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Turkey: Combat Police Killings and Violence

(Istanbul) - A recent string of shootings and ill-treatment by police officers demonstrates the widespread problem of excessive violence by Turkish law enforcement officials against members of the public, Human Rights Watch said today.

In separate incidents in the last three weeks, law enforcement officials in Turkey shot and seriously wounded a man in the western town of Kuşadası; badly beat a child in the south-eastern city of Hakkari; and shot and killed a child near the Iranian border.

"These shocking incidents are the latest examples of an all-too-familiar pattern of police violence in Turkey," said Emma Sinclair-Webb, Turkey researcher at Human Rights Watch. "They should serve as a wake-up call for the government about the urgent need to do more to combat these abusive practices."

Human Rights Watch has viewed video footage from a news agency that shows plain-clothes' police officers apprehending 16-year-old H.K., following an April 13, 2010, demonstration in Hakkari, roughing him up and then dragging him away in an apparently semi-conscious state. The boy's mother is seen screaming and trying unsuccessfully to intervene. The youth's cheek bone and nose were broken by blows to his face. H.K.'s full name, as with those of some other victims, is being withheld because he is a juvenile.

The Hakkari incident is symptomatic of a pattern of such abuse, Human Rights Watch said. There have been several other similar incidents in the past two years in which police have been caught on camera using violence against children and young people in mainly Kurdish-populated southeast Turkey.

In a separate incident in the Aegean town of Kuşadası, also on April 13, police shot 27-year-old Umut Tamaç in the head at close range, blinding him in one eye and breaking his chin. Witnesses told journalists that Tamaç was unarmed and could have been apprehended without resorting to shooting. Police and gendarmerie in Turkey routinely use firearms during arrests without exhausting non-violent means and even when there is no apparent serious threat of death or injury. Such practices violate international standards on use of force by law enforcement officers.

On the night of March 31 in the Çaldıran district of Van, near the Iranian border, 15-year-old Mehmet Nuri Tançoban was shot dead by the gendarmerie during an operation against a group on horseback illegally bringing cans of diesel fuel into Turkey from Iran. The autopsy

confirmed that the boy died from a gunshot wound, and the gendarmerie later confirmed that the fatal bullet was fired from a gendarme's gun. A gendarme has been detained pending completion of the military prosecutor's investigation.

The Human Rights Foundation of Turkey, a national nongovernmental organization, has documented 48 incidents of fatal shootings by police and gendarmerie during 2009 alone, concluding in each case that the circumstances warrant a full investigation to determine whether the shootings constituted summary killings.

"It's obvious authorities need to take more resolute action to end this horrific record, averaging a fatal shooting almost every week," Sinclair-Webb said. "They need to make clear that lethal force should be an absolute last resort to protect life, and not a routine means to catch a suspect."

Following each of the Hakkari and Kuşadası incidents, both of which received prominent Turkish media coverage, it was reported that the police officers involved had been suspended from duty pending a criminal investigation by the public prosecutor and an administrative inquiry. Interior Minister Beşir Atalay described the scenes of the Hakkari boy being dragged on the ground as "an ugly picture."

"The fact that police officers have been suspended pending investigation is an important first step, but the key test is whether the investigation will result in those responsible being held to account," Sinclair-Webb said.

In the past meaningful sanctions have rarely been applied to officers or other civil servants in Turkey who commit human rights violations, although Turkey has clear obligations under human rights law to do so, both to promote accountability and enforcement of the law and to deter further violations, Human Rights Watch said.

As a party to the European Convention on Human Rights as well as the International Covenant on Civil and Political Rights, Turkey is required to conduct prompt, effective, independent investigations into all incidents where there has been injury or loss of life as a result of police use of force.

Human Rights Watch called on the Turkish authorities to ensure a thorough, impartial, and timely investigation that fulfils the government's obligations under international law and is capable of leading to the identification of those responsible and, where appropriate, their prosecution.

To guarantee the independence of the investigation into the Tançoban shooting, Human Rights Watch urged that it be handled by the public prosecutor's office rather than by the Van military prosecutor and that any future legal proceedings against the gendarmerie for this killing take place in a civilian, heavy penal court instead of a military court.

Background

The Turkish police have a long record of mishandling assignments to keep public order. There have been repeated instances of heavy-handed intervention against demonstrators in various cities in recent months. One example was a demonstration in Ankara in December 2009 by workers from the formerly state-owned tobacco and liquor industry (TEKEL) protesting the erosion of their rights following privatization. Press cameras broadcast scenes of police using water cannon, tear gas, and batons indiscriminately, excessively and repeatedly to break up the demonstration.

The press again captured images of police violently breaking up Ankara demonstrations in support of TEKEL-İş workers on April 1 and 2, 2010. The public sector workers trade unions confederation KESK has filed a complaint with the public prosecutor, alleging excessive use of force and violation by both the police and the government of the right to assembly.

In southeast Turkey, and especially in the town of Hakkari, there have been several

recorded instances of individual or small groups of police officers assaulting or using excessive force against children during demonstrations. On April 23, 2009 television news channels broadcast footage of a masked member of the police special operations unit beating a 14-year-old boy, S.T. in the head with a rifle butt and kicking him in the course of dispersing a demonstration. The officer involved is on trial for causing "intentional injury" (article 86, Turkish Penal Code).

However, other similar cases have been dropped or have remained pending for years. Despite camera footage of an identifiable plain-clothes' police officer twisting the arm of 15-year-old C.E. after demonstrations during the Kurdish Newroz festival in March 2008, the public prosecutor closed the file by ruling that there was no case to answer and did not prosecute the police.

The Van public prosecutor's office has still not concluded the investigation into the beating of 16-year-old M.K. by a group of uniformed and plain-clothes' police officers in Van during Newroz demonstrations in March 2008. The incident was filmed by an onlooker, and images of the incident appear on the cover of Human Rights Watch's December 2008 report on police violence and impunity, "[Closing Ranks against accountability: Barriers to Tackling Police Violence in Turkey.](#)"

Effective criminal or administrative investigations of human rights violations committed by the gendarmerie in the border regions of Turkey and in remote areas of the countryside are particularly rare. In the past fatal shootings by the gendarmerie of individuals suspected of smuggling in provinces such as Van, Hakkari and Şırnak have rarely resulted in criminal convictions or disciplinary sanctions.

In its December 2008 report, Human Rights Watch issued detailed recommendations to the Turkish government to combat police violence, including specifically in the context of policing demonstrations:

- Establish an effective independent police complaints authority to investigate police misconduct promptly, capable of leading to the prosecution of offenders;
- Clarify laws to state explicitly that the use of lethal force is a means of last resort and used only where necessary to protect life;
- Strictly monitor the use of pepper gas and tear gas and initiate prompt, independent, and thorough inquiries into their reported misuse and excessive or arbitrary use;
- Investigate commanding officers in cases of serious human rights violations by the police, and;
- Impose disciplinary sanctions on law enforcement officers who commit abuses.

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