

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	423
Land:	Tyrkiet
Kilde:	Amnesty International
Titel:	Annual Report – Turkey 2016/2017
Udgivet:	22. februar 2017
Optaget på baggrundsmaterialet:	3. marts 2017

TURKEY

[Back to Turkey](#)

TURKEY 2016/2017

An attempted coup prompted a massive government crackdown on civil servants and civil society. Those accused of links to the Fethullah Gülen movement were the main target. Over 40,000 people were remanded in pre-trial detention during six months of emergency rule. There was evidence of torture of detainees in the wake of the coup attempt. Nearly 90,000 civil servants were dismissed; hundreds of media outlets and NGOs were closed down and journalists, activists and MPs were detained. Violations of human rights by security forces continued with impunity, especially in the predominantly Kurdish southeast of the country, where urban populations were held under 24-hour curfew. Up to half a million people were displaced in the country. The EU and Turkey agreed a “migration deal” to prevent irregular migration to the EU; this led to the return of hundreds of refugees and asylum-seekers and less criticism by EU bodies of Turkey’s human rights record.

Background

President Erdoğan consolidated power throughout the year. Constitutional amendments aimed at granting the President executive powers were submitted to the Parliament in December.

Armed clashes between the Kurdistan Workers’ Party (PKK) and state forces continued, mainly in the majority Kurdish east and southeast of the country. The government replaced elected mayors from 53 municipalities with government trustees; 49 mayors were from the Kurdish, opposition Democratic Regions Party (DBP). Along with many elected local officials, nine MPs from the Kurdish-rooted left-wing Peoples’ Democracy Party (HDP) were remanded in pre-trial detention in November.¹ A UN fact-finding mission to the south-east was blocked by the authorities who also obstructed national and international NGOs, including Amnesty International, from documenting human rights abuses in the region.

In March, the EU and Turkey agreed a “migration deal” aimed at preventing irregular migration from Turkey to the EU. It also resulted in muting EU criticism of human rights abuses in Turkey.

On 15 July, factions within the armed forces launched a violent coup attempt. It was quickly suppressed in part by ordinary people taking to the streets to face down tanks. The authorities announced the death toll to be 237 people including 34 coup plotters and 2,191 people injured, during a night of violence that saw the Parliament bombed and other state and civilian infrastructure attacked.

Following the coup attempt the government announced a three-month state of emergency, extended for a further three months in October, derogating from a list of articles in the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The government passed a series of executive decrees that failed to uphold even these reduced standards. Nearly 90,000 civil servants including teachers, police and military officials, doctors, judges and prosecutors were dismissed from their positions on the grounds of links to a terrorist organization or threat to national security. Most were presumed to be based on allegations of links to Fethullah Gülen, a former government ally whom the government accused of masterminding the coup. There was no clear route in law to appeal these decisions. At least 40,000 people were remanded in pre-trial detention accused of links to the coup or the Gülen movement, classified by the authorities as the Fethullah Gülen Terrorist Organisation (FETÖ).

In August, Turkey launched a military intervention in northern Syria, targeting the armed group Islamic State (IS) and the Peoples’ Defence Forces, the PKK-affiliated Kurdish armed group. In October Parliament extended a mandate for Turkey to conduct military interventions in Iraq and Syria for another year.

Freedom of expression

Freedom of expression deteriorated sharply during the year. After the declaration of a state of emergency, 118 journalists were remanded in pre-trial detention and 184 media outlets were arbitrarily and permanently closed down under executive decrees, leaving opposition media severely restricted.² People expressing dissent, especially in relation to the Kurdish issue, were subjected to threats of violence and criminal prosecution. Internet censorship increased. At least 375 NGOs, including women’s rights groups, lawyers’ associations and humanitarian organizations, were shut by executive decree in November.

In March, a court in the capital Ankara appointed a trustee to the opposition Zaman media group in relation to an ongoing terrorism-related investigation. After police stormed Zaman offices, a pro-government editorial was imposed on the group’s newspapers and television channels. In July, Zaman group media outlets were permanently closed down along with other Gülen-linked media. New titles, set up after the government take over of the Zaman group, were also shut down.

In May, *Cumhuriyet* editor-in-chief Can Dündar and the daily's Ankara representative Erdem Gül were convicted of "revealing state secrets" and sentenced to five years and ten months' imprisonment and five years' imprisonment respectively, for publishing articles alleging that Turkey's authorities had attempted to covertly ship weapons to armed opposition groups in Syria. The government claimed the trucks were sending humanitarian supplies to Turkmen. The case remained pending on appeal at the end of the year. In October, a further 10 journalists were remanded in pre-trial detention for committing crimes on behalf of both FETÖ and the PKK.

In August, police closed the offices of the main Kurdish daily *Özgür Gündem* on the basis of a court order for its closure due to ongoing terrorism investigations, a sanction not provided for in law. Two editors and two journalists were detained pending trial and prosecuted for terrorism offences. Three were released in December while editor İnan Kızılkaya remained in detention.³ In October under an executive decree, *Özgür Gündem* was permanently closed down along with all the major Kurdish-orientated national media.

Signatories to a January petition by Academics for Peace calling for a return to peace negotiations and recognition of the demands of the Kurdish political movement were subjected to threats of violence, administrative investigation and criminal prosecution. Four signatories were detained until a court hearing in April; they were released but not acquitted.⁴ By the end of the year, 490 of the academics were under administrative investigation and 142 had been dismissed. Since the coup, more than 1,100 of the signatories were formally under criminal investigation.

Internet censorship increased, with the authorities issuing orders rubber-stamped by the judiciary to withdraw or block content including websites and social media accounts, to which there was no effective appeal. In October, the authorities cut internet services across southeast Turkey and engaged in throttling of various social media services.

Freedom of assembly

The authorities banned the annual May Day marches in Istanbul for the fourth year running, and the annual Pride march in Istanbul for a second year running, on spurious grounds. Police used excessive force against people peacefully attempting to go ahead with these marches. After July, the authorities used state of emergency laws to issue blanket bans preventing demonstrations in cities across Turkey. And again, the police used excessive force against people attempting to exercise the right to freedom of peaceful assembly regardless of the bans.

Torture and other ill-treatment

There was an increase in cases of torture and other ill-treatment reported in police detention, from curfew areas in southeast Turkey and then more markedly in Ankara and Istanbul in the immediate aftermath of the coup attempt. Investigations into abuses were ineffective.

The state of emergency removed protections for detainees and allowed previously banned practices, which helped facilitate torture and other ill-treatment: the maximum pre-charge detention period was increased from four to 30 days; and facilities to block detainees' access to lawyers in pre-charge detention for five days, and to record conversations between client and lawyer in pre-trial detention and pass them to prosecutors were introduced. Detainees' access to lawyers and the right to consult with their choice of lawyers – rather than state-provided lawyers – was further restricted. Medical examinations were carried out in the presence of police officers and the reports arbitrarily denied to detainees' lawyers.

No national mechanism for the independent monitoring of places of detention existed following the abolition of the Human Rights Institution in April, and the non-functioning of its successor body. The Council of Europe Committee for the Prevention of Torture visited detention facilities in August and reported to the Turkish authorities in November. However, the government did not publish the report by the end of the year. The UN Special Rapporteur on torture visited in November, after his visit was delayed on the request of the Turkish authorities.

The authorities professed their adherence to “zero tolerance for torture” policies but on occasion, spokespeople summarily dismissed reports against them, stating that coup plotters deserved abuse and that allegations would not be investigated. The authorities accused Amnesty International and Human Rights Watch of being tools for the “FETÖ terrorist organization” following the NGOs' joint publication on torture and ill-treatment.⁵ Three lawyers' associations that worked on police violence and torture were shut down in November under an executive decree.

Lawyers said that 42 people, detained in Nusaybin in May after clashes between PKK-affiliated individuals and state forces were beaten and subjected to other ill-treatment in police detention. They said that the group, which included adults and children, were hooded, beaten during police interrogation and not able to access appropriate medical care for their injuries.

Widespread torture and other ill-treatment of suspects accused of taking part in the coup attempt was reported in its immediate aftermath. In July, severe beatings, sexual assault, threats of rape and cases of rape were reported, as thousands were detained in official and unofficial police detention. Military officers appeared to be targeted for the worst physical abuse but holding detainees in stress positions and keeping them handcuffed behind their backs, and denying them adequate food and water or toilet breaks were reported to have taken place on a far wider scale. Lawyers and detainees' relatives were often not informed that individuals had been detained until they were brought for charge.

Excessive use of force

Until June, the security forces conducted security operations against armed individuals affiliated to the PKK, who had dug trenches and erected barricades in urban areas in the southeast of Turkey. The authorities' use of extended round-the-clock curfews, a total ban on people leaving their homes, combined with the presence of heavy weaponry including tanks in populated areas,

was a disproportionate and abusive response to a serious security concern and may have amounted to collective punishment.⁶ Evidence suggests that the security forces' operated a shoot-to-kill policy against armed individuals that also caused deaths and injuries to unarmed residents and widespread forced displacement.

In January, IMC TV journalist Refik Tekin was shot while bringing injured people to receive medical treatment in Cizre, a city under curfew. He continued recording after being shot, apparently from an armoured police vehicle. He was later detained and investigated under terrorism laws.

Impunity

The entrenched culture of impunity for abuses committed by the security forces remained. The authorities failed to investigate allegations of widespread human rights violations in the southeast, where few or none of the basic steps were taken to process cases, including deaths, and in some instances witnesses were subjected to threats. In June, legislative amendments required the investigation of military officials for conduct during security operations to be subject to government permission and for any resulting trial to take place in military courts, which have proved especially weak in prosecuting officials for human rights abuses.

Government statements dismissing allegations of torture and ill-treatment in police detention after the coup attempt were a worrying departure.

Despite the ratification of the Council of Europe Convention on preventing and combating violence against women (Istanbul Convention), the authorities made little or no progress in halting pervasive domestic violence against women nor did they adopt procedures to investigate the hate motive in cases of people perceived to have been killed due to their sexual orientation or gender identity.

No progress was made in investigations into the deaths of some 130 people who died while sheltering from clashes in three basements during the curfew in Cizre in February. The authorities alleged that access for ambulances was blocked by the PKK when local sources reported that people in the basements were injured and needed emergency medical care, and died of their injuries or were killed when security forces stormed the buildings.

The Governor of Ağrı province in eastern Turkey denied permission for an investigation against police officers to proceed into the deaths of two youths, aged 16 and 19 in Diyadin. The authorities claimed that police shot the youths in self-defence but a ballistics report showed that a gun found at the scene had not been fired and did not have either of the youths' fingerprints on it.

The authorities failed to make progress in investigation of the November 2015 killing of Tahir Elci, Head of the Diyarbakir Bar Association and a prominent human rights defender. It was hampered by an incomplete crime scene investigation and missing CCTV footage.

More than three years on, investigations into use of force by police at Gezi Park protests had failed and resulted in only a handful of unsatisfactory prosecutions. The court issued a 10,100 liras (€3,000) fine to the police officer in his retrial for the fatal shooting of Ankara protester Ethem Sarisülük. A court reduced the compensation awarded to Dilan Dursun by 75% – she had been left with permanent injuries after being hit in the head by a tear gas canister fired by police during protests in Ankara on the day of Ethem Sarisülük’s funeral. The court ruled that she had culpability given that it was an “illegal demonstration”.

Abuses by armed groups

There was a sharp increase in indiscriminate attacks and attacks directly targeting civilians, showing contempt for the right to life and the principle of humanity. IS, PKK, its offshoot Kurdistan Freedom Falcons (TAK) and Revolutionary People’s Liberation Party-Front were blamed or claimed responsibility for the attacks.

Refugees and asylum-seekers

Turkey was the world’s biggest host of refugees and asylum-seekers with an estimated 3 million refugees and asylum-seekers residing in the country with significant populations of Afghans and Iraqis alongside 2.75 million registered Syrians, who were provided with temporary protection status. The EU concluded a migration deal with Turkey in March aimed at preventing irregular migration to the EU. It provided for the return of refugees and asylum-seekers to Turkey, ignoring many gaps in protection there.⁷ Turkey’s border with Syria remained effectively closed. Despite improvements, the majority of Syrian refugee children had no access to education and most adult Syrian refugees had no access to lawful employment. Many refugee families, without adequate subsistence, lived in destitution.

There were mass forced returns of Syrians by the Turkish security forces in the early months of the year, as well as instances of unlawful push-backs to Syria and cases of fatal and non-fatal shootings of people in need of protection by Turkish border guards.

Internally displaced people

Hundreds of thousands of people were displaced from the areas under curfew in the southeast of Turkey. The imposition of curfews with only hours’ warning forced people to leave with few, if any, possessions. In many cases, displaced people were not able to access their social and economic rights such as adequate housing and education. They were offered inadequate compensation for loss of possessions and livelihoods. Their right to return was severely compromised by the high levels of destruction and the announcement of redevelopment projects likely to exclude former residents.⁸

1. Turkey: HDP deputies detained amid growing onslaught on Kurdish opposition voices ([News story](#), 4 November)
2. Turkey: Massive crackdown on media in Turkey ([EUR 44/5112/2016](#))
3. Turkey: End pre-trial detention of Özgür Gündem guest editors ([EUR 44/4303/2016](#))
4. Turkey: Further information – academics targeted for peace appeal, released ([EUR 44/3902/2016](#))
5. Joint Statement: Turkey – state of emergency provisions violate human rights and should be revoked ([EUR 44/5012/2016](#))
6. Turkey: Security operations in southeast Turkey risk return to widespread human rights violations seen in the 1990s ([EUR 44/4366/2016](#))
7. Turkey: No safe refuge – asylum-seekers and refugees denied effective protection in Turkey ([EUR 44/3825/2016](#))
8. Turkey: Displaced and dispossessed – Sur residents' right to return home ([EUR 44/5213/2016](#))

You can shine a light on human rights abuses.

**WITH YOUR SUPPORT, WE CAN EXPOSE EVENTS
AND HOLD GOVERNMENTS AND COMPANIES TO
ACCOUNT.**

Choose language

DOWNLOAD PDF

16/17