Amnesty International Report: Turkey

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The human rights situation deteriorated markedly following parliamentary elections in June and the outbreak of violence between the Kurdistan Workers' Party (PKK) and the Turkish armed forces in July. The media faced unprecedented pressure from the government; free expression online and offline suffered significantly. The right to freedom of peaceful assembly continued to be violated. Cases of excessive use of force by police and ill-treatment in detention increased. Impunity for human rights abuses persisted. The independence of the judiciary was further eroded. Separate suicide bombings attributed to the armed group Islamic State (IS) targeting left-wing and pro-Kurdish activists and demonstrators killed 139 people. An estimated 2.5 million refugees and asylum-seekers were accommodated in Turkey but individuals increasingly faced arbitrary detention and deportation as the government negotiated a migration deal with the EU.

Background

Politically motivated appointments and transfers of judges and prosecutors continued throughout the year, wreaking havoc on a judiciary already lacking independence and impartiality. Criminal Courts of Peace – with jurisdiction over the conduct of criminal investigations, such as pre-charge detention and pre-trial detention decisions, seizure of property and appeals against these decisions – came under increasing government control.

In April, commemorations were held to mark the 100th anniversary of the 1915 massacres of Armenians in Ottoman Turkey with peaceful demonstrations across the country. No progress was made towards fully recognizing the crimes committed.

At the general election in June, the ruling Justice and Development Party (AK Party), in power since 2002, failed to secure an overall parliamentary majority. It regained its majority after a rerun of the elections in November, securing nearly 50% of the vote.

A fragile peace process in place since 2013 between the PKK and the state disintegrated in July. State forces launched attacks on PKK bases in Turkey and northern Iraq, while the PKK launched deadly attacks on police and army targets. Armed clashes between the youth wing of the PKK (YDG-H) and the police and army in urban centres took a particularly heavy toll on the lives of ordinary residents. The mass deployment of security forces to the southeastern provinces in mid-December resulted in an intensification of clashes and, according to local lawyers and activists, the killings of scores of unarmed residents. The Minister of the Interior stated that over 3,000 "terrorists" had been killed since the end of the ceasefire.

Following deadly PKK attacks in September, nationalist mob attacks swept Turkey, mainly targeting Kurds and their property as well as offices of the Kurdish-rooted, left-wing Peoples' Democratic Party (HDP). The Ministry of the Interior reported on the deaths of two members of the public, injuries to 51, and damage to 69 political party buildings and 30 homes and businesses. The HDP reported that over 400 attacks had taken place, including 126 attacks on their offices.

Mass prosecutions under vague and broad anti-terrorism laws continued. In March, all 236 military officers accused of the "Sledgehammer" coup plot to overthrow the AK Party government were acquitted after a retrial. Proceedings continued on appeal in the "Ergenekon" case of civilians accused of plotting to overthrow the government. Prosecutions targeting Kurdish political activists for alleged membership of the PKK-linked Kurdistan Communities Union remained pending, following the 2014 abolition of the anti-terrorism and organized crime courts with special powers. Waves of detentions took place after the eruption of violence between the PKK and state forces in July. By late August it was estimated that more than 2,000 people had been detained for alleged links to the PKK, while over 260 were remanded in pre-trial detention. Prosecutions were commenced of individuals accused of membership of the "Fethullah Gülen Terrorist Organization", including US-based cleric and former AK Party ally Fethullah Gülen.

Freedom of expression

Respect for freedom of expression deteriorated. Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy. Ordinary citizens were frequently brought before the courts for social media posts.

The government exerted immense pressure on the media, targeting media companies and digital distribution networks, and singling out critical journalists, who were then threatened and physically attacked by often unidentified assailants. Mainstream journalists were fired after criticizing the government. News websites, including large swathes of the Kurdish press, were blocked on unclear grounds by administrative orders aided by a compliant judiciary. Journalists were harassed and assaulted by police while covering stories in the predominantly Kurdish southeast.

In March, *Taraf* newspaper journalist Mehmet Baransu was remanded in pre-trial detention, charged with obtaining secret state documents which he wrote about in 2010 and then passed to prosecutors, forming the basis of the "Sledgehammer" coup plot prosecution. He remained in pre-trial detention at the end of the year.

In the six months to March, the Minister of Justice gave permission for 105 criminal prosecutions for insulting President Erdoğan under Article 299 of the Penal Code. Eight people were remanded in pre-trial detention. Prosecutions under the provision, which carries a sentence of up to four years' imprisonment, continued throughout the year. In September, a 17-year-old student was convicted of "insult" for calling the President "the thieving owner of the illegal palace". He received a suspended sentence of 11 months and 20 days by a children's court in the central Anatolian city of Konya.

In November, the first hearing took place in the trial of *Cumhuriyet* newspaper journalist Canan Coşkun, accused of insulting 10 state prosecutors when she alleged they obtained discounted property because of their status as prosecutors. She faced up to 23 years and four months in prison. In November, the newspaper's editor-in-chief Can Dündar and its Ankara representative, Erdem Gül, were charged with espionage, revealing state secrets and assisting a terrorist organization after a story in the newspaper alleged that the intelligence services had transferred weapons to an armed group in Syria in 2014. The then Prime Minister Recep Tayyip Erdoğan had previously claimed that the trucks were delivering humanitarian aid. The two men were remanded in pre-trial detention and remained there at the end of the year. They faced up to life imprisonment if convicted.

Diyarbakır-based Dutch journalist Frederike Geerdink was acquitted of "making propaganda for the PKK" in April, but detained and deported after covering a story in the southeastern province of Yüksekova in September. In August, three Vice News journalists were questioned by police after covering clashes between the PKK and security forces, then charged with "assisting a terrorist organization" and remanded in pre-trial detention. British citizens Jake Hanrahan and Philip Pendlebury were released and deported after eight days; Mohammed Rasool, an Iraqi Kurdish journalist, remained in pre-trial detention at the end of the year.

Unprecedented steps were taken to silence media linked to investigations of the "Fethullah Gülen Terrorist Organization". In October, Digiturk, a private digital platform, removed seven channels from its service. Four days ahead of the 1 November election, police accompanied a court-appointed government trustee and forcibly entered the head offices of the Koza İpek conglomerate, cutting live broadcasts by two news channels, Bugün and Kanaltürk, and blocking the printing of the *Millet* and *Bugün* newspapers. The fiercely opposition news outlets were re-opened as staunchly pro-government. In November, the state-owned Turkish Satellite Communications Company (Türksat) removed 13 television and radio channels owned by the Samanyolu Broadcasting Group. Hidayet Karaca, the head of the group, remained in pre-trial detention during the entire year.

In November, the head of the Diyarbakır Bar Association and renowned human rights defender Tahir Elçi was shot dead after making a press statement in Diyarbakır. The perpetrator remained unidentified by the end of the year amid concerns over the impartiality and effectiveness of the investigation. He had faced death threats after being charged the previous month with "making propaganda for a terrorist organization", for saying on live national television that the PKK was "not a terrorist organization but an armed political movement with considerable

support". He faced over seven years' imprisonment. The news channel CNN Türk was also fined 700,000 liras (€230,000) for broadcasting the remarks.

Freedom of assembly

The right to peaceful assembly continued to be limited in law and denied in practice, depending on the issue being protested and participants' profiles. The practice of arbitrary detentions at assemblies was given legal basis by legislative amendments in March in the Domestic Security Package, providing police with powers to detain without judicial supervision. Peaceful demonstrators continued to be prosecuted and convicted.

Traditional May Day demonstrations in Taksim Square in Istanbul were denied permission to proceed for the third year running. The same grounds of an unspecified security threat and disruption to traffic and tourism were offered by the authorities, who instead proposed locations outside of the city centre. Tens of thousands of police closed off the entire Taksim district and surrounding areas to demonstrators, traffic and tourists alike.

For the first time in its 12-year history, the authorities violently broke up the annual national Pride march in Istanbul in June, citing a lack of formal notification and information about counter-demonstrators. Discussions between representatives of the Pride and the authorities leading up to the event offered no indication that it would be banned. Police used excessive force including tear gas, water cannon and pepper-ball projectiles against marchers during the day and Pride partygoers in the evening. In November, the Governor of Istanbul denied permission for a criminal investigation into the conduct of the police at the Pride march to be opened.

Prosecutions on trumped-up charges against Gezi Park protesters continued. In April, an Istanbul court acquitted members of Taksim Solidarity, an umbrella organization opposing the redevelopment of Taksim Square and Gezi Park, including five who had been accused of "founding a criminal organization". Most trials ended in acquittal but 244 were convicted at a trial of 255 people in Istanbul, on various charges including under the Law on Meetings and Demonstrations. Two doctors were convicted of "denigrating a place of worship" after giving emergency treatment to injured demonstrators in a mosque. A further case against 94 people for participating in Gezi Park protests in Izmir was opened in September.

Excessive use of force

Allegations of excessive use of force at demonstrations dramatically increased. Lethal force was used by security forces during anti-terrorism operations, many involving armed clashes with the YDG-H. In many cases, conflicting accounts and the absence of effective investigations prevented the facts from being established. In March, legislative amendments in the Domestic Security Package conflicted with international standards on the use of force.

In January, 12-year-old Nihat Kazanhan was shot dead by a police officer in the southeastern city of Cizre. The authorities first denied the involvement of police, but video evidence emerged showing Nihat Kazanhan and other children throwing stones at police officers and, in separate footage, showing a police officer firing a rifle towards the children. Nihat Kazanhan was killed by a single bullet to the head. The trial of five police officers continued.

Local authorities imposed extended round-the-clock curfews during police operations targeting the YDG-H in cities in the southeast. During the curfews, a total ban on residents leaving their homes was imposed, water, electricity and communications were cut and outside observers banned from entering. Curfews imposed on Sur on 11 December, as well as Cizre and Silopi on 14 December, were still in place at the end of the year.

Torture and other ill-treatment

Reported cases of ill-treatment in detention and other inhuman or degrading treatment in the context of police or military operations against the PKK increased.

Four men accused of murdering two policemen in the southeastern city of Ceylanpınar said they had been severely beaten in police custody in July and August, first when they were being transferred to Osmaniye No. 1 T-type prison in Adana province and then at the prison itself. They remained in pre-trial detention at the end of the year.

Images circulated on the internet, apparently taken by special operations police officers, appearing to show the naked and disfigured body of female PKK member Kevser Eltürk (Ekin Wan) being paraded in the streets of Varto in the eastern province of Muş, after clashes with state forces in August. Another photograph showed the body of Hacı Lokman Birlik being dragged behind an armoured police vehicle in the southeastern province of Şırnak in October. The reported autopsy indicated that the man had been shot 28 times. The authorities said that investigations into both incidents were continuing.

Impunity

Impunity persisted for human rights abuses committed by public officials. Investigations were hampered by police withholding crucial evidence, such as lists of officers on duty and CCTV footage, and the passivity of prosecutors faced with this obstructiveness. Without a long-promised Independent Police Complaints Commission, there was little prospect of improvement. Where they took place, prosecutions were often flawed.

There was a resounding failure to secure accountability for police abuses during the 2013 Gezi Park protests. In January, police officers and civilians were convicted for their part in the beating to death of protester Ali Ismail Korkmaz in the city of Eskişehir. In June, an Istanbul court convicted a police officer who used pepper spray on a peaceful demonstrator, known as “the woman in red”. A trial of a police officer for the killing of Abdullah Cömert and a retrial for the killing of Ethem Sarısülük, both protesters, continued.

No prosecution was brought for the killing of 14-year-old Berkin Elvan or in hundreds of other cases where people were injured by police. These included the case of Hakan Yaman, who was filmed being beaten, burned and left for dead by police officers in Istanbul. He lost an eye but survived the attack. Two and a half years on, the police officers in the video had not been identified.

Two prosecutions were brought following Kobani protests in southeastern Turkey in October 2014, which left over 40 people dead. One, in March, was against allegedly pro-PKK youths, for the killing of four people in Diyarbakır. The other, in June, was against 10 private security guards and family members of the AK Party mayor for the fatal shooting of three protesters in Kurtalan, Siirt province. However, investigations in many other cases had not progressed, including in cases of individuals who were believed to have been shot dead by police officers using excessive force during police operations in the southeast. The lack of ballistic reports, crime scene investigations and the taking of witness statements by prosecutors offered little hope that the circumstances of the deaths would be revealed.

In November, all eight defendants, including former district Gendarmerie commander Cemal Temizöz, were acquitted in the landmark case brought for the disappearances and killings of 21 people in Cizre between 1993 and 1995, following a deeply flawed trial.

Abuses by armed groups

Three suicide bomb attacks blamed on IS caused major casualties. In June, four people were killed when explosions targeted an HDP rally days before the June elections. In July, a bomb killed 33 young activists in the southeastern city of Suruç as they made a press statement about their mission to deliver humanitarian aid to the neighbouring, predominantly Kurdish city of Kobani in Syria. In October, twin explosions in the capital Ankara targeting a peace rally organized by trade unions, civil society organizations and left-wing parties killed 102 people.

In March, Istanbul Prosecutor Mehmet Selim Kiraz was killed after being taken hostage by the armed group Revolutionary People’s Liberation Party-Front (DHKP-C). The two hostage-takers were killed in a police operation at the courthouse.

PKK attacks resulted in the deaths of civilians, including physician Abdullah Biroğul when his car was shot at in the southeastern province of Diyarbakır.

Refugees and asylum-seekers

Around 2.3 million registered Syrian refugees and 250,000 refugees and asylum-seekers from other countries including Afghanistan and Iraq were accommodated in Turkey. Some 260,000 Syrian refugees were accommodated

in well-resourced, government-run camps, but most refugees and asylum-seekers outside camps received little or no assistance and were not granted the right to work. In many cases they struggled to survive, getting by through exploitative and underpaid irregular work and the charity of neighbours. Asylum applications for non-Syrians were rarely processed in practice. The government signed an agreement with the EU in October, aimed at preventing irregular migration from Turkey to the EU.

In September, at least 200 refugees – mostly Syrian – attempting to travel irregularly to Greece were kept in incommunicado or even secret detention at various locations in Turkey. Many were pressured into agreeing to "voluntarily" return to Syria and Iraq, in a flagrant breach of international law.