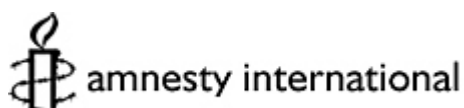


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Amnesty International Report 2009 - Turkey

Head of state: Abdullah Gül
Head of government: Recep Tayyip Erdogan
Death penalty: abolitionist for all crimes
Population: 75.8 million
Life expectancy: 71.4 years
Under-5 mortality (m/f): 35/26 per 1,000
Adult literacy: 87.4 per cent

Human rights suffered in the context of political instability and military clashes. Reports of torture and other ill-treatment increased, while dissenting views were met with prosecution and intimidation. The right to freedom of peaceful assembly was denied, and law enforcement officials used excessive force to disperse demonstrations. Anti-terrorism legislation was also used to restrict freedom of expression. Unfair trials persisted especially for those prosecuted under anti-terrorism legislation, while barriers remained in bringing law enforcement officials to justice for human rights abuses. No progress was made in allowing the right to conscientious objection to military service. Forcible returns of refugees increased. Discrimination based on sexual orientation and gender identity persisted. Implementation of laws aimed at preventing violence against women and girls remained slow.

Background

Political tension and instability were heightened by polarizing legal battles, including at the Constitutional Court, and armed clashes between the Kurdistan Workers' Party (PKK) and the Turkish armed forces.

In legal cases that threatened the right to freedom of association, the ruling Justice and Development Party (AKP) faced closure on the grounds that it was a focal point for anti-secular activities, as did the pro-Kurdish Democratic Society Party (DTP) on the grounds that it engaged in activities against the unity and integrity of the country. The Constitutional Court rejected the closure of the AKP in July; the case against the DTP was continuing at the end of the year.

In February parliament passed constitutional amendments aimed at withdrawing the ban

on women wearing the Islamic headscarf at universities, but the Constitutional Court overturned the amendments in June on the grounds that they violated the secular principles of the state. However, the judgment did not adequately demonstrate the need for this limitation of freedom of religion and conscience based on the human rights of others.

In July, the indictment was issued in a groundbreaking prosecution against an alleged ultranationalist network, Ergenekon, with links to state institutions. Eighty-six people, including senior retired army officers, were charged with various offences relating to an alleged plot to violently overthrow the elected government through political assassinations and incitement of violence. The trial was continuing at the end of the year.

Armed clashes between the Turkish army and PKK continued and the use of temporary security zones in eastern and south-eastern provinces increased. Bomb attacks, often by unknown individuals or groups, killed and injured civilians. The army carried out military incursions into northern Iraq targeting PKK bases. In October, parliament authorized the armed forces to make further military interventions in northern Iraq.

In the context of the conflict, Turkish citizens of Kurdish origin faced increased hostility, including harassment, assaults and attacks on their property perpetrated by unknown individuals or groups. In September, such attacks took place over several days in Altinova province, western Turkey.

Freedom of expression

Human rights defenders, writers, journalists and others were unjustly prosecuted under unfair laws and subjected to arbitrary decisions by judges and prosecutors. Article 301 of the Penal Code was amended by parliament in April but remained an unfair limitation to freedom of expression. Investigations under Article 301 continued, authorized by the Justice Minister as required by the amendments. Other articles and laws continued to be used to limit freedom of expression. Courts also acted disproportionately when shutting down websites on the basis of posted items.

People expressing dissenting views remained at risk, with individuals threatened with violence by unknown individuals or groups. Police bodyguards were provided in a number of cases.

- In August, Minister of Justice Mehmet Ali Sahin gave permission for the prosecution of writer Temel Demirer under Article 301 for statements he made claiming state responsibility in the murder of journalist and human rights defender Hrant Dink in 2007.
- Nine children, all members of the Diyarbakir Yenisehir Municipality Children's Choir, were prosecuted under Article 7/2 of the Anti-Terrorism Law for singing a Kurdish anthem among other songs at a cultural festival. They were acquitted at the first hearing, but an arrest warrant remained in force for the choir leader, Duygu Özge Bayar.

Human rights defenders

The work of human rights defenders was hampered by unjustified prosecutions, and some high-profile human rights defenders were subjected to regular criminal investigations. Human rights NGOs faced excessive administrative scrutiny of their work. Human rights defenders were threatened by unknown individuals or groups as a result of their work.

- Orhan Kemal Cengiz received threats because of his legal work on behalf of the

families of three men murdered in an attack on a Christian publishing house in Malatya in 2007. The authorities provided him with a bodyguard and investigated the threats.

- In January, Ethem Açikalin, head of the Adana branch of the Human Rights Association (IHD), was prosecuted under anti-terrorism legislation after attending a press conference about an alleged extrajudicial execution. In August, he and another IHD member, Hüseyin Beyaz, said that they were ill-treated by police while investigating the arrest of DTP members. Hüseyin Beyaz' arm was broken. An investigation was opened against Ethem Açikalin and Hüseyin Beyaz for "resisting police officers".

Freedom of assembly

Some demonstrations were banned without legitimate reason and those held without permission, particularly in the Kurdish-populated south-eastern region, were dispersed with excessive force, often before peaceful methods had been tried. During clashes, police used plastic bullets and live ammunition, resulting in deaths and injuries. Demonstrators were arrested and ill-treated. In some cases, children were held in adult detention facilities. Allegations of ill-treatment by security forces during past demonstrations were not adequately investigated.

- Traditional Newroz/Nevruz festivals after the 21 March equinox, which are celebrated especially by the Kurdish community, were refused authorization in south-eastern Turkey. Television footage showed law enforcement officials beating people after demonstrations went ahead without permission.
- Law enforcement officials were filmed ill-treating 15-year-old C.E. during his arrest at a demonstration in Hakkari, but a prosecutor subsequently dismissed the complaint. C.E. was, however, prosecuted for his participation in the demonstration.
- Permission for Labour Day demonstrations in Taksim square, Istanbul, was again refused on the unsubstantiated grounds that they would present a threat to security. Some 530 people were arrested for demonstrating without authorization on 1 May in Istanbul.
- In October, demonstrations were held across southern and eastern provinces of Turkey to protest against the alleged ill-treatment of imprisoned PKK leader Abdullah Öcalan. Reportedly, more than a hundred children were charged with offences carrying prison sentences of more than 20 years in relation to the demonstrations. In addition, the Governor of the southern province of Adana threatened to withdraw benefits that allow access to health care and treatment from the families of children who participated in the demonstrations. The move, a form of collective punishment, threatened to violate the right of everyone to health and to an adequate standard of living, without discrimination. Adults and children involved in the sometimes violent confrontations with police were prosecuted under anti-terrorism laws.

Excessive use of force

Reports increased of police shooting people who allegedly failed to obey warnings to stop. In many cases it could not be established that a threat of death or serious injury necessitated the use of lethal force.

- In November, 14-year-old Ahmet Yildirim was shot by police officers at close range and paralysed from the waist down. Police stated that they had suspected Ahmet Yildirim of stealing the motorcycle he was riding and fired at the tyres when he refused to stop. Eyewitnesses stated that no warning to stop was given.

Torture and other ill-treatment

Reports of torture and other ill-treatment rose during 2008, especially outside official places of detention but also in police stations and prisons. People accused of ordinary as well as politically motivated offences were vulnerable to ill-treatment. Counter-charges were often brought against individuals who said they had been ill-treated by law enforcement officials.

- In October, Engin Çeber died in hospital after being detained in İstinye police station and Metris prison in Istanbul. An autopsy found that death was due to cerebral bleeding as a result of blunt trauma injuries consistent with those caused by blows to the head. Nineteen law enforcement officials were suspended from duty and an indictment was drawn up against 60 state officials, some facing torture charges. In the first such statement of its kind, the Justice Minister apologized to Engin Çeber's family and acknowledged that the death may have been due to torture.

Prison conditions

No progress was made in the implementation of a 2007 government circular aimed at improving the association time allowed to prisoners in high-security "F-type" prisons. Persistent allegations were made of ill-treatment in prisons and during transfer. Punishments, including solitary confinement, were arbitrarily imposed on prisoners. Small-group isolation remained a problem across the prison system for people accused or convicted of politically motivated offences.

- In March, the report of the European Committee for the Prevention of Torture was published on the conditions of imprisonment of PKK leader Abdullah Öcalan recommending that he receive certain medical tests, that the material conditions of his detention be improved, and that the Turkish authorities take steps to increase his contact with the outside world.

Unfair trials

Protracted and unfair trials persisted, especially for those prosecuted under anti-terrorism legislation. Convictions under anti-terrorism laws were often based on insubstantial or unreliable evidence.

- In June, Murat Isikirik was sentenced to seven years in prison for "membership of a terrorist organization" on the basis of evidence that he participated in the funeral of a PKK member and was pictured giving a "V for victory" sign.
- In September, Selahattin Ökten was sentenced to life imprisonment for taking part in armed activities for the PKK. He was convicted on the basis of an insubstantial witness statement allegedly obtained under torture.

Impunity

Investigations into human rights violations by law enforcement officials remained flawed and prosecutions remained insufficient. Official human rights mechanisms were ineffective.

- The trial continued of people accused of involvement with the 2007 murder of Hrant Dink. In a separate prosecution, eight members of the gendarmerie were charged with negligence based on their alleged failure to act on information that could have prevented the murder. A report published in July by the Parliamentary Human Rights Commission found that other state officials had been negligent in

failing to prevent the murder.

In November, the Supreme Court of Appeals overturned the conviction of eight police officers for the death in custody of Alpaslan Yelden in 1999 in Izmir. The court found there was insufficient evidence that the officers participated in the torture.

In December prosecutors dismissed a case against police officers lodged by Mustafa Kükçe's family after his death in custody in June 2007. The prosecutor concluded that the death from cerebral bleeding could have been caused by a fall before he was taken into custody despite the last medical report while he was in detention finding injuries consistent with those inflicted by ill-treatment. The investigation also found that no record was made of Mustafa Kükçe's detention and that camera footage from the police station was not available due to the cameras being out of order.

Abuses by armed groups

Bomb attacks targeting civilians by unknown groups or individuals continued. In July, for example, 17 people died after a bomb exploded in the Güngören district of Istanbul.

In January, nine civilians died as a result of an apparent PKK attack targeting military personnel in Diyarbakir.

Prisoners of conscience – conscientious objectors

No civilian alternative to compulsory military service exists and promised legal reforms to prevent the repeated prosecution of conscientious objectors for evading military service were not introduced. Conscientious objectors were prosecuted and their supporters were also prosecuted under Article 318 of the Penal Code for "alienating the public from military service".

Halil Savda was re-imprisoned in March for his conscientious objection to military service. In June, he was additionally sentenced to five months in prison under Article 318 of the Penal Code after participating in a press conference held in support of Israeli conscientious objectors in 2006.

In June, conscientious objector Mehmet Bal was detained for evading military service. He said that he was repeatedly beaten in military custody.

Rights of lesbian, gay, bisexual and transgender people

Laws continued to be interpreted in ways that discriminated against people based on their sexual orientation and gender identity. Allegations persisted of violence by law enforcement officials against transgender people.

In May a local court in Istanbul ordered the closure of Lambda Istanbul, an organization that supports lesbian, gay, bisexual and transgender people, after the Istanbul Governor's Office complained that the organization's objectives were "against moral values and family structure".

A transgender person told Amnesty International that in February she was picked up on the street, taken to the Ankara Security Directorate and then insulted and beaten by police. She was released six hours later after paying a fine.

In July, Ahmet Yildiz was shot dead outside his apartment in Istanbul in what was suspected to be a gay "honour" crime. He had previously made a criminal complaint to prosecutors about threats made against him by relatives.

Refugees and asylum-seekers

There was an increase in forcible returns of refugees and asylum-seekers to countries where they were at risk of serious human rights violations. There were also reports of irregular deportations resulting in the death or injury of asylum-seekers.

A group of Uzbekistani refugees was twice forcibly returned to Iran, first in September and then in October. During the first forcible return, members of the group were said to have been beaten and threatened with rape unless they crossed back into Iran.

Four people drowned in April, according to UNHCR, when Turkish police forced a group of 18 refugees and asylum-seekers to cross a fast-flowing river on the Turkey-Iraq border.

Violence against women and girls

Laws and regulations designed to protect women and girls from violence were inadequately implemented. Insufficient funds and inaction by government departments undermined a 2006 circular from the Prime Minister aimed at combating domestic violence and preventing "honour" crimes. Limited progress was made in providing shelters for women survivors of violence to the extent stipulated by the 2004 Law on Municipalities – at least one shelter per settlement with a population of over 50,000.

Amnesty International visits

Amnesty International delegates visited Turkey in February, March, April and May.

Amnesty International reports

- Turkey: Memorandum to the Turkish Government (14 January 2008)
- Turkey: Bomb attacks condemned (28 July 2008)
- Turkey: Respect the rights and safety of demonstrators, (30 April 2008)
- Turkey: Governor threatens to deprive demonstrators and their families of health care, (29 October 2008)

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