

HUMAN RIGHTS WATCH

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A Crossroads for Human Rights?

Human Rights Watch's key concerns on Turkey for 2005

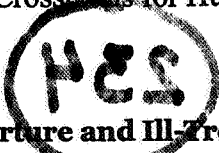
At its December 16-17 summit in Brussels, the European Council is expected to decide whether or not to open negotiations for Turkey's full membership of the European Union. The decision follows the October 2004 evaluation by the European Commission that "Turkey sufficiently fulfils the political criteria" and its recommendation that accession negotiations be opened. Even if the Council gives a positive decision, Turkey is not expected to achieve full membership for another decade.

The December 17 decision represents a major crossroads for the Turkish government, for the future of human rights in Turkey, and arguably, for the E.U. itself. It also presents a genuine opportunity to consolidate and deepen the human rights progress made by Turkey in recent years. With sustained government focus, and continued E.U. scrutiny, Turkey could truly live up to its potential as a country that respects the human rights of all its citizens, and leave behind an ugly past of torture and ethnic conflict.

This moment in history marks a point of departure for Turkey politically: immediately after its election in November 2002 the AKP (Justice and Development Party) government, which has described itself as "Muslim Democrat" (using the analogy of Christian Democracy elsewhere in Europe), vowed to secure Turkey's E.U. candidacy. In doing so, it has taken risks by enacting reforms that were not welcomed by the army—the self-appointed guardian of the unitary secular Turkish state, founded by Mustafa Kemal Atatürk in 1923. These reforms include permitting the broadcasting of minority languages such as Kurdish, and reducing the influence on the government that the military exercised through its domination of the National Security Council. The government has also risked offending its own constituency among the religious right by postponing or refusing to enact measures they expected from AKP as a single party government with a substantial minority. The measures include lifting the ban on university education for women who choose to wear the headscarf, and improving access to higher education for students from clerical high schools (*imam hatip liseleri*), the preferred form of state education for many AKP voters.

We are also at a departure point for human rights in Turkey: just ten years ago, torture was pandemic, with deaths in custody running at approximately one a week. State forces committed extrajudicial executions and "disappearances," or political killings through their proxies, almost daily. Security forces burned villages in intense conflict with the Kurdish Workers' Party (PKK) and drove hundreds of thousands of Kurdish farmers out of their homes. Courts often branded writers or politicians, who mentioned Turkey's minorities, as terrorists, and imprisoned them.

Today the situation has improved markedly, but areas of concern remain. Since 1999, the promise of E.U. membership has supported a dynamic process of reform. Progress has been halting, and occasionally disappointing, but when there has been movement, it has been consistently in the direction of improvement. (A Human Rights Watch analysis of Turkey's progress on a broad range of human rights issues in the context of the Commission regular report October 2004 is available at: <http://hrw.org/english/docs/2004/10/04/turkey9433.htm>) In two areas, however, Turkey's respect for human rights continues to fall well below international standards: torture and ill-treatment in police custody remain common, and there has been little progress on the return of internally-displaced Kurds to their homes.



Torture and Ill-Treatment

Torture remains common in Turkey today. In the twenty years following the 1980 military coup, successive governments maintained a system of detention and interrogation that encouraged torture and protected the perpetrators. As a result, more than 400 Turkish citizens died in custody apparently as a result of torture, with forty-five deaths in 1994 alone. In the past five years, changes to laws and procedures have significantly reduced the frequency and severity of torture to the extent that it is now realistic to hope that such deaths in custody are a thing of the past.

Legal reforms enacted since Turkey was recognized as an E.U. candidate in 1999 give all detainees in Turkey the formal right to a lawyer, which is the best safeguard against abuse. But some victims report that police deny them access to counsel. In the absence of comprehensive supervision, police sometimes beat, threaten and insult detainees. A number report being blindfolded, stripped naked and hosed with water or subjected to electric shocks during interrogation in some police stations. This year alone, scores of citizens have complained of torture or ill-treatment to prosecutors and to the government human rights body, while hundreds of other victims have reported abuses to the local human rights association or independent medical treatment centers. By contrast, deaths in custody as a result of torture are approaching a zero annual average, with none so far this year.

Impunity remains a problem. Few torture cases result in prosecutions, and fewer in convictions. Sentences for torture rarely reflect the seriousness of the crimes. The European Commission's 2004 Regular Report stated: "Although torture is no longer systematic, numerous cases of ill-treatment including torture still continue to occur and further efforts will be required to eradicate such practice." The persistence of abuses in police stations appears to principally be a function of lack of supervision.

Turkey's internal monitoring systems currently do not make their findings public, which makes it difficult to establish where monitoring is being carried out and whether it is sufficiently probing. Apart from occasional visits by the Council of Europe's Committee for the Prevention of Torture (CPT), there is no independent monitoring. The CPT is able to visit only a handful of police stations each year, and it continues to uncover slack practices and ill-treatment.

Human Rights Watch's recommendations to the Turkish government on torture reflect the guidance of the U.N. Committee against Torture and the Council of Europe's Committee for the Prevention of Torture. Our key points include:

- Make public the investigations of police stations that are carried out by prosecutors and provincial governors, including the methods and findings of such inquiries;
- Encourage impromptu visits to police stations by independent monitors from medical and bar associations through their participation in the existing system of local human rights boards;
- Provide a ministry-level response from Ankara to every substantial torture allegation reported to the government and nongovernmental organizations, establish whether the police unit in question has been implementing the relevant laws, regulations and advisory circulars, and take remedial action.

For further information, see *Eradicating Torture in Turkey's Police Stations: Analysis and Recommendations*, a Human Rights Watch briefing paper.

Internal Displacement

In the early 1990s, at least 380,000 Kurdish villagers were forcibly displaced by security forces in an intense conflict in the mountains of southeast Turkey. Most internally displaced persons (IDPs) in Turkey still live in conditions of hardship and poverty in the cities, with no state assistance or

compensation. Government initiatives for return have been mainly cosmetic while the government has yet to implement the recommendations from the international community— including calls by the U.N. Special Representative of the Secretary General on Internal Displacement, the U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions and the Parliamentary Assembly of the Council of Europe to abolish the corrupt paramilitary village guard corps. As the October 2004 Commission Regular Report stated: "On the ground, the situation of internally displaced persons remains critical. A number of obstacles, including the village guard system and the absence of basic infrastructure, currently prevent displaced people from returning to their villages."

The Turkish government has begun a dialogue with U.N. agencies about future return plans, and has developed two important initiatives. The first initiative is a proposed governmental agency to develop policy on IDP return, coordinate implementation of the existing Return to Village and Rehabilitation Program, in accordance with the United Nations Guiding Principles on Internal Displacement ("Guiding Principles"), and to develop a policy for demobilizing the village guard corps. The second is a fairly small-scale joint UNDP-Turkish government project for the return of internally displaced persons to their homes. Neither initiative had been implemented at the time of writing.

In November 2004, Human Rights Watch carried out field research on the current conditions for return in southeast Turkey. It found that government statistics on return overstated the true number of returns and masked the wretched conditions under which returns were taking place. Most returning villagers had received little or no state support or compensation. A large number of internally displaced persons stay temporarily in their village during the long summer school holiday and return to urban areas during the winter, leaving a much smaller number as permanent residents. Villagers made it clear that the main reason for the winter exodus was that village life in winter is unsustainable and dangerous. Many villages lack access to electricity and telephone services and are inaccessible by road for up to three months a year. They also lack medical facilities and, most importantly, schools. That any villagers choose to remain in the villages over the winter reflects the miserable conditions for the displaced in urban areas.

Civil servants sometimes cite the extremely primitive conditions in some villages to argue that these remote settlements are not viable but it is important to note that all these villages had electricity and telephone connections fifteen years ago prior to their destruction. In most cases, road access deteriorated as a result of a decade of neglect. Most villages also had ready access to schools before the late 1980s, the turning point when the PKK began its policy of killing teachers, and the state began destroying school buildings and other infrastructure.

Return is a risky process. Returnees are not viewed with much sympathy by the security forces, and are under threat by government-sponsored village guard neighbors, who in some cases have occupied their lands. In the last three months Human Rights Watch has noted several attacks on civilians by village guards in areas of return, including in the provinces of Diyarbakır, Muş, Mardin and Hakkari. The fear and intimidation that kept many villagers out of the countryside has to some extent diminished in the two years since Human Rights Watch's 2002 report on the village return program. However, the recent shootings are an alarming reminder of the continued potential for lethal state violence against civilians. They substantiate the fears the internally displaced have for their personal security, a key obstacle to their return.

Human Rights Watch recommends that the Turkish government ensure that the recent attacks on civilians in return areas are thoroughly and independently investigated, that the methods and findings of that investigation are made public, and that any members of the security forces found to be responsible for the killings are prosecuted and punished. It also recommends that the government take concrete steps to establish the new government body to coordinate returns in accordance with the U.N. Guiding Principles, to operationalize the joint project between the government and UNDP, generate accurate

government statistics, and to ensure accountability for violence in return communities.

For further information, see: *Last Chance for Turkey's Displaced?*, a Human Rights Watch briefing paper.

Related Material

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Press Release, October 4, 2004

A Certain Lack of Empathy

Commentary, July 1, 2004

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