

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2005

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Human rights developments in Turkey were mixed during 2005. The government shows some commitment to reform, but is clearly inhibited by anti-reform elements within the judiciary, police, and army. The main achievement of the year was sustained progress in combating torture, with the number of reports of ill-treatment in police stations continuing to fall. Little progress was made, however, toward guaranteeing language freedoms and freedom of expression. In an alarming development, there were episodes of police using unwarranted lethal violence during street disturbances. Political violence by the Kurdish Workers Party (PKK) flared during the year, increasing tension and provoking heavy-handed responses, including human rights violations, by state forces.

In October Turkey began negotiations for full membership of the European Union a process expected to take a decade or more, during which time the E.U. will continue to monitor Turkey's protection of human rights and respect for minorities.

Freedom of Expression and Religion

As of November 2005 no individuals were known by Human Rights Watch to be serving prison sentences for the non-violent expression of their opinions. However, scores of people were charged with speech-related offenses and threatened with imprisonment, most being indicted under provisions criminalizing insults to the president, the flag, and state institutions. The government failed to eliminate these provisions from the revised criminal code, introduced in June.

In October 2005 writer Cemal Tokpınar was sentenced to a years imprisonment for an article suggesting that Turkey's 1999 earthquake was a divine punishment inflicted upon the military. The newspaper article contained no advocacy of violence, but Tokpınar was convicted under criminal code article 216 for incitement to religious hatred in a manner liable to threaten public order. Novelist Orhan Pamuk faced charges for insulting Turkishness. His supposed crime was his statement in a magazine interview, that thirty-thousand Kurds and one million Armenians were killed in these lands.

Women who wear the headscarf for religious reasons continue to be excluded from higher education, the civil service, and political life. Female lawyers who wear the headscarf are not permitted to enter courtrooms, and in July the Ankara Bar took disciplinary action against a lawyer who wore a headscarf while carrying out her duty to a client in a bailiffs office.

Respect for Minorities

Turkey's courts and state officials repeatedly obstruct language freedoms. As of November 2005 not a single private broadcaster had been given permission to broadcast in Kurdish. In March state television channel TRT stated that regulations did not permit it to show musician Birol Topalolu singing in the Laz language. In June the Ankara governor refused to authorize the Kurdish Democracy Culture and Solidarity Association (Krt-Der), claiming that the organizations program to secure the social and individual rights of Kurds was unconstitutional. In July the Bingöl governor imposed a U.S.\$800 administrative fine on local Human Rights Association (HRA) President Rıdvan Kızgı for printing the associations letterhead in Kurdish as well as Turkish, supposedly a breach of the Associations Law requirement that correspondence be exclusively in Turkish.

Extrajudicial Execution

In November 2005, grenades thrown into a bookshop in emdinli, Hakkari province, killed one man and wounded eight. Local people captured two gendarmes and a confessor (a former PKK member now working for the security forces) in the vicinity, together with a grenade and a map showing the bookshop. Gendarmes in an armored vehicle fired on a crowd gathered at the scene of the crime, killing another man. The confessor and the armored vehicle commander were arrested but the other two gendarmes were released.

Freedom of Assembly

Police repeatedly used unwarranted force to break up peaceful demonstrations in 2005. In March, Istanbul police assaulted demonstrators who had gathered for International Womens Day. Male and female demonstrators were beaten and sprayed with pepper gas. Prime Minister Recep Tayyip Erdoan briefly condemned the police violence, but upbraided the press for bringing the incident to public notice.

Still more alarming, the police frequently used lethal force when public gatherings gave way to disturbances. In various incidents, eight demonstrators were shot dead by police. For example, in November, police shot and killed five demonstrators in Hakkari province who were protesting the emdinli attack.

Torture and Ill-treatment in Police Stations and Psychiatric Hospitals

Reports of ill-treatment continue to decline thanks to improved safeguards for detainees, including the right to see a lawyer from the first moments of detention. Police compliance with laws and regulations is generally good, even in remoter areas of the southeast. In some provinces, delegations from local human rights boards, including bar association and medical chamber representatives, made unannounced monitoring visits to police stations and gendarmeries. There were, however, still some reports of beating and torture in police stations. For example, in October 2005, four minors reported they had been tortured at police headquarters in Ordu, where no monitoring visits had been conducted. The boys said police officers had stripped and beaten them, squeezed their testicles, and threatened them with rape. The medical reports showed that the boys, released without charge, suffered extensive bruising.

In January 2005, the Turkish parliamentary human rights commission reported that, during a visit to Saray Rehabilitation Center, a psychiatric institution in Ankara, it had discovered children tied to their beds and imprisoned naked in cold rooms. Mental Disability Rights International reported in September that psychiatric hospitals in Istanbul and Izmir were inflicting electroconvulsive treatment (ECT) on patients without muscle relaxants and anesthesia. The Council of Europes Committee for the Prevention of Torture had already condemned this painful and dangerous practice in a 1997 visit to Turkey. The report also described how children were subjected to ECT, and had their hands and feet bound to their beds for long periods.

Internal Displacement

Most of the 378,335 Kurdish villagers forcibly displaced by security forces during the conflict of the 1980s and 1990s are still unable to return to their homes in the southeast. The governments Return to Village and Rehabilitation Project has failed to provide even the most basic infrastructure, and villagers are unwilling to return to settlements that do not have electricity, telephone service, or a school. Implementation of a 2004 law to compensate the displaced has been uneven, with some villagers receiving appropriate sums while others claims were unfairly dismissed.

The threat of violence from village guardsparamilitaries armed and paid by the government to fight the PKKremains an important obstacle to return. Some returning villagers were attacked by village guards during the year. In March 2005, a village guard shot and killed thirteen-year-old Selahattin Gnbay, near Nusaybin in Mardin province, because he was allegedly grazing animals on the guards pasture.

Human Rights Defenders

The government took some steps to recognize the value of human rights organizations, and invited them, together with other Turkish civil society groups, to a consultation about reform and the E.U. process in September 2005. Nevertheless, human rights defenders were once again threatened with physical violence and subjected to numerous criminal prosecutions as well as efforts to discredit them as unpatriotic or treacherous. In May, speaking at the funeral of a soldier killed by a mine, Gen. Hrit Tolon reproved human rights organizations for their absence. The widely reported comment alarmed defenders, as similar statements by the military preceded the near-fatal shooting of HRA President Akin Birdal in 1998. In June 2005, Istanbul HRA President Eren Keskin and two board members, who had narrowly survived an attack by a lone gunman in 2001, received death threats from the Turkish Revenge Brigade, the extreme right-wing group that had assumed responsibility for the Birdal attack.

Key International Actors

In October 2005, the attention of Turkey and the international community was focused on the E.U.s decision, after extended discussion, to open membership negotiations. The E.U. maintains a strong and effective engagement with the Turkish government on human rights issues. Confronted with media reports of the police attack on the International Womens Day demonstration in March, visiting E.U. troika representatives declared that they were shocked by images of the police beating women and young people demonstrating in Istanbul. In September E.U. Enlargement Commissioner Olli Rehn expressed serious concern about the prosecution of Orhan Pamuk and visited the writer in his home.

In February 2005, the European Commission against Racism and Intolerance (ECRI) in a report on Turkey mentioned non-Muslim minorities difficulties, including administrative barriers to building places of worship and training clergy. Noting persistent suspicion of minorities of any kind, ECRI urged the government to establish an agency to combat racism and intolerance.

In January 2005, the U.N. special representative on human rights defenders published a report on her 2004 visit to Turkey. She expressed concern about the harassment of human rights defenders, and called on state officials and the media to refrain from stigmatizing human rights defenders as enemies. She also urged that human rights defenders be given full access to places of detention. In May, during an informal visit to Turkey, the U.N. special representative on internal displacement highlighted emerging problems in the implementation of the law on compensation.

The European Court of Human Rights issued scores of judgments against Turkey concerning torture, unfair trial, arbitrary detention, and

extrajudicial execution. In July 2005, the court found the Turkish government responsible for violations of the right to life concerning twenty-two people shot dead by police during disturbances in Istanbul in 1995 (imek and others v. Turkey).

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