

AI Index: PRE 01/132/2008
30 April 2008

Turkey: Respect the rights and safety of demonstrators

On the eve of planned May Day demonstrations in many Turkish cities, Amnesty International calls upon the Turkish authorities to ensure that the right to freedom of peaceful assembly is respected and that law enforcement officers use force only where strictly necessary and only to the extent required to perform their duties.

In a letter to the Minister of the Interior Mr Besir Atalay, Nicola Duckworth, Europe and Central Asia Programme Director at the human rights organization, said:

"The right to hold peaceful demonstrations is protected by the right of peaceful assembly in international human rights legislation. Any limitations placed on this right must only be those which are prescribed by law and necessary in a democratic society for the protection of national security or public order or for the protection of the rights and freedoms of others."

Amnesty International is concerned that in a number of recent cases the right to freedom of peaceful assembly has been violated, that excessive force has been used against demonstrators and that detained demonstrators may have been tortured or otherwise ill-treated. These include:

- During and after a peaceful demonstration in Istanbul on 1 May in 2007 police used batons and tear gas to disperse the demonstrators. 38 people lodged a criminal complaint alleging that they had been injured by police at the demonstration. However, on 12 March 2008 the Chief Prosecutor ruled that the force was legal because the demonstration was not authorised by the authorities. This decision contradicts the requirement that force used by law enforcement be proportionate whether or not an assembly has been authorized.
- Authorities in south-eastern Turkey banned Newroz/Nevroz celebrations after 21 March 2008, a decision which is arbitrary and does not represent a legitimate restriction to the freedom of assembly. Newroz/Nevroz is the traditional festival of New Year in the Persian calendar which celebrates the arrival of spring at the March 21 equinox and which is celebrated especially by the Kurdish community in Turkey. In the violent confrontations that ensued after police used force to disperse demonstrators in those cities where assembly had been restricted, law enforcement officials used excessive force including the use of plastic bullets and live ammunition injuring and killing three people. Television footage showed law enforcement officials severely beating demonstrators.
- During violent demonstrations in several towns and cities centring on Diyarbakir in March 2006, 10 demonstrators and onlookers were killed, four of them children. There were widespread allegations of torture or other ill-treatment in police custody. Following the Diyarbakir protests 34 investigations into allegations of torture or other ill-treatment were initiated by prosecutors and 72 administrative investigations were reportedly launched by the Ministry of the Interior. However, more than two years after the incidents took place, not a single prosecution has been opened against any member of the security forces, either in relation to the allegations of torture or the fatal shootings that occurred during the demonstrations.

"Allegations of police using excessive force against demonstrators and detainees are routinely not investigated as they should be -- promptly, impartially and effectively. This breeds de facto impunity for violations of human rights committed by law enforcement officials," Nicola Duckworth said.

Background

The policing of demonstrations must adhere to the principles set out in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials:

- law enforcement officials must, as far as possible, apply non-violent means before resorting to the use of force and firearms, which should be used only if other means remain ineffective or without any promise of achieving the intended result;
- the principle of using the minimum force necessary to achieve the legitimate objective must be maintained whether the demonstration has been authorized by the authorities or not;
- law enforcement officers may use firearms only when less dangerous means are not practicable and only to the minimal extent necessary, in order to protect themselves or others against an imminent threat of death or serious injury;
- law enforcement officers must exercise restraint when the use of firearms is unavoidable, the injured must be provided with assistance and medical aid and their relatives or friends notified at the earliest possible moment;
- it is never permissible, for law enforcement officials to subject people to torture or other ill-treatment, which is absolutely prohibited under international law;
- allegations that excessive force has been used by law enforcement officials must be investigated and those responsible held accountable.

Amnesty International is concerned that these standards have not been upheld during and after demonstrations in Turkey.