

AMNESTY INTERNATIONAL
TURKEY: STOP THE HARASSMENT OF HUMAN RIGHTS DEFENDERS

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Human rights organizations under pressure

Human rights defenders in Turkey are united by their commitment to protecting and upholding the dignity and rights of their fellow citizens. They are individuals and groups who pressurize both the Turkish government and others to live up to obligations enshrined in human rights treaties adopted by intergovernmental organizations such as the United Nations.

Human rights defenders in Turkey continue to be targeted for harassment and intimidation by state officials. The broad restrictions in law on the activities of human rights defenders give state officials many pretexts to exert pressure on such activists, including detaining them, prosecuting them, and prohibiting their actions.

The Human Rights Foundation of Turkey (Türkiye İnsan Hakları Vakfı - TİHV) is an independent human rights organization which was founded in Ankara in 1990. It investigates and documents human rights abuses in Turkey and its five centres are active in providing medical and psychiatric treatment and rehabilitation for the survivors of torture and ill-treatment.

Since its foundation, the TİHV centres in Ankara, Istanbul, İzmir, Adana, and Diyarbakır have provided physical and mental health care for thousands of survivors of human right abuses. The organization has an international reputation for medical reports of a high standard on the effects on torture and ill-treatment. In 1998, TİHV was awarded the European Human Rights Prize of the Council of Europe for its "outstanding contribution to the protection of human rights in Turkey" and to "the struggle for the abolition of torture". TİHV has been subjected to pressure and has had its activities obstructed in many different ways in an apparent attempt to frustrate its activities in the defence of fundamental rights and freedoms.

Dr Alp Ayan is a psychiatrist at the branch of TİHV in Izmir, where he has been working for torture victims' rehabilitation for 10 years and has had at least 20 cases opened against him as result of his activities as a human rights defender. On 13 February 2004, Alp Ayan, his colleague Günseli Kaya and 29 others were sentenced to 18 months and under Law No. 2911 on Meetings and Demonstrations for "resisting dispersal by violent means" after attempting to participate in the funeral in September 1999 of an inmate killed in Ulucanlar prison. Video footage shows that security forces did not issue a warning to the crowd to disperse and used disproportionate force against the assembled gathering. Amnesty International considers that the sentences of Alp Ayan and Günseli Kaya amount to a particularly harsh application of Law 2911 on Meetings and Public Demonstrations, and that Dr Alp Ayan and Günseli Kaya were exercising their legitimate right to peaceful assembly and acting in their capacity as human rights defenders. The defendants are currently appealing against the sentence and are at liberty.

Activities carried out by TİHV and which are absolutely central to defending human rights have been obstructed or sanctioned. In June 2003, the Izmir branch of TİHV, together with the Turkish Medical Association and the Association of Forensic Science Practitioners, organized a training seminar on the medical documentation of torture for doctors in Izmir. On 12 June 2003, two plain-clothes police officers reportedly demanded to observe the seminar on the basis claiming that they had received information that "propaganda for illegal organizations was being carried out". The organizers of the seminar refused and wrote a complaint to the governor of Izmir. However, an initial investigation was opened against the

doctors who attended the seminar on the basis that "...in the training, propaganda on behalf of [the armed opposition group] PKK/KADEK had been carried out; the moral personage of the state had been insulted and the security forces had been slandered". Consequently, the statements of 42 doctors who attended the seminar were taken by inspectors from the governor's office. No criminal prosecution followed but the activities of the police officers constituted a form of harassment.

On 12 November 2003, a trial of nine executive board members of TİHV in Ankara was opened. The prosecution alleged that TİHV had violated Law No. 2860 on Foundations by collecting donations through an internet appeal. Furthermore, the indictment alleged that TİHV had violated regulations on foundations by (without seeking permission from the Council of Ministers) translating and distributing its reports to international human rights observers; and by meeting and providing information to the UN Special Rapporteur on Extrajudicial Executions, the Council of Europe's Commissioner for Human Rights and other human rights observers. The prosecution requested the dismissal of the board members. Following condemnation of the trial both in Turkey and abroad, the prosecuting lawyer did not attend the last session of the trial in 9 March 2004. By law, the trial will be aborted should an appeal not be lodged within three months. While this is a welcome development, it does not address the problem of such regulations which allow the opening of trials under such grounds against human rights groups and defenders. Reform of Law No. 2860 on Foundations is therefore necessary.

Recommended action:

The cases against Dr Alp Ayan and TİHV illustrate a general pattern on judicial harassment against human rights defenders in Turkey. Please send politely worded letters to the Turkish authorities in English or your own language, calling on the Turkish authorities to:

- put an end to judicial harassment and intimidation of human rights defenders in Turkey – such as that against TİHV;
- commit itself explicitly and publicly to promoting respect for human rights and protecting human rights defenders, and acknowledge the legitimacy of the work of human rights defenders;
- to take effective action and measures to ensure that state officials at every level of the state apparatus respect the legitimacy of the work of human rights defenders and allow them to carry out this work without hindrance or harassment;
- to amend, reform or repeal laws or regulations which can be used to violate the rights to freedom of association and assembly including Law No. 2860 on Foundations and Law No. 2911 on Meetings and Demonstrations.

Whom to write:

<u>Minister of Justice</u> Mr Cemil Çiçek Ministry of Justice Adalet Bakanlığı 06659 Ankara, Turkey E-mail: cemilcicek@adalet.gov.tr Fax: +90 312 287 3869 Salutation: Dear Minister	<u>State Minister with responsibility for Human Rights</u> Mr Abdullah Gül, Office of the Prime Minister, Başbakanlık, 06573 Ankara, Turkey E-mail: abdullah.gul@basbakanlik.gov.tr Fax: + 90 312 287 8811 Salutation: Dear Minister
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Please send copies of your letters to diplomatic representatives of Turkey accredited to your country.

Please also send copies of your letters to the Human Rights Foundation of Turkey at:

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