

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: EUR 44/4366/2016
30 June 2016

Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s

Security operations in south-east Turkey in recent months are being carried out beyond the reach and protections of the law, as indicated by growing evidence of severe human rights violations, including torture and impunity for human rights abuses. During the 1990s, at the height of the conflict between the Turkish authorities and armed Kurdistan Workers' Party (PKK), Amnesty International documented systematic torture, widespread enforced disappearances and near total impunity for human rights abuses committed by members of the security forces. The Turkish authorities must not allow the clock to be turned back to this low point in Turkey's human rights record.

Recent legislative changes make a return to this grim era more likely. Measures passed by Turkey's Parliament on 23 June reduce judicial oversight of security operations and erect barriers to the effective investigation of military officials, who are already protected by an overwhelming culture of impunity for human rights abuses. The legislative amendments will require the permission of the Prime Minister for criminal investigations into the Chief of Staff and senior commanders while the investigation of lower ranking officers' will be subject to the permission of the Interior or Defence Ministers. Any criminal prosecution of military officials for criminal conduct during security operations will be pursued in military courts. The amendments also grant powers to military commanders to issue search warrants without prior judicial authorization. Public officials accused of human rights abuses should be tried in civilian courts without any requirement for permission from the government. Military courts in Turkey have been ineffective in prosecuting human rights abuses and that the amendments send a deeply troubling message to the public officials engaged in security operations that abuses will be tolerated.

The latest changes to the law are especially worrying in light of recent human rights violations during anti-terrorism operations. The case of 42 people detained in Nusaybin, days after security operations and clashes between PKK affiliated individuals and security forces came to an end in the city, is indicative of the Turkish authorities' disregard for human rights standards in areas under curfew. A 24-hour round the clock curfew has been in place in Nusaybin since 13 March. On 26 May, 42 people, comprising 26 men, 11 women and 10 children (five girls and five boys) were detained by security forces. All of the individuals reported being ill-treated and having been hooded during detention. Lawyers representing some of those detained told Amnesty International that the individuals showed injuries consistent with those sustained during beatings and that one 16 year-old boy reported his finger had been broken after he refused to sign a statement he was not allowed to read and that his eye had been damaged during a beating by police officers while in police custody. The lawyer representing the boy told Amnesty International that, according to the doctor who examined him, he needs an operation to avoid losing sight in his eye. Amnesty International is alarmed that there is no indication of an investigation by prosecutors into the alleged ill-treatment. Those who have been remanded in pre-trial detention on anti-terrorism charges have not received the medical care they need in prison.

On 27 May Hurşit Külter, chair of the Kurdish Democratic Regions Party (DBP) for Şırnak, a city that has been under a 24-hour round the clock curfew since 14 March, disappeared. According to text messages he sent to his father, and chilling tweets by an unknown individual or individuals sent from an account that shares details of security operations and is believed to be operated by special operations police, he was detained by members of the security forces. There has been no information regarding Hurşit Külter's whereabouts since that day, although the authorities deny that he is in their custody. According to lawyers working on Hurşit Külter's case, the Turkish authorities have failed to investigate the circumstances of his disappearance, including the identification of those who sent tweets reporting his detention and the questioning of members of the security forces on duty at the time. On 23 June, almost a month after Hurşit Külter's disappearance, the Ministry of Interior announced that a civil servant from the Ministry had been instructed to inspect the incident. Amnesty International is dismayed by the apparent failure of the authorities to initiate a prompt, effective and independent investigation into the alleged enforced disappearance.

Human rights violations during anti-terrorism operations are occurring with almost no oversight from outside observers. The Turkish authorities have denied access to international organisations, creating what amounts to a black-out zone over areas under curfew. The Turkish authorities have not granted access to the Office of the UN High Commissioner for Human Rights and have prevented international NGOs from accessing areas formerly under curfew, where severe human rights abuses have been reported. A spokesperson for the Ministry of Foreign Affairs denied having refused the Commissioner access to the region, stating that "international organizations operating in the field of human rights can easily visit the South-Eastern Anatolia Region". Contrary to this announcement, police officers blocked an investigative team from Physicians for Human Rights from accessing the city of Cizre on 4 May on the grounds that they could only enter the city with the governor's permission and a police escort. On 15 June police prevented an Amnesty International delegation from entering the city on different but similarly spurious grounds.

Amnesty International maintains that 24 hour round the clock curfews and accompanying restrictions are disproportionate limitations on the rights of residents in areas under curfew, and amount to collective punishment. The organization has also expressed concerns regarding the use of heavy weaponry, which should never be deployed in populated urban areas, and, more broadly, regarding the use of force by security forces, which has been disproportionate, unlawful and has endangered the lives of unarmed residents. Furthermore, Amnesty International has found no evidence that effective investigations have been conducted into killings occurring under curfew since September 2015.

In June the Council of Europe's Venice Commission concluded that the Turkish authorities' curfew decisions did not meet the requirements of legality as set out in Turkey's constitution and the European Convention on Human Rights. It recommended that the Turkish authorities end the declaration of curfews under the Provincial Administration Law and ensure that any emergency measures adopted are consistent with Turkey's national law and international standards and that the legal framework for such declarations is reviewed.

Amnesty International calls on the Turkish authorities to urgently review their approach to security operations, bringing its law and practice in line with international human rights standards. A return to the widespread and systematic human rights violations carried out by the Turkish state during the 1990s, which have never been effectively brought to justice, would be a disaster for Turkey's current and future generations. The international community, especially Turkey's allies, must not stay silent while watching this steep decline.

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