

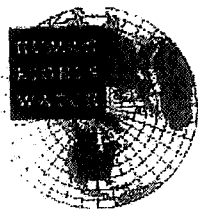
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Human Rights Watch World Report 2002 - Turkey - January 2002

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Human Rights Developments

The strongly nationalist ruling coalition of the Democratic Left Party, Nationalist Action Party, and Motherland Party once again failed to enact key reforms in the face of longstanding opposition to these measures by the army and security forces. The government's National Program for Accession to the European Union should have marked a turning point for human rights, but consisted mainly of vague and general undertakings that were clearly designed to delay or avoid significant change. In June the Constitutional Court closed the religious Virtue Party for "actions against the republic's secular principles." An opportunity for significant change was missed in October, when a package of constitutional amendments were enacted that shortened detention periods, but left the death penalty and constraints on freedom of expression on the statute books. Three provinces remained under state of emergency. In December, security forces deliberately killed prisoners resisting transfers to new high security "F-type prisons," and beat them in transit. Thirty-three prisoners died in hunger strikes.

The Turkish government talked about lifting constraints on free expression, but did not take effective legislative action to do so. Those who challenged the official view of the role of religion, ethnicity, and the army were prosecuted and imprisoned. In June, Dr. Fikret Baskaya began

Military courts tried civilians on charges limiting free expression. In December Sanar Yurdatapan, coordinator of the Freedom of Expression Initiative, and Nevzat Onaran of the Contemporary Journalists' Association were imprisoned by the General Staff Military Court with two-month sentences for "criticizing the institution of military service."

The High Council for Radio and Television (R.T.U.K.) temporarily or permanently suspended scores of independent broadcasters and in August banned BBC World Service and Deutsche Welle on the grounds that they "threatened national security."

The ban on wearing the headscarf was applied with increasing severity against students and civil servants and extended to private universities. A change in regulations prohibited any student wearing a headscarf from sitting for the June university examinations, a move that human rights groups criticized as violating the students' right to freedom of religion, conscience, and thought. Teachers and doctors were also dismissed for wearing the headscarf on duty.

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Detainees in all quarters of the country reported that police or gendarmes inflicted torture by beating, death threats, hosing with cold water, sexual assault, electric shocks, and hanging by the arms. Victims included women and children, and people detained for common criminal offenses as well as State Security Court (SSC) offenses (those involving narcotics and organized crime, political violence, and some nonviolent political offenses). Two people died as a result of beatings during arrest.

The Turkish government refused to abolish incommunicado detention, the principal factor in the persistence of torture in Turkey identified by U.N. and Council of Europe experts. Turkish law continued to permit detention for SSC offenses for up to four days without access to family or lawyers. In practice this was frequently extended. Those held for common criminal offenses were entitled to a lawyer from the first moments of detention but rarely got one. Blindfolding, similarly condemned by international experts, also continued unchecked.

Legal safeguards for children in police custody were frequently ignored. In March, parliamentary deputy Sema Piskinsüt, former president of the Parliamentary Human Rights Commission, estimated that 90 percent of imprisoned children had been tortured in police custody. In January, nine children under the age of fifteen complained that they had been beaten, forced to remain standing for long periods, and deprived of food, drink and sleep while detained in Viransehir in the province of Sanlıurfa in southeast Turkey. Local lawyers complained about the ill-treatment and breach of detention procedures, but as of November 2001 no action had been taken against the responsible police officers. A fifteen-year-old detained in April during an Istanbul demonstration against F-type prisons reported that police officers beat him with wooden sticks about the head and body. Medical examination showed extensive bruising and broken teeth.

Women reported sexual abuse and rape in police custody. The Women's Commission of the Diyarbakır Bar stated in February that over the preceding year it had received complaints of sexual assault or rape by police or gendarmes from 123 women. In July, Health Minister Osman Durmus issued a circular which appeared to circumvent a 1999 ban on "virginity examinations" by providing for the expulsion of female medical students proven to be sexually active or engaged in prostitution. The minister later denied that he had authorized the reinstatement of such examinations, but did not rescind the circular. A sixteen-year-old in Van reported that in June she was taken from a

gendarmerie post, where she was being questioned for alleged links with the PKK, to a state hospital and there subjected to a forced "virginity test."

The climate of impunity for torture remained unchanged. Where security personnel were charged and convicted of crimes based on torture, sentences were frequently light or suspended. In February a policeman convicted of torturing a thirteen-year-old boy in Istanbul in 1994 received a suspended sentence of fifteen months' imprisonment and returned to active service. In August the Turkish Parliamentary Human Rights Commission reported that it had forwarded 451 torture cases to local prosecutors, who had responded in only sixty-nine cases. Only one prosecution had been opened. The December 2000 Law on Conditional Release and Suspension of Sentences, resulting in the release of thousands of prisoners held on common criminal charges, also suspended sentences for police officers convicted of ill-treatment under article 245 of the Turkish Criminal Code.

Torturers continued to be protected by the abuse of medical examination procedures. In December, Dr. Nur Birgen, a Forensic Institute official, was convicted of issuing misleading reports that concealed torture. Her three-month prison sentence was commuted to a fine of approximately one U.S. dollar.

HADEP officials Serdar Tanžs and Ebubekir Deniz "disappeared" after being summoned to a gendarmerie station in Silopi, Sžrnak province, in January. The authorities first denied and then admitted that the two men "visited" the gendarmerie, but claimed they had left after half an hour.

The Justice Ministry moved forward with its long-planned transfer of prisoners held for SSC offenses from large ward-based prisons to new F-type prisons organized in smaller cells for up to three prisoners. The ministry ignored warnings from nongovernmental and international organizations that the planned F-type regime might amount to cruel, inhuman, and degrading treatment and that the lack of transparency surrounding the prison reform risked exacerbating prisoners' fears. In December, the government launched "Operation Return to Life," sending 10,000 soldiers into twenty ward-based prisons to transfer hunger-striking prisoners into small-group isolation in the newly constructed F-type prisons. The operation left twenty-eight prisoners and two gendarmes dead. Some prisoners burned themselves in protest, but others were deliberately killed by security forces. Gendarmes beat and tortured prisoners during