

# AMNESTY INTERNATIONAL

## Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2007

### TURKEY

This country entry has been extracted from a forthcoming Amnesty International (AI) report, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2007* (AI Index: EUR 01/001/2007), to be issued in June 2006. Anyone wanting further information on other AI concerns in Europe and Central Asia should consult the full document.

#### **Armed clashes and bombing of civilians**

There was a marked increase in clashes between the armed separatist Kurdistan Workers' Party (PKK) and Turkish armed forces during the first six months of the year with recorded casualties markedly higher than during the same period in 2006. In response to the increased conflict three temporary security zones were declared on 9 June covering the areas of Siirt, Şırnak and Hakkari. Given the record of human rights abuses during the time when a state of emergency was in effect, such a declaration raised concerns that further abuses may occur.

A number of bombings resulted in the death or injury of civilians. In Izmir a bomb exploded in a marketplace on 12 May killing one person and leaving 14 others injured. The bomb went off the day before thousands of people were expected to join a demonstration in support of secularism in Turkey. No group claimed responsibility for the attack. On 22 May a suicide bombing in Ankara claimed the lives of eight civilians and injured more than 120 people. The motive and target of the attack remained unclear but it was speculated that the head of the armed forces, General Yaşar Büyükanıt, may have been the target as he was due to pass through the area where the bomb went off. Turkish authorities claimed that the person suspected of carrying out the suicide attack was a supporter of the PKK but the organization denied any involvement in the bombing.

Some progress was made finding those responsible for previous bomb attacks. In the Ümraniye district of Istanbul arrests were made after the discovery of a weapons dump containing hand grenades and detonators on 13 June. Investigations continued into the connection between the weapons dump and the attack on *Cumhuriyet* newspaper offices in May 2006 in which hand grenades of the same type were used. A retired army officer was among those arrested.

## Violent Attacks and killings

Turkey witnessed an increased climate of intolerance in which journalists, human rights defenders and others attempting to voice dissenting opinions were subject to violent threats and attacks by ultranationalist groups.

On 19 January Turkish-Armenian journalist and human rights defender Hrant Dink was shot dead. Hrant Dink, 53, was a passionate promoter of the universality of human rights who appeared on different platforms with human rights activists, journalists and intellectuals across the political spectrum. Best known for his willingness to debate openly and critically issues of Armenian identity and official versions of history in Turkey relating to the massacres of Armenians in 1915, Hrant Dink also wrote widely on issues of democratization and human rights. AI believed that he was targeted because of his work as a journalist who championed freedom of expression. He had been repeatedly prosecuted under Article 301 of the Penal Code that criminalizes “denigrating Turkishness”. The suspected gunman was alleged to have stated that he killed Hrant Dink after seeing him on television making statements which “denigrated Turkishness”.(see AI Index: EUR 44/001/2007)

On 23 January in Istanbul as many as 100,000 mourners attended the funeral procession, many of them carrying placards declaring “We are all Armenians” and “We are all Hrant Dink” in an unprecedented show of solidarity.

The trial of the suspected gunman and 17 others who are alleged to have taken part in the murder of Hrant Dink was scheduled to start on 2 July. AI was deeply concerned over the conduct of the Turkish authorities both in the period leading up to the killing and during the subsequent investigation of the murder.

For several months prior to his death, Hrant Dink had been receiving death threats and had informed the Şişli public prosecutor in Istanbul. According to the indictment one of those being brought to trial in connection with his death had also acted as a police informer and had repeatedly told police of the plan to assassinate Hrant Dink in the months leading up to his death. Nevertheless, the authorities failed to take the necessary steps to ensure protection for him.

Before the investigation into Hrant Dink’s death started, the Istanbul Police Chief made a statement to the effect that Hrant Dink’s murder was not politically motivated or organized but rather the act of a lone gunman on the basis of nationalist sentiments. AI was concerned that such a statement, coming so quickly after the incident, not only could have jeopardized the impartiality of the subsequent investigation but also illustrated an official reluctance to examine the full scope of the case. AI was also concerned about footage that appeared in the media of law enforcement officers posing with the suspected gunman in front of a Turkish flag as if he was a “hero”. Such footage contributes to the perception that some sections of law enforcement agencies may be biased.

On 18 April two Turkish nationals and a German citizen were killed in Malatya. The men reportedly had their hands and feet bound together and their throats cut. All staff members of the *Zirve* Christian publishing house, they had previously been subjected to threats from nationalist groups. AI considered the violent killings to be an attack on freedom of expression and religion and urged the Turkish authorities to condemn all forms of intolerance and discrimination and to ensure that the killings were promptly, independently and effectively investigated, with all suspected perpetrators brought to justice. By the end of the period under review charges had been brought against four men caught at the scene of the attack and against one woman who allegedly aided the group (see AI Index: EUR 44/006/2007).

On 1 April supporters of the Turkish Communist Party (*Türkiye Komünist Partisi*, TKP) were attacked by unidentified assailants in the Ereğli district of Zonguldak in the Black Sea region

of Turkey while attempting to gather signatures for a petition entitled “We are not afraid of the USA”. The group fled after being stoned by the group of attackers that reportedly swelled to around 500 people. Police prevented the lynching of one TKP supporter and made eight arrests, the majority being TKP supporters.

On 4 June two Kurdish seasonal workers in Adapazarı in the Sakarya province of Turkey were subjected to an apparently racially motivated mob attack by unknown assailants. At the time of writing no charges had been brought in connection with the attack.

AI was particularly concerned that in the context of such attacks on 8 June the Chief of General Staff issued a press release containing the following statements: that individuals and organizations that support peace, freedom and democracy were being “used as a screen for the terrorist organization,” and that “the military call for the Turkish nation to demonstrate a mass reflective reaction to acts of terror.” In the context of increasing attacks demonstrating intolerance against members of the public the intervention from the head of the armed forces could be considered to be inflammatory, provoking further violence.

### **Prosecutions limiting basic freedoms / Prisoners of Conscience**

Those exercising their rights and basic freedoms continued to be prosecuted under unfair laws, with some such prosecutions resulting in convictions.

In February AI urgently reiterated its concerns in the case of eight men convicted after an unfair trial solely on the basis of their non-violent political beliefs (see *Turkey: Justice Delayed and Denied: The persistence of protracted and unfair trials for those charged under anti-terrorism legislation* (AI Index: EUR 44/013/2006) and *UA 31/07: Prisoners of Conscience/Unfair Trial* (AI Index: EUR 44/002/2007)). Evidence against them was largely based on statements allegedly extracted under torture. Following their convictions, the men were at liberty pending apprehension. By the end of the period under review, at least four of them had been imprisoned. AI considered them to be prisoners of conscience.

On 13 April, 50 officers including from the Anti-Terrorism Unit reportedly entered the offices of weekly magazine *Nokta* in the Bakırköy district of Istanbul, with a search warrant issued by the Bakırköy public prosecutor upon a complaint filed by the military prosecutor in the office of the Chief of the General Staff. *Nokta* had published an article about the relationship between certain unnamed civil society groups and the military on 5 April, seemingly arousing suspicion that *Nokta* staff or associates had gained access to confidential military information. *Nokta* believed the raid was a violation of the right to freedom of expression. AI was concerned that the raid may represent a pattern of increased military intervention against those who legitimately express views deemed to be unacceptable (see AI Index: EUR 44/005/2007). Subsequently, cases were brought against the journalist, Ahmet Şık, and defence expert, Lale Sarıbrahimoğlu, based on Article 301 of the Turkish Penal Code.

Human rights groups were subjected to additional scrutiny and made the subject of attacks which represented threats to freedom of expression and association. In January AI Turkey’s bank accounts were frozen and on 30 May a decision of illegal fundraising was issued by the local authorities from the district of Beyoğlu, Istanbul. AI wrote to the national authorities expressing concerns that the freezing of AI Turkey’s bank accounts may amount to a tactic of harassment intended to impede its legitimate fundraising activities (see AI Index: EUR 44/010/2007).

#### *Conscientious objectors (update to AI Index: EUR 01/001/2007)*

On 26 January, following his release from detention pending his continuing trial, conscientious objector Halil Savda alleged he was ill-treated by military personnel in the

military barracks in Tekirdağ where he had originally been summoned to perform military service. Halil Savda reported that he was pushed against a wall, kicked in the legs and hit by an officer and two guards until he fell to the floor. The kicking reportedly continued while he was lying on the floor, with the perpetrators shouting, “you are a traitor, you are a terrorist”. Apparently as a result of the incident, Halil Savda’s face was swollen and he was left with a split and bleeding lip. He reported that he was subsequently taken to a room with no chair or bed where he stayed for three days, sleeping on the cement floor without a blanket. On 12 April Halil Savda, a conscientious objector since 2004, was sentenced to six months in prison for “insubordination”. AI considered him a prisoner of conscience.

### **Torture and ill-treatment**

The non-governmental organization, the Human Rights Foundation of Turkey reported that the number of allegations of torture and ill-treatment outside official detention facilities showed an increase during the period under review. Excessive force by police against individuals arrested for ordinary crimes remained a problem and impunity for law enforcement officials remained a fundamental concern.

Mustafa Kükçe was arrested on 13 June on suspicion of theft and taken first to Dudullu then to Acarlar police station in Istanbul. He was seen appearing healthy by family members when leaving the police station to be transferred to Çakmak police station. Family members wanting to see Mustafa Kükçe at Çakmak police station were reportedly abused by police officers shouting “dirty gypsies, dirty alevi<sup>1</sup>”. When transferred from the police station to the State Prosecutor’s Office, Mustafa Kükçe was seen by family members being supported by police officers, apparently unable to walk. He was transferred to Ümraniye Prison where he died. Of the multiple medical reports made, the last recorded marks from blows. A relative described seeing Mustafa Kükçe in the morgue: “There were swollen and open wounds on the knees. I saw an injury on his left shoulder and in his right armpit a swollen wound full of blood. The tips of his fingers were really black. There were marks on the arms. One of his testicles had burst.”<sup>2</sup> Mustafa Kükçe’s family launched a criminal complaint against the police officers later that month.

Also of concern was the passing by parliament on 2 June of the Law on the Duties and Powers of Police (*Polis Vazife ve Salahiyetleri Kanunu*). The law, which gave wide-ranging powers of stop and search to the police in an amendment reversing previous reforms, additionally gave the police further authority in the use of lethal weapons. The law allows police officers to shoot escaping suspects in the event that a warning to stop is not obeyed. While the law requires that use of weapons be proportional, required proportionality in the use of lethal weapons in the law is descriptive rather than prescriptive and does not meet international standards on the use of firearms by law enforcement officials.

### **Prosecution over the Şemdinli bombing (update to AI Index: EUR 44/033/2005)**

A setback occurred in the case of the three men prosecuted in the case of the Şemdinli bombing. Ali Kaya and Özcan Ildeniz, both gendarmerie officers and Veysel Ateş, an informant, had each been sentenced to prison terms in excess of 39 years for their part in the November 2005 bombing of a bookshop in the south eastern province of Hakkari. On 16 May the 9th Penal Office of the Supreme Court of Appeals overturned the sentences against the

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<sup>1</sup> Alevis are a Muslim minority considered to be heterodox, and constitute perhaps up to 25 per cent of the population of Turkey.

<sup>2</sup> *Radikal* newspaper, “İddia: Ölüm nedeni işkence,” 22 June 2007

officers, arguing that there had been insufficient investigation. It also recommended that the case should be heard by a military court. In a hearing on 13 June the 3rd Van Heavy Penal Court accepted the Supreme Court of Appeal's decree in reopening the case to further investigation but rejected the judgement that the case should be heard by a military court. The next hearing was scheduled for 11 July.

### **The killing of Ahmet and Uğur Kaymaz (update to AI Index: EUR 44/008/2007)**

On 18 April all four police officers charged with the intentional killing of Ahmet Kaymaz and his 12-year old son Uğur Kaymaz were acquitted. During the trial the police officers claimed that Ahmet and Uğur Kaymaz had died as a result of an armed clash and claimed to have acted in self-defence. In appealing the decision, the lawyer for the Kaymaz family claimed that the forensic medicine reports provided concrete evidence against the testimonies of the police officers and blamed the court of "failing to provide justice".

The case relates to the 21 November 2004 fatal shooting of Ahmet Kaymaz and his 12-year old son Uğur Kaymaz outside their home in Kızıltepe, Mardin, in southeast Turkey. In immediate statements after the shooting, Mardin Governor Temel Koçaklar claimed that two PKK members had been killed in a clash with the security forces. Forensic reports indicate that the father and son were repeatedly shot at close range and that nine bullets had been fired into Uğur Kaymaz's back and four bullets into his arm and hands, and that six bullets had been fired into Ahmet Kaymaz's chest and stomach and two more into his hand and leg.

### **Arrests and excessive use of force by police at demonstrations**

*Newroz*<sup>3</sup> new year celebrations on 21 March for the most part passed without incident. However, on 21 March more than 300 arrests were made including 92 in Istanbul, 68 in Diyarbakır, and 43 in Mersin. Further arrests occurred on subsequent days. In some cases prosecutions were launched on charges of organizing illegal meetings and demonstrations.

On 1 May peaceful demonstrators in Istanbul were met by police using batons and tear gas. In Istanbul police forcibly prevented protesters reaching the main square in Taksim using excessive force. At least eight journalists were among those injured by police who were accused of arbitrarily attacking journalists, bystanders and protestors alike. Relatives of 75-year-old Ibrahim Sevindik claimed that his death was caused by the use of tear gas by police. Although it was not known how many arrests were made it was thought that the number exceeded 800 in Istanbul alone.

### **Prison Conditions (update to AI Index EUR 01/001/2007)**

On 22 January the Ministry of Justice published a circular substantially addressing concerns regarding isolation procedures in F-type prisons. According to the circular, a prisoner could meet with up to 19 other prisoners in groups of not more than 10 to engage in social, cultural or sporting activities for up to 10 hours per week subject to certain conditions. Hunger strike protests held by supporters of the prisoners were halted as a result of the circular. However, six months after the publication of the circular, there appeared to be very limited implementation with prisoners either not being made aware of the changes in regulations,

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<sup>3</sup> Newroz (Kurdish)/ Nevruz (Turkish) is the traditional festival of New Year in the Persian calendar which celebrates the arrival of spring at the March 21 equinox and which is celebrated especially by the Kurdish community in Turkey.

being informed but not allowed to benefit from the regulations, having the regulations subjected to unacceptable conditions such as meetings being restricted to those prisoners in adjacent cells, or meetings cancelled due to bureaucratic hurdles.

Widespread demonstrations were held to protest the continued isolation of convicted PKK leader Abdullah Öcalan together with claims that he was being poisoned by the prison authorities. He is being held as the sole prisoner on İmralı island. A report published on 12 March, produced by doctors sent by the Istanbul coroner's office to examine the claims, found no evidence to support the accusations of poisoning. Protests continued with demands made for an independent medical examination of the poisoning claims. On 20-23 May a delegation of the Council of Europe Committee for the Prevention on Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited the island in order to investigate the allegations of poisoning, conditions of detention and the practical application of Abdullah Öcalan's rights to contact with his relatives and lawyers. The findings had not been published by the end of the period under review.