

URGENT ACTION

BILL THREATENING HUMAN RIGHTS MUST BE STOPPED

Legal amendments pending before Turkey's Parliament, dubbed the "domestic security package" threaten human rights, including the prospect of increased arbitrary detention, excessive use of firearms by police and politically motivated criminal investigations if passed into law.

The government bill entitled "Law amending the Law on powers and duties of the police, other laws and decrees" but widely referred to as the "domestic security package" was brought before the Parliament for discussion on 17 February. It amends 21 separate laws and decrees. Despite widespread opposition from opposition political parties, human rights organisations, lawyers' associations and other civil society groups the government appears committed to pushing through the legislation.

Of particular concern are amendments expanding the authority of police to use firearms. Amnesty International has documented the excessive use of firearms by police in Turkey including violations of the right to life. The draft provisions contradict international human rights standards on the use of force found in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which require that the use of lethal weapons should be as a last resort and only to protect against immediate threats to the lives of police officers or others.

The bill also contains vaguely worded provisions giving powers to the police to detain individuals without an order from a prosecutor. The provisions allow for such a detention to be up to 24 hours in the cases of crimes committed individually and up to 48 hours "in the case of crimes committed in the context of violent incidents occurring during societal events [a term commonly used to describe mass protests and demonstrations]".

Other provisions erode the independence of prosecutors and the obligation to ensure that they can carry out their work without undue interference. The bill allows provincial Governors, who are members of the Ministry of Interior appointed by the government with the power to issue direct orders to the police in the investigation of crimes and the finding of suspects responsible for crimes.

Please write immediately in Turkish or your own language:

- Calling on the authorities to immediately withdraw the bill from discussion in Parliament;
- Calling on them to put in place a meaningful public consultation prior to the adoption of such wide-ranging security measures;
- Calling on them to ensure any future security related amendments are in full compliance with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 6 APRIL 2015 TO:

Prime Minister

Ahmet Davutoğlu
Vekaletler Caddesi Başbakanlık Merkez
Bina
P.K. 06573
Kızılay / Ankara, Turkey
Fax+90 312 422 18 99
Email: ozelkalem@basbakanlik.gov.tr
Salutation: Dear Prime Minister

President of the Parliament

Mr Cemil Çiçek
TBMM
Bakanlıklar, 06543
Ankara, Turkey
Fax +90 312 420 51 65
Email: cemil.cicek@tbmm.gov.tr
Salutation: Dear Minister

Minister of Interior

Mr. Efkan Ala
İçişleri Bakanlığı
Bakanlıklar, 06543
Ankara, Turkey
Fax: +90 312 418 17 95
Email: ozelkalem@icisleri.gov.tr
Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The government has sought to justify the bill on the basis of violent demonstrations that took place in South-East Turkey during September 2014 in which up to 50 people died, hundreds were injured and major damage was caused to public and private property. Critics fear that the proposed amendments would be used to suppress dissent, including peaceful protest and lead to further human rights violations.

Turkey already has a record of denial of the right to peaceful protest, excessive use of force by police, including using firearms, and politically motivated prosecutions. Amnesty International is concerned that, if the bill is passed, the applications of the measures would result in further human rights violations including arbitrary detention, politically motivated criminal investigations and violation of the right to life.

In proposing the amendments on police use of weapons, the government cites the principle of proportionality in existing law as an “abstract” concept resulting in police being too hesitant to use firearms. The amendments grant explicit authority to police to use firearms in situations where “individuals or groups attack or attempt to attack police or others, workplaces, homes, public buildings, schools, dormitories, places of worship, vehicles using Molotov cocktails, explosive, combustible, injurious... or similar weapons”.

The amendments conflict with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF) which set out international law on the use of force in law enforcement situations and provide that security forces shall as far as possible apply nonviolent means before resorting to the use of force. Principle 14 of the BPUFF provides that: “In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9.” (i.e. when strictly unavoidable in order to prevent an imminent threat to life or life-threatening injury).

If the lawful use of force is unavoidable, the BPUFF requires that police must exercise restraint in its use and act in proportion to the legitimate objective to be achieved, minimize damage and injury, and ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment. The Principles also stipulate that governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under national law.

Amendments allowing for police authorised detentions relate to particular offences including “crimes of force and violence in the context of societal events”. Amnesty International has documented a pattern of arbitrary detentions at the scene of demonstrations in Turkey. The organisation is concerned that the provisions if passed into law would be used to legitimise and increase the practice of arbitrary detentions. Any deprivation of liberty should be strictly defined in law to prevent against violations of liberty and security of the person.

Regarding amendments that allow provincial Governors to direct the police in carrying out criminal investigations, Amnesty International is concerned that the provisions come during a period when there has been a damaging erosion of the independence of criminal investigations, with thousands of police officers transferred from their duties in the wake of a police investigation into alleged government corruption. The proposed provisions raise the spectre of increasingly politicized law enforcement, eroding the independence of criminal investigations and prosecutors and endangering the principle of equality before the law.