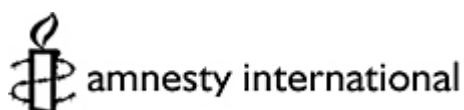


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Amnesty International Annual Report 2012 - Turkey

Head of state: Abdullah Gül
Head of government: Recep Tayyip Erdoğan
Death penalty: abolitionist for all crimes
Population: 73.6 million
Life expectancy: 74 years
Under-5 mortality: 20.3 per 1,000
Adult literacy: 90.8 per cent

Promised constitutional and other legal reforms did not occur. Instead, the right to freedom of expression was threatened and protesters faced increased police violence. Thousands of prosecutions brought under flawed anti-terrorism laws routinely failed fair trial standards. Bomb attacks claimed the lives of civilians. No progress was made in recognizing the right to conscientious objection or in protecting the rights of children in the judicial system. The rights of refugees and asylum-seekers and lesbian, gay, bisexual and transgender people remained unsecured in law. Preventive mechanisms to combat violence against women remained inadequate.

Background

In June the Justice and Development Party (AKP) won parliamentary elections and were re-elected to government. Nine elected opposition candidates were unable to take up their seats in Parliament due to cases against them under anti-terrorism laws: eight were being prosecuted and remained in detention, and one was barred from holding office due to a conviction.

In July, the head of the armed forces and his three most senior generals resigned, demonstrating the continuing tensions between the government and the armed forces. The resignations followed a wave of arrests of serving and retired military officials accused of plotting to overthrow the government.

In September Turkey ratified the Optional Protocol to the Convention against Torture, paving the way for independent monitoring of places of detention. However, by the end

of the year, it had not introduced legislation to establish the necessary domestic implementing mechanism, or other promised preventive mechanisms such as an independent police complaints procedure and an ombudsman's office.

At the end of the year, the promised draft constitution had not been made available for discussion. Constitutional amendments adopted by a referendum during the previous parliament aimed at bringing trade union laws closer to international standards were not implemented.

Armed clashes between the Kurdistan Workers' Party (PKK) and the armed forces increased. In October, a major military intervention was launched into northern Iraq, targeting PKK bases and displacing hundreds of civilians from their villages. In December, 35 civilians were killed, the majority of them children, when a Turkish warplane bombed a group of civilians in the district of Uludere near the border with Iraq.

In October earthquakes struck the eastern province of Van resulting in more than 600 deaths. The authorities were criticized for the slowness of the response to the crisis which left thousands homeless in freezing conditions.

Turkish authorities spoke out against human rights violations across the eastern Mediterranean. In September, the government announced it would challenge the legality of the naval blockade of Gaza at the International Court of Justice. A UN report into the May 2010 boarding of the Turkish ship, the *Mavi Marmara*, had concluded that Israeli defence forces had used excessive force in the operation which resulted in the deaths of nine Turkish nationals. In November, the Foreign Minister announced the imposition of sanctions against Syria due to the continued killings of peaceful protesters.

Freedom of expression

A large number of prosecutions were brought which threatened individuals' right to freedom of expression. In particular, critical journalists, Kurdish political activists, and others risked unfair prosecution when speaking out on the situation of Kurds in Turkey, or criticizing the armed forces. In addition to prosecutions brought under various articles of the Penal Code, a vast number of cases threatening freedom of expression were brought under anti-terrorism legislation (see Unfair trials). Threats of violence against prominent outspoken individuals continued. In November new regulations came into force raising further concerns regarding the arbitrary restriction of websites.

- In February, human rights defender Halil Savda received confirmation of his conviction for "alienating the public from the institution of military service". He was sentenced to 100 days' imprisonment for voicing his support for the right to conscientious objection from military service. At the end of the year, two further prosecutions on the same charge were continuing and another conviction was pending at the Supreme Court of Appeals.
- In March, Ahmet Şık and Nedim Şener, both journalists who investigate alleged human rights abuses by state officials, were charged with membership of a terrorist organization. Their arrests and those of six other journalists were part of a police operation against Ergenekon, an alleged criminal network with links to the military and other state institutions charged with plotting to overthrow the government. Written works by them were central to the evidence presented as part of the prosecution. They remained in pre-trial detention at the end of the year.
- In November, 44 people, including publisher Ragıp Zarakolu and Professor Büşra Ersanlı were arrested on the grounds of their alleged membership of the PKK-linked Kurdistan Communities Union (KCK). Ragıp Zarakolu and Büşra Ersanlı were both questioned about their participation in events held by the Politics Academy of the Peace and Democracy Party, a recognized political party, and their respective publishing and academic work. Further waves of arrests in November and December saw 37 lawyers and 36 journalists detained on suspicion of KCK

membership. They remained in detention at the end of the year.

- In June, death threats were made against Baskın Oran and Etyen Mahçupyan, both journalists at the bilingual Armenian/Turkish *Agos* newspaper. Similar threats had been made since 2004 for which no one had been brought to justice.

Torture and other ill-treatment

Allegations of torture and other ill-treatment in and during transfer to police stations and prisons persisted. Police routinely used excessive force during demonstrations, notably during protests before and after the June elections. In many cases, demonstrations became violent following police intervention and the use of pepper gas, water cannon and plastic bullets. In many instances, media documented law enforcement officials beating demonstrators with batons.

- In May and June, demonstrations in the city of Hopa in the north-eastern Artvin province of Turkey led to clashes between police and protesters, where one demonstrator died and others were injured. Metin Lokumcu died of a heart attack after being overcome by pepper gas fired by police. Demonstrators in Ankara protesting the policing of the Hopa demonstrations were also subjected to police violence. According to her lawyer, demonstrator Dilşat Aktaş was beaten by around 10 police officers, leaving her with a broken hip and unable to walk for six months. A criminal investigation into the incident had not concluded at the end of the year. The alleged assault by police officers was the second involving Dilşat Aktaş. In March, television cameras showed her being punched by a police officer, during a protest, yet the Ankara prosecutor decided not to pursue the case.
- In October, army conscript Uğur Kantar died in hospital, reportedly as a result of torture inflicted by soldiers while he was in military custody within his garrison in northern Cyprus. Five officials, including the military prison director, were indicted for causing his death. The prosecution was continuing at the end of the year.

Impunity

Investigations into alleged human rights abuses by state officials remained ineffective. In cases where criminal cases were opened, the chances of bringing those responsible to justice remained remote. Counter charges continued to be used as a tactic against those who alleged the abuse.

- In June, Colonel Ali Öz and seven other military personnel were convicted of negligence for their failure to relay information regarding the plot to kill journalist and human rights defender Hrant Dink, which could have prevented his murder in 2007. Although a Children's Court in July convicted Ogün Samast of shooting Hrant Dink, doubt remained whether the full circumstances around the killing, including the issue of collusion by state officials, would be investigated.
- No public investigation was carried out following the death of a family of seven in the Kurdistan region of northern Iraq in August, reportedly as a result of bombing by a Turkish warplane. Attacks by the air force on PKK bases in the area had been taking place at the time.
- In September, the groundbreaking decision issued in 2010, convicting prison guards and other state officials following the October 2008 death in custody of Engin Çeber, was overturned by the Supreme Court of Appeals on procedural grounds. The communication of the written judgement was delayed for more than two months, further complicating efforts to ensure justice for Engin Çeber.
- In December a police officer was convicted of "negligent killing" following the 2007 shooting in custody of Nigerian asylum-seeker Festus Okey. The court

rejected an application by relatives to intervene in the case as an "injured party" in accordance with Turkish law. The judge also made criminal complaints against activists who had criticized the prosecution and sought to intervene in the case.

- In December, a local court failed to issue a custodial sentence to a police officer who was filmed in 2009 catching and then repeatedly striking a child demonstrator in the head with the butt of his rifle. S.T., aged 14, suffered a fractured skull and remained in intensive care for six days following the attack. The court reduced the punishment on the grounds that the injury was accidental and due to the "conditions in the area". The officer was issued with a six-month suspended sentence and allowed to continue with his police duties.

Unfair trials

Thousands of prosecutions were brought during the year under overly broad and vague anti-terrorism laws, the vast majority for membership of a terrorist organization, provisions which have led to additional abuses. Many of those prosecuted were political activists, among them students, journalists, writers, lawyers and academics. Prosecutors routinely interrogated suspects regarding conduct protected by the right to freedom of expression or other internationally guaranteed rights. Other flaws included the use of extended pre-trial detention, during which time defence lawyers were prevented from examining the evidence against their clients or effectively challenging the legality of their detention due to secrecy orders preventing their access to the file.

- At the end of the year university student Cihan Kırmızıgül had been held in pre-trial detention for 22 months, accused of damaging property and membership of a terrorist organization. The prosecution was based on his wearing of a traditional scarf, matching those worn by people alleged to have taken part in a demonstration where Molotov cocktails were thrown. One police officer also identified him as having been at the scene, contradicting the statements of other officers. Despite the prosecutor requesting Cihan Kırmızıgül's acquittal due to lack of evidence, the judge ruled that his detention and prosecution should continue.

Children's rights

Prosecutions continued of children under anti-terrorism laws, including for participation in demonstrations, despite 2010 legislative amendments which were intended to prevent child demonstrators being prosecuted under these laws. While the number of children prosecuted had gone down, many were still held in adult police custody before transfer to the children's department. Pre-charge detention periods of up to the maximum of four days were recorded and children continued to be held in extended pre-trial detention. The absence of Children's Courts in many provinces was not addressed.

- By the end of the year, 17-year-old L.K. had been held in pre-trial detention for eight months awaiting the decision of the Supreme Court of Appeals regarding which court had the jurisdiction to try him.

Abuses by armed groups

Attacks by armed groups caused civilian death and injury.

- On 20 September three civilians were killed and 34 injured in a bomb attack targeting a busy shopping district of the capital, Ankara. The Kurdistan Freedom Falcons (TAK) claimed responsibility for the attack.
- On the same day, four civilians were killed in a PKK attack apparently targeting police in the south-eastern province of Siirt.

Housing rights

Forced evictions violated the rights of tenants to consultation, compensation and provision of alternative housing. Many of those affected in the context of urban regeneration projects were among the poorest and most at-risk groups, including people previously forcibly displaced from villages in south-eastern Turkey. In May, the UN Committee on Economic, Social and Cultural Rights published their concerns regarding such projects.

- In the Tarlabaşı district of Istanbul, dozens of families were forcibly evicted as part of the urban regeneration project carried out by the Beyoğlu municipality. Individuals reported that they had been made effectively homeless.

Prisoners of conscience – conscientious objectors

No progress was made in recognizing the right to conscientious objection to military service in domestic law or to end the repeated prosecution of conscientious objectors for their refusal to perform military service. In November, the European Court of Human Rights found that Turkey's refusal to grant a civilian alternative to military service violated the right to freedom of thought, conscience and religion in the case of *Erçep v. Turkey*. People who publicly supported the right to conscientious objection continued to be prosecuted (see freedom of expression).

- Conscientious objector İnan Süver remained in prison due to multiple convictions for his refusal to perform military service until December, when he was conditionally released.

Refugees and asylum-seekers

Access to the asylum procedure was arbitrarily denied, resulting in people being forcibly returned to places where they may face persecution. The authorities failed to introduce planned legislation guaranteeing basic rights for refugees and asylum-seekers. From May onwards, thousands of Syrian nationals fled to Turkey seeking protection from violence and human rights abuses in the country. Many of them were accommodated in camps but not provided with access to UNHCR, the UN refugee agency, or to the asylum procedure. Their access to the outside world was severely restricted, including the ability to report on the human rights situation in Syria. There were reports of a number of Syrians being abducted from within Turkey and transferred to face persecution in Syria.

Rights of lesbian, gay, bisexual and transgender people

Discrimination on the grounds of sexual orientation and gender identity was not addressed. Lesbian, gay, bisexual and transgender (LGBT) rights activists continued to face harassment by the authorities. During 2011, LGBT rights groups recorded eight murders alleged to be on the grounds of the victims' sexual orientation or gender identity.

- In November, three transgender women, all members of the Ankara-based LGBT rights group Pembe Hayat (Pink Life), were convicted of "insulting police officers" and "resisting the police". The charges were brought after they alleged that they were arbitrarily arrested and ill-treated by police officers. No police officers were prosecuted in relation to the incident.

Violence against women and girls

Turkey ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence. However, domestic preventive mechanisms remained woefully inadequate and the number of shelters was far below that required by domestic law.

- In October the Supreme Court of Appeals confirmed the reduction in sentences

for 26 men convicted of raping a on the grounds that she had "consented" to sex.

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