

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# TURKEY: PEACEFUL PRIDE PROTESTORS IN ISTANBUL SUBJECTED TO POLICE USE OF UNLAWFUL FORCE

Amnesty International condemns the baseless and arbitrary banning for the sixth consecutive year of Istanbul Pride in clear violation of the rights to freedom of peaceful assembly and expression and the use of unnecessary and excessive force on Pride participants on Saturday 26 June in the central district of Beyoğlu. The allegations of torture or other ill-treatment must be promptly, independently and impartially investigated and state officials found to have been responsible must be brought to justice in fair trials. Amnesty International calls on the Turkish authorities to end the violation of the right to peaceful assembly and expression of LGBTI people and their allies.

### PRIDE MARCH UNLAWFULLY BANNED, PROTESTORS DETAINED

The annual Istanbul Pride march has been unlawfully banned and peaceful protestors have been subjected to police use of unlawful force and arbitrary detention every year since 2015. This year, Istanbul organizing committee had notified the authorities of their intention to use the designated meetings area in Maltepe district, a long distance away from the city centre. On 24 June, the Istanbul governorate informed the organizing committee that they would not be allowed to hold the march in the designated meetings area on grounds that ‘provocative incidents may occur, for the protection of peace and security of the people including the participants, personal inviolability (...), general health and morals, the rights and freedom of others, possible violence and terrorism, for the prevention of provocative incidents’. On 25 June, the Istanbul Pride organizing committee announced that the march would be held in Taksim.

A couple of hours before the Pride march was due to start at 5pm local time, the Beyoğlu district governorate issued a press statement announcing the ban on grounds that ‘the announced activities may be in contravention of the principle and indivisibility of the state, the constitutional order, general health and morals or for the protection of others’ rights and freedoms and prevention of the commission of crimes under Articles 10 and 17 of the Law No. 2911 on the Meetings and Demonstrations, Article 32 of the Law No. 5442 of the Law on Provincial Administration and in the context of Covid-19 measures.’

According to eye witnesses including lawyers who were on duty to observe and offer legal aid to any Pride march participant who may need it, the police intervention started around 3pm without any announcement or warning in Mis street, a pedestrian side street off Istiklal Avenue. Rows of riot police in helmets and holding shields forcing anyone in their way down the street what is dubbed ‘sweeping’, then returning to the top of the street to start again. A human rights defender who witnessed the use of excessive force told Amnesty International that the riot police used tear gas and plastic bullets on the protestors and others as they came back down the street again, this time also attempting to pick up individuals sitting in the cafes along the street or standing on the side of the street. The human rights defender was among those grabbed from a café, found themselves in the middle of several riot police officers being pushed and shoved, likening their experience to a pinball, being eventually thrown off to the side. Around 25 people were detained in this way, and many others had their phones taken away and photos and videos being deleted if they could not show a press card. A lawyer reported that while they were trying to speak to the police to try and calm the situation, riot police pinned a woman on the floor and detained her. According to eyewitnesses, no one was allowed to leave Mis street until after 6pm.

Another lawyer told Amnesty International that they were pushed, shoved and grabbed by police officers despite showing their professional ID. The lawyer stated that they were covered in bruises and had been subjected to verbal and physical harassment. The lawyer told Amnesty International that Sera Kadigil, an opposition MP from the Workers Party of Turkey (TIP) who was in Mis street, was also subjected to excessive force. Another lawyer is said to have a cracked bone on their feet.

Bülent Kılıç, a journalist with the AFP was also brutally detained as he was taking pictures of the riot police using excessive force on protestors. Speaking to the media, Bülent Kılıç explained how a police officer grabbed his wrist and hit him in the face with the camera as he was taking pictures. Kılıç told the officer to calm down. In response, the officer asked to see Kılıç’s ID. As he was reaching into his bag to take his ID card out, Kılıç was dragged by several officers, one

of whom grabbed his camera and threw it on the ground. He was then laid on the ground by four police officers, one of whom put his knee on Kılıç's neck, making it extremely difficult for him to breathe. Kılıç, an experienced photographer who has been covering armed conflict, likened his experience and the risk he took, to that he has faced in war zones.

Several images seen by Amnesty International corroborate Bülent Kılıç's account of his detention, clearly showing a police officer kneeling on his neck while he is pinned face down on the ground with his hands on his back. Amnesty International considers the treatment he received amounts to torture or other ill-treatment.

As though it were some kind of defence for their blatantly unlawful use of force, in a statement issued on 28 June regarding the circumstances of Bülent Kılıç's detention, Istanbul Security Directorate stated that, at the time they were detaining him, they had not been aware that Bülent Kılıç was a journalist until he was taken to the Security Directorate in Beyoğlu.

Police detained at least 47 people, including two minors, one lawyer and a trainee lawyer and the journalist Bülent Kılıç in the course of the day, mostly from Mis street but also outside Noh Radio bar in the nearby Çukurcuma neighborhood. All those detained were released later that day.

## **THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND THE ABSOLUTE PROHIBITION OF TORTURE AND OTHER ILL-TREATMENT UNDER INTERNATIONAL LAW**

The right to freedom of peaceful assembly is enshrined in the Universal Declaration of Human Rights, as well as major human rights treaties to which Turkey is party, including the 1966 International Covenant on Civil and Political Rights (ICCPR) and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The right is also protected by Turkey's Constitution. The European Convention on Human Rights stipulates that no restrictions may be placed on the right to peaceful assembly and association other than those "prescribed by law and [...] necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others." Furthermore, as the Special Rapporteur on the rights of peaceful assembly of association has emphasized, "States have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but also to facilitate the exercise of the right to freedom of peaceful assembly." In 2020, the UN Human Rights Committee adopted General Comment 37 further clarifying the right to peaceful assembly, stating that "the recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination. This requires States to allow such assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants."<sup>1</sup>

There are no exceptions to the ban on torture and other ill-treatment which are prohibited under international human rights law. This prohibition is reflected in the Universal Declaration on Human Rights and in a number of international and regional human rights treaties, including Article 7 of ICCPR and Article 3 of the ECHR, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment. Turkey is a state party to all four international conventions. In addition, the prohibition of torture is recognized as one of a relatively small number of particularly fundamental and almost immutable peremptory norms of general international law (*jus cogens* rules) – which means it is absolute and cannot be opted out of by states.

Amnesty International believes that the banning of the 2021 Istanbul Pride and the subsequent use of excessive force including torture or other ill-treatment are violations of Turkey's obligations under international human rights law. Turkish authorities must end these violations, bring state officials found to have perpetrated acts of torture or other ill-treatment and to have used unnecessary excessive force to justice in fair trials.

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<sup>1</sup> General comment No. 37 (2020) on the right of peaceful assembly (article 21)  
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