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Turkey

REPUBLIC OF TURKEY

Head of State	Abdullah Gül (replaced Ahmet Necdet Sezer in August)
Head of government	Recep Tayyip Erdoğan
Death penalty	abolitionist for all crimes
Population	75.2 million
Life expectancy	71.4 years
Under-5 mortality (m/f)	47/37 per 1,000
Adult literacy	87.4 per cent

In the wake of increased political uncertainty and army interventions, nationalist sentiment and violence increased. Freedom of expression continued to be restricted. Allegations of torture and other ill-treatment and the use of excessive force by law enforcement officials persisted. Prosecutions for violations of human rights were ineffective and insufficient, and fair trial concerns persisted. The rights of refugees and asylum-seekers were violated. There was little progress in providing shelters for victims of domestic violence.

Background

An atmosphere of intolerance prevailed following the shooting in January of Turkish-Armenian journalist Hrant Dink. From May onwards a marked escalation in armed clashes between the Turkish armed forces and the Kurdistan Workers' Party (PKK) led to human rights abuses. The military declared temporary security zones in three districts bordering Iraq in June and a further three districts in December.

The inability of parliament to elect a new president resulted in early parliamentary elections in July. The government was re-elected and in August parliament elected Abdullah Gül as President. In September, the government appointed a commission to draft major constitutional amendments. In November, the Constitutional Court began proceedings to ban the pro-Kurdish Democratic Society Party (DTP).

Bomb attacks by unknown individuals or groups on civilian targets killed and injured dozens of people. In May and October, bombs exploded in İzmir, killing two people and injuring many others. In May, a bomb in the Ulus district of Ankara killed nine people and injured more than 100. In September, an attack on a minibus in the province of Şırnak caused multiple casualties.

In December, Turkish armed forces launched military interventions in the predominantly Kurdish northern Iraq, targeting PKK bases.

Freedom of expression

The peaceful expression of opinion continued to be restricted in law and practice. Lawyers, journalists, human rights defenders and others were harassed, threatened, unjustly prosecuted and physically attacked. An increased number of cases were brought under Article 301 of the Penal Code, which criminalizes “denigration of Turkishness”, despite national and international opposition to the Article.

- On 19 January, journalist and human rights defender Hrant Dink was shot dead. He had previously been prosecuted under Article 301. The suspected gunman allegedly stated that he shot Hrant Dink because he “denigrated Turkishness”. An estimated 100,000 people attended Hrant Dink’s funeral in an unprecedented display of solidarity. While a police investigation into the murder resulted in a number of suspects being brought to trial, the full culpability of the security services was not examined. In October, Hrant Dink’s son, Arat Dink, and Sarkis Seropyan, respectively assistant editor and owner of the Turkish-Armenian weekly Agos, were convicted under Article 301 and each received a one-year suspended sentence.
- In April, two Turkish nationals and a German citizen who all worked for a Christian publishing house in Malatya were killed. The three reportedly had their hands and feet bound together and their throats cut. The trial of people charged in connection with the murders began in November.

Article 216 of the Penal Code, which criminalizes “inciting enmity or hatred among the population”, was applied in an arbitrary and overly restrictive manner.

- In November, lawyer Eren Keskin received a one-year prison sentence for her use of the word “Kurdistan”. The sentence was later commuted to a fine of 3,300 liras (approximately US\$2,800).

Prosecutions were also brought under Article 7(2) of the anti-terrorism law that criminalizes “making propaganda for a terrorist organization or for its aims”.

- In November, Gülcihan Şimşek, a DTP member and mayor of the city of Van, received a one-year prison sentence for referring to PKK leader Abdullah Öcalan as “Mr”.

Human rights defenders

Human rights defenders were prosecuted for their peaceful activities.

- In January, the bank accounts of Amnesty International Turkey were frozen on the demand of Istanbul Governor’s office on the grounds of alleged “illegal fundraising” and in May an administrative fine was imposed on the organization’s chairperson for the same offence. Amnesty International Turkey appealed, but both issues remained unresolved at the end of the year.
- In June, three people associated with the Human Rights Association (İHD) were each sentenced to two years and eight months in prison for criticizing the “return to life” prison operation by state authorities in 2000.
- Serpil Köksal, Murat Dünsen and İbrahim Kizartıcı were prosecuted for taking part in a campaign against compulsory military service. They were acquitted in December.
- Istanbul Governor’s office applied to the courts for the closure of the lesbian, gay, bisexual and transgender people’s organization Lambda Istanbul on the grounds that the name and objectives of the group were against “law and morals”.

Impunity

Investigations into human rights violations perpetrated by law enforcement officials remained flawed and there were insufficient prosecutions. Official human rights mechanisms remained ineffective. In June, parliament amended the Law on the Powers and Duties of the Police, giving police further powers to use lethal force by allowing them to shoot escaping suspects if they ignore a warning to stop.

- In April, all four police officers tried for killing Ahmet Kaymaz and his 12-year-old son Uğur outside their home were acquitted. The officers said that the deaths were the result of an armed clash, but forensic reports showed that both victims had been shot at close range several times.
- The conviction was overturned of two military police officers and an informer found guilty of the 2005 bombing of a bookshop in the south-east town of Şemdinli in which one person was killed and others were injured. The retrial was heard by a military court. At the first hearing in December, the two military police officers were released to resume their duties.
- In November, 10 police officers were found not guilty of the torture of two women in Istanbul police custody in 2002. The two women, “Y” and “C”, reportedly suffered torture including beatings, being stripped naked and then sprayed with cold water from a high pressure hose, and attempted rape. The verdicts followed a new medical report requested by the defendants that did not show “definite evidence that the crime of torture had been committed”.

Unfair trials

Fair trial concerns persisted, especially for those prosecuted under anti-terrorism laws. In protracted trials, statements allegedly extracted under torture were used as evidence.

- In June, Mehmet Desde was imprisoned after being convicted with seven others of supporting or membership of an “illegal organization” because of links to the Bolshevik Party (North Kurdistan/Turkey). The Bolshevik Party has not used or advocated violence and the connection between it and those convicted was not proven. The conviction of Mehmet Desde was based largely on statements allegedly extracted under torture.
- Selahattin Ökten spent the whole of 2007 in pre-trial detention after his arrest on suspicion of taking part in PKK activities. The charge was based on a single witness statement that was allegedly extracted under torture and was subsequently retracted.

Killings in disputed circumstances

Fatal shootings by the security forces continued to be reported, with failure to obey a warning to stop usually given as justification. However, incidents often involved a disproportionate use of force by security forces and some killings may have been extrajudicial executions. In a number of instances, investigations were compromised when evidence was lost by law enforcement officials.

- In August, Nigerian asylum-seeker Festus Okey died after being shot in police custody in Istanbul. A crucial piece of evidence, the shirt he wore on the day of the shooting, was apparently lost by the police. A police officer was charged with intentional killing.
- In September, Bülent Karataş was shot dead by military police in the Hozat province of Tunceli. According to Rıza Çiçek, who was also seriously injured in the incident, military police forced the pair to remove their clothes before shots were fired. An investigation was being conducted in secret.

Torture and other ill-treatment

Allegations of torture and other ill-treatment continued, especially outside official places of detention.

- In June, Mustafa Kükçe died after being detained in several different police stations in Istanbul. Relatives who identified his body said that it was apparent that he had been tortured before his death. No case was brought against police officers.
- Lawyer Muammer Öz was allegedly beaten by police officers while drinking tea with family members in the Moda district of Istanbul. An official medical report failed to show that his nose had been broken in the attack. Muammer Öz told Amnesty International that police beat him with batons and their fists and told him that they would never be punished. Two police officers were prosecuted and were awaiting trial.

Members of the security forces continued to use excessive force when policing demonstrations.

- In some of the Labour Day demonstrations on 1 May in various parts of the country, police used batons and tear gas against peaceful demonstrators. More than 800 people were detained in Istanbul alone, although the total number of arrests was not known.

Prison conditions

Harsh and arbitrary punishments continued to be reported in “F-type” prisons. A circular published in January granting greater rights to prisoners to associate with one another remained largely unimplemented. Some prisoners were held in solitary confinement and small-group isolation. Widespread protests called for an end to the solitary confinement of PKK leader Abdullah Öcalan, and for an investigation into his treatment.

In May, the European Committee for the Prevention of Torture (CPT) visited the prison island of Imralı where Abdullah Öcalan remained imprisoned to examine the conditions of his detention and his state of health. The CPT findings had not been made public by the end of the year.

Conscientious objectors

Conscientious objection to military service was not recognized and no civilian alternative was available.

- Persistent conscientious objector Osman Murat Ülke was again summoned to serve the remainder of his prison sentence for failing to perform military service. In seeking to punish him, Turkey remained in defiance of the 2006 judgment of the European Court of Human Rights in the Ülke case, which required Turkey to implement legislation to prevent the continuous prosecution of conscientious objectors.

Refugees and asylum-seekers

Refugees continued to be denied access to a fair and effective national asylum system. The Turkish authorities forcibly returned recognized refugees and asylum-seekers to countries where they were at risk of serious human rights violations, in violation of international law.

- In October, Ayoub Parniyani, recognized as a refugee by UNHCR, his wife Aysha Khaeirzade and their son Komaz Parniyani, all Iranian nationals, were forcibly returned to northern Iraq. The action followed the forcible return to Iraq in July of 135 Iraqis who were denied the right to seek asylum.

Violence against women

Laws and regulations to protect women victims of domestic violence were inadequately implemented. The number of shelters remained far below the amount stipulated under the 2004 Law on Municipalities, which required a shelter in all settlements with a population of more than 50,000.

A telephone hotline for victims of domestic violence ordered by the Prime Minister in July 2006 had not been set up by the end of the year.

Amnesty International visits/reports

- Amnesty International delegates visited Turkey in May, July and September.
- Turkey: Three dead in attack on freedom of expression and religion (EUR 44/006/2007)
- Turkey: The entrenched culture of impunity must end (EUR 44/008/2007)
- Turkey: Justice for Hrant Dink (EUR 44/012/2007)