2004, was promoted to a senior post within Istanbul's Anti-Terrorism Branch.
- No effective investigation was carried out into the December 2011 bombing by the armed forces of Uludere/Qileban, a district in Şırnak province on the Iraqi border. The armed forces claimed to have targeted armed PKK members, but instead killed 34 villagers. Prosecutors failed to conduct a prompt crime scene investigation or to interview witnesses to the attack.
- In October, an Istanbul court convicted three prison officials of "causing death through torture" in the retrial of public officials following the 2008 death in custody of Engin Çeber. The retrial followed the overturning of the court's earlier judgement by the Supreme Court of Appeals on procedural grounds. The case remained pending at the Supreme Court of Appeals at the end of the year.

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Unfair trials

Unfair trials persisted, particularly in respect of prosecutions under anti-terrorism legislation before Special Heavy Penal Courts. Extended pre-trial detention during protracted trials remained a problem notwithstanding legal changes introduced in July seeking to limit its use. Secret witness statements that could not be challenged were used in court and convictions continued to be issued in cases which lacked reliable and substantive evidence. Thousands of such cases brought under anti-terrorism laws related to alleged attendance at demonstrations. Many of those accused were university students. Reforms to the Special Heavy Penal Courts passed by the Parliament in July had not been implemented by the end of the year.

- University student Cihan Kırmızıgül was released from prison in March following 25 months in pre-trial detention. In May, he was convicted of criminal damage and "committing a crime in the name of a terrorist organization". He was sentenced to 11 years and three months in prison. The conviction was based on his wearing of a traditional scarf that matched those worn by people alleged to have taken part in a demonstration where Molotov cocktails were thrown. One police officer also identified him as having been at the scene, contradicting the statements of other officers. An appeal was pending at the end of the year.

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Abuses by armed groups

Bomb attacks by unknown individuals or groups continued to kill civilians. The PKK kidnapped civilians in violation of the principles of international humanitarian law.

- In August, an explosion close to a bus station in the south-eastern province of Gaziantep killed nine civilians and injured more than 60 others. The authorities blamed the PKK for the blast but the group denied responsibility.
- In October, two civilians were killed when their car hit a landmine close to the Aşağı Torunoba Gendarmerie station in the province of Tunceli/Dersim.
- In August, the PKK abducted Hüseyin Aygün, a parliamentarian representing Tunceli/Dersim. He was released unharmed after 48 hours.

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Conscientious objectors

No reforms were introduced to recognize the right of conscientious objection or to prevent the repeated criminal prosecution of conscientious objectors for their refusal to perform military service. People publicly supporting the right to conscientious objection faced criminal prosecution.

- In October, İnan Süver was released from prison on the grounds that time previously spent in pre-trial detention should be subtracted from his sentence. The execution of another sentence for refusing to

perform military service remained pending at the end of the year.

- The European Court of Human Rights issued a series of judgements against Turkey following its failure to recognize the right to conscientious objection. Government officials made contradictory statements about whether they would recognize the right.
- In March, the UN Human Rights Committee found Turkey's failure to recognize the right to conscientious objection in the cases of Cenk Atasoy and Arda Sarkut had violated Article 18 of the ICCPR.

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Refugees and asylum-seekers

Tens of thousands of people fleeing violence and persecution in Syria crossed the border to seek refuge in Turkey. Government figures cited by UNHCR,

the UN refugee agency, showed that at the end of the year there were more than 148,000 refugees from Syria being accommodated in 14 camps, mostly in border provinces. While the camps were well resourced and organized, many were located close to the conflict zone in Syria and all remained closed to independent scrutiny. From the second half of August, Turkey partially closed its border with Syria in violation of international law. By the end of the year, thousands of displaced people were living in dire conditions in camps beside the border with Turkey.

The government failed to adopt promised legislation protecting the rights of refugees and asylum-seekers in Turkey. Problems remained regarding the implementation of existing regulations, in particular with regard to allowing asylum applications from places of detention, resulting in the return of individuals to places where they may be at risk of persecution.

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Rights of lesbian, gay, bisexual, transgender and intersex people

The government rejected civil society calls to include sexual orientation and gender identity as prohibited discrimination grounds in the new Constitution. No progress was made in adopting comprehensive non-discrimination legislation. LGBTI rights groups continued to report suspected hate murders motivated by the victim's sexual orientation or gender identity, including the murders of five transgender women.

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Violence against women and girls

In March, Turkey ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence, and passed a law which strengthened protections and allowed for the direct application of the Convention. At the end of the year there were only 103 shelters for survivors of domestic violence, far below the number required by law.

In May, the Prime Minister announced forthcoming legislation on abortion which, if passed, would further restrict access to needed health care for women and girls and contravene their human rights. No proposals to change the law on abortion were introduced during the year, which was legalized in Turkey in 1983.

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Country Visits

- Amnesty International delegates visited Turkey in January, February, March, April, June, August, September, October and December including to monitor trials.

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