

Turkey

The government of Prime Minister Recep Tayyip Erdoğan failed during 2006 to implement key reforms necessary to consolidate the human rights progress of the past years. Entrenched state forces, including the military, continued to resist reform. Illegal armed groups, as well as rogue elements of the security forces, conducted violent attacks that threaten the reform process, although clashes decreased after the Kurdistan Workers' Party (PKK) declared a ceasefire in October.

Disproportionate Use of Lethal Force

There was a sharp increase in indiscriminate and disproportionate use of lethal force by security forces in dealing with protestors, as well as during normal policing. In March youths attending the funerals of PKK militants clashed with police, throwing stones and petrol bombs. During the ensuing street battles in Diyarbakır and other cities police fired bullets, gas grenades, and stones at rioters, killing eight people, including innocent bystanders and four children under 10 years of age. In other incidents during 2006, police shot and killed 13 persons either in error or because they were deemed not to have heeded orders to stop. Instead of conducting an inquiry into the use of lethal force resulting in these deaths, in June the government amended the Anti-Terror Law, authorizing security forces “to use weapons directly and without delay.”

Torture and Ill-Treatment in Police Stations

Reports of torture and ill-treatment remain much lower than in the mid-1990s. However, during the March disturbances in Diyarbakır, hundreds of people were detained and allegedly tortured, including approximately two hundred children. Almost all those detained during this time reported being beaten, stripped of their clothes, hosed with cold water, or deprived of food.

Freedom of Expression

More than 50 individuals were indicted for statements or speeches that questioned state policy on controversial topics such as religion, ethnicity, and the role of the army. The government failed to abolish laws that restrict speech.

In April an Adana court sentenced broadcaster Sabri Ejder Öziç to six months of imprisonment under article 301 of the Turkish Criminal Code for “insulting parliament” by describing a decision to allow foreign troops on Turkish territory as a “terrorist act”. Öziç is at liberty pending appeal. In July the Supreme Court upheld a six-month prison sentence against Hrant Dink, editor of the newspaper *Agos* (Furrow), under article 301 for “insulting Turkishness” in an editorial concerning the 1915 massacres of Armenians in Anatolia. The sentence was suspended, but other speech-related charges against Dink are pending. In September British artist Michael Dickinson was imprisoned for two weeks and subsequently deported for publishing a collage showing Prime Minister Erdoğan as US President Bush’s poodle.

İpek Çalışlar, biographer of Latife Uşaklıgil, first wife of Mustafa Kemal Atatürk, founder of the Turkish republic, is on trial under the Law to Protect Atatürk. In a newspaper interview, Çalışlar had related an anecdote, supposedly shameful, that Kemal had donned his wife’s hijab once in 1923 to escape an armed rival.

Minority Rights

The Supreme Council for Radio and Television finally took the important step of permitting television and radio broadcasting in Kurdish, although only for one hour a day. Other restraints on minority languages in the public arena remain. In April, for example, a Diyarbakir court closed the Kurdish Democracy Culture and Solidarity Association (Kürt-Der) for infringing the Associations’ Law by conducting its internal business in Kurdish.

Human Rights Defenders

Human rights defenders are routinely placed under surveillance, often prevented from holding public events, and routinely prosecuted for various speech and assembly offences. In March Eren Keskin, president of the Istanbul Human Rights Association

(HRA), was sentenced to 10 months of imprisonment, converted to a fine, for “insulting the armed forces” because she had publicized sexual assaults of women by soldiers. In October Diyarbakır Criminal Court sentenced Rıdvan Kızgın, former Bingöl HRA branch president, to three years and nine months of imprisonment for "aiding an illegal organisation" because he had prepared a report on the killing, apparently by security forces, of five villagers in Yumaklı village in Bingöl in 2003. Right-wing groups disrupted activities by human rights organizations, including a press conference on internal displacement organised by the Turkish Economic and Social Studies Foundation (TESEV) in July. Also in July, Ayhan Bilgen, president of the Association for Human Rights and Solidarity with Oppressed People (Mazlum-Der) asked for police protection after receiving death threats from the Turkish Revenge Brigade (TİT), which were similar to threats that preceded a near-lethal attack on HRA president Akın Birdal in 1998.

Internal Displacement

The Turkish government has failed to facilitate the return of the estimated 378,335 internally displaced persons (IDPs) from the southeast who were forced by the army to flee their villages during the armed conflict with the PKK in the 1980s and 1990s. The government has failed to rehabilitate the basic infrastructure of most villages destroyed by the army during the conflict; many villages have no electricity, telephone access, or schools. What is more, the security situation in some regions remains poor; the 58,000 village guards—Kurds armed and paid by the government to fight the PKK—often occupy or use vacated lands, and have killed 18 people, including would-be returnees, in the past four years.

IDPs who do return to their villages cannot afford to rebuild their homes or re-establish agriculture. A 2004 compensation law, which could have provided the financial means to support IDPs who want to return to their villages, has been interpreted and applied by some provincial compensation commissions so as to pay derisory sums (often as low as US\$3,000) or exclude eligible IDPs from compensation altogether.

Bombings by Military and Illegal Opposition Groups

In November 2005 grenades thrown into a bookshop in Şemdinli, Hakkari province, killed one man and wounded eight. Local people captured three gendarmes in the

vicinity. Gendarmes in an armored vehicle fired on the crowd at the scene of the crime, killing another man. In June Van Criminal Court sentenced two of the gendarme officers to 39 years imprisonment for the murder and for forming a gang.

Bombings in western Turkey by the Kurdistan Freedom Falcons (TAK) killed eight and injured scores, while the right-wing TIT claimed responsibility for a bomb in Diyarbakır that killed 11 people, including seven children. The identity and status of these groups is unclear, but they pose a significant threat to Turkey's fragile reform process.

Freedom of Religion

Women who wear the headscarf for religious reasons are still denied access to higher education, the civil service, and political life. However, during 2006 the ban was applied much more broadly than only to state institutions. In late 2005, the Administrative Supreme Court upheld a ruling that Aytaç Kılınç, a teacher, could not be promoted because she wore a headscarf when she was not on school premises. Officials also barred mothers who wear the headscarf from accompanying their children to school ceremonies and swimming pools; lawyers and journalists were ejected from courtrooms and public meetings at universities because they refused to remove their headscarf.

Key International Actors

Turkey's European Union (EU) candidacy remains the most effective international factor in fostering respect for human rights in the country. EU Enlargement Commissioner, Olli Rehn, repeatedly emphasized the commission's commitment to Turkey's integration in Europe, while frankly addressing shortcomings in reform. The EU Progress Report on Turkey published in November referred to the "significant political influence" exercised by the military and suggested that military leaders should confine public statements to military and defence matters. The report criticized continuing violations of freedom of expression and concluded that Turkey had made little progress in ensuring the rights of minorities.

In September the Council of Europe's Committee for the Prevention of Torture (CPT) reported on its December 2005 visit to Turkey. It noted "encouraging" signs in the fight against torture, but expressed concern about continued cases of abuse, which

included beatings and squeezing of testicles, in some police stations. The CPT also criticized the widespread use in mental institutions of electroconvulsive therapy without anaesthetic and muscle relaxants, and recommended the introduction of a comprehensive mental health law.

During 2006 the European Court of Human Rights issued approximately 200 judgments against Turkey for torture, unfair trial, violations of free expression, extrajudicial execution, and other violations. In January, for example, the court found the Turkish government had violated the right to life of Fahriye and Mahmut Mordeniz, a married couple who “disappeared” after being taken from their Diyarbakır home by police in 1996 (*Mordeniz v. Turkey*).

Turkey was visited by three UN human rights monitors in 2006. The UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, visited the country in February. Commenting on the situation in the southeast, he noted that Turkey’s experience shows that “certain counter-terrorism measures taken by the State may have consequences that are incompatible with human rights.” Scheinin also expressed concern about the overly broad definition of terrorism in Turkey’s anti-terror act. In May Yakin Ertürk, the special rapporteur on violence against women, visited Turkey specifically to investigate the reported frequent incidents of suicide among women and girls in some parts of the country, and found that “the patriarchal order and the human rights violations that go along with it—for example, forced and early marriages, domestic violence, and denial of reproductive rights—are often key contributing factors to suicides of women and girls in Southeast and Eastern Turkey.” At the conclusion of its visit to Turkey in October, the UN working group on arbitrary detention expressed “great concern” about the fact that the new legislative safeguards against torture and arbitrary detention introduced in 2005 did not apply to individuals held on suspicion of terrorism related crimes, creating “in practice two criminal justice systems in Turkey.”