

TURKEY

REPUBLIC OF TURKEY

Head of state: Ahmet Necdet Sezer

Head of government: Abdullah Gül (replaced Bülent Ecevit in November)

Death penalty: abolitionist for ordinary crimes

International Criminal Court: not signed

Legal reforms led to the abolition of the death penalty for crimes committed in peacetime and some amendments to laws restricting freedom of expression. However, many prisoners of conscience continued to face trial or imprisonment, particularly for expressing opinions on the Kurdish question or the high-security "F-type" prisons, or for expressing Islamist views. Torture in police custody remained widespread and was practised systematically in the Anti-Terror branches of police stations in the southeast. The perpetrators were rarely brought to justice. Dozens of killings by security officers were reported; some may have been extrajudicial executions.

Background

Legal reforms were introduced by the coalition government of Bülent Ecevit with the aim of meeting the criteria for accession to the European Union. The death penalty was finally abolished in August with the exception of crimes committed in times of war or imminent threat of war. Parliament passed three laws in February, March and August aimed at bringing Turkish law into line with European human rights standards. As well as abolishing the death penalty, other reforms included changing detention regulations and amending laws used in the past to curtail the right to freedom of expression. However, some of these legal changes were ambiguous and insufficient to tackle the human rights abuses they were supposed to address. Furthermore, the changes were often not implemented in practice.

In March AI was given permission to open a branch in Turkey under the Law on Associations.

In the predominantly Kurdish southeast, the state of emergency was lifted in two provinces in July and in the remaining two in November.

Early parliamentary elections were held in November after several ministers resigned from the government formed by the Democratic Left Party (DSP) of Prime Minister Bülent Ecevit, the Nationalist Action Party (MHP) and the Motherland Party (ANAP). The Justice and Development Party (AK) was elected to government with an absolute majority. Of the other political parties, only the Republican People's Party (CHP) was elected to parliament. The AK deputy leader Abdullah Gül became Prime Minister. The AK party leader, Recep Tayyip Erdoğan, a former prisoner of conscience, was prohibited from standing for parliament because of his previous conviction.

In December, the new government introduced a package of legal reforms which addressed key areas of concern including torture, impunity and freedom of expression.

Prisoners of conscience

Many people, including writers, journalists, trade unionists, local and national politicians, religious leaders and human rights defenders, continued to be imprisoned or tried for exercising their right to freedom of expression.

New laws narrowed the definitions of offences punishable by law and in some instances reduced the maximum sentences, but there was concern that the new laws remained ambiguous. In several cases sentences were reviewed or court cases were dropped after the new laws were passed, but many prisoners of conscience remained in prison and political trials continued. Representatives of human rights organizations, political parties and trade unions who opposed isolation in "F-type" prisons continued to be charged under Article 169 of the Criminal Code with "aiding and abetting illegal, armed organizations"; many were believed to be prisoners of conscience.

☐ Turgut Koçak, Hasan Yavaş and Necmi Özyurda, members of the Socialist Workers Party of Turkey (TSIP), were sentenced to 45 months' imprisonment in May 2001 for "helping and harbouring members of armed groups" by supporting protests against the "F-type" prisons. The charge related to a demonstration outside the TSIP office in December 2000. In a subsequent search, placards and banners related to the hunger strikes against the "F-type" prisons were found in the TSIP premises, which Turgut Koçak, Hasan Yavaş and Necmi Özyurda claimed had been placed by other people. The verdict was confirmed in November 2001. Turgut Koçak and Necmi Özyurda were imprisoned in March 2002 and Hasan Yavaş in May.

Torture and ill-treatment

Reports of torture continued with an increasing use of torture methods that did not leave visible marks on the body. Detainees continued to be subjected to methods such as electric shocks, hanging by the arms, and *falaka* (beating on the soles of the feet). Other methods of torture and ill-treatment regularly reported included: severe beating; sexual abuse; being sprayed with cold pressurized water; being stripped naked while being questioned; threats of death and rape; other psychological torture; and restriction of sleep, food, drink and use of the toilet. According to reports, women and girls taken into custody were frequently sexually abused and threatened with rape. A number of women were raped.

Victims included those suspected of pro-Kurdish, Islamist or leftist activities, or those who applied for Kurdish language education. Others were detained on suspicion of criminal offences or solely because they did not obey the orders of security officers. People suspected of theft or burglary – among them many children – were regularly beaten in detention.

☐ Hamdiye Aslan, a 37-year-old Kurdish mother of five, was detained in March in Mardin, Kızıltepe province, and held at the Anti-Terror branch of Mardin police headquarters for two days. She was reportedly stripped naked and anally raped with a truncheon, blindfolded and threatened, and taunted when she pleaded with the perpetrators. Hamdiye Aslan was held in Mardin Prison for almost three months until she was released pending trial. Medical reports corroborated her allegations of

torture. The Mardin prosecutor opened an investigation into five police officers alleged to have tortured her, and the Turkish Medical Chamber opened a case against two doctors who had previously stated that she had not been tortured.

☞ Tekin Demir was arrested together with his son at their home at 5am on 3 April on suspicion of aiding and abetting an illegal organization. They were held at the Anti-Terror branch of police headquarters in Ankara for two days. While in custody Tekin Demir was reportedly blindfolded, stripped naked, given electric shocks, hosed with cold water, beaten, threatened, had his hair and moustache torn out and his fingers burned with hot water. Police officers also crushed his hands with their feet while he was lying on the floor. When he was medically examined at the end of his custody the doctor did not note any injuries, but after he filed a formal complaint a forensic examination recorded numerous lesions and other medical complaints.

Prolonged police custody/incommunicado detention

Following a constitutional amendment in October 2001, in February 2002 parliament adopted a law reducing to four days the maximum length of initial police and gendarmerie detention before detainees are brought before a judge. The new law also reduced the length of incommunicado detention for detainees suspected of crimes under the jurisdiction of State Security Courts from four days to 48 hours. However, the amendment failed to end the widespread use of torture and ill-treatment which occurred mainly within the first 24 hours of detention.

Impunity

Victims of torture who tried to bring their complaints to court continued to face severe obstacles. Detainees were frequently blindfolded, preventing identification of the perpetrator. Medical evidence of torture was frequently suppressed and doctors who documented torture were often harassed. Intimidation of victims and witnesses and a generalized climate of fear also contributed to impunity, as did prosecutors' reluctance to investigate the conduct of members of the security forces. Statements reportedly extracted under torture were placed in court records and judges often refused to investigate allegations of torture.

Lengthy delays in a number of key torture cases resulted in a failure to bring perpetrators to justice. Defendants who were police officers did not attend hearings; in some cases their lawyers resigned, or failed to disclose required material.

☞ Gülderen Baran was tortured in custody at the Anti-Terror branch of police headquarters in Istanbul in 1995. Repeated suspension by the arms left her with a loss of movement in both arms. She was sentenced to life imprisonment. Five police officers accused of having tortured her were brought to trial. Despite admissions of using force and beatings from a chief commissioner and a police officer during the course of their trial, the case was discontinued on 12 March as it fell outside the statute of limitations because of excessive delays. The officers on trial were not suspended from their duties while proceedings against them were pending and one of them was subsequently promoted to chief superintendent.

☞ On 16 October, 10 police officers accused of torturing 15 juveniles and one teacher in police custody in 1996 in Manisa were sentenced to prison terms of between five and 11 years.

High-security prisons

Isolation in prisons continued to be a subject of intense debate. The authorities continued to build a further 11 "F-type" prisons, and to add new wings to existing prisons in which dormitories were replaced with smaller cells. Thousands of inmates of six "F-type" prisons already in use were kept in prolonged solitary confinement or "small-group" isolation which could amount to cruel, inhuman or degrading treatment. Hunger strikes in protest at the "F-type" prisons continued, and led to 21 deaths in 2002, bringing the total number of deaths as a result of the hunger strikes to at least 57. Although in October the Minister of Justice lifted the condition that prisoners would only be allowed to meet for private conversation if they took part in education programs, such meetings were limited to five hours per week, which failed to meet recommendations by the European Committee for the Prevention of Torture. Numerous reports were received of the ill-treatment of detainees in "F-type" prisons, but they were difficult to verify because of restricted access.

Minority rights

Turkey ratified the International Convention on the Elimination of All Forms of Racial Discrimination in September.

Despite legislative reforms aimed at relaxing restrictions on publicly expressing Kurdish identity, observers failed to note significant improvements in practice. In August a change in the law was introduced which allowed language courses and broadcasting in "languages traditionally used and spoken by Turkish citizens in their daily lives". However, one week after this legislation was passed, the head of the teachers' trade union in Diyarbakır was removed from his teaching post by the Ministry of Education, reportedly for making a speech supporting first-language broadcasting. No courses in Kurdish were apparently approved by the authorities, and thousands of individuals were arrested for signing petitions asking for the right to be educated in Kurdish. Some detainees were allegedly tortured or ill-treated. Some were charged with aiding and abetting the armed opposition group Kurdistan Workers' Party (PKK) or its successor KADEK. However, after the amendment to the law, some people were reportedly acquitted while charges against others remained pending.

During 2002 several trials were opened against parents who tried to register their children with Kurdish names.

☞ Abdullah Yağan was sentenced to 45 months' imprisonment in July by Diyarbakır State Security Court as a result of playing Kurdish music to the passengers in his minibus.

☞ In July the public prosecutor opened a case in Siirt demanding that parents be forced to change the Kurdish names of their children. The case covered children born in 19 families between 10 July 1997 and 19 March 2002.

☞ Eleven teachers and one engineer were taken into custody on 10 May and allegedly tortured and ill-treated by police, including by being beaten with books written in Kurdish. They were acquitted by the State Security Court on 5 September of charges of aiding and abetting an illegal organization. However, a Ministry of Education internal investigation resulted in 10 of the teachers being posted to other regions of the country, because "Kurdish books were found in their homes".

Human rights defenders

Local human rights defenders continued to face harassment, intimidation and prosecutions.

☞ Charges were brought against Osman Baydemir, head of the Human Rights Association (İHD), Diyarbakır branch, and Eren Keskin, head of the İHD branch in Istanbul, in relation to their human rights activities. The chair of the İHD branch in Bingöl, Rıdvan Kızgın, was arrested in January after attending a commemoration for two representatives of the legal pro-Kurdish People's Democracy Party (HADEP) who "disappeared" in January 2001. He was released in March pending trial.

☞ In a trial following a raid in September 2001 on the Diyarbakır office of the Human Rights Foundation of Turkey, the office representative, lawyer Sezgin Tanrıku, was acquitted in April 2002 of the charge of opening a health centre without permission. However, in October 2002 a new trial was opened against Sezgin Tanrıku, and against Eren Keskin. They were charged with insulting the Turkish Armed Forces and the security forces because at a Human Rights Symposium organized by the Diyarbakır branch of the İHD in December 2001 they had stated that torture was still being used systematically in Turkey .

AI country reports/visits

Reports

- Turkey: Constitutional amendments – Still a long way to go (AI Index: EUR 44/007/2002)
- Turkey: Torture and prolonged detention in the Region under State of Emergency (AI Index: EUR 44/010/2002)
- Turkey: Systematic torture continues in 2002 (AI Index: EUR 44/040/2002)

Visits

AI delegates visited Turkey in March, May, June and September to conduct research on the human rights situation and to observe trials.