

# Amnesty International report on Turkey: failure to punish perpetrators of torture

A correspondent  
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A new report published by Amnesty International on July 5, entitled “Turkey: The entrenched culture of impunity must end,” clearly demonstrates that torture, ill-treatment and killings continue to be practiced with impunity by the security forces in Turkey.

The report points out that “the investigation and prosecution of serious human rights violations” committed by the Turkish police and gendarmerie are “flawed and compounded by inconsistent decisions by prosecutors and judges.”

The human rights group called on Turkey to overhaul its justice system. It pointed to the “absence of an independent body which can impartially and effectively investigate human rights violations by state officials and the lack of centralised data collection of human rights violations committed by the security forces.”

The Turkish judiciary and police have been dominated by far-right elements, fascists and Islamists, especially since the September 1980 military coup. The judiciary has become more overtly conservative and reactionary, particularly in cases involving human and minority rights issues. Justice for the victims of human rights violations is often delayed or denied.

Continuing frequency of prosecutions and convictions of writers, publishers, journalists, artists, academics and even translators is a clear indication of this situation. Prosecutors have been frequently using Article 301 of the Turkish Penal Code to pursue criminal proceedings against peaceful expressions of political opinion. Article 301, which makes it an offence to denigrate the Turkish identity, the Republic or the organs or institutions of the state, was introduced in June 2005 as a part of “democratisation package for EU accession” to replace the old “antidemocratic” Article 159.

Another important reflection of the conservative and

reactionary attitude of the judiciary and law enforcement forces is their deliberate failure to protect women from gender-based violence.

Among many other examples, the report mentions the brutal practices of police forces targeting the participants of a mass demonstration that took place in Diyarbakir in eastern Turkey in March 2006. This demonstration was immediately followed by mass arrests.

The report notes: “There were widespread allegations of torture or other ill-treatment in police custody—on the basis of reports of the legal aid service of the Bar Association it was estimated that 95 percent of the detainees, some of them children, were tortured or otherwise ill-treated. Thirty-four investigations into allegations of torture or other ill-treatment were reportedly initiated. Over one year later not a single prosecution against any member of the security forces has been opened.”

Amnesty’s report points to administrative delays, failings in court procedures and intimidation of human rights defenders and journalists as factors contributing to the security forces’ practices.

The report’s main findings on Turkey include:

- \* Practice of torture and ill-treatment, including during unofficial detention, during and after demonstrations, in prisons and during prisoner transfer;

- \* Cases of ongoing trials in Turkey where statements allegedly extracted under torture constitute a central part of the evidence, but where the court has ruled such evidence admissible.

- \* The refusal of courts to recognise independent medical evidence in torture or other ill-treatment cases. The courts usually only accept evidence provided by the Forensic Medical Institute, which is institutionally bound to the Ministry of Justice.

\* The reintroduction of a controversial provision in the revised Law to Fight Terrorism that fails to make explicit that the use of lethal force is only permissible when “strictly unavoidable to protect life.”

\* The lack of progress in investigating fatal shootings by security forces that were not part of an armed clash and which may amount to extrajudicial killings.

Having carried out a series of putsches and threats of a putsch in post-war Turkey, the army general staff posted a new warning statement April 27 containing a thinly veiled threat of a fresh coup if the government refused to withdraw its candidate for the presidential elections.

This proclamation was the outcome of an ongoing campaign launched by the Turkish military and its “civilian” supporters against the AKP (Justice and Development Party) government last year. This campaign was in turn preceded by a deliberate encouragement of nationalistic sentiment throughout the country—again led by the military.

Later on, the army general staff intervened even more directly in Turkish political life by posting another statement on June 8 attacking unspecified individuals and organisations, in which it said references of democracy and freedom were being used as a screen to defend terrorism. This heralds a renewed campaign to associate any criticism of reactionary forces in the Turkish state with support or sympathy for the PKK (Kurdish Workers Party).

On June 2, the Turkish parliament, under the pressure of the ongoing military intervention, approved in great haste a bill that would increase the powers of the police considerably. The new bill gives vast powers to security forces.

The bill would allow police to fingerprint any Turkish citizen (fingerprinting by police will be obligatory when someone applies for an identification card, driving licence or passport) as well as to stop suspects or vehicles if officers have reason to believe it would prevent a crime. The authorities would be able to collect digital fingerprints that could be stored for 80 years.

Moreover, searching people’s personal belongings and conducting body searches will be possible without a court order and with the authorisation from the local authority if police believe a delay would hamper their work.

Under such conditions, one can expect to see a sharp rise in torture, other ill-treatment, killings and enforced disappearances in Turkey.

The wave of nationalism and chauvinism, which underlies the apparent rise of attacks on democratic rights and the foundations of a police state, is a response by establishment political circles in particular to the implications of the disastrous US-led war and occupation of Iraq, which has fuelled tensions in Turkey.

The Turkish military has assembled considerable military forces on the border with Iraq and is now threatening to intervene against rebel Kurdish groups, in particular the Kurdish Peoples Party (PKK), which has retreated to northern Iraq as a “safe haven.” Such an intervention would only serve to create further turmoil and carnage in northern Iraq, where such Kurdish organisations as the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have been principal political backers of the US occupation of Iraq.

Turkish military activities against Kurdish activists inside Turkey, and its build-up of forces on the Iraq border, are being used as a form of pressure on the AKP government, which has called elections for July 22.

For its part, the AKP has consistently refused to intervene to counter the army’s blatant attacks on democratic rights or discipline those in the police and Turkish secret services responsible for torture and illegal detention. As a result, the army leadership has been emboldened in its campaign against the government. Under such conditions, the dangers of a renewed coup should the AKP be re-elected later this month cannot be underestimated.



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