



Turkey – Researched and compiled by the Refugee Documentation Centre of Ireland on 24 January 2018

How complaints torture and harassment and brutality against the Turkish Army were received and acted upon in the 1980s and present day. Did they leave people out in the snow for hours and put bags over their heads for hours?

A report from Reuters states:

“Turkey’s parliament has granted immunity from prosecution to members of the armed forces conducting counter-terrorism operations as security forces battle Kurdish militants in fighting that has killed thousands in the past year.

The law, passed late on Thursday, gives expansive powers to the military as it tries to stamp out an insurgency by the Kurdistan Workers Party (PKK) after last year’s collapse of a two-year ceasefire.

Before becoming president in 2014, Tayyip Erdogan spent much of his rule as prime minister building up civilian oversight of the military. Critics say the new law undoes some of those reforms.

The legislation could make it harder to investigate allegations of rights abuses. The United Nations and human rights groups have raised concerns about such violations during the last year of operations that have been centered in densely populated cities. Hundreds of civilians have been killed, according to opposition parties.” (Reuters (24 June 2016) *Turkey grants immunity to security forces fighting militants*)

A public statement from Amnesty International states:

“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.” (Amnesty International (30 June 2016) *Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s*)

A report published by the Office of the United Nations High Commissioner for Human Rights, in a section titled “Access to justice, fair trial and effective remedies” (paragraph 62), states:

“A series of laws, including Law No. 6722, which was adopted on 23 June 2016, created, according to some NGOs, an atmosphere of ‘systematic

impunity' for the security forces. The law requires the authorization of political authorities for the investigation of soldiers or public officials suspected of having committed crimes in the context of counter-terrorism operations. According to the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, the law grants counter-terrorism forces immunity from prosecution for acts carried out in the course of their operations, thus rendering investigations into allegations of torture and ill-treatment by the involved security forces more difficult, if not impossible. NGOs have expressed concern that the provisions of the law were designed to pre-empt prosecutions of army and law enforcement officials for violations carried out in the course of security operations, such as in the case of the killing of Cizre in January and February 2016. Moreover, the decree KHK/667, issued on 22 July 2016, regulating measures on the implementation of the state of emergency, stipulates that persons who have adopted decisions and fulfilled their duties within the scope of this decree, bear no legal, administrative, financial and criminal liabilities. OHCHR is concerned that the decree may be used to reinforce impunity among law enforcement officials.” (Office of the United Nations High Commissioner for Human Rights (OHCHR) (February 2017) *Report on the human rights situation in South-East Turkey; July 2015 to December 2016*)

A report published from the Turkish human rights NGO IHD – Human Rights Association, in a section headed “The south-east is a no-law zone where impunity prevails”, states:

“In July 2015, violent clashes between the PKK and the Turkish army in the south-east of the country caused 3,000 deaths according to the organization Crisis Group. The state of emergency has been declared in the region and accompanied by curfews in certain areas and cities. Numerous human rights violations have been reported in the region. Law 6722 passed by the Turkish Parliament grants the anti-terrorist armed forces immunity from prosecution for acts committed during operations in the southeast. This immunity, granted to the Turkish forces, makes it impossible to prosecute the abuses committed in the region, this immunity formalizes the impunity already present in this region. Documented cases collected by IHD highlighted the practice of torture, inhuman and degrading treatment in the Kurdish-majority southeast regions.” (IHD – Human Rights Association (19 December 2017) *Anti-terrorist repression in Turkey: excessive and unlawful*)

A 1999 article from UK newspaper The Independent refers to villagers being forced to lie in the snow as follows

“Kurdish villagers in southeast Turkey have claimed they were tortured and subjected to appalling degradation during an army round-up of hundreds of alleged supporters of the Kurdish Workers' Party (PKK), an outlawed separatist group. Soldiers stamped on villagers after forcing them to lie down in the snow and then beat them for hours, according to community leaders from the province of Cizre.” (The Independent (24 January 1999) *Kurds complain of torture at hands of Turkish army*)

A 2002 Amnesty International document refers to detainees having their heads covered with cloth bags as follows:

“Following their detention by security officials on 7 May, the group were reportedly exposed to torture and ill-treatment at the Anti-Terror Branch of Police Headquarters in Mardin. They were reportedly stripped naked, beaten and sprayed with cold pressurized water, and accused of membership of the illegal armed opposition group KADEK, formerly known as the Kurdistan Workers' Party (PKK). The male members of the group reportedly had their testicles squeezed. They were allegedly forced to stand in the corridor with their faces turned to the wall and their heads covered in cloth bags for three days. They were also deprived of sleep. They were forced to listen to loud music throughout this period and were only given a piece of bread to eat.” (Amnesty International (28 August 2002) *Further information on UA 141/02 (EUR 44/027/2002, 10 May 2002)*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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