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COUNTRY OF ORIGIN INFORMATION REPORT

TURKEY

31 DECEMBER 2007

Border & Immigration Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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NB: this COI Report was reissued on 8 February 2008 to reinstate information about illegal political parties in Annex B, which was omitted from the original version of the December 2007 edition.

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, Border and Immigration Agency (BIA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 30 November 2007. The 'latest news' section contains further brief information on events and reports accessed from 1 December 2007 to 31 December 2007.

Please note: this COI Report was reissued on 8 February 2008 to reinstate information about illegal political parties in Annex B, which was omitted from the original version of the December 2007 edition.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any BIA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by BIA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per

the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. BIA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the BIA as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the BIA's country of origin information material. The Advisory Panel welcomes all feedback on the BIA's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

xii It is not the function of the Advisory Panel to endorse any BIA material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual BIA COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN TURKEY FROM 1 DECEMBER 2007 TO 31 DECEMBER 2007

30 December — Turkey has detained five people for links with al Qaeda after police operations in four cities including the capital Ankara. The arrests follow the detention at the weekend of 19 people for suspected links to the Islamist militant group, which had claimed responsibility for suicide bomb attacks against the British Consulate, two synagogues and an HSBC bank in Istanbul killing more than 60 people in Nov. 2003.
Turkey arrests five for al Qaeda links – TV, 30 December 2007
http://www.alertnet.org/thenews/newsdesk/L30425426.htm

26 December — Turkish woman who was injured along with seven other people in a bomb blast in Istanbul on Tuesday has died from her wounds. No one has claimed responsibility for the percussion bomb, which exploded in the Kucukcekmece district of Turkey's largest city.
Turkish woman dies from Istanbul bomb wounds, 26 December 2007
http://www.alertnet.org/thenews/newsdesk/L26271842.htm

25 December — Turkish warplanes bombed Kurdish guerrilla targets in northern Iraq close to the Turkish border on Tuesday in a new cross-border attack. The jets launched the limited strikes after spotting suspected Kurdistan Workers Party (PKK) guerrillas while on a reconnaissance flight along the border.
Turkish warplanes bomb PKK in N.Iraq-military source, 25 December 2007
http://www.alertnet.org/thenews/newsdesk/IST001456.htm

20 December — An earthquake with a magnitude of 5.7 shook an area near the Turkish capital Ankara on Thursday, the country's earthquake observatory said, but there were no immediate reports of casualties
Quake shakes central Turkey, no casualties reported,20 December 2007
http://www.alertnet.org/thenews/newsdesk/L20545667.htm

18 December — Turkish troops withdrew from northern Iraq less than 24 hours after a limited incursion targeting Kurdish separatist fighters.
Turkish troops withdraw from Iraq -Kurdish govt, 18 December 2007
http://www.alertnet.org/thenews/newsdesk/L18476815.htm

17 December — The European Union expressed concern on Monday at Turkey's air raids on Kurdish separatist targets in northern Iraq and urged Ankara to show restraint. "The Presidency calls on the Turkish authorities to exercise restraint, to respect the territorial integrity of Iraq and refrain from taking any military action that could undermine regional peace and stability," EU president Portugal said in a statement.
EU concerned at Turkish attacks in northern Iraq, 17 December 2007
http://www.alertnet.org/thenews/newsdesk/BRU006195.htm

17 December — Iraq understands Turkey's need to combat PKK Kurdish guerrillas on Iraqi territory, but wants Ankara to coordinate future cross-border strikes with Baghdad. Iraq said one civilian woman was killed in the strikes, which Turkey said targetted PKK guerrillas.

Iraq seeks "coordination" in Turkish PKK strikes, 17 December 2007
http://www.alertnet.org/thenews/newsdesk/L17247870.htm

10 December — At least 20 illegal migrants died when a boat carrying about 70 people sank off the Turkish Aegean coast on Saturday, authorities said on Monday.
Shipwreck off Turkish coast kills 20, dozens missing, 10 December 2007
http://www.alertnet.org/thenews/newsdesk/L10729336.htm

4 December — A Turkish army officer and six Kurdish PKK guerrillas, four of them women, were killed on Tuesday in a clash in mountainous Sirnak province in southeast Turkey, the military General Staff said.
Turkish soldier, six Kurdish rebels die in clash, 4 December 2007
http://www.alertnet.org/thenews/newsdesk/L04188951.htm

2 December — Kurdish officials insisted on Sunday that there had been no Turkish military incursion into northern Iraq, describing as baseless Ankara's claims that significant losses had been inflicted on Kurdish rebels. The Turkish military said on Saturday it had launched an "intensive intervention" to hit the Kurdistan Workers Party (PKK) in Iraq's mountainous north.
Iraq's Kurds, PKK say no Turkey attack, no casualties, 2 December 2007
http://www.alertnet.org/thenews/newsdesk/L02268386.htm

1 December — A military official said around 100 special forces crossed into Iraqi territory to target the Kurdistan Workers Party (PKK) elements, a day after Prime Minister Tayyip Erdogan announced the cabinet had given a green light to such operations.
Turkey says inflicts heavy casualties on PKK in Iraq, 1 December 2007
http://www.alertnet.org/thenews/newsdesk/L01338160.htm

Background Information

1 GEOGRAPHY

1.01 The Republic of Turkey covers an area of approximately 780,580 square kilometres. Turkey is located between south-eastern Europe and south-western Asia (that portion of Turkey west of the Bosporus is geographically part of Europe), bordering the Black Sea, between Bulgaria and Georgia, and bordering the Aegean Sea and the Mediterranean Sea, between Greece and Syria. Its border countries are Armenia 268 km, Azerbaijan 9 km, Bulgaria 240 km, Georgia 252 km, Greece 206 km, Iran 499 km, Iraq 352 km, and Syria 822 km. **[103] (CIA World Factbook updated 15 May 2007)**

1.02 The capital city is Ankara, and there are 81 provinces consisting of Adana, Adiyaman, Afyonkarahisar, Agri, Aksaray, Amasya, Ankara, Antalya, Ardahan, Artvin, Aydin, Balikesir, Bartin, Batman, Bayburt, Bilecik, Bingol, Bitlis, Bolu, Burdur, Bursa, Canakkale, Cankiri, Corum, Denizli, Diyarbakir, Duzce, Edirne, Elazig, Erzincan, Erzurum, Eskisehir, Gaziantep, Giresun, Gumushane, Hakkari, Hatay, Icel (Mersin), Igdir, Isparta, Istanbul, Izmir, Kahramanmaras, Karabuk, Karaman, Kars, Kastamonu, Kayseri, Kilis, Kirikkale, Kirklareli, Kirsehir, Kocaeli, Konya, Kutahya, Malatya, Manisa, Mardin, Mugla, Mus, Nevsehir, Nigde, Ordu, Osmaniye, Rize, Sakarya, Samsun, Sanliurfa, Siirt, Sinop, Sirnak, Sivas, Tekirdag, Tokat, Trabzon, Tunceli, Usak, Van, Yalova, Yozgat, Zonguldak. **[103] (CIA World Factbook updated 15 May 2007)**

1.03 As noted in CIA FactBook (updated 15 May 2007) Turkish is the main spoken language. In addition to the official language it also mentions Kurdish, Dimli (or Zaza), Azeri, Kabardian and there is also a substantial Gagauz population in the Europe part of Turkey. **[103]**

1.04 The US State Department Report on International Religious Freedom, published on 14 September 2007, reported that:

> "According to the Government, 99 percent of the population is Muslim, the majority of which is Sunni. According to the human rights nongovernmental organization (NGO) Mazlum-Der and representatives of various religious minority communities, the actual percentage of Muslims is slightly lower. The Government officially recognizes only three minority religious communities--Greek Orthodox Christians, Armenian Orthodox Christians, and Jews--although other non-Muslim communities exist. The level of religious observance varied throughout the country, in part due to the influence of secular traditions and official restrictions on religious expression in political and social life."
> **[5e] (section 1)**

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MAP

1.05 Map of Turkey courtesy of CIA World FactBook: https://www.cia.gov/cia/publications/factbook/geos/tu.html

See also links to more detailed maps of Turkey:

http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=4487e9280

http://www.factmonster.com/atlas/country/turkey.html

http://www.lib.utexas.edu/maps/middle_east_and_asia/turkey_pol83.jpg

POPULATION

1.06 As reported by the CIA World Factbook last updated 15 May 2007, that the population of Turkey exceeds 71,158,647 (July 2007 est.) **[103]** As reported by Jane's Sentinel Country profile updated 10 May 2007 the population is in the region of 73,300,000. **[81a]**

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2 ECONOMY

2.01 The Economist Intelligence Unit (EIU) country report released January 2007 noted that:

"After the 2001 financial crisis and recession, GDP growth in Turkey was strong, averaging 7.5% per year in 2002-05. In 2006 it averaged 7% year on year in the first half of the year, but slowed sharply to 3.4% in the third quarter, reflecting the impact on domestic demand of the fall in the value of the lira, rising inflation and higher interest rates. Overall, we now expect economic growth to have slowed from 7.4% in 2005 to 5.2% in 2006 and to fall further to 4.5% in 2007, before picking up again to 5.5% in 2008. Weaker domestic demand growth will be partly offset by a deceleration in imports and an acceleration in export growth, resulting in a marked improvement in the foreign balance in 2006-08. There is a substantial risk, however, of a more prolonged and deeper slowdown if inflation starts to rise sharply again in 2007 and the Central Bank retightens monetary policy." **[107] (p12)**

2.02 The World Bank Data and Statistics for Turkey – World Development Indicators database, April 2007 (website accessed 17 August 2007) recorded a GNI per capita [average annual income] in 2005 of US$4750. **[45]**

2.03 The 2006 EC report however noted that:

"As regards employment policy, little progress can be reported. Low labour force participation and employment rates, in particular of women, high levels of youth unemployment, the large size of the informal economy and the strong rural/urban labour market divide remain the main challenges. The overall employment rate in 2005 decreased to 43.4%, whereas unemployment rate remained at 10.3%. The scale of unregistered employment continues to be of concern." **[71a] (p53)**

2.04 The Economist Intelligence Unit (EIU) country report released January 2007 however noted that:

"The strength of the economy increased employment in industry, construction and services in 2005 and 2006. In August 2006 the number of people employed in these three sectors rose by 2.9%, 6.8% and 4% respectively by comparison with August 2005. The pace of employment growth in services which is by far the largest employer, providing work for 10.6m people was noticeably slower than in preceding months… The number of unemployed was put at 2.38m the same as in August 2005. The unemployment rate worked out at 9.1%, compared with 9.4% a year earlier. The unemployment rate had already been running below yearearlier levels for some months, and in May, June and July which are the peak months for employment, owing to the seasonal nature of much work in agriculture, construction and tourism it had fallen as low as 8.8%." **[107] (p30-31)**

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3 HISTORY

RECENT HISTORY

3.01 As noted in the Foreign and Commonwealth Office [FCO] Country Profile on Turkey, updated 3 August 2007:

> "The Republic of Turkey was founded by Mustafa Kemal Atatürk, a military hero, in 1923. His aim was to transform Turkey into a modern, secular state, which could compare with Western European nations in terms of military and economic strength. Today, Turkey is a member of almost every Western European international organisation. It joined NATO in 1952; the Council of Europe in 1949; and became a full candidate for European Union membership in 1999." **[4s]**

3.02 As cited in the FCO country profile, "Atatürk (Father Turk) was Turkey's first President; he died in 1938. The Turkish military regards itself as the main guardian of the principles of Atatürk's legacy, even to the point of intervening directly to restore political stability in 1960, 1971 and most recently in 1980… In September 1980 the Turkish military took power following a breakdown of law and order under a succession of weak and divided coalition governments during the 1970s." **[4s]**

3.03 The FCO country profile further noted that, "In 1982 a new Constitution was adopted. Turgut Özal replaced Evren as President in 1989. He modernised the Turkish economy and raised Turkey's international standing until his death in 1993. In May 1993 Prime Minister Süleyman Demirel was elected President. Mrs Tansu Çiller, previously Economics Minister, was elected to replace Demirel as Chairman of the True Path Party (DYP) in early June 1993 and thus became Turkey's first female Prime Minister." **[4s]**

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GENERAL ELECTION 2007

3.04 The Power and Interest News Report (PINR) published an article "The A.K.P.'s Complex Victory in Turkey" drafted by Dario Cristiani on the 16 August 2007 reporting;

> "On July 22, 2007, the Turkish public voted in early parliamentary elections called after the parliament failed to appoint a new president… The results of the July 22 elections were as follows: the A.K.P. came in first with about 46.5 percent of the vote and will have 341 seats in the next Turkish unicameral parliament, which is made up of 550 seats. The C.H.P. came in second with about 21 percent of the vote, giving it 112 seats in the new parliament. The ultra-nationalist and right-oriented Nationalist Movement Party (M.H.P.) came in third with 14.3 percent of the vote, giving it 70 seats. The independents took 26 seats and a large part of them were from the Party for a Democratic Society (D.T.P.), the Kurdish party." **[51]**

3.05 Jane's Sentinel Security Assessment web-site updated 6 August 2007 noted that:

"The AKP trounced opposition in local elections in March 2004, its first major electoral test since taking power in November 2002, but its popularity then declined…However, the July 2007 elections saw the party win a triumphant 47 per cent of the vote, though the entry of the MHP into parliament meant that the AKP ended up with 22 fewer seats than at the 2002 election" **[81a]**

Parties	Percentage of the vote	Parliamentary seats
Justice and Development Party (Adalet Kalkinma Partisi:AKP)	46.7	341
Republican People's Party (Cumhuriyet Halk Partisi: CHP)	20.8	111
National Movement Party (Milliyetci Hareket Partisi: MHP)	14.3	70
Democratic Party (Demokrat Partisi: DP)	5.4	0
Independents (Bagimsiz)	5.2	28
Total (turnout 84.4%)	100	550

[81a]

3.06 The European Commission Turkey 2007 Progress Report published 6 November 2007, noted that:

"The newly-elected parliament is now more representative of the country's political diversity. Nevertheless, the debate continued on reducing the 10% threshold, which is the highest among European parliamentary systems. This issue was also brought to the European Court of Human Rights (ECtHR), which ruled in January 2007 that the threshold does not violate the right to free elections. However, it also noted that it would be desirable for the threshold [of political parties] to be lowered in order to ensure optimal representation, while preserving the objective of achieving stable parliamentary majorities. The issue was referred to the Grand Chamber." **[71d] (p6-7)**

PRESIDENTIAL ELECTION 2007

3.07 On the 14 August 2007 the *BBC* reported that, "Turkish Foreign Minister Abdullah Gul has confirmed he plans to stand again as a presidential candidate. His previous presidential bid sparked huge protests in May because of his Islamist roots. Secular institutions, including the army, opposed him." **[66e]**

3.08 *The Guardian* reported on the 20 August that, the Turkish foreign minister, Abdullah Gul, today failed to win sufficient support to become president in the first round of voting in parliament." **[38a]**

3.09 The *BBC* reported on the 28 August 2007 that, "Turkey's controversial Foreign Minister Abdullah Gul has been sworn in as the country's new president. He is

the first politician with an Islamist background to become head of state since the creation of the deeply secular Turkish Republic in 1923. His swearing-in follows a third round of voting in parliament, which he won by a clear majority." **[66f]**

3.10 The European Commission Turkey 2007 Progress Report published 6 November 2007, noted that:

"In view of the expiration of the presidential term of President Sezer in May, in April the Parliament convened to elect a new President of the Republic. The first round of voting, held in the Parliament on 27 April 2007, was boycotted by opposition parties, and the sole candidate, Foreign Minister and Deputy Prime Minister Abdullah Gül, failed to obtain the required two-thirds majority… In August the newly-elected Parliament elected Minister Gül President at the third round with 339 votes." **[71d] (p7)**

EUROPEAN UNION ACCESSION NEGOTIATIONS 2007

3.11 The European Commission Turkey 2007 Progress Report published 6 November 2007, noted that:

"Accession negotiations with Turkey continued. The preparatory analytical phase reached its final stage. In this stage the level of preparedness to start negotiations on individual chapters is assessed on the basis of screening reports. Of a total of 33 reports, 5 remain to be delivered by the Commission to the Council whilst 6 are being discussed in the Council… In addition, the EU informed Turkey about the progress needed to reach a satisfactory level of preparedness to start negotiations on 14 chapters. The enhanced political dialogue between the EU and Turkey has continued. Political dialogue meetings were held in June 2007 at ministerial level and in March and September 2007 at political director level. These meetings focused on the main challenges faced by Turkey in terms of the Copenhagen political criteria and reviewed progress being made towards fulfilment of Accession Partnership priorities. " **[71d] (p4-5)**

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4 RECENT DEVELOPMENTS

TERRORISM IN 2006-07

4.01 On the Institute for Police Studies website accessed 30 October 2007 it was noted in the report "Terrorism in the World and in Turkey" that:

"The definition of of the Turkish Anti Terrorism Law (law no.3713) defines terrorism as a kind of act done by one or more persons belonging to an organisation with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the individual unity of the State and its terrority and nation, endangering the existence of the the Turkish State and Republic..." **[65]**

4.02 The TE-SAT 2007 EU Terrorism Situation and Trend report noted that:

"The rise of fundraising activities by the PKK in the EU is related to the escalation of the terrorist campaign of Kurdish terrorists in Turkey… On 27 August 2006, five bombs exploded within 24 hours in Istanbul and the tourist destinations of Marmaris and Antalya killing three people and injuring 47. In Marmaris, ten UK nationals were injured when an IED device destroyed a minibus. Responsibility for the attack was claimed by a group called Kurdistan Freedom Falcons (Teyrbazen Azadiya Kurdistan, TAK); the group stated that foreigners should stay away from tourist areas in Turkey… The conflict between Turkey and the Kurds clearly escalated in 2006. For instance, according to the Turkish foreign ministry, 91 Turkish soldiers died in clashes with the PKK in the first seven months of 2006." **[43]**

4.03 The US State Department Country Report on Terrorism 2006, released by the Office of the Coordinator for Counterterrorism on April 30, 2007, noted that:

"Domestic and transnational terrorist groups have targeted Turkish nationals and foreigners, including, on occasion, U.S. Government personnel, for more than 40 years. International and domestic terrorist groups that operated in Turkey included Kurdish separatist, Marxist-Leninist, radical Islamist, and pro-Chechen groups. Most prominent among terrorist groups in Turkey is the Kurdistan Workers' Party (PKK), subject to regular name changes, currently operating as Kongra-Gel (KGK/PKK). Composed primarily of Kurds with a historically separatist agenda, the KGK/PKK operated from headquarters in part of northern Iraq and directed forces to target mainly Turkish security forces, government offices, and villagers who opposed the KGK/PKK… KGK/PKK attacks against Turkey increased significantly and claimed as many as 600 lives in 2006. In October, the KGK/PKK declared a unilateral cease-fire that slowed the intensity and pace of its attacks but attacks continued in response to Turkish security forces significant counterinsurgency and counterterrorism operations, especially in the southeast." **[5a] (p25)**

4.04 The Turks US Daily News also reported on 11 June that, "An explosion outside a shop in Istanbul around 3:30 p.m. on Sunday left 14 people injured. The cause of the explosion on the busy Ebuziya Street in Bakirkoy, located on the

European side of the city, was not immediately known. Officials from the police department said a percussion bomb might have been responsible for the loud explosion that broke the windows of nearby shops in the area." **[47a]**

4.05 The same Turks US Daily news also reported on the 17 June that," A bomb placed on a bicycle at a bus stop in downtown Diyarbakir near a cluster of military, gendarme and police facilities exploded at 7:45am just as shuttle buses were passing the stop. Bomb fragments were immediately collected and sent for forensic study after police cordoned off the area." **[47b]**

4.06 Travel advice issued by the Foreign and Commonwealth Office, updated on 11 July 2007, and stated that, "there is a high threat from terrorism in Turkey. We believe that international terrorist groups, as well as indigenous ones, are currently active in Turkey. Attacks in public places, including in tourist areas, could well occur. On the 11 July 2007, an explosion occurred outside the District Governor's office in the Bahcelievler district of Istanbul injuring two. No foreign nationals were involved." **[4j]**

4.07 The BBC reported on 18 August 2007 that, "Two men who tried to hijack a Turkish plane have surrendered after all 136 passengers and crew escaped unharmed. The Atlas Jet plane was flying from Northern Cyprus to Istanbul when the two men tried to divert it to Iran. Instead, the pilot landed the plane in the southern city of Antalya, claiming it needed refuelling. Turkey's interior ministry said one of the hijackers was a Turkish national and the other had a Syrian passport. Their motives are not yet known." **[66b]**

See also Section 19:37 PKK/KADEK Kongra-Gel and the Conflict in the South-East

4.08 The BBC reported on 11 September 2007:"Police in Turkey's capital, Ankara, have prevented a large bomb from exploding, the city's governor said. Sniffer dogs detected a van stuffed with explosives in the centre of the city, preventing a 'possible catastrophe', Governor Kemal Onal said." **[66g]** As reported by the BBC on 23 May 2007: "Turkish officials have confirmed that a suicide bomber caused a blast which killed six people and injured more than 90 in Ankara on Tuesday [23 May 2007]…The governor described the bomber as a known member of an illegal organisation, often code in Turkey for the Kurdistan Workers' Party, the PKK" **[66m]** *The Hurriyet* News noted on 24 May 2007 that, "The young man confirmed through fingerprints taken from his body to have been the suicide bomber in Tuesday evening's attack in Ankara, 28 year old Guven Akkus, was apparently a member of the illegal Turkish Revolutionary Communists Union (TIKB)." **[70a]**

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5 CONSTITUTION

5.01 The European Commission Turkey 2007 Progress Report published 6 November 2007, noted that:

"On 10 May 2007, the Turkish Grand National Assembly adopted a package of constitutional reforms proposed by the majority Justice and Development Party (AKP). The package introduces the election of the President by popular vote for a renewable term of five years, the shortening of the government's term of office from five to four years and the establishment of a quorum of one third for all sessions and decisions of parliament. A referendum held on 21 October endorsed these reforms. In a separate constitutional amendment, the minimum age for a person to be elected to parliament was lowered from 30 to 25 years. The new rules will not be applicable until the next parliamentary elections." **[71d] (p6)**

5.02 Jane's Sentinel Security Assessment web-sites updated 6 August 2007 noted:

"Turkey's current constitution is based on the 1982 constitution put in place after the military coup. The document reflects the values the Turkish military has long taken pride in protecting: democracy, secularism, and strict insistence on Atatürk's goal of a unified Turkey uncritical of its founder or founding principles. Turkey installed the constitution after years of military rule, with the explicit aim of creating stability and order at the expense of civil liberties and human rights. The constitution remained essentially unchanged until 1999's military coup… Following Erbakan's ousting, civilian governments cautiously amended the constitution to dilute the original absolutist wording and increase protection for human rights and civil liberties, judicial independence, and power of the civilian government over the military. Torture and ill treatment are prohibited, and the entitlement to strike and other labour rights are recognised but can be restricted." **[81a]**

5.03 Jane's Sentinel Security Assessment website further noted that:

"According to the Constitution, the president and the Council of Ministers (usually numbering around 35) share executive powers. The president, chosen by Parliament for a single seven-year term, has indistinct powers, and an active president may choose to stretch them…The Council of Ministers, which is politically accountable to the Legislature, is composed of a prime minister selected and appointed by the president and ministers selected by the prime minister and appointed by the president." **[81a]**

See also Section 15:01 Freedom of Speech and Media

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6 POLITICAL SYSTEM

THE TURKISH GRAND NATIONAL ASSEMBLY (TGNA)

6.01 As recorded in the 'Political structure of Turkey' dated 20 October 2006:

"Legislative authority is vested in the Turkish Grand National Assembly (TGNA). The TGNA is composed of 550 deputies. Parliamentary elections are held every five years… **(Section on Legislature)** The Council of Ministers consists of the Prime Minister, designated by the President of the Republic from members of the TGNA, and various ministers nominated by the Prime Minister and appointed by the President of the Republic. Ministers can be dismissed from their duties by the President or upon the proposal of the Prime Minister when deemed necessary. When the Council of Ministers is formed, the government's program is read at the TGNA and a vote of confidence is taken...The fundamental duty of the Council of Ministers is to formulate and to implement the internal and foreign policies of the state. The Council is accountable to the Parliament in execution of this duty. The Constitution also includes national defense in the section related to the Council of Ministers. The Office of the Commander-in-Chief, the Office of the Chief of the General Staff and the National Security Council form the authorative organizations for national defense...The Prime Minister is responsible for ensuring the Council of Ministers functions in a harmonious manner. He/she supervises implementation of government policy. The Prime Minister is the de facto head of the executive branch. Each Minister is accountable to the Prime Minister who in turn ensures that Ministers fulfill their functions in accordance with the Constitution and its laws." **[36g] (Section on Executive)**

6.02 As recorded by Jane's Sentinel Security Assessment website updated 6 August 2007:

"The Turkish Grand National Assembly (TGNA) is a 550-seat, unicameral body. The parliament can pass legislation over a presidential veto by a simple majority. A parliamentary term may last up to five years but a simple majority can call early elections. The electoral system is based on proportional representation but parties must overcome a 10 per cent threshold to gain representation. Voting is compulsory for everyone over 18, and those who abstain face a very small fine and the loss of the franchise at the following election. The TGNA monitors the Council of Ministers, has the power to enact, amend and abrogate laws and to ratify international agreements, the printing of currency and the declaration of war, as well as debating and passing the Budget and the Bills for Final Accounts." **[81a]**

NATIONAL SECURITY COUNCIL (MGK) OR (NSC)

6.03 As recorded in 'Political Structure of Turkey':

"The National Security Council consists of the Prime Minister, the Chief of the General Staff [the army], the Minister of National Defense, the Minister of Interior, the Minister of Foreign Affairs, the Commanders of the Army, Navy and

the Air Force and the General Commander of the Gendarmerie. The NSC makes decisions related to the determination, establishment and application of national security policy. The Council of Ministers gives priority to National Security Council decisions where measures deemed necessary for the preservation of the existence and independence of the state, the integrity and indivisibility of the country and the peace and security of the society are concerned." **[36g] (Section on Executive)**

6.04 The European Commission Turkey 2007 Progress Report published 6 November 2007, noted that:

"The National Security Council (NSC) continued to meet in line with its revised role. Ambassador Burcuoğlu was appointed as new Secretary-General in September. The total staff of the NSC decreased from 408 to 224, and the number of military personnel from 26 to 12. However, the armed forces continued to exercise significant political influence… The 1997 EMASYA secret protocol on Security, Public Order and Assistance Units remains in force. The protocol, signed by the General Staff and the Ministry of Interior, allows for military operations to be carried out for internal security matters under certain conditions without a request from the civilian authorities." **[71d] (p9)**

As recorded in Jane's Sentinel Security Assessment website updated 6 August 2007:

"The National Security Council (NSC)…is a powerful body in Turkish politics but its influence has waned after the wave of reforms in 2004. The armed forces can make recommendations to the cabinet through the Council. Historically, this body has been divided sharply between civilians and members in uniform. Recently, however, the Council has met infrequently - once a month or less - and the ongoing fight for power between the two factions has taken place more behind the scenes than in open confrontation. From August 2004, for the first time, a civilian has headed the NSC… Mehmet Yigit Alpogan took up his post as the new civilian secretary general. The NSC is slowly being forced under civilian control, having long been the stronghold of the military and the mechanism through which Turkey's generals have warned the government of impending coups." **[81a]**

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LOCAL GOVERNMENT

6.06 The Library of Congress Federal Research Division in their January 2006 country profile of Turkey state that "Turkey is divided into 81 provinces (il), which in turn are divided into districts (ilce) and sub-districts (bucak). Provinces have an average of eight districts each. Sixteen large metropolitan municipalities, about 3,200 smaller towns, and about 50,000 villages have their own local governments." **[79]**

6.07 The Library of Congress 2006 report further noted that:

"These provinces are administered by governors (vagi), who are appointed by the Council of Ministers with the approval of the president. The governors function as the principal agents of the central government and report to the Ministry of Interior. Districts are administered by sub-governors. Provinces, districts, and local jurisdictions also have directly elected councils. Although local jurisdictions have gained political powers since 1980, the system remains highly centralised. The national government oversees elected local councils in order to ensure the effective provision of local services and to safeguard the public interest; the minister of interior is empowered to remove from office local administrators who are being investigated or prosecuted for offences related to their duties. Several ministries of the national government have offices at the provincial and district levels. An autonomous local administration exists at the level of municipalities (belediye), which elect a mayor and a municipal council. In the villages (köy derneg), the village assembly elects a council of elders (ihtiyar meclisi) and a village headman (muktar)." **[79]**

6.08 As noted in a letter from the British Embassy in Ankara to the Home Office, dated 14 September 2005:

"I am responding to a Home Office request for further information on Muhtars in Turkey and any computer system they might use. Muhtars are the elected heads of villages or small towns who are responsible for local administrative matters (e.g. recording births and registering names and addresses of newcomers to their village). Together with my colleague [name omitted], I recently visited two Muhtars' offices in north eastern Turkey. Both Muhtar offices were very basically equipped and there was no evidence of any kind of computer equipment. In one village, local people told us that they had been without electricity for a year. (Turkish NGOs report that lack of infrastructure, including electricity, is still a problem in outlying areas of Turkey.)." **[4g]**

6.09 As noted in a letter from the British Embassy in Ankara to the Home Office, dated 6 April 2006:

"I am responding to your request for additional information on Muhtars in Istanbul and any computer system they may use. The Istanbul Security Directorate is running a Muhtar computer project which aims to eventually administer the work of all Muhtars from one center. The project began about a year ago and should be completed within a further year. 100 of the 956 Muhtars in Istanbul are currently using the system. Our Consulate in Istanbul was given this information by project administrators at the Istanbul Security Directorate." **[4k]**

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Human Rights

7 INTRODUCTION

7.01 As outlined in the Human Rights Watch (HRW) World Report 2007, published on 11 January 2007:

"The government of Prime Minister Recep Tayyip Erdoğan failed during 2006 to implement key reforms necessary to consolidate the human rights progress of the past years. Entrenched state forces, including the military, continued to resist reform. Illegal armed groups, as well as rogue elements of the security forces, conducted violent attacks that threaten the reform process, although clashes decreased after the Kurdistan Workers' Party (PKK) declared a ceasefire in October." **[9b]**

7.02 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"During the year the government faced the major challenges of increasing the legal accountability of government security forces, reducing restrictions on free speech, and modernizing societal attitudes with respect to antiquated practices such as "honor killings" of women. Although an overhaul of the criminal code has helped reduce torture and improve due process for defendants, the government struggled to achieve full implementation of new laws." **[5g] (Introduction)**

7.03 As noted in the European Commission Turkey 2007 Progress Report, published on 6 November 2007:

"The fight against impunity of human rights violations remains an area of concern. There is a lack of prompt, impartial and independent investigation into allegations of human rights violations by members of security forces… Overall, the Turkish legal framework includes a comprehensive set of safeguards against torture and ill-treatment. However, cases still occur, especially before detention starts. The fight against impunity remains an area of concern. Turkey needs to investigate more thoroughly allegations that there have been human rights violations by members of the security forces." **[71d] (p13-14)**

7.04 The International Helsinki Federation (IHF) report 'Human Rights in the OSCE Region' (Events of 2005), published on 8 June 2006, noted that:

"In the past two years, Turkey has made major modifications to its legislation with a view to protecting human rights and democratizing the country in connection with the EU accession process. In 2004, a paragraph was added to article 90 of the constitution, recognizing the supremacy of international agreements in the area of fundamental rights and freedoms duly put into effect over national law. The criminal justice system was reformed with a series of laws that came into force in June 2005, amending key provisions that had led to the prosecution of peaceful speech and introducing provisions against 'honor killings' and the trafficking of women as well as for the protection of children and

combating the impunity of officials involved in gross human rights violations". **[10a] (p1)**

7.05 The Freedom House report 'Freedom in the World 2006', published on 17 January 2007, described Turkey as 'partly free'. Using the following scale of 1 (being the most free) to 7 (being the least free), Freedom House assessed Turkey's political rights as 3 and civil liberties as 3. Turkey struggles with corruption in government and in daily life. The AK Party- 'ak' means 'pure' in Turkish-came to power amid promises to clean up governmental corruption, and it has adopted some anticorruption measures, including ones aimed at combating corruption in public procurement. However, enforcement is lacking, and a culture of tolerance of corruption pervades the general population. Parliamentary immunity prevents prosecution. Transparency has improved through EU reforms, although implementation lags. Turkey was ranked 65 out of 159 countries surveyed in Transparency International's 2005 Corruption Perceptions Index. **[62a]** The Freedom House 'Global Survey 2007, Freedom in the World (Table of Independent Countries: Comparative Measures of Freedom)', also described Turkey as 'partly free' with the same ratings for political rights and civil liberties. **[62d]**

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8 SECURITY FORCES

8.01 "Turkey Interactive 2005", prepared by the Turkish News Agency for the Office of the Prime Minister of Turkey noted that "The maintenance of law and order and security in the country is under the jurisdiction of the gendarmerie and the police forces which are attached to the Ministry of the Interior." **[36a] (p187 Internal Security**

8.02 As recorded by the chairman Dr. Can Paker of the Executive Board, Turkish Economic and Social Studies Foundation (TESEV) at the launching event of the publication 'Almanac Turkey - Security Sector and Democratic Oversight 2005'

"The Almanac analyses all units within the Security Sector, their organization, their known and unknown working principles and activities, the civilian authorities they work under, the legal framework and basic approaches within which they operate, and the changes and bottlenecks they went through within the framework of full membership to the European Union, in a contemporary , informative and analytical format. The four forces of the Armed Forces (Land, Air, Naval and Gendarmerie), Police, Coast Guard, Police and Gendarmerie Intelligence units, National Intelligence Organization, Special Anti-Terrorism Units, National Defense Council, the security-related activities of the Turkish Grand National Assembly and the Government, Military Judiciary system, Village Guards, Private Security, the roles of the Civil Society and the Media are studied by experts, in a dynamic and analytical framework in connection with politics, history, social development in Turkey as well as in an international context." **[98c]**

Intelligence Agency (MIT)

8.03 As stated on the website of the National Intelligence Organisation (Milli Istihbarat TeŞkilati - MIT) (website accessed on 22 October 2007):

"The Turkish National Intelligence Organization was founded as a body subordinate to the 'Prime Ministry', under the law no 644 dated 6 July 1965. This law after being in force for 18 years, has been replaced by Law no 2937 titled "State Intelligence Services and the Turkish National Intelligence Organisation" as of January 1 1984 as a results of the efforts paid to eliminate any deficiencies, troubles and gaps that were come across during the practice of the previous law and to adapt to the rapidly changing and improving world conditions." **[88] (Section on Duties, Powers and Responsibilities of the MIT)**

8.04 The Global Security Organisation in their website accessed 19 January 2007 also noted that:

"Intelligence gathering is the primary responsibility of the National Intelligence Organization (Milli Istihbarat Teskilati--MIT), which combines the functions of internal and external intelligence agencies… Military and civil intelligence requirements are formulated by the National Intelligence Coordination Committee. This committee includes members of the staff of the National Security Council, to which it is directly responsible. Nevertheless, a lack of coordination among the intelligence services is said to be a weakness that

hampers MIT effectiveness. MIT has no police powers; it is authorized only to gather intelligence and conduct counterintelligence abroad and to uncover communist, extreme right-wing and separatist--that is, Kurdish and Armenian--groups internally. The MIT chief reports to the prime minister but was in the past considered close to the military. MIT has been charged with failing to notify the government when it became aware of past plots, if not actual complicity in military coup attempts. The organization functions under strict discipline and secrecy. Housing and headquarters offices for its personnel are colocated in a compound in Ankara." **[56]**

8.05 As recorded in the Turkish Economic and Social Studies Foundation (TESEV) report 'Almanac Turkey - Security Sector and Democratic Oversight 2005':

"MIT, the existing intelligence organisation of the Republic of Turkey, was established when the National Intelligence Organisation Law No. 644 took effect on 22 July 1965. With this law, the organisation known as MEH or MAH became MIT…In recent years; the suggestion that MIT focus on foreign intelligence and the police force investigate domestic intelligence affairs frequently arises. MIT is not in favour of these suggestions. As stated in its official website in 2005, it supports the idea that domestic and foreign intelligence must be MIT-run in an integrated fashion." **[98b] (p160-163)**

POLICE

8.06 "Turkey Interactive 2005", prepared by the Turkish News Agency for the Office of the Prime Minister of Turkey noted that:

"The police force carries out its activities under the Directorate General of Security and includes central and provincial organisations. The area of responsibility of the Turkish police is restricted by the municipal borders. Outside these areas, police functions are carried out by the gendarmerie. The Turkish police respect human rights in the fulfilment of all its duties, in conformity with the principles of a contemporary state of law. Within this framework, utmost importance has been placed on training and education. The qualifications of the police force have improved a great deal by raising the level of education and sending a large number of personnel abroad for training". **[36a] (p187 Internal Security)**

8.07 The same publication further noted that "The Turkish police force performs its functions by approximately 188,000 personnel, almost 170,000 of them working in security services. Around 10,000 women serve in the police force". **[36a] (p188 Internal Security**

8.08 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that "The Turkish National Police (TNP), under interior ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint interior ministry and military control, is responsible for policing rural areas. In June 2005 the government established judicial police, who were to take direction from prosecutors during investigations; however, human rights groups reported that in practice the judicial police continued to report to the Ministry of Interior." **[5g] (section 1d)**

8.09 The USSD 2006 report also noted that "Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders. When courts did convict offenders, punishment generally was minimal and sentences were often suspended. Authorities typically allowed officers accused of abuse to remain on duty and, in occasional cases, promoted them during their trials, which often took years." **[5g] (section 1d)**

8.10 The same USSD 2006 report further noted that "During the first nine months of the year, 715 administrative or judicial cases were opened against security personnel and other public officials on torture, maltreatment, or excessive use of force charges. The decision of 'acquittal' or 'no need to punish' was reached in all 85 maltreatment or torture cases. Out of 630 'excessive use of force' cases, 10 resulted in prison sentences, one resulted in a temporary suspension, 598 resulted in acquittal or no need to punish, and 21 remained ongoing." **[5g] (section 1d)**

8.11 The Amnesty International (AI) Annual Report 2007 stated that:

"In spite of a general decrease in allegations of torture or ill-treatment, there were reports that such abuses were widespread in police custody against those detained during the protests… In October, Erdal Bozkurt reported that he was abducted in Alibeyköy in Istanbul by men identifying themselves as police officers, put into a car, blindfolded and handcuffed, beaten and threatened with death, and taken to a place where he was tortured and interrogated for a whole day about his and other people's involvement in a local group which had been protesting against drug dealers and social problems in their neighbourhood." **[12e]**

8.12 As reported by the Amnesty International Annual report of 2007, "There were continued reports of torture and ill-treatment by law enforcement officials, although fewer than in previous years. Detainees alleged that they had been beaten, threatened with death, deprived of food, water and sleep during detention. Some of the torture and ill-treatment took place in unofficial places of detention." **[12e]**

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8.13 The AI 2007 further stated that:

"There were widespread allegations by adults and minors of torture and ill-treatment during the mass detentions in the course of riots in Diyarbak¹r in March. Two 14-year-old boys reported that they were held for around nine hours at the Çarô¹ police station, stripped naked, made to pour cold water over each other, were threatened with rape, made to lie on a concrete floor, and were forced to kneel down with their hands tied behind their backs while being repeatedly beaten with fists and truncheons and kicked by police officers. Medical reports showed signs of their ill-treatment. They were later transferred to the Children's Department of the Police in another district." **[12e]**

OTHER GOVERNMENT FORCES

Jandarma/Gendarmerie

8.14 As recorded on the website of the General Command of Gendarmerie, updated on 22 October 2007: "The Gendarmerie of The Republic of Turkey, which is responsible for the maintenance of safety and public order as well as carrying out other duties assigned by laws and regulation, is an armed security and law enforcement force, having military nature…In accordance with Act No 2803 on 'The Organization, Duties and Powers of The Gendarmerie', the duties of the gendarmerie fall in four main points as administrative, judicial, military and other duties…The administrative duties cover the activities preventing crime in order to perform the protection, watching, safety and public order" **[99] (Section on Duties)**

8.15 As recorded in the Turkish Economic and Social Studies Foundation (TESEV) report 'Almanac Turkey - Security Sector and Democratic Oversight 2005':

"The basic law concerning the General Command of Gendarmerie (*Jandarma Genel Komutanl*) (JGK) is the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803, put into effect by the Turkish Grand National Assembly (Türkiye Büyük Millet Meclisi, TBMM) on 3 October 1983… **(p99-100)** The official headcount of JGK, established in 1839 as a military organisation, stands at 280,000, 80% of which are enlisted under compulsory military service, whereas the unofficial number is probably closer to 300,000… **(p101)** At any one time, there are 5,000 gendarmerie conducting special missions in Turkey, such as protecting television transmitters belonging to Turkish Radio and Television Corporation… 11,773 gendarmerie, around 10,000 of which are enlisted as part of the compulsory military service, are responsible for providing security, on the 397 kilometers-long Iraqi border as well as for parts of the Iranian and Syrian borders." **[98b] (p102)**

8.16 The same 2005 TESEV report further notes that:

"The gendarmerie executes its duties with officers, petty officers, special officers, non-commissioned officers and soldiers who are trained in the school of the gendarmerie and associated training units. Gendarmerie schools train officers who have graduated from the military academy as well as petty officers who have earned the right to become officers by means of outstanding achievement, in accordance with the services provided by the gendarmerie. Petty and special officers are also trained and educated by these bodies." **[98b] (p103)**

Village Guard

8.17 In correspondence from the Foreign and Commonwealth Office dated 2 July 2007 regarding the Laws amending the village law no: 5673 and its adoption date 27 May 2007 it was noted that;

"ARTICLE 1- The second paragraph of the Village Law of 18/3/1924 with no: 442 has been amended as follows;
In provinces to be determined by the Cabinet; in cases where circumstances which call for declaration of state of emergency and where severe signs of violent actions arise in villages or in their neighbourhood, or in case of any infringement of life and property of the villagers for whatsoever reason, it can be decided upon the proposal of the Governor and approval of the Minister of Interior to appoint enough number of temporary village guards. The number of temporary village guards to be appointed under these circumstances can not exceed 40.000. The Cabinet shall be entitled to increase this number by up to fifty per cent. In case the circumstances which call for appointment of village guards are no more applicable or in case of administrative necessity, the appointment of temporary village guards can be ceased in line with the due procedures regarding such appointments." **[4a]**

8.18 In the same correspondence the FCO further noted that, "The temporary village guards shall be paid throughout the course of the service a monthly salary equivalent to a multiplication of monthly coefficient applicable to the salaries of public officers, by an indicator of 11.500…The boarding of the temporary village guards who participate in operations along with the security forces shall be born by the units under which those security forces operate and from the budget of these units… Additonal article16- The duties of temporary village guards who have completed the age of 55 shall be terminated… Being convicted from a terrorist offense, temporary village guards or their widow(er) s shall not be able to receive any pension." **[4a]**

8.19 As recorded in the Turkish Economic and Social Studies Foundation (TESEV) report published in May 2006:

"The position of provisional village guards (geçici köy korucusu) was created on 26 March 1985 through a clause added by Law no. 3175 to the 1924 Village Law (Law no. 442). They were hired pursuant to the decision of the cabinet of ministers, at the request of the interior ministry. Currently, this practice is in effect in 22 provinces. Not much is publicly known about the principles on which provisional village guards are hired and fired and what their duties precisely entail, since the Implementing Regulation (Yönetmelik) on Law no. 3175 is classified on the grounds that it pertains to 'national security'. According to the interior ministry, as of 7 April 2006 there were 57,174 provisional village guards in the region. In addition, there are also voluntary village guards (gönüllü köy korucusu), or civilians who volunteer to become village guards with the stated purpose of protecting themselves and their families against the PKK." **[98a]**

8.20 The same (TESEV) 2006 report further added that:

"In principle, the hiring of both provisional and voluntary village guards was discontinued in accordance with a government decree in 2000. However, a recent local news account reported that 650 voluntary village guards had been hired in the Sason district of Batman. In response to the TESEV Working Group's query, an interior ministry official said that 'these people had volunteered to protect their villages themselves', that the sub-provincial governor's office had merely registered their names, and that they were not

provided with firearms. According to the interior ministry, 5,139 provisional village guards 'committed crimes' between 1985 and April 2006, and 868 of them were arrested." **[98a]**

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8.21 Furthermore the TESEV 2006 report noted that:

"Despite all the evidence about criminal incidents involving the village guards, there is no indication that the government is planning to disarm the village guards and abolish the village guard system. Overall, the interior ministry's position is that the village guard system is necessary to guarantee the security of returning IDPs. This is in contrast to the position of many civil society organisations which identify the village guards as a security concern for IDPs and returnees because of the numerous human rights abuses committed by provisional village guards in the past." **[98a]**

8.22 As noted in the Human Rights Watch document 'Turkey: Letter to Minister Aksu calling for the abolition of the village guards" published on 8 June, 2006:

"The Turkish government must take immediate steps to abolish the system of village guards, which has given rise to some of the most serious human rights violations in southeast Turkey, and continues to present an obstacle to the return of displaced villagers in that area. In the past three-and-a-half years village guards have killed at least thirteen unarmed villagers, and attacked many others. Continuing violations are severely hindering resolution of the problem of widespread internal displacement in the southeast: the threatening presence of village guards is deterring displaced people from returning to their former homes; village guards occupy displaced persons' houses or land; and displaced villagers fear that on return they will again be put under pressure to join the village guards. There is no legal requirement to join the village guard corps, but security forces often make village guard service an informal requirement for return." **[9d]**

8.23 On 4 August 2006, BBC News published an article stating that the Village Guard was set up originally as a temporary militia group 22 years ago. They are still operating with more than 58,000 members. "It is a system which has long been criticised by human rights organisations for exacerbating mistrust and ethnic divisions in an already troubled region." **[66d]**

Torture

8.24 According to the Turkish Constitution, the use of torture is prohibited, everyone has the right to life and the right to protect and develop his material and spiritual entity. Article 17 states that "no-one shall be subjected to torture or ill-treatment; no-one shall be subjected to penalty or treatment incompatible with human dignity". **[36e]**

8.25 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"The constitution and law prohibit such practices; however, members of the security forces continued to torture, beat, and otherwise abuse persons. Incidents of torture and abuse declined during the year but remained a problem. There was a decline in the severe ill-treatment that prisoners encountered in prior years, but incidents of ill-treatment during police/gendarmerie custody continued, according to the Council of Europe's September 6 report on the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Courts rarely convicted security officials accused of torture and tended to issue light sentences when they did convict." **[5g] (section 1c)**

8.26 The same USSD 2006 report also noted that:

"According to the HRF, there were 338 cases of torture or abuse reported at its five national treatment centers during the year. Of these, 227 cases involved torture or abuse inflicted during the year; the rest involved incidents that occurred previously. HRF stated that there were 10,449 credible reports of torture or abuse from 1990 to 2005. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because they feared retaliation or believed that complaining was futile." **[5g] (section 1c)**

8.27 The International Helsinki Federation for Human Rights (IHF) (Events of 2005), published on 8 June 2006 noted that:

"Since 2003, the government has officially promoted a policy of 'zero tolerance' against torture and ill-treatment. The measures against torture and ill-treatment included eliminating obstacles to the prosecution of officers charged with such offences and to measures to reduce or suspend penalties decided for such officers. New safeguards were put in place to ensure the right of detainees to access medical and legal assistance. The Regulation on Apprehension, Detention and Statement Taking, amended in January 2004, improved the protection of the rights of detainees. European Committee for the Prevention of Torture (CPT) commented in a report published in 2005 that the legislative framework in Turkey was capable of effectively preventing torture, but there was a need to enforce the rules in practice. Despite the legislative improvements introduced in the past two years, Turkey's laws and practices in 2005 still fell short of international standards for the protection of human rights." **[10a] (p434)**

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8.28 As noted in the summary of the HRW report 'Turkey - First Steps Toward Independent Monitoring of Police Stations and Gendarmeries', published on 6 March 2006:

"In Turkey's campaign efforts to eradicate torture, a new program in which provincial human rights bodies monitor local police stations can play a critical safeguard role, but this monitoring needs to be independent and more widespread. Since early 2005, a countrywide network of provincial human rights

boards operating under the prime minister's office has begun to pay both announced and unannounced visits to local police and gendarme stations to ensure that they have implemented safeguards against the torture and ill-treatment of detainees." **[9c]**

8.29 The 2006 HRW report further noted that:

"In recent years, the Turkish government has introduced a number of reforms aimed at protecting detainees from torture and ill-treatment. The Turkish government took two significant steps to open up police stations to independent monitoring. First, it signed the Optional Protocol to the United Nations Convention Against Torture, thereby committing itself to set up 'a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.' Secondly, the countrywide network of human rights boards began to make visits to police stations, as an interim measure until a permanent monitoring system can be established based on commitments under the Optional Protocol." **[9c]**

8.30 The same 2006 HRW report also stated that:

"The human rights board monitoring system is still at an experimental stage, and additional steps are needed in order to ensure that it fulfills its potential to help combat torture. Human Rights Watch made a number of recommendations to the Turkish government. To increase the independence of the boards, the government should encourage bar and medical association delegates to take the lead in monitoring activities, provide the boards with resources independent of the local governors (who are responsible for the police within the province), and invite human rights NGOs (such as Mazlum-Der and the Human Rights Association) to assist boards in visiting activities as consultants." **[9c]**

8.31 The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey from 7 to 14 December 2005 and their report issued on 6 September 2006 noted that:

"New Criminal and Criminal Procedure Codes, as well as a revised version of the Regulation on Apprehension, Detention and Statement Taking, entered into force on 1 June 2005. These texts have consolidated improvements which had been made in recent years on matters related to the CPT's mandate. It is more than ever the case that detention by law enforcement agencies (police and gendarmerie) is currently governed by a legislative and regulatory framework capable of combating effectively torture and other forms of ill-treatment by law enforcement officials. From both the delegation's discussions with detained persons and its own on-site findings, it would appear that progress continues to be made as regards the implementation in practice of the safeguards against ill-treatment provided for by law." **[13a] (section 3 paragraph 21)**

8.32 The CPT 2006 report also noted that:

"However, the picture which emerges from the information gathered by the CPT's delegation is not entirely reassuring. The delegation did receive, in each

of the three Provinces visited, several allegations of recent physical ill-treatment during police/gendarmerie custody, in a few cases of a serious nature. Further, a number of complaints were heard of physical ill-treatment at the time of apprehension and/or in the context of public demonstrations; indeed, there would appear to be a continuing problem of the disproportionate use of force on such occasions. Medical evidence consistent with some of the above-mentioned allegations was found in the end-of-custody medical reports and/or in medical reports drawn up on entry into prison. Further, in several cases, medical members of the delegation observed themselves injuries consistent with allegations made." **[13a] (section 2 paragraph 18)**

8.33 The CPT 2006 report continued:

"The information gathered during the CPT's December 2005 visit would indicate that the curve of ill-treatment by law enforcement officials remains on the decline. However, there are clearly no grounds for complacency, all the more so as reports continue to appear of ill-treatment by law enforcement officials in different parts of the country. The CPT trusts that the Turkish authorities will continue to pursue vigorously their efforts to combat all forms of ill-treatment by law enforcement officials." **[13a] (section 2 paragraph 20)**

8.34 As outlined in the Human Rights Watch (HRW) World Report 2007, published on 11 January 2007, "Reports of torture and ill-treatment remain much lower than in the mid-1990s. However, during the March disturbances in Diyarbakýr, hundreds of people were detained and allegedly tortured, including approximately two hundred children. Almost all those detained during this time reported being beaten, stripped of their clothes, hosed with cold water, or deprived of food." **[9b]**

8.35 The European Commission 2007 report stated, "The legislative safeguards introduced by the zero tolerance policy on torture continue to have positive effects. The downward trend in the number of reported cases of torture and ill-treatment was confirmed. The reforms regarding access to lawyers have shown positive results. Turkey pursued its efforts to strengthen the system for the medical examination of alleged cases of abuse… However, cases of torture and ill-treatment are still being reported, especially during arrest and outside detention centres." **[71d] (p13)**

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TURKISH ARMED FORCES (TÜRK SILAHLI KUVVETLERI, TSK)

8.36 The Turkish General Staff website updated on 30 October 2007 noted:

"The Armed Forces of the Turkish Republic having great geopolitical and geostrategic importance comprise the Army, Navy and Air Force that are subordinate to the Turkish General Staff. The General Command of Gendarmerie and the Coast Guard Command, which operate as the parts of internal security forces in peacetime, are subordinate to the Land and Naval Forces Commands, respectively in wartime… General Hilmi Özkok the 24th

Commander of the Turkish Armed Forces retired on 30 August 2006 and the 25th new Commander of the Turkish Armed Forces is now Yaşar Büyükanıt." **[106]**

8.37 As recorded in Europa World online, Turkey: Defence (website accessed on 18 July 2006), "The total strength of the active armed forces at 1 August 2004 was 514,850 (including 391,000 conscripts), comprising an army of 402,000, a navy of 52,750 and an air force of 60,100. There was a gendarmerie numbering 150,000 and a coast guard of 2,200. Reserve forces totalled 378,700 in the armed forces and 50,000 in the gendarmerie." **[1b] (Turkey: Defence)**

8.38 The Library of Congress 2006 report on Turkey noted that "Turkey's armed forces, the second largest in the North Atlantic Treaty Organization (NATO), are mainly made up of conscripts commanded by a cadre of professional soldiers. In 2005 the army had 402,000 active personnel, the navy had 52,750 active personnel, and the air force had 60,100. Of the active personnel, about 391,000 were conscripts, mainly in the army. In addition, some 379,000 were in the reserves and 150,000 in the national guard." **[79] (page 21)**

Discrimination in the armed forces

8.39 The War Resisters International 2005 document stated that "There have been regular reports of Kurdish conscripts in particular being subjected to discriminatory treatment, especially when they are suspected of having separatist sympathies. Different sources make different assessments of the extent to which Kurdish conscripts face discriminatory treatment within the armed forces." **[53a] (Section on Draft evasion)**

8.40 As reported by the *Turkish Daily News* on 13 August 2005:

"A military court's decision to sentence a gay Turkish conscientious objector to a record four-year prison term is a 'political sentence' and actually serves only to intimidate all conscientious objectors as well as homosexuals in Turkey, his lawyers claimed yesterday. Mehmet Tarhan, a pacifist and gay rights activist who refused to serve his compulsory military service, was arrested in April [2005] and interned in a military prison in the central Anatolian province of Sivas… In June [2005] a judge ordered his release because he had already served the minimum three-month term of imprisonment and returned to his army unit. However, Tarhan was subsequently charged by the Turkish Military Penal Code (TACK) with Article 88, namely, 'Insubordination in front of the unit,' which carries a penalty of between three months and five years' imprisonment. The court duly dealt with the original offense and the second one – Article 88 – and sentenced Tarhan to a four-year and a two-year sentence of imprisonment to run concurrently. The defendant's lawyers announced they have appealed both sentences." **[23m]**

8.41 As noted in an Amnesty International public statement of 9 December 2005:

"Amnesty International is gravely concerned for the health and safety of conscientious objector Mehmet Tarhan, 27, who is currently serving a four-year sentence in Sivas military prison on two charges of insubordination after

refusing to do his military service. During his imprisonment, Mehmet Tarhan has allegedly undergone severe ill-treatment. Furthermore, he is now facing a possible forced physical examination which would amount to cruel, inhuman and degrading treatment, as well as a breach of his right to privacy. Amnesty International considers Mehmet Tarhan to be a prisoner of conscience and calls for his immediate and unconditional release." **[12f]**

8.42 The AI public statement of December 2005 continued:

"Amnesty International received reports that on 30 September 2005, a prison officer accompanied by at least three guards forcibly cut Mehmet Tarhan's hair and shaved his beard against his will while he was held down by at least seven people. The incident reportedly left Mehmet Tarhan in great pain in his neck, hands, left arm and left foot, and unable to turn his head fully. Furthermore observers reported that he had bruises on his limbs. On 1 October 2005, Mehmet Tarhan was reportedly transferred to a military hospital against his will and examined by two military doctors. However, following the examination, which appears to have been cursory (allegedly lasting 10 minutes), he was apparently given a medical report stating that there were no signs of beating on his body and sent back to the military prison. Such an examination would be in clear contravention of the Istanbul Protocol, which stipulates that medical examinations should be thorough and carried out by civilian doctors. Following this incident, Mehmet Tarhan initiated a second hunger strike in protest at the prison authorities' ill-treatment of him, and against the cramped, unhygienic conditions in which he was allegedly being held. According to reports, he was held in a small, dirty cell without windows, and was sometimes held in solitary confinement and denied his rights to make phone calls, receive reading materials and letters or see visitors for up to 15 consecutive days… Mehmet Tarhan reportedly ended his 34-day hunger strike on 2 November 2005 after the meeting of his demands for legal action to be taken against those who forcibly held him down and shaved him, and for equal treatment to that of other prisoners." **[12f]**

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8.43 As reported on 31 December 2005 on the website of the gay group Kaos GL (quoting 365Gay.com):

"Turkish LGBT rights groups have appealed to the European Union to investigate the treatment of a gay pacifist jailed for refusing to serve in the military. In a letter to the Members of the European Parliament the groups - Kaos, Lambda Istanbul, and Rainbow Antalya - say that Mehmet Tarhan is facing an anal examination to prove he is gay. There are allegations that prison guards have encouraged other prisoners to repeatedly beat, humiliate and threaten Tarhan with death, even in front of his lawyer. He was first jailed on April 8 [2005]. When he appeared in court in June human rights observers said Tarhan could not walk properly and his body was covered in bruises." **[96a]**

8.44 Kaos GL also reported that:

"Under Turkish military law homosexuality is considered a psychosexual disorder and those who have this 'pathology' are considered 'unfit to serve' in the Turkish Armed Forces. But, exemption from military service on the grounds of homosexuality is an [sic] extremely difficult and humiliating. One is required to submit photographs or videos graphically displaying sexual intercourse with another man and/or submit to an anal examination that supposedly yields proof of passive anal sex. Even so there is no guarantee of being exempted from service." **[96a]**

8.45 On 10 March 2006 Turkish War Resisters International reported that conscientious objector Mehmet Tarhan had been unexpectedly released from military prison in Sivas, following an order of the Military Court of Appeal in Ankara who had to deal with appeals against the decision of the Sivas Military Court from 15 December 2005.

"The court gave as reason that, in case Mehmet Tarhan would be finally sentenced, the sentence would unlikely be higher than what he had already served…The decision is a surprise, because normally the Court of Appeal does not have the power to order the release of a prisoner - it can only refer the case back to the military court, and judge on the validity of a ruling by a military court. After his release from the military prison in Sivas, Mehmet Tarhan was brought to the recruitment office in Sivas, where he was given an order to present himself to his military unit. Mehmet Tarhan did not follow this order, and is presently visiting his family. This means that soon he will be officially classified as 'deserter', and could be re-arrested any time. The procedure is very similar to the case of Osman Murat Ülke, who recently won his case at the European Court of Human Rights in Strasbourg. It can be assumed that the Court of Appeal reacted to the pressure created by the decision of the European Court of Human Rights in the case of Osman Murat Ülke… Mehmet Tarhan is now in exactly the same situation. Although released from prison, he faces a 'clandestine life amounting almost to 'civil death', unless Turkey finally recognise [sic] the right to conscientious objection and solves a backlog of almost 80 existing conscientious objectors." **[53b]**

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8.46 The USSD 2005 report recorded that:

"Reports by Mazlum-Der, the media, and others indicated that the military periodically dismissed religiously observant Muslims from military service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they were concerned could indicate disloyalty to the secular state. According to Mazlum-Der, the military charged individuals with lack of discipline for activities that included performing Muslim prayers or being married to women who wore headscarves. According to the military, officers and NCOs were periodically dismissed for ignoring repeated warnings from superior officers and maintaining ties to what the military considered to be Islamic fundamentalist organizations. On November 30, the government reported 37 military dismissals of which they claimed two

were associated with religious extremism. An additional 17 were reportedly expelled in August for unspecified disciplinary reasons." **[5g] (Section 2c)**

See also Section 9:10 Conscientious objectors (Vicdani Retci)

Extra-judicial killings

8.47 For the year 2005, the Human Rights Association (HRA/IHD) recorded 225 extra-judicial executions/deaths as a result of torture/deaths in detention/killings by village guards. (Letter from the British Embassy in Ankara to the Home Office dated 6 April 2006 providing data from the Human Rights Association's Annual Report 2005) **[4l]**

8.48 The Amnesty International (AI) report "No impunity for state officials who violate human rights" noted in May 2006 that:

"Amnesty International considers that the bombing of a bookshop in the southeast town of Semdinli on 9 November 2005 raises fundamental questions about human rights violations allegedly perpetrated by the Turkish security forces in the course of counter-terror operations; and that the incident casts serious doubts on the will of the Turkish authorities to ensure that allegations of grave human rights violations – in particular those allegedly committed by members of the security forces – are promptly, thoroughly and impartially investigated and the alleged perpetrators brought to justice." **[12a]**

8.49 The same AI report further noted that:

"Amnesty International is concerned that to date, in spite of such assurances by the Prime Minister, the criminal investigation into the bombing and its circumstances has been mired by the interference of senior government, state and military officials, and that the recent decision by the Higher Council of Judges and Prosecutors to dismiss from office the prosecutor who prepared the indictment constitutes a flagrant assault on the independence of the prosecution in Turkey today. The organization is seriously concerned that the impact of such interference may have a chilling effect on the proper administration of justice in this and any other similar cases." **[12a]**

8.50 As outlined in the Human Rights Watch (HRW) World Report 2007, published on 11 January 2007 noted that:

"There was a sharp increase in indiscriminate and disproportionate use of lethal force by security forces in dealing with protestors, as well as during normal policing. In March youths attending the funerals of PKK militants clashed with police, throwing stones and petrol bombs. During the ensuing street battles in Diyarbakýr and other cities police fired bullets, gas grenades, and stones at rioters, killing eight people, including innocent bystanders and four children under 10 years of age. In other incidents during 2006, police shot and killed 13 persons either in error or because they were deemed not to have heeded orders to stop. Instead of conducting an inquiry into the use of lethal force resulting in these deaths, in June the government amended the Anti-Terror Law, authorizing security forces to use weapons directly and without delay." **[9b]**

8.51 The European Commission 2007 report recorded that:

"No change has been made to the Turkish Armed Forces Internal Service Law and the law on the National Security Council. These laws define the role and duties of the Turkish military and grant the military a wide margin of manoeuvre by providing a broad definition of national security. No progress has been made in enhancing civilian control over the Gendarmerie when engaged in civilian activities… Overall, no progress has been made in ensuring full civilian supervisory functions over the military and parliamentary oversight of defence expenditure. On the contrary, the tendency for the military to make public comments on issues going beyond its remit, including on the reform agenda, has increased" **[71d] (p9)**

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9 MILITARY SERVICE

9.01 The Freedom House report, 'Countries at the Crossroads 2005 – Turkey', noted that:

"The military holds a special place in the Turkish republic. Since Turkey's first military coup, in 1960, it has acted as the guarantor of Turkey's secularism, territorial integrity, and government functioning. While it has never stayed in power long, it used the first and subsequent coups, in 1971 and 1980, to increase its autonomy and enhance its role during civilian rule…Reducing the political influence of the military has been a prime concern of the EU. Beginning with the 2001 constitutional amendments, Turkey has confined the NSC to an advisory role with, as of August 2004, a civilian at its head; it has removed the military members from the higher education council and RTUK; and it has increased transparency and parliamentary oversight of military expenditures. The military is still not entirely subservient to the ministry of defense, and its budget remains disproportionately high…Public trust in the military is strong, and military schools are among the best in the country, thus contributing to the continued power and prestige of this institution." **[62c] (p8)**

9.02 According to Article 1 of the Military Act No.1111 (1927) every male Turkish citizen is obliged to carry out military service. **[21] (p1)** The length of military service is 15 months. University graduates may perform 8 months' military service, or 12 months if they are trained to become reserve officers. All men between the ages of 19 and 40 are liable for military service. Men who have not fulfilled their military service by the age of 40 and who have not been legally exempt from service, may still be called up after the age of 40. **[53a]**

9.03 Furthermore the 'Refusing to Bear Arms: A world-wide survey of conscription and conscientious objection to military service' (Turkey: 2005 update) by War Resisters International states:

"Different military service regulations apply for Turkish citizens who are living abroad. They can postpone their service up to the age of 38, for a period of three years at a time. Turkish citizens living abroad may also partially buy themselves out of military service by paying a sum of 5,112 Euros. However, in this case they still need to perform a one-month military service. Turkish citizens who live abroad and who possess dual nationality may get legally exempt from service, on the condition that they lived abroad before the age of 18 and that they performed military service in another country. Exemption on this ground is only possible if the length of military service that has been performed in another country is considered to be comparable to the length of service in Turkey." **[53a]**

9.04 The website "All about Turkey" on the Turkish Army however noted that:

"Military service in Turkey is compulsory for all male citizens between 20 - 41 years of age (with some exceptions such as handicapped, or mentally ill, or not healthy people). For Turkish citizens who have lived or worked abroad for at least 3 years, a basic military training of 3 weeks is offered instead of the full-

term military service if they pay a certain fee in foreign currency (was 10.000 old German Marks, equal to 5.112 Euros of today). **[15a]**

DEFERRING MILITARY SERVICE

9.05 According to Article 35 of the Military Act No.1111 (1927) a number of provisions allow people liable to military service to defer their service, principally for educational reasons. In accordance with Article 35c, military service for those attending a school in Turkey or abroad is deferred until the end of the year in which they reach 29. Under Article 35e, the military service of university graduates who attend a postgraduate programme is deferred until the end of the year in which they reach the age of 33. Furthermore, for those post-graduate students whose studies in local or foreign post-graduate programmes are proved to be an innovation or development in the respective field of study, military service is postponed to the end of the year in which they reach the age of 36. **[21] (p13-14)**

9.06 As recorded on the website of the Turkish Ministry of National Defence (undated, website accessed on 13 February 2006):

"All recruitment procedures of our citizens, (residing abroad with the title of employee, employer, craftsmen or any other profession having the working or residence permit), such as final military roll call, summons and conscription can be postponed by the Ministry of National Defence until the end of the year they completed the age of 38 (until December 31st of the year they completed the age of 38)…The military service of the undergraduate and postgraduate students who work as part time workers and as workers who are not subject to income tax and whose residence and working permit are given due to their status as students, can not be deferred." **[100] (Section on Deferments)**

9.07 The Turkish government has never considered introducing legislation on conscientious objection. A brochure published by the armed forces in 1999 in fact stated: "In our laws there are no provisions on exemption from military service for reasons of conscience. This is because of the pressing need for security, caused by the strategic geographic position of our country and the circumstances we find ourselves in. As long as the factors threatening the internal and external security of Turkey do not change, it is considered to be impossible to introduce the concept of 'conscientious objection' into our legislation". **[53a]**

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EVASION OF MILITARY SERVICE AND PUNISHMENT

9.08 As recorded in the report 'Refusing to Bear Arms: A world-wide survey of conscription and conscientious objection to military service' (Turkey: 2005 update) by War Resisters International:

"Draft evasion (asker kacagi) and desertion are widespread. The exact number of draft evaders is not known, but the number is estimated to be approx.

350,000. Draft evasion is prompted by the risk of being sent to serve in South Turkey and poor conditions and human rights violations within the armed forces…Draft evasion and desertion are punishable under the Law on Military Service and the Turkish Military Penal Code. Turkish law actually makes a distinction between evasion of military registration, evasion of medical examination, evasion of enlistment and desertion. According to Article 63 of the Penal Code, draft evasion is punishable (in peacetime) by imprisonment of:

- One month for those who report themselves within seven days;
- Three months for those who are arrested within seven days;
- Between three months and one year for those who report themselves within three months;
- Between four months and 18 months for those who are arrested within three months;
- Between four months and two years for those who report themselves after three months;
- Between six months and three years for those who are arrested after three months;
- Up to ten years' imprisonment in the case of aggravating circumstances, such as self-inflicted injuries using false documents (Articles 79-81 of the Penal Code).

"Desertion is punishable under Articles 66-68 of the Penal Code with up to three years' imprisonment. Deserters who have fled abroad may be sentenced to up to five years' imprisonment, and up to ten years in case of aggravating circumstances (Article 67)." **[53a] (Section on Draft evasion)**

9.09 As recorded in the 2005 updated report by War Resisters International, "Draft evasion is prompted by the risk of being sent to serve in South Turkey and poor conditions and human rights violations within the armed forces. There have been regular reports of Kurdish conscripts in particular being subjected to discriminatory treatment, especially when they are suspected of having separatist sympathies." **[53a] (Section on Draft evasion)**

CONSCIENTIOUS OBJECTORS (VICDANI RETCI)

9.10 As noted in an Amnesty International public statement of 9 December 2005:

"Conscientious objection is not recognized in Turkish law…In Turkey it is compulsory for all men between the ages of 19 and 40 to do military service for 15 months. Amnesty International is concerned that the right to conscientious objection is not legally recognized by the authorities, and provisions do not exist for an alternative civilian service for conscientious objectors… In recent years in Turkey there have been a small number of conscientious objectors who have publicly stated their refusal to carry out military service. They are usually subject to criminal prosecution." **[12f]**

9.11 The War Resisters International 2005 document noted that:

"The right to conscientious objection is not legally recognized. Although Article 24.1 of the 1982 Constitution guarantees the right to freedom of conscience, the

Constitution does not widen this to include the right to conscientious objection to military service. In 1991, the Turkish Constitutional Court explicitly ruled that the freedom of conscience mentioned in Article 24 does not include the right to conscientious objection to military service." **[53a] (Section on Conscientious objection)**

9.12 The War Resisters International 2005 document further noted:

"Since the 1990s, there are a small number of COs who publicly state that they refuse to perform military service for non-religious, pacifist reasons. The Turkish language actually makes a distinction between conscientious objectors (vicdani retci) and draft evaders (asker kacagi)… Between 1995 and 2004 approx. 40 men have openly declared themselves as conscientious objectors, mostly by making a public statement or giving media interviews about their reasons for refusing military service. COs may be punished under Article 63 of the Turkish Military Penal Code for avoiding military service. COs who attract media attention or publish articles about their refusal to perform military service may also be punished to between six months' and two years' imprisonment under Article 318 of the Turkish Criminal Code for 'alienating the people from the armed forces'. In 2004, a new Criminal Code was introduced (Law No 5237). Under the previous Criminal Code, 'alienating people from the armed forces' was punishable under Article 155 with a similar term of imprisonment…In recent years, it appears that the Turkish authorities have refrained from harsh punishment of COs. This may have been caused by the fact that previous trials of COs attracted considerable (international) attention and the Turkish authorities may wish to avoid further attention for the issue of conscientious objection. However, as long as there are no legal provisions for their right to conscientious objection, the legal position of CO's remains vulnerable and they may still be subject to criminal prosecution. In 2004 there were five known cases of COs." **[53a] (Section on Conscientious objection)**

9.13 As reported by the *Turkish Daily News* on 25 January 2006:

"The European Court of Human Rights ruled yesterday that Turkey had violated the rights of a Turkish citizen who was the first conscientious objector in the country to openly declare his refusal to perform compulsory military service for reasons of conscience. In the matter of the complaint filed by Osman Murat Ülke, the Strasbourg-based court decided that Turkey had violated Article 3 of the European Convention on Human Rights concerning the prohibition of inhumane or degrading treatment and ruled that Turkey pay 11,000 euros in financial compensation to the complainant." **[23l]**

9.14 As mentioned in a press release of the European Court of Human Rights published on 24 January 2006 on the website of the Council of Europe (COE):

"The Court noted that, despite the large number of times the applicant had been prosecuted and convicted, the punishment had not exempted him from the obligation to do his military service. He had already been sentenced eight times to terms of imprisonment for refusing to wear uniform. On each occasion, on his release from prison after serving his sentence, he had been escorted back to his regiment, where, upon his refusal to perform military service or put on

uniform, he was once again convicted and transferred to prison. Moreover, he had to live the rest of his life with the risk of being sent to prison if he persisted in refusing to perform compulsory military service." **[29a]**

9.15 The ECHR continued:

"The Court noted in that connection that there was no specific provision in Turkish law governing penalties for those who refused to wear uniform on conscientious or religious grounds. It seemed that the relevant applicable rules were provisions of the military penal code which made any refusal to obey the orders of a superior an offence. That legal framework was evidently not sufficient to provide an appropriate means of dealing with situations arising from the refusal to perform military service on account of one's beliefs. Because of the unsuitable nature of the general legislation applied to his situation the applicant had run, and still ran, the risk of an interminable series of prosecutions and criminal convictions." **[29a]**

See also Section 8:35 Discrimination in Armed Forces

9.16 According to the Netherlands Ministry of Foreign Affairs General official report on military service July 2002 sources within military jurisprudence and the Turkish Ministry of the Interior and the Ministry of Foreign Affairs, decided in the second half of 2001 that Turkish citizenship would no longer be withdrawn from Turks living abroad before the age of 38. This would allow conscripts the opportunity to report to the Turkish Embassy in their country of residence before reaching this age to apply for an extension with retroactive effect. Withdrawal of citizenship may only be applied in the case of individuals who indicate to the Turkish Embassy in the country in question their point blank refusal to perform military service. This is because in such cases it is unlikely that the individuals concerned would apply for an extension before the age of 38. **[2d] (section 6.6)**

9.17 Under Article 8 of Turkish Nationality Law No. 403 (1964), Turkish citizenship may be restored even if the individual concerned is not residing in Turkey at that point in time. **[26a] (p3)** The Netherlands report July 2002 states that "An application for the restoration of Turkish citizenship can be granted if the applicant states that he is still going to perform military service. Turkish citizenship can still be recovered after the age of 40. The age of 40 only signals the end of military service age for individuals who have already performed military service." **[2d] [section 6.6]**

Posting after completion of basic training

9.18 The Netherlands report 2001 stated that "Every conscript's unit for posting after his basic training is determined by computer by the Directorate for the Recruitment of Conscripts in the Ministry of Defence. The place of subsequent posting depends upon the basic training undergone, the place of registration and possible criminal record." **[2b] (p19)** "Anyone who has been convicted of theft is therefore very unlikely to be placed in a unit responsible for managing an arms depot. Among others, spokesmen for the Turkish human rights association IHD and various military sources say that they do not believe that a record of past criminal offences, whether or not of a political nature, results in

an extra-harsh posting by way of additional punishment…. Spokesmen for the IHD also consider it unlikely that conscripts are screened on the basis of ethnic origin or religious or political convictions for the purpose of deciding on subsequent postings." **[2b] (p21)**

9.19 The War Resisters International report noted that:

"For years, the Turkish armed forces have been involved in heavy fighting with the PKK in South Eastern Turkey. In 1999 a ceasefire was agreed between the Turkish government and the PKK, but the situation has remained tense ever since. All conscripts may be sent to serve in South Eastern Turkey as postings of conscripts are usually decided at random by computer. There is a sizeable group of conscripts of Kurdish origin who refuse to perform military service because they do not want to fight against their own people. Many Kurdish draft evaders have, in fact, left Turkey and applied for asylum abroad."
[53a] (Section on Draft evasion)

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10 JUDICIARY

See also Annex D "Administration of justice" and Annex E for a comprehensive description of the Court system in Turkey

ORGANISATION

10.01 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the nation's highest court; and three other high courts. The high court of appeals hears appeals for criminal cases, the council of state hears appeals of administrative cases or cases between government entities, and the audit court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In 2004 parliament adopted legislation providing for the establishment of regional appeals courts to relieve the high court's caseload and allow the judiciary to operate more efficiently." **[5g] (section 1e)**

10.02 The 2006 USSD report noted:

"The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court cannot consider 'decrees with the force of law' issued under a state of emergency, martial law, in time of war, or in other situations as authorized by parliament. Military courts, with their own appeals system, hear cases involving military law for members of the armed forces. Military courts can also hear cases involving crimes committed by both civilians and military personnel." **[5g] (section 1e)**

10.03 The EC 2007 report further stated that:

"864 judges and 476 prosecutors were appointed during the reporting period (1 October 2006 to early October 2007). The funds for the judiciary have increased from € 409 million in 2005 to € 482 million in 2006 and are planned to reach € 865 million by the end of 2007. In May 2007, nine locations for regional courts of appeal were identified and their geographical areas of jurisdiction defined in line with legal requirements." **[71d] (p10)**

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INDEPENDENCE

10.04 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"The constitution and law provide for an independent judiciary; however, the judiciary was occasionally subject to outside influence. There were reports of judicial corruption. The law prohibits the government from issuing orders or recommendations concerning the exercise of judicial power; however, the government and several high-ranking military officers on several occasions issued announcements or directives about threats to the government, which could be interpreted as general directions to the judiciary." **[5g] (section 1e)**

10.05 The 2006 USSD report noted:

"The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The minister of justice serves as chairman of the seven-member high council, and the justice ministry undersecretary also serves on the council. The high council selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The high council is located in the Ministry of Justice and does not have its own budget." **[5g] (section 1e)**

10.06 The EC 2007 report recorded that, "As regards the independence of the judiciary, YARSAV filed an application with the Council of State in October 2006 to limit the role of the Ministry of Justice in the process of selecting candidate judges and prosecutors; also, to stop conducting the planned examinations to recruit some 600 candidate judges and prosecutors… However, in August 2007 YARSAV lodged a complaint with the Council of State for the annulment of the new regulation as well. The case is pending before the Council of State." **[71d] (p58)**

10.07 Furthermore the EC 2007 report noted that, "According to a court decision of 2006, judges and prosecutors could access their appraisal files. This is no longer possible under a new regulation on judicial inspectors issued by the Ministry of Justice in January 2007. This regulation also extends the responsibilities of the inspectors who now cover, among other things, probation centres and regional courts of appeal to be established. In March, YARSAV filed a lawsuit with the Council of State for the annulment of the regulation, arguing that the inspectors should not be attached to the Ministry of Justice. The case is still pending." **[71d] (p58)**

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10.08 The EC 2007 report recorded that:

"Efforts to modernise the judiciary through the use of information technology continued. Judges have reported positive results as regards the National Judicial Network Project (UYAP) on court proceedings while the lawyers' portal was integrated into this network in March… However, concerns remain as regards the independence and the impartiality of the judiciary… There have been tensions as regards the appointment of high court judges… Overall, there has been some progress as regards the efficiency of the judiciary through implementation of adopted legislation and continued use of IT. However, tensions in the relations between the government and the judiciary have not

been conducive to the smooth and effective functioning of the system. More needs to be done in terms of strengthening the independence and impartiality of the judiciary…**[71d] (p10)** Training for law enforcement bodies, judges and prosecutors should be stepped up." **[71d] (p18)**

THE COURT SYSTEM

10.09 As recorded by the Turkish Embassy website 2004:

"According to the Turkish law today, the power of the judiciary is exercised by Judicial (Criminal), and Administrative Military Courts. These Courts render their verdicts in the first instance, and the superior courts examine the verdict for the last and final ruling. The superior courts are: the Constitutional Court, the Court of Appeals, the Council of State, the Military Tribunal of Appeals, the Supreme Military Administrative Court, the Court of Jurisdictional Dispute, the Court of Accounts and the Supreme Council of Judges and Public Prosecutors." **[74] (The Court System)**

COURTS

10.10 The same website also noted that, "The courts in Turkey are in fact divided into courts of justice, administrative courts, military courts and the Constitutional Court. Except the Constitutional Court, they are further divided into lower and higher courts." **[74] (The Court System)**

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MILITARY COURTS

Military Criminal Courts (Askeri Ceza Mahkernesi)

10.11 The TESEV 2005 report further noted that:

"There is no definition in the Military Penal Code (Askerî Ceza Kanunu, ACK) as to what constitutes a military crime. Crimes committed by civilians in concert with military personnel are considered military crimes, which constitutes the grounds for their trial in military courts and causes them to be separated from their natural judges… **(p52)** In other words, military crimes should be those crimes committed by military personnel and related to military duty and service alone. These must be defined as those acts that directly affect military discipline and infringe upon military service and duty." **[98b] (p53)**

10.12 As recorded in 'Political Structure of Turkey' November 2005:

"The Supreme Military Court of Appeals is the court of final instance for all rulings and verdicts rendered by military courts. It is also a court of first and final instance with jurisdiction over certain military personnel, stipulated by law, with responsibility for any specific trials of these persons. The Supreme Military Administrative Court has jurisdiction over military personnel in administrative or active military service. The Court of Jurisdictional Conflicts is the final authority

to settle disputes concerning the verdicts of the Justice, Administrative or Military Courts. This court is made up of members of the Court of Appeals, the Council of State, the Supreme Military Court of Appeals, and the Military Administrative Court of Appeals. Military Courts have jurisdiction to try military personnel for military offenses, for offenses committed by them against other military personnel or crimes committed in military places, or for offenses connected with military service and duties." **[36g] (Section on Judiciary)**

10.13 The European Commission Turkey 2006 Progress Report recorded that "There has been progress concerning the competence of military courts to try civilians. Under the law amending the relevant provisions of the Military Criminal Code as adopted in June 2006, no civilian will be tried in military courts in peacetime unless military personnel and civilians commit an offence together. The new law also introduces the right of retrial in military courts." **[71a] (p7)**

The Military Criminal Court of Cassation (Askeri Yargitay)

10.14 As noted by the Turkish Embassy website 2004, "According to the law, this court functions as the court of appeal of all decisions and judgments given by Military courts. It is divided into five chambers." **[74] (The Court System)**

STATE SECURITY COURTS (DEVLET GÜVENLIK MAHKEMESI)

10.15 The Freedom House report 'Countries at the Crossroads 2005 – Turkey', noted that:

"Another [in addition to the introduction of the new penal code in September 2004] major change to the justice system has been the May 2004 abolition of State Security Courts. These courts, comprising both civilian and military judges, tried cases against the integrity of the state and had been accused of human rights abuses and an absence of due process…The cases formerly under their jurisdiction have been passed to other courts. The end of the State Security Courts is widely considered to be positive, although it remains to be seen whether the types of cases formerly tried in them will be any better served by the new system." **[62c] (p13)**

10.16 Amnesty International's Summary of Concerns September 2004 stated that, "Human rights defenders welcomed the move to abolish the much criticized State Security Courts, but strongly urged that the establishment of special heavy penal courts which would deal with organized crime, 'terrorism' and crimes deemed to endanger state security be more than simply a change of name for the same institution." **[12l] (p56)**

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10.17 The September 2006 Amnesty International's (AI) report "Turkey Justice Delayed and Denied" noted that:

"In the context of a package of reforms to the Constitution passed in June 2004, the State Security Courts were formally abolished. The move was heralded by

the government as a 'turning point'. After some uncertainty about their new name, the State Security Courts were transformed into Heavy Penal Courts. Heavy Penal Courts (ağır ceza mahkemeleri) already existed within the regular judicial system, but those that replaced the former State Security Courts were only competent to try cases involving organized crime, terrorism and state security.Though nominally integrated into the regular judicial system, these courts did not in fact deal with cases outside those areas… The new special Heavy Penal Courts thus continued to try cases that had started before them when they were State Security Courts." **[12c]**

10.18 The AI 2006 report further stated that:

"Judges and prosecutors of the special Heavy Penal Courts are often the same individuals who presided over the same cases when they were before the State Security Courts, and lawyers have consistently complained to Amnesty International that there has been no change to the panel of judges they encounter during trial hearings. The new courts are still widely known by their old name. A large backlog of cases from the State Security Courts was thus transferred to the special Heavy Penal Courts and the main argument of this report is that the new courts have failed to confront some of the most serious violations of the right to fair trial perpetuated in the earlier courts." **[12c]**

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THE CONSTITUTIONAL COURT (ANAYASA MAHKEMESI)

10.19 As noted by the Turkish Embassy website 2004, "The Constitutional Court consists of 11 regular members and four alternate members. All judges of the Constitutional Court hold office until they retire at the age of 65 like all other judges in Turkey." **[74] (The Court System)**

10.20 As recorded in 'Political Structure of Turkey' November 2005:

"The basic function of the Constitutional Court, established in the 1961 Constitution, is to examine the constitutionality, in both form and substance, of laws, and decrees with the power of law and the Rules of Procedure of the Turkish Grand National Assembly. Other functions of the Court are as follows: With the capacity of the High Tribunal, the Constitutional Court judges the following: the President, members of the Council of Ministers, members of supreme courts, the chairman and members of the Supreme Council of Judges and Public Prosecutors and of the Supreme Council of Public Accounts, the Chief Republic Prosecutors and the Deputy Republic Chief Prosecutors for crimes related to their offices. It audits the finances of political parties. It examines TGNA decisions to revoke the immunities of deputies, or to dismiss members of parliament. It chooses the Chairman and Deputy Chairman of the Court of Jurisdictional Conflicts. The Constitutional Court is composed of 11 regular and four substitute members. Decisions are made when the eleven members convene. The decisions of the Constitutional Court are final. These decisions cannot be amended in any manner and their application cannot be delayed." **[36g] (Section on Higher Courts)**

10.21 The USSD 2006 report stated that:

"The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court cannot consider decrees with the force of law issued under a state of emergency, martial law, in time of war, or in other situations as authorized by parliament." **[5g] (section 1e)**

10.22 As reported on 26 July 2005 by the Office of the Prime Minister, Directorate General of Press and Information (quoting the newspaper *Cumhuriyet*) on the previous day Tulay Tugcu was elected the first female head of the 44-year-old Constitutional Court. **[36f]**

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FAIR TRIAL

10.23 The International Helsinki Federation (IHF) for Human Rights 2006 Turkey report noted:

"Both the government and the military maintained their influence on the judiciary, and corruption remained widespread in the judiciary. Violations of fair trial and due process rights continued to be frequently reported. With respect to terrorist suspects, Amnesty International documented a range of violations, including failure to investigate allegations of torture and ill-treatment; the admission of statements made under duress as evidence; denial of equality of arms and the right to an effective defense; and excessively long pre-trial detention and protracted criminal proceedings. A considerable number of people charged with terrorism-related crimes, some of whom had been arrested as far back as in 1993, remained in detention in maximum security prisons pending trial." **[10c]**

10.24 The USSD 2006 report stated that:

"There is no jury system; a judge or a panel of judges decides all cases. Trials are public. The law requires bar associations to provide free counsel to indigents who request it from the court and bar associations across the country did so in practice. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right to appeal." **[5g] (section 1e)**

10.25 The USSD 2006 report continued:

"The law provides for the right to a speedy trial; however, at times trials lasted for years. Proceedings against security officials often were delayed because

officers did not submit statements promptly or attend trials. In several cases, such delays extended beyond the statute of limitations, causing the trial to end without a verdict. The law prohibits the use of evidence obtained by torture in court; however, prosecutors in some instances failed to pursue torture allegations, and exclusion of evidence occurred only after a separate case on the legality of the evidence was resolved. In practice a trial based on a confession allegedly coerced under torture could proceed, and even conclude, before the court had examined the merits of the torture allegations." **[5g] (section 1e)**

10.26 The EC 2006 report noted that:

"As regards the right to an effective remedy and to a fair trial, the average criminal trial period increased from 210 days in 2004 to 234 days in 2005, and so did the average duration of civil proceedings, from 177 days in 2004 to 184 days in 2005. The pending cases before the criminal courts remained stable: 1 050 754 criminal cases were carried over from 2004 to 2005, while 1 050 250 criminal cases were carried over from 2005 to 2006. The pending cases before the civil courts slightly increased: 757 560 cases were carried over from 2005 to 2006, compared to 717 960 cases carried over from 2004 to 2005." **[71a] (p61)**

10.27 The EC 2007 report noted that:

"With regards to a fair trial there has been no progress on the establishment of an organised, professional interpretation system in courts. Interpreters are not included on the list of expert witnesses and are often summoned among court auxiliary staff. As regards legal aid, amendments to the Turkish Criminal Code and the Criminal Procedure Code were adopted in December. They relate, among other things, to the compulsory commissioning of a defence lawyer. In cases where the suspect or the defendant does not have a defence lawyer and the offence is calling for a lower limit of imprisonment of more than five years, a defence lawyer shall be appointed for suspects and defendants without requesting them." **[71d] (p 63)**

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PENAL CODE

10.28 The European Commission report 2007 report stated:

"Progress was registered in the fight against organised crime. A national strategy against organised crime was adopted. A new law on anti-smuggling was adopted. It aims at adapting legislation to the provisions of the new Turkish penal code and code on criminal procedures." **[71d] (p65)**

10.29 The *Turkish Daily* News in an article published on October 3, 2007 reported that," The government will change the much-criticized Article 301 of the penal code that penalizes insulting "Turkishness" before the release of Turkey's European Union Progress Report in early November…Many see Article 301 as

a violation of the freedom of expression and the EU has been demanding its removal in order for Turkey to continue its membership process." **[23f]**

See also Section 15:01 Freedom of Speech and Media

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CODE OF CRIMINAL PROCEDURE

10.30 The European Commission 2007 report stated that:

"Some progress has been made in terms of the efficiency of the judiciary, including through amendments to the Turkish Criminal Code (CC) and the Criminal Procedure Code (CPC) adopted in December 2006. These amendments extend the discretion of the prosecutor as regards decisions not to prosecute, while the provisions regarding mediation are simplified. Judicial supervision - introduced in the CPC as an alternative to arrest for offences requiring imprisonment of three years or less - has started functioning satisfactorily. Probation is an area where progress has been achieved in implementation: 133 probation centres employing 1,298 staff have become fully operational since November 2006." **[71d] (p 9-10)**

10.31 The EC 2007 report further noted that, "However, some provisions introduced under the CPC such as return of the indictment, mediation (plea bargaining) and cross-examination have not been used sufficiently in practice. As regards the regional courts of appeal, under the 2004 legislation establishing these courts, they were due to start operating in June 2007: in the event, this did not materialise. Finally, the bar examination for a lawyers' licence was abolished under legislation adopted in November 2006. The implementation of this provision should be monitored as it might lead to lower standards in the profession." **[71d] (p59)**

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11 ARREST AND DETENTION – LEGAL RIGHTS

11.01 The European Commission 2007 report stated that:

"However, cases of torture and ill-treatment are still being reported, especially during arrest and outside detention centres. There is no independent monitoring of places of detention by independent national bodies, pending the adoption of the Optional Protocol to the UN Convention against Torture. The use of statements obtained in the absence of legal counsel or which are not confirmed in front of a judge is prohibited by the Criminal Procedure Code. However, the Court of Cassation ruled that the ban on the use of such statements does not apply retroactively." **[71d] (p13)**

11.02 The EC 2007 report also noted that:

"Some progress was made regarding access to justice. Access to a lawyer for detainees improved during the reporting period. Reports indicate that in urban areas most detainees consulted lawyers immediately after detention. However, access to lawyers has varied across the country and according to the type of crime committed. Security forces have not always provided detainees with immediate access to lawyers, as required by law. In rural areas, particularly in the Southeast of the country, there have been a higher number of cases where defendants have not had access to a lawyer on terms similar to those applying in urban areas. Under the current legal framework, defendants are under the obligation to return the lawyers' fees if they are sentenced." **[71d] (p14)**

11.03 The 2006 USSD report noted:

"HRA claimed police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention. Detainees were generally allowed prompt access to family members; however, human rights organizations reported that since October, they have been hindered from helping families find out whether a relative has been detained because the government began to refuse to release such information to the organizations." **[5g] (section 1d)**

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11.04 As noted in a letter from the British Embassy in Ankara to the Home Office, dated 28 September 2005:

"A new Code on Criminal Procedure (CCP) came into force on 1 June 2005. As part of the new CCP, 'judicial controls' [reporting conditions] were introduced which allow courts to impose a number of restrictions on suspects or defendants in criminal cases. This includes the condition of reporting regularly, within the time limits indicated, to a place specified by the judge."

As mentioned in this letter Article 109 and article 110 of the CCP set out the detail of 'judicial controls'.

A109 – Judicial supervision

(1) Where there are reasons for arrest as specified in Article 100 and where an investigation is being conducted with regard to an offence necessitating imprisonment, with an upper limit of 3 years or less, a decision may be taken to place the suspect under judicial supervision instead of placing him under arrest.
(2) Judgements in favour of judicial supervision may also be applied to cases for which the law prohibits arrest.
(3) Judicial supervision may involve the imposition of one or more of the following obligations upon the suspect:
    (a) not to go abroad,
    (b) to appear regularly within the time limits indicated at places specified by the judge,
    (c) to obey the summons of authorities or persons specified by the judge, and where necessary to comply with supervisory measures regarding the persons occupational activities or the pursuit of his education,
    (d) not to be permitted to drive any or certain vehicles, and where necessary to leave his driving licence at a government office in return for a receipt,
    (e) to undergo and accept medical care or treatment or examination, for detoxification purposes, particularly with respect to narcotics, stimulants or volatile substances or alcohol dependency and including hospitalization,
    (f) to deposit an amount of money as a security, as determined by the judge at the request of the public prosecutor, after taking into account the financial circumstances of the suspect and deciding if it is to be paid in more than one instalment,
    (g) not to possess or carry weapons, and if necessary to leave any weapons in his possession at a judicial depository, in return for a receipt,
    (h) to provide real and personal security for monies needed to secure the rights of the injured party, concerning which the judge, at the request of the public prosecutor, shall specify the amount and time limit for payment,
    (i) to provide assurances that he will pay alimony regularly, in accordance with any court verdict, and that he will fulfil his obligation towards his family.
(4) In applying subsection (b) above, the judge or the prosecutor may permanently or temporarily allow the suspect to drive vehicles as part of his occupational activities.
(5) Any time spent under judicial supervision may not be deducted from a sentence by reason of being considered as a restriction of personal liberty. This provision shall not apply to cases listed under subsection (e) of this Article.

A110 – Judicial supervision decisions and administration by the authorities

(1) A suspect may be put under judicial supervision at the request of the public prosecutor, and according to the decision of a Justice of the Peace.
(2) The judge, at the prosecutors' request, may impose one or more additional judicial supervision conditions; he may also lift or change all or part of the

obligations contained in the conditions, or exempt the suspect from fulfilling some of the conditions.

When it is deemed necessary, the provisions of Article A109 and of the present Article may be used by other designated or competent judicial authorities, in order to pursue prosecution at any level." **[4i]**

11.05 The USSD 2006 report noted that:

"The law prohibits arbitrary arrest and detention; however, the government at times did not observe these prohibitions. During the year police routinely detained demonstrators. Police detained several members of the former DEHAP on various occasions. Police continued to detain and harass members of human rights organizations and monitors. Police continued to detain persons on suspicion of links to Turkish Hizballah." **[5g] (Section 1d)**

11.06 The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey from 7 to 14 December 2005 and their report issued on 6 September 2006, noted that:

"The obligation to notify without delay a relative of the detained person was, as a rule, being complied with. In most cases, the notification was made shortly after deprivation of liberty and, in some cases the detained person was given the opportunity himself to speak to his relatives. Moreover, the procedures related to the notification were properly recorded in the custody follow-up form (including the name and signature of the official giving the notification, the date and time at which notification was given, and the signature of the detained person confirming the fact that detention had been notified). However, in a few cases, allegations of delays in notification were received, as well as of absence of feedback to the detainee (whether notification had indeed been made or when)." **[13a] (Paragraph 22, section 2)**

DETENTION FOR QUESTIONING PRIOR TO FORMAL ARREST

11.07 The EC 2005 report stated that:

"Article 141 of the Constitution limits the length of pre-trial detention by providing for the right to be judged within a reasonable time. Under Article 91 of the Criminal Procedure Code, a person who has been arrested shall in general be brought before a court within twenty four hours; in exceptional cases, this period may be extended to a maximum of four days. A person who has been remanded in custody awaiting trial may be detained, under Article 102 of the Criminal Procedure Code, for up to six months if accused of a minor offence and two years if accused of a serious offence; in exceptional cases, this period may be extended to three years." **[71b] (p105-106)**

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11.08 As outlined in the January-February 2005 issue of Newspot which is the online Journal of the Directorate General of Press and Information under the Office of the Prime Minister of Turkey:

"According to the new law [the new Penal Procedural Law (CMUK)], suspects cannot remain in police custody for more than 24 hours. Those arrested and brought to court will not be handcuffed. Police will inform individuals taken into custody of their legal rights. Prosecutors will have the right to extend the period of detainment for a consecutive three days, if gathering evidence is difficult… Detainees suspected of crimes which stipulate punishment for less than two years will no longer be imprisoned for the duration of the trial." **[36d]** On 27 May 2005, the *Turkish Daily News* reported that the parliamentary General Assembly had passed a bill that amended the Criminal Procedures Law (CMK), effective from 1 June 2005. "The maximum time in custody before appearing in a relevant court will be 24 hours. Suspects facing charges carrying a fine or prison sentence of less than a year will not be detained beyond arrest and booking." **[23q]**

11.09 The USSD 2006 report noted that, "Lengthy pretrial detention was a problem. The law provides detainees the right to request speedy arraignment and trial; however, judges have ordered that some suspects be detained indefinitely, at times for years. Approximately half of the prison inmates held during the year were convicts; the other half were either awaiting trial or held during trial proceedings." **[5g] (section 1d)**

WARRANTS / COURT SUMMONSES

11.10 The USSD 2006 report noted that:

"Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order detention if the court determines that the accused is likely to flee the jurisdiction or destroy evidence." **[5g] (section 1d)**

11.11 The Norwegian Country of Origin Information Centre 'Report of fact-finding mission to Turkey (7-17 October 2004)' related that:

"According to Mr. Islambay, law enforcement authorities are required to report to the Public Prosecutor on each case-inquiry. This report – Fezleke – contains all information available on the case, such as the type of the crime, names of witnesses, victims, suspects, date of the crime and so on… According to Mr. Islambay, the attorney is entitled to receive a copy of the documents from the Prosecutors Office and would thus have access to this subject index if verification was required… A person claiming to have been summoned to criminal proceedings or to commencement of sentence should be able to give documentary evidence of that… Both Mr. Islambay and Mr. Turan claimed that persons on the run could not get access to en [sic] (authentic) warrant. He or

she (or the attorney) would get a copy of the document at the earliest after detention." **[16] (p22- 23)**

RIGHT TO LEGAL ADVICE

11.12 The USSD 2006 report noted that:

"The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law provides that indigent detainees be provided a public attorney at government expense. Private attorneys and human rights monitors reported irregular implementation of these regulations, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees improved during the year, but varied widely across the country. Numerous bar association representatives and human rights organizations reported that in urban areas most detainees consulted with attorneys soon after being detained, while in rural areas, particularly the southeast, there was a higher number of cases where defendants did not have immediate access to an attorney. The HRA observed an increase in the percentage of detainees consulting with attorneys but maintained that the numerous detainees did not exercise this right." **[5g] (section 1d)**

11.13 The USSD 2006 report noted that:

"Human rights observers noted that in most cases where a defendant could not afford an attorney, one was provided; however, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and interrogated by security forces. Provincial bar associations reported that they faced increasing difficulties providing such attorneys because the government was behind on compensation payments for such work." **[5g]**

11.14 The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey from 7 to 14 December 2005 and their report issued on 6 September 2006, noted that:

"However, the delegation heard allegations to the effect that law enforcement officials still do on occasion delay access to a lawyer, so as to enable the person detained to be informally questioned without the presence of a lawyer, prior to the taking of a formal statement (in the lawyer's presence). The CPT must once again recommend that all necessary steps be taken to ensure that the right of access to a lawyer for persons in police/gendarmerie custody, as guaranteed by law, is fully effective in practice as from the outset of custody." **[13a] (paragraph 23)**

11.15 Furthermore the report noted that:

"A 'Suspect's Rights Form' (SRF) reflecting the latest legal situation was in use in the three Provinces visited. However, many detained persons claimed they had been informed of their rights only some time after having been brought to the detention facility, often after an initial 'informal' questioning session. It was also clear that a copy of the signed SRF was frequently not given to detained

persons, despite the requirement in the Regulation on Apprehension that this be done." **[13a] (paragraph 24)**

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12 PRISON CONDITIONS

12.01 The European Commission 2007 report stated that:

"The improvement of the physical infrastructure of prisons as well as the training of staff continued. As concerns high-security F-type prisons, a circular was issued to address previously identified shortcomings of the communal activities for inmates. Prisons are subject to regular inspection visits by the Penal Institutions and Detention Houses Monitoring Boards, and visits of UN bodies and the Council of Europe Committee for the Prevention of Torture. However, outstanding problems in prisons include: overcrowding, lack of consistent implementation of provisions regarding communal activities, restrictions on prisoners' correspondence, and inadequate health/psychiatric resources. Furthermore, civil and military prisons are not open to monitoring by independent national bodies, pending the ratification of the Optional Protocol to the UN Convention against Torture." **[71d] (p14)**

12.02 The EC 2007 report also noted that, "Provisions regarding the application of solitary confinement for persons sentenced to aggravated life imprisonment remain in force. Such a regime needs to be applied for as short time as possible and be based on an individual risk assessment of the prisoner concerned. Furthermore, cases of ill-treatment by prison staff have occurred." **[71d] (p14)**

12.03 As noted in the International Centre for Prison Studies Prison Brief for Turkey (website information last updated on 14 December 2005), in 2005 the number of establishments/institutions was 446. The official capacity of prison system was 70,131 (at 31 October 2005) while the total prison population (including pre-trial detainees/remand prisoners) totalled 65,458 at 01 August 2006 with 47.7 percent pre-trial detainees/remand prisoners. **[78]**

12.04 As recorded in the Human Rights Foundation of Turkey (HRFT/TIHV) document 'Human Rights in Turkey in 2005', issued on 29 December 2005:

"6 persons started death fast in 2005. According to the figures of Documentation Centre at least 10 persons died in the prisons due to illness, suicide, burning or fights. 233 persons who were released from prisons in 2005 applied to our rehabilitation centres. Most of the applicants were suffering results of isolation and conditions in the prisons…The severe conditions in the prisons could not be improved, political prisoners were subjected to isolation." **[83a]**

12.05 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"Prison conditions generally improved but facilities remained inadequate. Underfunding, overcrowding, and insufficient staff training were problems. According to the medical association, there were insufficient doctors, and psychologists were available only at some of the largest prisons. Several inmates claimed they were denied appropriate medical treatment for serious illness. Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. Observers reported

that detainees and convicts occasionally were held together. Occasionally inmates convicted for nonviolent, speech related offenses were held in high-security prisons." **[5g] (Section 1c)**

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E AND F-TYPE PRISONS

12.06 The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey from 7 to 14 December 2005 and their report issued on 6 September 2006, noted that:

"In contrast to all the other prisons visited in December 2005, the delegation heard numerous allegations of the ill-treatment by staff of inmates at Adana E-type Prison. These allegations emanated from both prisoners at the establishment and from persons who had previously been held there. The ill-treatment alleged related for the most part to slaps, punches and kicks, as well as verbal abuse; however, some allegations of falaka [beating the soles of the feet] were also received. NGO representatives met by the delegation in Adana, including members of the Bar Association, also expressed concern about the situation in the E-type Prison. The general picture that emerged was of an establishment in which a very strict code of behaviour was enforced, with any breach – no matter how minor – likely to meet with physical chastisement. Such methods are unacceptable; any prisoner considered to display disobedience should be dealt with only in accordance with prescribed disciplinary procedures. Moreover, Adana E-type Prison was grossly overcrowded at the time of the December 2005 visit, with some 950 prisoners for a capacity of 450. To give an example of the practical effects of this situation, in one unit the delegation found 22 prisoners sharing an upstairs dormitory of some 24 m^2, ten of them sleeping on the floor on mattresses" **[13a] (paragraph 41)**

12.07 The CPT September 2006 report noted that:

"The CPT has never made any criticism of material conditions of detention in F-type prisons, and the facts found during this most recent visit confirmed that they are of a good standard. However, the Committee has repeatedly stressed the need to develop communal activities for prisoners outside their living units; it is unfortunately very clear from the information gathered in December 2005 that the situation in this regard remains highly unsatisfactory. In each of the three F-type prisons visited, the considerable potential of the facilities for activities was far from being fully exploited. a state of affairs openly acknowledged by the staff of the establishments. Admittedly, the continuing reluctance on the part of most prisoners to make use of the workshops was largely responsible for the gross underuse of these particular facilities. However, the very limited possibilities for association (conversation) periods and sport - activities in which an increasing number of prisoners wished to engage - must have another explanation."
[13a] (paragraph 43)

12.08 The CPT September 2006 further noted that:

"According to the relevant regulations prisoners who so wish, can be brought together in groups of up to ten persons for five hours conversation per week. However, this already modest amount of association time was far from being offered in Adana (or elsewhere). Prisoners, in groups of up to nine, had five to six one hour conversation sessions per month. As for sport, prisoners wishing to take part in this activity were being offered four sessions per month (two in the gym and two in the outdoor sports facility).The Prison Director indicated that access to sport would amount to some two hours per week; however, from the activity programmes seen by the delegation, most of the sessions lasted one hour. In contrast, those few prisoners (about a dozen) who went to the two workshops which were operating spent a considerable amount of time engaged in the activities concerned. Those going to the pottery workshop had access to it for up to 10 hours per week, and prisoners attending the drawing workshop could spend there up to 25 hours a week. The only other regular weekly out-of-unit activities consisted of family visits (one hour), and telephone calls (10 minutes). Apparently, no prisoners requested to go to the library, a state of affairs which the CPT finds difficult to comprehend. To sum up, a typical prisoner in Adana F-type Prison would spend at best scarcely 5 hours a week outside his living unit." **[13a] (paragraph 44)**

12.09 The CPT 2006 report further stated that:

"The situation in Tekirdağ F-type Prison No 1 was rather similar, though the groups of prisoners taking part in association and sport tended to be smaller than in Adana. Workshop activity was greater than at Adana, with more than 50 prisoners attending six workshops; certain of these prisoners spent up to 30 hours per week in the workshop concerned. A small number of prisoners attended religious classes on a weekly basis, and access to the library was apparently possible, also on a weekly basis…" **[13a] (paragraph 45)**

12.10 The CPT 2006 continued:

"The Director of each of the F-type prisons visited argued that the limited number of staff at their disposal was a major obstacle in developing activities. The need to keep so many prisoners separate from others for their 'life security' was another inhibiting factor. The CPT does not underestimate these difficulties (though as regards staff resources it remains to be seen whether the problem relates to numbers or is rather one of the manner of deployment of the existing resources). However, the Committee is also convinced that one of the underlying causes of the present situation is a continuing failure on the part of the prison authorities to display a sufficiently proactive, enterprising approach vis-à-vis this subject. The situation observed to date by the CPT in F-type prisons amounts to a missed opportunity. Capable of being rightly regarded as a model form of penitentiary establishment, they currently remain open to the accusation of perpetuating a system of small-group isolation…" **[13a] (paragraph 47)**

12.11 The CPT 2006 report also elucidated that:

"In the same way as during previous visits to Turkey, the information gathered during the December 2005 visit revealed serious problems related to the

availability of health-care resources in prisons and the training provided to doctors called upon to work in such establishments. After having been vacant for some nine months, the post of prison doctor at Tekirdağ F-type Prison No 1 had finally been filled a few weeks before the CPT's visit. However, the doctor concerned had only graduated from medical school in the summer of 2005. At Tekirdağ F-type Prison No 2, the post of prison doctor had been vacant for six months. To fill the gap, doctors came on temporary rotation from the local State Hospital Emergency Department, the doctor in the establishment at the time of the delegation's visit having been there for three weeks." **[13a] (Paragraph 55)**

12.12 The CPT also clarified that:

"Healthcare services were if anything even more poorly resourced at other prisons to which the delegation went during the visit. For example, at Adana E-Type Prison, there was only one doctor for almost 1,000 prisoners, and at Bayrampaşa Closed Prison only three doctors for more than 3,000 prisoners. As for Van M-type Prison (an establishment accommodating 275 prisoners at the time of the visit, but which had held more than 400 in the recent past), it had been without a full-time doctor for almost two years. Responding to an appeal from the Prison Director, the former prison doctor (who had resigned from the prison service) attended the establishment twice a week." **[13a] (paragraph 55)**

12.13 The CPT 2006 further stated that:

"In Tekirdağ F-type Prisons No 1 and 2, the delegation encountered a small number of prisoners who had been placed in single cells on psychiatric grounds. None of them were receiving the care required by their state of health. In this connection it should be noted that neither of the doctors assigned to the establishments had any competence or experience in treating psychiatric disorders, and there were no consultations at the prisons by visiting psychiatrists. The delegation formed the view that the mental state of at least one of the prisoners concerned – held in a single cell in an otherwise completely empty block at Tekirdağ F-type Prison No. 2 – was such that he should be placed in a secure psychiatric establishment." **[13a] (paragraph 52)**

12.14 The EC 2007 report recorded that "The improvement of the physical infrastructure of prisons as well as the training of staff continued. As concerns high-security F-type prisons, a circular was issued to address previously identified shortcomings of the communal activities for inmates. Prisons are subject to regular inspection visits by the Penal Institutions and Detention Houses Monitoring Boards, and visits of UN bodies and the Council of Europe Committee for the Prevention of Torture." **[71d] (p14)**

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MILITARY PRISONS

12.15 As noted in a Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa dated June 2003 entitled Turkey: Conditions in military prisons, it was noted that:

"Information on Turkish military prisons is scarce and limited to scattered references often lacking in details about the prisons and the conditions in them. The Research Directorate was able to find references in publicly available documents to a few military prisons located across Turkey. Mamak Military Prison in Ankara, Mamak Military Prison in Eskisehir, Mamak Military Prison in Adana, Diyarbakir Military Prison, Umraniye Military Prison in Istanbul, Military Prison in Izmir, Edirne Military Prison, Metris Military Prison in Istanbul, Maltepe Military Prison in Istanbul, Davutpasa Military Prison, Davutpasa Military Prison in Izmir, Edirne Military Prison, Hasdal Military Prison, Gelibolu Military Prison, Kartal Military Prison in Istanbul and Selimiye Military Prison." **[7g]**

MONITORING OF PRISON CONDITIONS

12.16 The EC 2005 report stated:

"The 131 Monitoring Boards, whose work focuses on living conditions, health, food, education and the rehabilitation of prisoners, continued to carry out inspections. By June 2005, these boards had made 1 247 recommendations, of which 532 had been acted upon. The Boards paid visits to 419 prisons between October 2004 and May 2005. Their composition still does not include a significant representation from civil society and their reports remain confidential. In the last quarter of 2004, the 141 Enforcement Judges received 830 complaints on actions involving prisoners and detainees. Of these applications, 83 have been accepted and acted upon, 4 have been partially accepted and acted upon, 679 have been rejected and 64 have resulted in other decisions, such as non-jurisdiction of the Enforcement Judges. Training of Enforcement Judges is ongoing." **[71b] (p24-25)**

12.17 As noted in the Amnesty International document 'Turkey Memorandum on AI's recommendations to the government to address human rights violations', dated 1 August 2005:

"Amnesty International welcomes recent steps by the government to allow for greater inspection of places of detention. Article 92 of the new CPC requires State Prosecutors to carry out inspections of places of detention – Amnesty International considers such inspections could be an effective and important measure against torture and ill-treatment if the inspections are carried out on both a regular and an ad hoc basis and the subsequent findings and recommendations made public.

Both the Parliamentary Human Rights Commission and the Provincial and Regional Human Rights Boards have both reportedly carried out recent visits to places of detention. While such extra levels of scrutiny are welcome, these bodies are not demonstrably independent or necessarily possessed of the necessary expertise in evaluating places of detention. At the moment, the only demonstrably independent body which enjoys the right to carry out visits unannounced in Turkey is the European Committee for the Prevention for Torture (CPT) whose findings and recommendations have generated significant change in Turkey regarding detention regulations and an apparently

commensurate improvement in patterns of torture and ill-treatment." **[12i] (Section on The need for greater scrutiny of places of detention)**

12.18 The USSD 2006 report noted that:

"The government permitted prison visits by representatives of some international organizations, such as the CPT; however, domestic nongovernmental organizations (NGOs) did not have access to prisons. Domestic human rights organizations and activists reported that Prison Monitoring Boards, composed of government officials and private individuals, were ineffective. The CPT visited in 2004 and conducted ongoing consultations with the government." **[5g]**

The EC 2007 report further noted that:

"Outstanding problems in prisons include: overcrowding, lack of consistent implementation of provisions regarding communal activities, restrictions on prisoners' correspondence, and inadequate health/psychiatric resources. Furthermore, civil and military prisons are not open to monitoring by independent national bodies, pending the ratification of the Optional Protocol to the UN Convention against Torture. Provisions regarding the application of solitary confinement for persons sentenced to aggravated life imprisonment remain in force. Such a regime needs to be applied for as short time as possible and be based on an individual risk assessment of the prisoner concerned. Furthermore, cases of ill-treatment by prison staff have occurred." **[71d] (p14)**

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13 DEATH PENALTY

13.01 The European Commission reported in 2006 that "With respect to the right to life and, in particular, the abolition of the death penalty, Turkey ratified, in March 2006, the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which aims to abolish the death penalty. Protocol 13 to the ECHR, which abolishes the death penalty at all times, was ratified in February 2006. Turkey abolished the death penalty in its national legislation, in all circumstances, in 2004." **[71a] (p61)**

13.02 As outlined in the May-June 2005 issue of Newspot (published on the website of the Office of the Prime Minister, Directorate General of Press and Information) in an article on the new Turkish Penal Code, "The new Turkish penal code went into effect on June 1 [2005], along with the penal procedures and the law on the execution of sentences. The new penal code changes the duration and number of penalties in certain cases…Terrorist Abdullah Öcalan and similar criminals will remain in prison indefinitely." **[36h]**

13.03 The Amnesty International List of Abolitionist and Retentionist Countries (1 January 2006) report noted that the date provided for the last execution carried out in Turkey as being in 1984. **[12h] (p4)**

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14 POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

14.01 The US State Department (USSD) report 2006, published on 6 March 2007, noted that:

> "The 2002 parliamentary elections were held under election laws that the Organization for Security and Cooperation in Europe (OSCE) found established a framework for democratic elections in line with international standards; however, the OSCE mission noted that several parties--notably the AKP, the winner of the elections--faced judicial action aimed at closing them down, and many candidates were also prohibited from running. The OSCE reported that, while there were a substantial number of cases of harassment reported by some political parties and by human rights groups, the elections were generally free and fair. Political parties and candidates could freely declare their candidacy and stand for election. The high court of appeals chief prosecutor could only seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court." **[5g] (section 3)**

14.02 The USSD 2006 report further noted that:

> "During the year police raided dozens of DTP (formerly DEHAP) offices, particularly in the southeast, and detained hundreds of DTP officials and members. Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism." **[5g] (section 3**

14.03 As noted in the Amnesty International 2007 report covering events from January to December 2006, "In June, Parliament revised the Law to Fight Terrorism, greatly widening the scope and number of crimes punishable as terrorist offences, introducing articles liable to further restrict freedom of expression, and failing to restrict the use of lethal force by law enforcement officials. Officials of the pro-Kurdish Democratic Society Party (DTP) and those joining pro-Kurdish platforms faced frequent prosecutions amounting to a pattern of judicial harassment." **[12e]**

14.04 The International Helsinki Federation for Human Rights (IHF) Focus report on Elections noted that:

> "Although the OSCE/ODIHR generally deemed the parliamentary elections as a positive sign of the vibrancy of Turkey's democracy, it noted that there were still strict limits for the scope of political debate. This was seen, for example, in the measures to close down many parties during the election campaign, including the AKP and the People's Democracy Party (HADEP), and in the banning of many candidates from running as a result of past convictions for non-violent expression, including Murat Bozlak, former chairman of HADEP; Necmettin

Erbakan, former prime minister and chairman of the banned Virtue Party; and Akin Birdal, former leader of the Socialist Democratic Party and former chairman of the Human Rights Association of Turkey. Also, by European standards, the threshold of 10% of the nationwide vote for parties to enter the parliament was exceptionally high. The ODIHR also reported harassment of members of some political parties and human rights defenders, although the situation had improved markedly compared with previous elections. Finally, it recommended Turkey to find alternative penalties to the drastic sanctions (closure) of media outlets which violated regulations of media coverage." **[10b]**

14.05 The OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in an assessment report for the Turkish parliamentary elections which took place on 3 November 2002 noted that:

"The 3 November elections for the Turkish Grand National Assembly (TGNA) demonstrated the vibrancy of Turkey's democracy. At the same time, the broader legal framework and its implementation establish strict limits on the scope of political debate in Turkey. Non-violent expression of political views beyond these limits is still restricted by a variety of laws and is rigorously enforced. Several parties faced action aimed at closing them down during the current elections, notably the Justice and Development Party (AK), the winner of the elections. Many candidates were also banned from running, including AK's leader and leaders of several other parties, generally as a result of past convictions for non-violent political speech. These restrictions on free speech and the practice of dissolving political parties and banning candidates stand in stark contrast to the otherwise pluralist election system in Turkey, as well as its international commitments." **[14a]**

14.06 The same OCSE report further noted that:

"Parties must win at least 10% of the vote to enter the TGNA; this is an exceptionally high threshold by European standards. Only two of the 18 parties running passed the threshold. As a result, 45% of the electorate cast votes for parties that will not be represented in the TGNA, and a party that drew less than 35% of the total vote will control almost two thirds of the seats in the TGNA. To avoid such distortions, the authorities should consider reviewing the level of the threshold. Other aspects of the law that might be reviewed are the absence of any judicial appeals against the decisions of the Supreme Board of Elections, and the absence of procedures for voting abroad." **[14a]**

See also paragraph 19:22 Pro-Kurdish Political Parties

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FREEDOM OF ASSOCIATION AND ASSEMBLY

14.07 The US State Department Report (USSD) 2006, published on 6 March 2007,noted that:

"The law provides for freedom of association; however, there continued to be several restrictions on this right in practice. Under the new law adopted in July 2004, associations need not notify authorities before founding an association, but still must provide such notification before interacting with international organizations, and/or receiving financial support from abroad, and provide detailed documents on such activities. Representatives of associations said this placed an undue burden on their operations." **[5g] (section 2b)**

14.08 The USSD 2006 report noted that, "Foreign associations wishing to conduct programs in the country are no longer required to receive separate permission from the interior ministry for each activity, but they are still required to submit detailed reports to the government on each activity, despite the fact that local partners are required to report on the same projects." **[5g] (section 2b)**

14.09 The EC 2007 report noted that:

"As regards freedom of association, amendments to the legal framework introduced in 2004 had positive results. These include an increase in the number of associations and their membership. There were positive developments as regards the registration of religious associations. In the closure case against the Association for Supporting Jehovah's Witnesses, whose statute includes explicitly religious objectives, the Court of Cassation confirmed the acquittal decision. Representatives of the Association consider that their Association will have legal personality, i.e. that it will now be in a position to own property, rent or purchase meeting places, accept donations, and defend their legal interests in court. Another similar case is ongoing, following a first instance acquittal decision." **[71d] (p15-16)**

14.10 The EC 2007 further noted that," However, the obligations imposed by the Law on Associations to notify the authorities before receiving financial support from abroad and to provide detailed documents on such support place a burden on associations' operations. Furthermore, some associations face difficulties. The accounts of Amnesty International Turkey have been blocked since 1 January 2007. Political parties are not allowed to use languages other than Turkish." **[71d] (p16)**

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14.11 The US State Department Report 2006, published on 6 March 2006, noted that:

"The law provides for freedom of assembly; however, the government restricted this right in practice. Significant prior notification to authorities is required for a gathering, and authorities may restrict meetings to designated sites. Police killed demonstrators during the year. For example, government security forces killed a number of persons during violent riots in the southeastern city of Diyarbakir, which emanated from large public funeral processions held for dead PKK members. The HRF reported that in late March and early April, during rioting, the police and military killed 14 persons, including five children." **[5g] (section 2b)**

14.12 The USSD 2006 report also noted that, "The trial of nine DEHAP officials for being members of an illegal organization continued at year's end. The nine officials were charged after they alleged that police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the PKK. According to the HRA, there was no evidence that demonstrators used weapons during the altercation. No one has been prosecuted for the death of Gonultas." **[5b] (Section 2b)**

14.13 The USSD 2006 report also noted that, "During a September 2005 rally in support of PKK leader Abdullah Ocalan in Siirt province police detained 39 demonstrators; one of the demonstrators died. The public prosecutor dismissed the demonstrators' complaint that alleged the police beat and harassed them. Prosecutors later charged the demonstrators for chanting illegal slogans and performing an illegal march. The trial continued at year's end. Prosecutors charged Police Sergeant G.Y. in connection with the death of 35 year-old-demonstrator Abdullah Aydan. The court acquitted the sergeant in July." **[5g] (section 2b)**

14.14 The USSD 2005 report also noted that:

"In March police repeatedly kicked and beat protestors participating in International Women's Day demonstrations in Istanbul. Following an investigation, the Interior Ministry reprimanded three senior-level law enforcement officials and fined six officers, although the ministry in December reportedly promoted one of the senior–level officers. In December prosecutors charged 54 police officers with using excessive force during the incident… Also in March police intervened in Nevruz celebrations [the New Year's Day for the Turks] in a number of cities. HRF reported clashes between police and celebrants in Siirt Province, during which police opened fire, injuring a child. Police in Edirne raided a house and detained a number of local DEHAP officials and students in connection with Nevruz celebrations. During a separate incident in Siirt, police beat juveniles who stoned the police station after police prevented Nevruz celebrations, according to HRF. In Mersin Province police arrested six juveniles for allegedly trying to burn the national flag during Nevruz celebrations. The juveniles faced charges in court." **[5b] (Section 2b)**

14.15 The USSD 2006 report also noted that, "On March 14, a local prosecutor opened a case against 54 police officers alleged to have used excessive force during a March 2005 International Women's Day demonstration in Istanbul. The case was ongoing at year's end. On May 2 security forces arrested three Kurdish activists--Ibrahim Guclu, Zeynel Abidin Ozalp, and Ahmet Sedat Ogur--as they prepared to peacefully protest the recent killings of civilians by security forces in the southeast. The men were charged under the Antiterror Law for 'making propaganda for the PKK.' Their trial continued at year's end." **[5g] (section2b)**

14.16 The Human Rights Watch (HRW) World Report 2007, published in January 2007, noted that there was a sharp increase in indiscriminate and disproportionate use of lethal force by security forces in dealing with protestors, as well as during normal policing. In March youths attending the funerals of PKK militants clashed with police, throwing stones and petrol bombs. During the

ensuing street battles in Diyarbakır and other cities police fired bullets, gas grenades, and stones at rioters, killing eight people, including innocent bystanders and four children under 10 years of age. In other incidents during 2006, police shot and killed 13 persons either in error or because they were deemed not to have heeded orders to stop. **[9b]**

14.17 The IHD (Human Rights Association) 2005 Balance Sheet on Human Rights Violations in Turkey recorded that 34 meetings and demonstrations were suspended; 24 subjected to legal action; 101 subjected to the intervention of the security forces and nine subjected to physical attacks. **[73a] (Violations of right to meet and demonstrate)**

14.18 The EC 2007 report noted that:

"The legal framework for freedom of assembly is broadly in line with European standards. Citizens have been able to exercise this right without interference by the authorities or the security forces in most cases. Mass demonstrations were held peacefully in Ankara, Istanbul and İzmir during the presidential election period. Few violent incidents were reported during the Kurdish New Year (Newroz) celebrations. However, there is an investigation into the use of excessive force by the police at the 1 May demonstration in Istanbul when more than 700 persons were detained." **[71d] (p15)**

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15 FREEDOM OF SPEECH AND MEDIA

15.01 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

> "The law provides for freedom of speech and of the press; however, the government continued to limit these freedoms in occasional cases. The government intimidated journalists into practicing self censorship. The government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the Penal Code prohibiting insults to the government, the state, "Turkish identity," Ataturk, or the institutions and symbols of the republic. Other laws, such as the Antiterror Law and laws governing the press and elections, also restrict speech." **[5g] (section 2a)**

15.02 As reported by the Amnesty International Annual report of 2007, "Laws containing fundamental restrictions on freedom of expression remained in force, resulting in the prosecution, and sometimes conviction, of groups such as journalists, writers, publishers, academics, human rights defenders and students for the peaceful expression of their beliefs. Many prosecutions were brought under Article 301 of the Turkish Penal Code (TPC) which criminalizes denigration of "Turkishness", the Republic and the institutions of the state. Most of these cases, such as that of Nobel Prize-winning novelist Orhan Pamuk, ended in acquittal." **[12e]**

15.03 The IHD (Human Rights Association) 2006 Balance Sheet on Human Rights Violations in Turkey published 27 February 2007 recorded that 12 people were tried under section 159 of the Turkish Penal Code and section 301 of the new Turkish Penal Code in 10 cases. Under article 125 on insult there are 2 people showing as being tried and under article 215 on praise a crime or a criminal a total number of people tried 37 in 25 cases. A total of 22 other cases were brought against 63 people under the same articles but these cases do not look like they were completed in 2006. **[73a] (Violations against Freedoms of Opinion-Expression and Belief)**

JOURNALISTS

15.04 Reporters without Borders (RSF) in their 2007 annual report on Freedom of the Press Worldwide –Turkey noted that:

> "Press freedom is still restricted by article 301 of the criminal code, which is frequently used against journalists, writers and intellectuals mentioning sensitive topics such as the Armenian massacres and the Kurdish question. Negotiations for Turkish membership of the European Union have focused on the need to change this situation and Prime Minister Recep Tayyip Erdogan said publicly he wants dialogue about it. At least 65 people, including many journalists and writers, have been prosecuted under article 301 of the new criminal code introduced on 1 June 2005. The article, headed 'Denigration of Turkishness, the republic and state organs and institutions,' provides for between six months and three years in prison for anyone who openly

denigrates the government, judicial institutions or military or police structures" **[11b]**

15.05 The RSF 2007 report further stated that:

"Turks are divided on the issue. The EU enlargement commission's report on 8 November said press freedom must improve and that freedom of expression in line with European standards is not yet guaranteed by the present legal framework (...) Article 301 and other provisions of the Turkish penal code that restrict freedom of expression need to be brought in line with the European Convention of Human Rights (ECHR).
The strong campaign for and against about Turkish EU membership and the award of the Nobel Prize for literature to a writer being prosecuted for his work forced the prime minister to publicly declare support for amending article 301. Several journalists prosecuted under it said they would take their cases to the European Human Rights Court." **[11b]**

15.06 Reporters without Borders (RSF) in their 2007 annual report further noted that:

"Amendments to the country's anti-terrorist law that were approved by parliament on 29 June also threatened freedom of expression by allowing imprisonment for printing news about 'terrorist organisations' and raised fears of unjustified prosecution of journalists who dared to mention the subject. Rüstu Demirkaya, of the pro-Kurdish news agency Diha, was jailed on 14 June in the eastern town of Tunceli for 'collaborating with the PKK/Kongra-Gel' after a former militant reportedly accused him of giving the PKK a laptop and 10 blank CDs and telling the party about an ongoing military operation. He faces up to 12 years in prison." **[11b]**

15.07 As reported by BBC News on 19 January 2007:

"A prominent Turkish-Armenian editor, convicted in 2005 of insulting Turkish identity, has been shot dead outside his newspaper's office in Istanbul… Dink, the editor-in-chief of the bilingual Turkish and Armenian weekly Agos newspaper, was one of Turkey's most prominent Armenian voices… Dink, 53, was found guilty more than a year ago of insulting Turkish identity after he wrote an article which addressed the mass killings of Ottoman Armenians nine decades ago." **[66l]**

15.08 The BIA News Center reported on 27 October 2006 that:

"Journalists Tuncay Ozkan, Cuneyt Arcayurek and Adnan Bulut have been charged for 'publicly denigrating Turkish soldiers' in a program aired by 'Kanal Turk' television and face up to 3 years imprisonment each if found guilty under penal code article 301.The charges against all three journalists are linked to views expressed on the 'Politics Stop' program on Kanal Turk. The Monitoring Desk of the 'Establishing a Countrywide Network for Monitoring and Covering for Media Freedom and Independent Journalism-BİA²' project has disclosed that according to its data from news reports covered, a total of 68 people have been charged in Turkey under articles 301 and 159 of the Turkish Penal Code in 18 months. While article 301 went into force on June 1, 2005, in instances

where it has been favorable for the defendants, article 159 has been imposed. Those who have been charged under both articles are journalists, writers, publishers, activists, unionists and, in some instance, ordinary citizens." **[102f]**

15.09 A report by BIA News Center on 24 September 2007 noted that:

"Every six months, the Human Rights Association (IHD) publishes a report on rights violations. According to the report pertaining to the first six months of 2007, 451 people are involved in 94 trials for using their right to freedom of expression. In addition, there have been 88 investigations of 361 people. 103 trials involving 368 people have resulted in the sentencing of 193 people to a total of 229 years, 3 months and 15 days imprisonment and 7,981 YTL (around 4,600 Euros) in fines. The IHD noted that these statistics prove that, compared to recent years, there has been no improvement in the area of freedom of expression". **[102a]**

15.10 The BIA News Center article further noted that:

"According to the association, 17 of the trials opened in this period have been under Article 301 of the Turkish Penal Code ("degrading Turkishness, the Republic, the State or its institutions"), 22 trials under Article 215 ("praising crime and criminals"), four trials under Article 314, two trials under Article 216 (inciting the people to hatred and hostility or degrading"), and two trials under Article 288 ("attempting to influence the judiciary"). There have been 20 trials under Article 7 of the Anti-Terrorism Law ("spreading propaganda of a terrorist organisation"), two trials under the Law of Crimes Committed against Atatürk (the founder of the Turkish Republic), and one under Article 312 of the old Turkish Penal Code." **[102a]**

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MEDIA AND PRESS

15.11 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"The country has an active print media independent of state control. There are hundreds of private newspapers that span the political spectrum. Most media were owned by large, private holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate. Observers noted that media conglomerates increasingly used media as a tool to build pressure against government policies." **[5g] (section 2a)**

15.12 The USSD 2006 report noted that:

"Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom; however, judges dismissed many of these charges. Authorities, in a few instances, closed newspapers temporarily, issued fines, or confiscated

newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the government." **[5g] (section 2a)**

15.13 The Freedom House report 'Freedom of the press 2007' published 2 May 2007 noted:

"Censorship is not explicit, but editors and journalists practice self-censorship out of fear of violating legal restrictions; Turkish press freedom advocates contend that self-censorship has become even more prevalent as a result of the onslaught of prosecutions under the new penal code. Further, media are highly concentrated in four major conglomerates, which subtly pressure their editors and journalists to refrain from reporting that will harm their business interests. This could include avoiding criticism of the government or potential advertisers, both of which could have contracts with other arms of the companies." **[62e]**

15.14 The USSD 2006 report noted that:

"On June 26, an Istanbul prosecutor charged Fatih Tas, the owner of Aram Publishing House, and two translators in connection with Aram's publishing a translation of the Noam Chomsky and Edward S. Herman book, Manufacturing Consent: The Political Economy of Mass Media, for 'insulting Turkishness' and 'inciting enmity and animosity among people.' The trial began on October 17 and was ongoing at year's end. In July an Istanbul prosecutor indicted novelist Elif Shafak for insulting Turkish identity in her novel The Father and the Bastard. In her novel, characters discuss the Armenian 'genocide.' At the September 21 trial, the court dismissed the case for lack of evidence. In its October 4 written verdict, the court concluded that comments by a character in a fictitious book were a form of free expression not subject to prosecution." **[5g] (section 2a)**

15.15 In the year 2007, Turkey ranked 105 (out of 194 countries) in the Freedom House Table of Global Press Freedom Rankings and the status of its press was considered 'partly free'. **[62b]** In the Reporters without Borders (RSF) 'Worldwide Press Freedom Index 2007', the ranking of Turkey was 98 out of 167 countries in 2005 / 06 but in 2007 its 101 out of 169 countries (ranging from one for the most free to 169 for the least free). The previous ranking for Turkey in 2004 was 113. **[11a]**

As noted in the European Commission 2007 report that, "As regards cultural rights, broadcasting in languages other than Turkish, in March 2007 a new radio channel in Diyarbakır, Çağrı FM, received authorisation to broadcast in Kırmanchi and Zaza Kurdish. There are now four local radio and TV stations broadcasting in Kurdish. However, time restrictions apply, with the exception of films and music programmes. All broadcasts, except songs, must be subtitled or translated into Turkish, which makes live broadcasts technically cumbersome." **[71d] (p22)**

15.17 Furthermore the EC 2007 report also noted that, "Educational programmes teaching the Kurdish language are not allowed. An appeal against these rules

has been pending before the Council of State for three years. Court cases have been opened against some broadcasters for trivial reasons." **[71d] (p22)**

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THE HIGH BOARD OF RADIO AND TELEVISION (RTÜK)

15.18 The USSD 2006 report noted that:

"The government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), there were 229 local, 15 regional, and 16 national officially registered television stations and 1,062 local, 108 regional, and 30 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate." **[5g] (Section 2a)**

15.19 The Europa Regional Survey 2005 lists the functions of the Supreme Broadcasting Board or Radio and Television Supreme Council (RTÜK) as responsible for assignment of channels, frequencies and bands, controls transmitting facilities of radio stations and TV networks, draws up regulations on related matters, monitors broadcasting and issues warnings in case of violation of the Broadcasting law. **[1a] (p1199-1200)**

15.20 The USSD 2006 report noted that:

"The government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. RTUK regulations limited minority-language news broadcasts to 45 minutes per day; however, RTUK ended time restrictions for minority-language cultural shows or films. Previously such broadcasting was limited to 45 minutes per day and four hours per week for television broadcasting, and 60 minutes per day and five hours per week for radio. RTUK maintained that its regulations require non Turkish radio programs be followed by the same program in Turkish and that non-Turkish television programs have Turkish subtitles. Start-up Kurdish broadcasters reported that these were onerous financial obligations that prevented their entry into the market. The state-owned TRT broadcasting company provided limited national programming in Kurdish and three other minority languages."
[5g] (Section 2a)

15.21 On 10 March 2006 the BIA News Center reported that The Radio and Television Supreme Council (RTUK) has granted permission to three local media organizations in Southeastern Turkey to broadcast programs in Kurdish. After the signature ceremony, the televisions will be able to broadcast programs in the Kirmanchi and Zaza dialects of Kurdish. **[102g]** On 11 April 2006 BIA News reported that 'Medya FM' (Media FM) in Sanliurfa, which began broadcasting programs in the Kirmanchi dialect of Kurdish on March 23 with the

permission of the Radio and Television Higher Board (RTUK), is continuing Kurdish broadcasts under difficult conditions.The radio broadcasts Kurdish programs for a total of five hours per week. The 'Yasamin Merkezi' (The Center of Life) aired at 6:00 p.m. every day, consists of 15 minutes of news, 15 minutes of music and half-an-hour of traditional culture. To be able to broadcast in line with the Regulation on Radio and Television Programs in Different Languages and Dialects Turkish Citizens Use in Daily Life, the two employees prepare the program until 6:00 p.m., present the program, and begin translating the program into Turkish at 7:00 p.m. The two radio employees, after finishing their translations, prepare copies and transcripts of the program to be sent to RTUK and the Broadcast Monitoring Unit of the Police Security Station. The weekly package is delivered to the authorities every Monday. Coordinator Arisut complained of not being able to prepare quality programs because of the the efforts spent to fulfill the bureaucratic requirements. **[102h]**

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15.22 In addition on 8 November 2006 the BIA News Center reported that:

"A two-day educational seminar organized by the Turkish National Police to show journalists how to cover and report on terror-related developments has drawn fire for being an attempt to dictate security policies on the country's media and further curb the people's limited right to truthful information. Contemporary Journalists Association (CGD) Chairman Ahmet Abakay was among the first to react to the event saying the police would do better with a seminar on how they should treat journalists.' Instead of explaining to journalists how they should file their news reports' Abakay said in an exclusive interview with bianet, it would be beneficial for them to hold a seminar on how members of the security forces should treat journalists. In a written invitation sent to the media, print, radio and television, the Police National Directorate specifically asked for the organizations to send persons with influence over editorial and publishing decisions to the event. " **[102i]**

15.23 The European Commission 2007 report recorded that:

"As in previous progress reports, the issue of independence, including adequate funding of the public service broadcaster TRT and RTÜK remain a matter of concern. In particular, a number of sanctions imposed by RTÜK, on private media raise question marks over its independence. With regard to the administration of the broadcasting sector, RTÜK has not reallocated frequencies and reviewed temporary licences. The new regulation on licensing and authorisation of cabled transmissions obliges cable operators not to transmit programmes of foreign origin, if these are deemed inappropriate by RTÜK. This obligation is not compatible with the Television Without Frontiers Directive." **[71d] (p43-44)**

INTERNET

15.24 The USSD 2006 report stated that:

"The Internet was widely available in the country. It is used in schools, libraries, private internet cafes and other public locations, and the government encouraged its use. There were no government restrictions on Internet access; however, government authorities have on rare occasions accessed Internet user records to protect 'national security, public order, health, and decency' or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action." **[5g] (section 2a)**

15.25 The European Commission 2007 report stated that:

"Some progress can be reported in the field of electronic communications and information technologies… The broadband market has increased significantly mainly through the incumbent's digital subscriber lines (DSL). The incumbent's internet service provider (ISP) has 97% of the market share, but all DSL access options were recently offered to alternative ISPs. Fixed network competition remains limited and the new entrants are not allowed to offer local telephone services. **[71d] (p43)** 8.7% of the households have internet access at home in 2005 compared to the 7.0% in 2004." **[71d] (p 80)**

15.26 The Freedom House report 'Freedom of the press 2007' noted that, "An estimated 13 percent of the Turkish population was able to access the internet in 2005, and the government refrains from restricting the internet beyond the same censorship policies that it applies to other media." **[62e]**

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16 HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

16.01 The European Commission 2007 report noted that "There have been no developments as regards the institutions in charge of monitoring and promoting human rights. These institutions, such as the Human Rights Presidency, lack independence and resources. The Law on the establishment of the Ombudsman is still before the Constitutional Court following the veto by the President in November. The Constitutional Court ordered the stay of execution of the law, but has yet to give its verdict." **[71d] (p60)**

16.02 The EC 2007 report further noted that, "During the reporting period, the European Court of Human Rights (ECtHR) has delivered a total of 330 judgements finding that Turkey had violated at least one article of the ECHR. The total number of new applications to the ECtHR from 1 September 2006 to 31 August 2007 is higher than the same period last year… Past reforms have had positive consequences on the execution of ECtHR judgements. During the reporting period, the Committee of Ministers closed several cases such as the ECtHR judgements for convictions under the former article 8 (freedom of expression) of the Anti-Terror Law, and cases on the dissolution of political parties" **[71d] (p12)**

16.03 The US State Department Report 2006 (USSD 2006), published on 6 March 2007, reported that:

"A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were generally not cooperative and responsive to their views. The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information." **[5g] (Section 4)**

16.04 The USSD 2006 report also noted that:

"Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. The HRA reported that prosecutors opened dozens of cases against HRA branches during the year. For example, on March 15, an Istanbul court sentenced HRA Istanbul branch chief Eren Keskin to 10 months in prison for insulting the military under Article 301 for comments he made during a 2002 speech in Germany. The court later reduced the punishment to a fine. On November 23, a Bingol court sentenced HRA members Kiraz Bicici and Ridvan Kizgin to five months for allegedly insulting the military and police in a July 2003 press conference. The court later reduced the punishment to a fine. The government generally cooperated with international governmental organizations such as the CPT, the UNHCR, and the International Organization for Migration (IOM); however, some international human rights workers reported

that the government purposefully harassed them or raised artificial bureaucratic obstacles to prevent their work." **[5g] (Section 4)**

16.05 The International Federation for Human Rights (FIDH) reported in an article published on 10 April 2006 that:

"Mr. Kaboglu, former head of the Human Rights Advisory Council and Mr. Oran, member of this Council, will appear before the Ankara Penal Court of First Instance for the second time. Initially charged under Articles 216/I (inciting hatred and enmity) and 301/II (humiliation of the courts authority) of the new Penal Code, the second count of indictment was cancelled by the judge during the last audience, on 15 February 2006. Mr Kaboglu and Mr Oran still face prison sentences from one year to three years under Art.216/I. This case is an additional example of infringements to the freedoms of opinion and expression and therefore constitutes flagrant violations of the international standards, in particular of the International Covenant on Civil and Political Rights, and of the Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms." **[72a]**

16.06 The FIDH publication further reported that:

"On 4 April 2006, Mr. Ali Oncu and Mr. Edip Yasar, members of the Diyarbakir branch of the Human Rights Association (HRA), were arrested and detained by an anti-terrorism branch of the security force. On 5 April 2006, they were heard by the Public Prosecutor of Diyarbakir and by the judge who decided to transfer them to Diyarbakir D Type prison. Mr. Oncu and Mr. Yasar were charged with assisting and supporting illegal organisations." **[72b]**

HUMAN RIGHTS ADVISORY BOARD (IHDK)

16.07 In correspondence from the Foreign and Commonwealth Office dated 5 February 2007 it was noted that:

"Membership of the Human Advisory Board consists of academics, civil society, public sector organisations, representatives of professional organisations. The Board reports directly to the Minister for Human Rights (Gul). Their role as an expert advisory committee to assist the government in its implementation of reforms." **[4c]**

16.08 The *Turkish Daily News* of 8 February 2005 reported that:

"The Prime Ministry Human Rights Advisory Board (IHDK) chairman Prof. Ibrahim Kaboglu and three of the top members of the board resigned on Monday, noting that they were incapable of continuing with their work, because the government had no intention of listening to them. He said: 'We weren't pushed out for neglecting our work; we were pushed out for performing our work properly. Some circles reacted negatively when we made a certain decision or became angry when we proposed something they did not like.' The government announced on Feb. 3 the term of office had ended for 14 members of the 78-member Board including Chairman Ibrahim Kaboglu, reported CNN-Turk television on its Web site. Speaking at the press conference, Kaboglu said

his attorney had filed a lawsuit against the government for terminating the terms of 14 members." **[23s]**

16.09 As recorded on 28 March 2005 on the website of the Hellenic Resources Network, HR-Net:

"Ozgur Politika news (25/03/05) reported that five members of the Turkish Prime Ministry Human Rights Advisory Board [BIHDK] have resigned. The resigning BIHDK members announced their reasons at a joint press conference held at the Turkish Human Rights Foundation [TIHV] headquarters. TIHV Chairman Yavuz Onen, holding the joint press conference, said that the government had not consulted once with the board despite making many legal changes to the four adaptation packages issued so as to ensure conformity with the EU's political and economic criteria. Pointing out that the board's work had been aimed at specific 'centres' within the public and had ruffled feathers within the government." **[49a]**

16.10 The European Commission 2007 report recorded that "the Human Rights Advisory Board - a body composed of NGOs, experts and representatives of Ministries under the Office of the Prime Minister – has not been operating since the publication of a report on Minority Rights in October 2004. Legal proceedings were initiated against the two main authors of this report. The initial acquittal has been overruled by the Court of Cassation in September 2007, and an appeal procedure is ongoing." **[71d] (p13)**

16.11 As noted in the Amnesty International Turkey Memorandum of 1 August 2005:

"Turkey has an urgent need for effective and independent National Human Rights institutions which will promote and protect human rights, including through effective investigation of patterns of human rights concerns and individuals' complaints about human rights violations they have suffered, and through making recommendations accordingly. Present examples of bodies which it is claimed fulfil the function of a National Human Rights Institution include the above-mentioned and ill-fated Human Rights Advisory Board as well as the Provincial and Regional Human Rights Boards attached to the Prime Ministry. The latter bodies have been well-publicized by the government. However, Amnesty International has serious concerns about the operations of these Boards – concerns which are shared by Turkish and international human rights non-governmental organizations" **[12i] (Section on The urgent need for independent, resourced and effective national human rights institutions)**

REFORM MONITORING GROUP

16.12 As confirmed by the British Embassy in Ankara on 5 February 2007 the membership of the (EU) Reform Monitoring Group consists of senior officials and ministers from the Prime Ministry and key government departments. The membership is currently being reformed. The role of the Reform Monitoring Group oversees the passage of all reforms relating to the EU Accession Process, including the planning and timetabling of such reforms. Its role is therefore much broader than human rights, but it does oversee the passage and implementation of human rights related legislation. **[4c]**

16.13 The New Anatolian reported on 15 March 2006 that:

"The Reform Monitoring Group (RMG), the main body responsible for supervising the implementation of the reforms, met yesterday to review the implementation and new reform packages… Officials, following the meeting, told reporters that there is no change in the government's determination to move forward with EU political reforms, and several key reforms will be adopted before the summer holiday as a sign of that. According to the sources, one of the key reforms will be revision of the Military Code of Justice with an aim to put an end to trials of civilians. The Defense Ministry is reportedly finalizing a new draft on the issue." **[67a]**

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HUMAN RIGHTS PRESIDENCY AND HUMAN RIGHTS BOARDS/COUNCILS

16.14 Information obtained from correspondence on 5 February 2007 from the Foreign and Commonwealth Offices in Ankara stated that:

"Membership: The Presidency is a civil service department.
Role: The Presidency reports directly to the deputy permanent undersecretary equivalent at the Prime Ministry, but is indirectly under the authority of the Minister for Human Rights. It is established by law (no. 4643) and has a number of responsibilities:

To co-ordinate the work of public bodies on human rights issues
To follow and assess developments in human rights, ensuring that Turkey is in line with international standards
To co-ordinate and assess pre-service internments on human rights issues and in-service human rights training for govt departments
To investigate human rights abuses (it has a standard application form for investigation), assess and advise on preventative measures
To act as the secretariat within the prime ministry for other groups/councils working on similar issues (e.g. the advisory board)." **[4c]**

16.15 "The European Commission 2007 reported that "As far as the promotion and enforcement of human rights is concerned, the Human Rights Presidency under the Prime-Minister's office and the 931 Human Rights Boards received more applications in 2006 than during the previous year. Visits by the Human Rights Boards to places of detention and state-sponsored social services continued. However, there remains a need for better public awareness of the work of these institutions and for the allocation of adequate resources, in particular as regards staffing." **[71d] (p12-13)**

16.16 As noted in the summary of the HRW report 'Turkey - First Steps Toward Independent Monitoring of Police Stations and Gendarmeries', published on 6 March 2006:

"Provincial governors' close identification with the boards may help to establish the boards in the early stages of their monitoring activities, but already there have been instances where it has undermined the perceived or actual independence of a visiting delegation. In the longer term, the independence of monitoring activities should be enhanced, and the involvement of Turkey's most respected nationwide human rights nongovernmental organizatons (NGOs), even in a consultative capacity, may significantly promote credibility and trust. Reporting of the boards' visiting activities is as yet limited, but the Human Rights Presidency has committed itself to detailed reporting in the near future. Rolling out an interim independent monitoring system based on the human rights boards could ensure that the high standards observed in some police units are applied consistently throughout the country." **[9c]**

16.17 As noted in the correspondence from the British Embassy in Ankara dated 5 February 2007 the Human Rights Boards / Councils membership consist of the 850 county level boards reporting to 81 provincial boards. They are responsble in turn to the Presidency. Each has at least 16 members, including at least 3 associations or foundations, representatives of local government, local press, trade unions, chambers of commerce, doctors, bar association, universities, political parties (only those represented in Parliament), provincial general assembly. Their role is to provide an organised structure of semi-independent bodies to research, document and champion human rights abuses at a local level. The boards feed into the human rights presidency and use the same application form. **[4c]**

16.18 The USSD 2006 report also noted that:

"There were government-sponsored human rights councils in all 81 provinces and 850 subprovinces to serve as a forum for human rights consultations among NGOs, professional organizations, and the government. The councils investigated complaints and, when deemed appropriate, referred them to the prosecutor's office. However, many councils failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that the councils lacked authority and were not independent, in part because unelected governors and subgovernors served as chairmen." **[5g] (Section 4)**

16.19 In the European Commission 2007 report it was noted that," Visits by the Human Rights Boards to places of detention and state-sponsored social services continued." **[71d] (p13)**

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PARLIAMENTARY HUMAN RIGHTS COMMISSION/PARLIAMENTARY HUMAN RIGHTS INVESTIGATION COMMITTEE

16.20 In correspondence from the British Embassy in Ankara dated 5 February 2007 noted that the membership is MPs only and their role is to oversees all aspects of human rights in Turkey, including petitions to Parliament on human rights issues, and Turkey's response to international human rights issues (e.g. the

bombing of Lebanon, invasion of Iraq). In addition to its scrutiny role, it carries out research visits abroad and in Turkey, making visits to prisons and police stations etc. **[4c]**

16.21 In the European Commission 2005 report it was noted that:

"The Parliamentary Human Rights Investigation Committee continued to collect complaints on human rights violations and, in relation to some high-profile cases, requested that the relevant authorities follow up and redress the situation when necessary. It received 1 307 complaints between October 2004 and June 2005." **[71b] (p21)**

16.22 The EC 2006 report however noted that:

"The Parliamentary Human Rights Committee continued to play an active role in collecting complaints on human rights violations and conducting fact-finding visits to the regions. The Committee received 864 applications between October 2005 and June 2006. It has conducted several investigations and finalised three reports since January 2006. The Committee has no legislative role, and is thus not consulted on legislation affecting human rights." **[71a] (p13)**

16.23 The USSD 2006 report recorded that "The Parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigated alleged abuses, prepared reports, and carried out detention center inspections. Human rights organizations considered the committee to be ineffective." **[5g] (Section 4)**

MINISTRY OF INTERIOR'S INVESTIGATION OFFICE

16.24 As confirmed by the British Embassy in Ankara on 5 February 2007 the Ministry of Interior's Investigation Office membership is of Civil Servants and their role is to deals specifically with the investigation of allegations against the police. Anyone can apply, via the on-line application form. **[4c]**

16.25 The European Commission 2005 report recorded that:

"The Ministry of Interior's Investigation Office, which was established in February 2004, has received 1,003 complaints of human rights abuses from the public. These complaints are assessed by inspectors, who follow them up with the relevant authorities within the ministry at local or central level. Most complaints received have been made against the police. To date, on only one occasion has a complaint led to disciplinary action being taken against a public official. This Office has also carried out inspections of a number of the provincial police disciplinary boards and has inspected detention procedures and places of detention in 26 provinces." **[71b] (p21)**

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PRISON INSPECTION COMMITTEES/PRISON MONITORING BOARD

16.26 In correspondence from the British Embassy in Ankara dated 5 February 2007 noted that the Prison Inspection Committees / Prison Monitoring Board membership is also set up by law. Their remit does not include military prisons. Each has 5 members, serving a 4 year term. Members must be over the age of 35 and professionally qualified in fields such as law, medicine, psychology, education etc. They cannot be members of a political party. They observe prison conditions, regimes, internal security etc in situ and write reports at least every 3 months which goes to the Justice Ministry and the Parliamentary Human Rights Commission. **[4c]**

16.27 The Netherlands Ministry of Foreign Affairs report 2002 reported that:

"Special Prison Inspection Committees were set up pursuant to a law adopted in June 2001. An inspection committee has to be set up for the area of jurisdiction of each criminal court. The committee is to be made up of five members chosen for four years by a commission of judges from the relevant area. The members must have university education and practise the profession of doctor, lawyer, psychologist or similar." **[2a] (p67)**

16.28 The European Commission 2007 report however recorded that, "civil and military prisons are not open to monitoring by independent national bodies, pending the ratification of the Optional Protocol to the UN Convention against Torture." **[71d] (p14)**

16.29 The USSD 2006 report noted that "The government permitted prison visits by representatives of some international organizations, such as the CPT; however, domestic nongovernmental organizations (NGOs) did not have access to prisons. Domestic human rights organizations and activists reported that Prison Monitoring Boards, composed of government officials and private individuals, were ineffective. The CPT visited in 2004 and conducted ongoing consultations with the government." **[5g] (Section 1c)**

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THE GENDARMES INVESTIGATION AND EVALUATION CENTRE FOR HUMAN RIGHTS ABUSE ISSUES (JIHIDEM)

16.30 As noted on the JIHIDEM website (accessed on 17 November 2006):

"Recently human right has become a very important issue in Turkey, as in other countries. The public and NGOs have greatly developed themselves in the field of human rights. As a result of this, public institutions are in great efforts to improve themselves for the prevention of human rights violations. In spite of being well-organized against the human rights violations, some problems can still be seen concerning investigation of complaints and violation applications." **[104] (The Aim of the JIHIDEM)**

16.31 The JIHIDEM website (accessed on 17 November 2006) also stated:

"The Gendarmerie Human Rights Violations' Investigation and Evaluation Center (JIHIDEM) has been founded to investigate and evaluate complaints and applications about the allegations of human rights violations taking place in the Gendarmerie area of responsibility or while carrying out the duties related to Gendarmerie. This is to investigate any allegation about human rights violation, commence a judicial or administrative inspection in case that the allegations are true, inform of applicants about the results or developments of the procedures and ensure that the public will be notified about the current developments. It has been JIHIDEM's aim to make our citizens sure and avoid the hesitations about allegations of human rights violations by directly getting in touch with the General Command of the Gendarmerie." **[104] (The Aim of the JIHIDEM)**

16.32 The JIHIDEM website further added that, "Applications can be made directly in person or by telephone, mail, petition, fax, and internet." **[104] (Application Ways)**

16.33 According to information on human rights monitoring provided by the Turkish Embassy in London in August 2004, "The Gendarmes Investigation and Evaluation Centre for Human Rights Abuse Issues (JIHIDEM) became operational on 26 April 2003 within the Gendarmes General Command Headquarters and operating on a 24 hour basis in order to systematically deal with or answer complaints regarding human rights abuse issues that might arise whilst gendarmes are fulfilling their duties." **[60a] (p10)**

16.34 According to the information from the Turkish Embassy:

"Within a year of its establishment JIHIDEM received 221 applications of which 65 were deemed to be within the human rights abuse definition of JIHIDEM, 73 were not within its definition and were directly related to Gendarmes' actions and that 83 were not related to Gendarmes at all. Among the 65 applications that were investigated 19 were for ill treatment, 16 were for ill treatment/unjust custody, 12 for non-effective investigation, 6 for unjust custody, 5 for being pressurised to withdraw complaints, 3 for torture, 2 for not abiding with a suspect's custody rights, 1 for the abuse of a person's right to life and 1 for the abuse of a person's private life." **[60a] (p11)**

16.35 The European Commission 2005 report recorded that "Since its establishment in 2003, the gendarmerie's Human Rights Violations Investigation and Assessment Centre has received 162 direct complaints, the majority of which relate to allegations of ill-treatment or unjust detention. To date, disciplinary measures have been taken in 3 cases." **[71b] (p24)**

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EUROPEAN COURT OF HUMAN RIGHTS (ECTHR)

16.36 The European Commission 2007 report recorded that:

"During the reporting period, the European Court of Human Rights (ECtHR) has delivered a total of 330 judgements finding that Turkey had violated at least one article of the ECHR. The total number of new applications to the ECtHR from 1 September 2006 to 31 August 2007 is higher than the same period last year.

More than two thirds of these new applications refer to the right to a fair trial and the protection of property rights. The right to life and the prohibition of torture are referred to in a number of cases. Past reforms have had positive consequences on the execution of ECtHR judgements. During the reporting period, the Committee of Ministers closed several cases such as the ECtHR judgements for convictions under the former article 8 (freedom of expression) of the Anti-Terror Law, and cases on the dissolution of political parties." **[71d] (p12)**

16.37 The EC 2007 report recorded that:

"There are a considerable number of ECtHR judgments awaiting enforcement by Turkey. Some are related to issues requiring general legislative measures. These include among others legal restrictions on freedom of expression, and provisions in Turkish Law preventing the re-opening of domestic proceedings in certain circumstances. Furthermore, the Committee of Ministers awaits information on the measures envisaged by Turkey in order to bring the legal framework governing the situation of those who refuse to perform military service on conscientious or religious grounds into conformity with the requirements of the ECHR." **[71d] (p12)**

16.38 The EC 2007 report further noted that:

"Other pending cases before the Committee of Ministers awaiting the adoption of necessary execution measures relate to the control of actions of security forces and effective remedies against abuses. The Committee is monitoring the remaining pending issues. In the case of Cyprus v. Turkey, the Committee of Ministers decided to close the examination of the violations established in relation to the right to education and freedom of religion at its meeting in April. Issues which remain pending include restrictions on the property rights of Greek Cypriots in the northern part of Cyprus and the issue of missing persons." **[71d] (p12)**

16.39 The EC 2007 report also noted that:

"Overall, Turkey has made progress on the ratification of international human rights instruments and on the execution of ECtHR judgements. However, the OPCAT remains to be ratified, and further efforts are needed for Turkey to comply fully with its obligations under the ECHR." **[71d] (p12)**

16.40 As reported by BBC News on 12 May 2005:

"Turkey's trial of Kurdish rebel leader Abdullah Ocalan was unfair, the European Court of Human Rights in Strasbourg has ruled. Turkey said it would address flaws found by the court – suggesting a retrial would be an appropriate option… 'The applicant was not tried by an independent and impartial tribunal,' the European Court of Human Rights (ECHR) said in a statement. The judges ruled that the presence of a military judge on the panel meant that the Turkish court's judgement could not have been fair. They did not directly call for a retrial but said retrying or reopening Ocalan's case would be 'an appropriate way of redressing the violation'… Turkey is one of the 46 members of the Council of

Europe, which set up the ECHR. The Grand Chamber's judgement is final for Council members and cannot be appealed." **[66h]**

16.41 The EC 2007 report further noted that:

"As regards the property rights of displaced persons in Cyprus, the December 2006 Court ruling in the Xenidis Arestis case found that the new compensation mechanism has in principle fulfilled the requirements indicated by the Court. However, the Court did not address the effectiveness of the remedy on all relevant issues." **[71d] (p12)**

16.42 A report 'Human Rights Defenders in Turkey' by Kerim Yildiz and Claire Brigham for the Kurdish Human Rights Project and the Bar Human Rights Committee of England and Wales reported that:

"The treatment of HRDs in Turkey can be a gauge by which the reform process, and Turkey's long term commitment to democratisation, can be evaluated. The conclusion of this publication, researched and drafted in September 2005, is that while externally the reform process has initiated a great many positive and commendable changes to Turkey's legal system, an internal shift in the state's attitude towards HRDs has yet to take place… In the intervening months since KHRP conducted this research, criminal prosecutions have continued to be instigated against HRDs. Free expression is being stifled by the pursuit of spurious prosecutions against journalists, politicians and academics who put forward opinions considered too unpalatable by the Turkish authorities. Ironically, the justification for many of the prosecutions has been provisions under the amended Turkish penal code, revised in 2005, with the stated aim to bolster the protection for free expression." **[6b]**

16.43 The same report further stated that:

"The prosecution of Professor Baskın Oran and Professor İbrahim Özden Kaboğlu illustrates how the amendments have clearly not gone far enough. Professor Oran and Professor Kaboğlu were members of the Human Rights Advisory Board of the Prime Ministry (BİHDK), a body set up by the Turkish Government to oversee its own adherence to human rights standards. They were both charged under articles 301 and 216 of the revised penal code following the release of a report from the working group on Minority and Cultural Rights, of which they were both members. This case is emblematic of the mistrust which is shown to the work of HRDs by the criminal justice system in Turkey which the state's program of human rights training seems to have done little to shift. The irony is that the Human Rights Advisory Board was set up, by the state itself, for view points such as this to be aired and debated. Although the charges against these two eminent academics were eventually dropped, the fact that they were indicted in the first place shows that very little has changed, and that the antipathy shown to HRDs by prosecutors and the judiciary remains firmly entrenched." **[6b]**

See also Section 22.57 Women NGO's

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17 CORRUPTION

17.01 Transparency International ranked Turkey 60th out of the 163 countries (ranging from the least corrupt, ranked one to the most corrupt, ranked 163) its Corruption Perception Index for 2006. Turkey obtained a score of 3.8 in 2006 – a slight improvement from the 3.5 it received in 2005 **[55b]** The Index relates to perceptions of the degree of corruption as seen by business people, academics and risk analysts, and ranges between 10 (clean) and 0 (corrupt). Turkey obtained a score of 4.1 in 2007 – a slight improvement from the 3.8 it received in 2006 and is ranked 64th out of 179 countries. **[55a]**

17.02 The European Commission 2007 Report stated that:

"As regards coordinating the system currently in place for combating corruption, the Prime Minister's office transferred responsibility for policy definition and coordination with international organisations to the Ministerial Committee for Enhancing Transparency and Improving Good Governance. The Prime Ministry Inspection Board was tasked with providing technical and administrative support to the Committee. The Military Court of the General Staff, for the first time, sentenced a serving lieutenant general to imprisonment for corruption. Eight officers were also sentenced. The High Tribunal gave a suspended prison sentence to a former energy minister for irregularities in the awarding of a contract. Corruption incidents, particularly in local government, were frequently covered by the media." **[71d] (p11) (Anti-corruption policy)**

17.03 The European Commission 2007 Report further noted that:

"There was no progress on the development of an anti-corruption strategy. The establishment of a central body to develop and evaluate anti-corruption policies and activities remain crucial. Institutions involved in the fight against corruption, such as inspection boards, have not been strengthened. No public body is in charge of collecting data and statistics on corruption. Overall, corruption is widespread and there has been limited progress in the fight against corruption." **[71d] (p11)**

17.04 The US State Department Report 2006 (USSD 2006), published on 6 March 2007, reported that:

"Government corruption remained a persistent problem. On June 23, the Supreme Court dismissed corruption charges against former Prime Minister Mesut Yilmaz and former state minister Gunes Taner, for procedural, not substantive, reasons. The Supreme Court's action had the same effect as formal acquittal. The ruling AKP established an ad hoc parliamentary committee to investigate corruption soon after coming to power in 2002. The corruption committee made a number of recommendations, including lifting parliamentary immunity and establishing a permanent parliamentary anticorruption committee, none of which have been adopted." **[5g] (section 3)**

17.05 The USSD 2006 report also noted that:

"On February 7, an Ankara military court convicted former naval forces commander Ilhami Erdil, on corruption charges involving military tenders and expenditures for his official residence. The court sentenced Erdil to three years in prison, a $35 dollar (50 lira) fine, and confiscated two of his Istanbul apartments. The court sentenced Deniz Halide Erdil and Sirin Melek Hekim to five months in prison for their alleged complicity in the matter, but later converted the sentence into a $418 (600 lira) fine for each. Similarly, the court sentenced General Erdil's assistant Kayatunc to two years and 15 days in prison, but converted the punishment to a $209 (300 lira) fine. The court acquitted General Erdil's wife Fusun Erdile." **[5g] (section 3)**

17.06 The USSD 2006 report further noted that "The law provides for public access to government information; however, the government occasionally rejected applications on national security and other grounds, and there were no opportunities to appeal. HRF requests for information during the year were denied, and there was no opportunity to appeal. The Press Council reported that it received no complaints during the year from journalists regarding access to government information." **[5g] (section 3)**

17.07 The EC 2007 continued:

"However, no progress has been made in strengthening the legal framework and institutional set up to combat corruption. Weaknesses in the legal framework such as for election campaign financing continue...There have been no particular developments as regards the implementation of a total of 21 recommendations of the 2005 evaluation report on corruption in Turkey by the Council of Europe Group of States against Corruption (GRECO)… In the public sector, corruption remains a widespread issue for central and local governments. It has got a relatively more limited dimension in the private sector… A comprehensive anti-corruption strategy and plan with effective implementing institutions to prevent and fight corruption is still lacking. The development of such a strategy needs to be addressed at the highest political level." **[71d] (p60)**

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18 FREEDOM OF RELIGION

18.01 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"The constitution and law provides for freedom of religion, and the government generally respected this right in practice; however, the government imposed significant restrictions on Muslim and other religious groups. The law establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas; however, other constitutional provisions regarding the integrity and existence of the secular state restrict these rights. The government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet), which is under the authority of the Prime Ministry. The Diyanet regulates the operation of the country's 77,500 registered mosques and employing local and provincial imams, who are civil servants. A few groups, particularly Alevis, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the government asserted that the Diyanet treated equally all who request services." **[5g]**

18.02 The USSD 2006 report continued:

"A separate government agency, the General Directorate for Foundations (GDF), regulates a few administratively critical activities of non Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There are 161 "minority foundations" recognized by the GDF, including Greek Orthodox foundations with approximately 70 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with 20 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. The GDF also regulates Muslim charitable religious foundations, including schools, hospitals, and orphanages." **[5g]**

18.03 The USSD 2006 report further noted:

"Members of Jehovah's Witnesses reported continuing official harassment of their worship services because they are not members of an officially recognized religion. Police arrested 25-year-old member Feti Demirtas and sent him to prison on nine occasions for conscientiously objecting to military service, as his religion requires. According to Jehovah's Witness officials, such harassment which was not limited to Feti, included: arrests, court hearings, verbal abuse, kicks to the head and body, slaps in the face, choking, sleep deprivation, being handcuffed to doors and beds, being strip searched, and psychiatric evaluations. In mid-2005 the Witnesses appealed an administrative court decision that prohibited them from worshipping in their hall in Akcay in Bursa province. On December 12, after the court had taken no action on the case, the Witnesses filed a demand to expedite a hearing. There was no decision on that motion at year's end. Jehovah's Witnesses continued to engage in a legal battle over their efforts to form an association. On April 28, an Istanbul court rejected a lawsuit to cancel the Witnesses' newly formed association. Pending the prosecutor's subsequent appeal, the Witnesses may not conduct meetings as

an association. On December 12, the Witnesses filed a request to expedite the case with the Court of Appeals. The request was pending at year's end." **[5g]**

18.04 The USSD 2007 report on Religious Freedom further reported that:

"The constitution establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, a few religious minorities--such as Protestants--faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam. The Government claims that the religion courses cover the range of world religions; however, religious minorities asserted the courses reflect Sunni Islamic doctrine, which they maintained explains why non-Muslims are exempt. **[5e] (Section II)**

18.05 The European Commission 2007 report noted that:

"The dialogue between the government and the non-Muslim communities continued. A delegation composed of high-level officials from various Ministries visited the religious leaders of these communities in June 2007 in Istanbul. On 19 June, the Ministry of Interior issued a Circular on freedom of religion of non-Muslim Turkish citizens. The Circular acknowledges that there has been an increase in individual crimes against non-Muslim citizens and their places of worship. It requests the governors of all provinces to take the necessary measures to prevent such incidents from happening again and to enhance tolerance towards individuals with different religion and beliefs. The impact of this Circular will need to be assessed in practice." **[71d] (p16)**

18.06 The European Commission 2007 report also noted that:

"In April, three Protestants were killed in Malatya in the publishing house of the local Protestant community. The crime is being investigated under the Anti-Terror Law. Another court case against protestants for "insulting Turkishness" is ongoing amid intense security measures. Attacks against clergy and places of worship of non-Muslim communities have been reported. Missionaries have been portrayed in the media or by the authorities as a threat to the integrity of the country and non-Muslim minorities as not being an integral part of Turkish society. To date, use of language that might incite hatred against non-Muslim minorities has been left unpunished." **[71d] (p16-17)**

18.07 The EC 2007 report further noted that:

"Non-Muslim religious communities - as organised structures of religious groups - continue to face problems such as lack of legal personality and restricted property rights. These communities have also encountered problems with the management of their foundations and with recovering property by judicial means. Local authorities differ from province to province on issuing construction permits for places of worship. This might lead to arbitrary implementation of the zoning law. Several churches have not been able to register their places of worship." **[71d] (p17)**

18.08 On 10 November 2006, *Zaman Daily* newspaper reported that:

"The Foundations Bill, which is a part of the EU reform package, was approved by the Turkish parliament. The main opposition People's Republic Party (CHP) proposed putting the bill into effect after Turkey became a full member of the European Union, but the proposal was rejected. The bill allows the return confiscated properties to minority foundations and authorizes the Turkey's Foundations General Directorate to launch inquiries about properties of Turkish foundations overseas. The directorate will handle legal procedures to help Turkish expatriates file lawsuits at the European Court of Human Rights…" **[84b]**

18.09 The EC 2007 report further stated that, "Overall, the environment as regards freedom of religion has not been conducive to the full respect of this right in practice. A legal framework has yet to be established in line with the ECHR so that all religious communities can function without undue constraints. No real progress can be reported on the major difficulties encountered by the Alevis and non-Muslim religious communities." **[71d] (p17-18)**

See also Section 18.15 on Alevis

HEADSCARVES

18.10 As noted in the Human Rights Watch (HRW) World Report 2007, published in January 2007:

"Women who wear the headscarf for religious reasons are still denied access to higher education, the civil service, and political life. However, during 2006 the ban was applied much more broadly than only to state institutions. In late 2005, the Administrative Supreme Court upheld a ruling that Aytaç Kılınç, a teacher, could not be promoted because she wore a headscarf when she was not on school premises. Officials also barred mothers who wear the headscarf from accompanying their children to school ceremonies and swimming pools; lawyers and journalists were ejected from courtrooms and public meetings at universities because they refused to remove their headscarf." **[9b]**

18.11 On 23 February 2005 the BBC reported that the Turkish parliament had granted an amnesty to 677,000 men and women who have been expelled from university over the past five years.

"The amnesty includes those expelled from university because their refusal to remove the Islamic headscarf. However, the regulation restricting the scarf remains in place. Turkey maintains a division between religion and state which includes a ban on the headscarf in universities and the civil service. Only a small minority of those expelled from Turkish universities over the last five years fell foul of the headscarf ban, but such is the controversy over it that the ban dominated debate before the amnesty issue came to parliament. Nearly 10 years after the restriction came into force, the two sides – religious Muslims and the secular establishment – are no closer to consensus. The secular establishment insists that the ban maintains the separation of religion and state enshrined in the constitution. More orthodox Muslims and human rights campaigners complain that it is an abrogation of freedom of expression and

worship. A clear majority in Turkey, which is overwhelmingly Muslim, would like to see the ban lifted." **[66r]**

18.12 In spite of the amnesty mentioned above the Human Rights Watch report on 'Essential Background: overview on human rights issues on Turkey' March 2005, noted that, "Women who wear the headscarf for religious reasons continue to be excluded from higher education, the civil service, and political life. Female lawyers who wear the headscarf are not permitted to enter courtrooms, and in July the Ankara Bar took disciplinary action against a lawyer who wore a headscarf while carrying out her duty to a client in a bailiff's office." **[9e]**

18.13 The USSD 2006 report further noted that:

"In February the council of state ruled in favor of a decision by education authorities to revoke the promotion of an Ankara teacher to a nursery school principal position on the grounds that the teacher regularly wore an Islamic headscarf outside of school. Numerous journalists and religious rights advocates asserted that the court's decision effectively expanded the headscarf ban into the private sphere. The court, however, maintained that the teacher had violated the principle of secularism in education by wearing the headscarf while traveling to and from school." **[5g]**

18.14 The *Sabah* Newpaper noted in an article on the 28 September 2007 that, "A private school in Diyarbakır has issued a free dress code policy, allowing students to attend classes wearing whatever they want. This includes two females' students who attend classes in headscarves. The authorities of the ministry and the officers in Diyarbakır said the application is against the regulations." **[87a]**

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ALEVIS INCLUDING ALEVI KURDS

18.15 The USSD 2007 report on Religious Freedom recorded that:

"In addition to the country's Sunni Muslim majority, academics estimated there were 15 to 20 million Alevis, followers of a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religions indigenous to Anatolia as well. Some Alevis practice rituals that include men and women worshipping together through oratory, poetry, and dance. The Government considers Alevism a heterodox Muslim sect; however, some Alevis and absolutist Sunnis maintain that Alevis are not Muslims." **[5e] (Section I)**

BELIEF AND PRACTICES OF ALEVIS

18.16 The Middle East Review of International Affairs (MEDIA), in an article dated 1999 by David Zeidan on the beliefs and practices of "The Alevis of Anatolia" stated that:

"Alevis belong to the extremist Shi'a branch and like all extreme Shi'a, their reverence for Ali (Muhammad's cousin and son-in-law, and according to the Shi'a tradition, his rightful heir) verges on deification. Alevis accept Ali as the only legitimate successor to Muhammad. Alevis interpret the Quran in an esoteric, allegoric, and symbolic (rather than literal) manner and repudiate the external forms of Islam and its five pillars. In addition to the Quran, Alevis have their own holy books called 'buyruk' that contain doctrine and ritual and are claimed to have been written by important leaders. Alevis also have many liturgical hymns called nefes attributed to Shah Ismail and Pir Sultan Abdal." **[105]**

18.17 The MEDIA article also noted that:

"Observers note that Alevi society is divided into two separate endogamous groups: the ocak are the spiritual and social elite who claim descent from Ali, Hussein, or religious warriors (ghazi) and constitute a priestly caste, and the talips (disciples), the majority lay members. Religious knowledge is passed down orally in the ocak families who were responsible for the religious and social leadership of the community. Alevi rituals (ibadet) are communal, with the aim of fostering unity (birlik) and love (muhabbet) within the community. Alevi rituals differ markedly from Sunni rituals. Alevis, for example fast in the month of Muharram for 12 days in memory of Hussein's death at Karbala." **[105]**

18.18 The MEDIA article further stated that:

"The central ritual of Alevi religious life is the ayn-i cem (cem for short) celebration, which includes a sacrificial meal (lokma), a ritual alcoholic drink, nefes hymns accompanied by music on the saz, dance (sema), and the ritual lighting and extinguishing of candles. In the villages of Anatolia the ayn-i cem takes place only in the absence of distrusted outsiders, and is held at night under great secrecy. The ceremony is held once a year under the leadership of a dede assisted by a rehber is held in a private house and women are included on an equal footing with men. Other Alevi holy days are Nevruz, the Persian New Year celebrated on the 9th March, the Khidirellez day on the 6th May in honour of Khidr (Elijah, St. George), and the twelve day Muharram fast culminating in Ashura." **[105]**

18.19 The MEDIA article further commented that:

"Alevism does not possess a tradition of authoritative religious scholarship and official carriers of formal learning. Rather, it is more a flowing together of various related movements, doctrines, ideas and rituals. Other differences distinguishing Alevis from Sunnis: the use of wine for religious ceremonial functions; non-observance of the five daily prayers and prostrations (they only bow twice in the presence of their spiritual leader), Ramadan, and the Haj (they consider the pilgrimage to Mecca an external pretense, the real pilgrimage being internal in one's heart); and non-attendance of mosques. Alevis were forbidden to proselytise, and to regenerate themselves internally by paternal descent. To prevent penetration by hostile outsiders, the Alevis insisted on strict endogamy." **[105]**

This Country of Origin Information Report contains the most up-to-date publicly available information as at 31 December 2007. Older source material has been included where it contains relevant information not available in more recent documents.

DIFFICULTIES AND PROBLEMS FOR ALEVIS

18.20 The European Commission 2007 report recorded that:

> "Alevis face difficulties with opening their places of worship (Cem houses or 'Cemevi'). Cem houses are not recognised as places of worship and receive no funding from the authorities… Further to an application lodged by a family who are followers of Alevism, the ECtHR held unanimously, in October 2007, that there had been a violation of Article 2 of Protocol No.1 (right to education) to the ECHR . The Court took note of the Government's acknowledgement that these classes do not take into account the religious diversity which prevails in Turkish society; it further considered that the religious instruction syllabus in Turkey could not be considered to meet the criteria of objectivity and pluralism necessary in a democratic society, and that there is no appropriate method to ensure respect for parents' convictions. Consequently, the Court held that Turkey should bring its educational system and domestic legislation into conformity with the ECHR." **[71d] (p17)**

18.21 The USSD 2006 report noted that:

> "Alevi cem houses (places of gathering) have no legal status as places of worship. Alevis in the Kartal district of Istanbul continued to pursue a court case against a decision by local authorities to deny them permission to build a cem house. In May authorities in the Sultanbeyli municipality of Istanbul reportedly banned the construction of a cem house on the grounds that the Pir Sultan Abdal Association, an Alevi group, had not acquired the necessary construction permits. Association officials said the local mayor and his staff had attended the groundbreaking ceremony and had promised not to interfere with the project; however, the municipality reportedly filed a case against the association after it proceeded with construction following the ban." **[5g]**

18.22 The USSD 2007 report on Religious Freedom further noted that:

> "In May 2006 authorities in the Sultanbeyli municipality of Istanbul reportedly banned the construction of a cem house on the grounds that the Pir Sultan Abdal Association, an Alevi group, had not acquired the necessary construction permits. Association officials said the local mayor and his staff had attended the groundbreaking ceremony and had promised not to interfere with the project; however, the municipality reportedly filed a case against the association after it proceeded with construction following the ban. The case continued at the end of the reporting period.
>
> The Diyanet covers the utility costs of registered mosques, but not of cemhouses and other places of worship that are not officially recognized." **[5e] (Section II)**

18.23 The USSD 2007 report on Religious Freedom further reported that:

"In January 2004 an Alevi parent filed suit in the European Court of Human Rights, charging that the mandatory religion courses violate religious freedom; the case of Zengin v. Turkey is ongoing.
In November 2006 an Istanbul court announced its ruling in favor of an Alevi father who requested that his son be exempt from the religion courses at school; however, the Istanbul Governor's office appealed the decision and the case was still under Council of State (highest administrative court) review at the close of the reporting period. Six similar cases were filed in different parts of the country and remained ongoing at the end of the reporting period." **[5e] (Section II)**

18.24 As reported by the *Turkish Daily News* on 22 June 2005:

"Turkey's Alevis, who follow a moderate interpretation of Islam, warned Tuesday that they would go to the courts to fight for equality if the government fails to recognize their rights. Cem Foundation Chairman Prof. Izzettin Doğan said, 'We will present our petition to the Prime Ministry and the National Education Ministry today and if we don't receive a positive response, thousands of Alevis will file suit against the government.' Izzettin Doğan held a press conference yesterday with members of the newly founded Federation of Alevi Foundations and a lawyer, to state the demands of Alevis and what they plan to do. Doğan said their main demands were the inclusion of the Alevi faith in school textbooks, financial support from the government for the construction of Alevi places of worship and the allocation of funds for the community from the state budget… Although they account for about a fifth of Turkey's 70-million population and their religious practices differ significantly from those of the Sunni majority, Alevis are denied the status of a separate sect and, unlike the Sunnis, receive no financial support from the government." **[23j]**

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MYSTICAL SUFI AND OTHER RELIGIOUS SOCIAL ORDERS AND LODGES

18.25 As noted in the USSD 2006 report Mystical Sufi and other religious-social orders (tarikats) and lodges (cemaats) are officially prohibited; however, tarikats and cemaats remained active and widespread. Many prominent political and social leaders continued to associate with these religious-social orders, lodges, and other Islamic societies." **[5g]**

NON MUSLIM MINORITIES

18.26 As noted in the USSD 2007 report on Religious Freedom:

"Religious minorities said they were effectively blocked from careers in state institutions because of their faith. Christians, Baha'is, and some Muslims faced societal suspicion and mistrust, and more radical Islamist elements continued to express anti-Semitic sentiments. Additionally, persons wishing to convert from Islam to another religion sometimes experienced social harassment and violence from relatives and neighbors." **[5e] (Introduction)**

18.27 The USSD 2007 report on Religious Freedom continued:

"Religious minorities report difficulties opening, maintaining, and operating houses of worship. Under the law, religious services may take place only in designated places of worship. Municipal codes mandate that only the Government can designate a place of worship, and if a religion has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim religious services, especially for religious groups that do not own property recognized by the GDF, often take place on diplomatic property or in private apartments. Police occasionally bar Christians from holding services in private apartments, and prosecutors have opened cases against Christians for holding unauthorized gatherings.

"Article 219 of the penal code prohibits imams, priests, rabbis, or other religious leaders from "reproaching or vilifying" the Government or the laws of the state while performing their duties. Violations are punishable by prison terms of 1 month to 1 year, or 3 months to 2 years if the crime involves inciting others to disobey the law." **[5e] (Section II)**

18.28 The USSD 2007 report on Religious Freedom also noted that "Government authorities do not interfere in matters of doctrine pertaining to non-Muslim religious groups, nor do they restrict the publication or use of religious literature among members of the religion. There are legal restrictions against insulting any religion recognized by the Government, interfering with that religion's services, or defacing its property." **[5e] (Section II)**

18.29 The Economist Intelligence Unit (EIU) 2007 country report published January 2007 noted that:

"On November 9th 2006 the Turkish parliament appeared to have met part of the EU!s demands for improvement of the rights of Turkey's small non-Muslim minorities, by passing a law allowing foreign citizens to establish charitable or pious foundations in Turkey, to permit the return of properties of non-Muslim foundations that had been seized by the state, to permit them to acquire new property and to open branches abroad. On November 29th parts of the bill were returned to the parliament by the president, Ahmet Necdet Sezer, on the grounds that they conflicted with the constitution. However, it can be assumed that the ruling Justice and Development Party (AKP) will be able to use its large majority in parliament to re-pass the bill unchanged, in which case the president would be constitutionally obliged to promulgate it as law, but could then appeal to the constitutional court to review the law." **[107] (p17)**

See also Section 18.14 on situation of the Alevi community

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CHRISTIANS

18.30 The USSD 2006 report outlined that:

"No law explicitly prohibits proselytizing or religious conversions; however, many prosecutors and police regarded proselytizing and religious activism with suspicion. Police occasionally prevented Christians from handing out religious literature. The government reported 157 conversions including 92 to Islam and 63 from Islam to a different religion. Christians performing missionary work were occasionally beaten and insulted. Police officers may report students who meet with Christian missionaries to their families or to university authorities." **[5g]**

18.31 As noted in the European Commission 2004 report "The unofficial estimated Christian populations are: 60,000 Armenian Orthodox Christians; 20,000 Roman Catholics; 20,000 Syriac Orthodox Christians; 3,000 Greek Orthodox Christians; 2,500 Protestants; 2,000 Syriac Catholics; 2,000 Armenian Catholics; 500 Armenian Protestants; and 300 Chaldean Catholics." **[71c] (p43)**

18.32 The European Commission 2007 report noted that:

"Restrictions on the training of clergy remain. Turkish legislation does not provide for private higher religious education for these communities and there are no such opportunities in the public education system. The Halki (Heybeliada) Greek Orthodox seminary remains closed. In December 2006, 122 foreign clergy were working in Turkey under the Bylaw on the Law on Work Permits for Foreigners. However, there are still cases reported of foreign clergy who wish to work in Turkey facing difficulties and whose right to equal treatment with Turkish nationals is not ensured." **[71d] (p17)**

18.33 The USSD 2006 report outlined that

"Attacks on those practicing Christian faiths continued. On January 8, five assailants severely beat Protestant church leader Kamil Kiroglu in Adana. One attacker wielded a knife and threatened to kill Kiroglu unless he renounced Christianity. The government did not investigate the incident or make any arrests. On February 5, an assailant shot and killed Catholic priest Andrea Santaro in a church in Trabzon. A witness said the gunman shouted "God is great" as he shot Santaro from behind. A 16-year-old was charged in the case, and on October 10, the defendant was sentenced to 18 years, 10 months in prison. On July 2, a Catholic priest in Samsun was attacked and suffered knife wounds. Authorities announced that, prior to the attack, the assailant had filed complaints against the priest for 'Christian propaganda.' The assailant was arrested and the case was pending at year's end." **[5g]**

18.34 The USSD 2006 report further noted that:

"Several foreigners who are practicing Christians and have lived with their families in various cities for many years reported increasing governmental harassment during the year, including denial of residence and work permits that had been granted in previous years, monitoring by jandarma, and receiving threats to themselves and their families. These persons reported that they worshiped in their homes but did not proselytize by distributing bibles, going door-to-door, or undertaking similar activities. " **[5g]**

JEWS

18.35 As recorded in the USSD report on religious freedom 2007, there are approximately 23,000 Jews in Turkey **[5e] (Section I)** Jews freely practised their religion and reported little discrimination in daily life. **[5e] (Section III)**

18.36 As outlined by the Council of Europe European Commission against Racism and Intolerance (ECRI) in its 'Third report on Turkey - Adopted on 25 June 2004 and made public on 15 February 2005':

> "The Jewish community in Turkey is not very large. Until recently, it enjoyed a relatively peaceful existence in Turkey, aside from a few isolated antisemitic [sic] incidents. In the opinion of representatives of the Jewish community, the climate has suddenly changed, mainly in the wake of a series of international terrorist attacks in November 2003, targets of which included two synagogues in Istanbul. There is now a feeling of insecurity in the Jewish community because of these and other incidents, such as physical assaults on individuals purely because they are Jewish, at least one of which proved fatal." **[76] (p25)**

18.37 The ECRI report continued:

> "Anti-Semitic propaganda continues to appear in certain sections of the media and it is apparently not unusual to come across sweeping statements in the press in which Turkey's Jewish community is equated with the policies of the state of Israel. It also appears that legal proceedings are not always instituted under Article 312 in order to punish those who make antisemitic remarks in public, although this article prohibits incitement to racial hatred. However, ECRI notes with satisfaction that the police are working with the Jewish community to improve security and that antisemitic remarks made by the son of one of the perpetrators of the aforementioned attacks have been condemned by the government and that legal proceedings were instituted against him by the judicial authorities." **[76] (p25)**

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19 ETHNIC GROUPS

19.01 As noted in the report "State of the World's Minorities 2007", released on 20 March 2007:

"Turkey, while having made notable progress in the last few years due to European pressure, continues to experience a major national identity problem with regard to recognizing minorities as well as facing up to its past history of repression against minorities such as the Armenians and the Kurds…When Pope Benedict XVI paid a landmark visit to Turkey in November 2006, issues of religious freedom once again came to the fore. Although Turkey is a constitutionally secular state that guarantees substantial rights to religious minorities, in practice deep-seated discrimination persists against non-Muslim minorities such as Christians and Jews, and Muslim minorities such as the Alevis – a Muslim sect different from Turkey's majority Sunnis, numbering 12–15 million." **[57b] (p97)**

19.02 The US State Department (USSD) report 2006, published on 6 March 2007 recorded that "The law provides a single nationality designation for all citizens and does not recognize ethnic groups as national, racial, or ethnic minorities." **[5g] (Section 5)**

See also Section 16.01 Government monitoring of human rights

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19.03 The European Commission Turkey 2007 Progress Report released on 6 November 2007, however noted that:

"As regards the educational rights of minorities, the Law on Private Educational Institutions which entered into force in February 2007 reconfirms the right of non-Muslim minorities associated by the authorities with the Treaty of Lausanne to hold minority schools. However, Turkey's approach to minority rights remains unchanged. According to the Turkish authorities, under the 1923 Treaty of Lausanne minorities in Turkey consist exclusively of non-Muslim religious communities. In practice the minorities associated by the authorities with such Treaty are Jews, Armenians and Greeks. Without prejudice to the Treaty, the Turkish authorities consider Turkish citizens as individuals having equal rights before the law rather than as individuals belonging to the majority or to a minority." **[71d] (p21)**

19.04 The EC 2007 report also noted that:

"The OSCE High Commissioner on National Minorities (HCNM) visited Ankara in December 2006 for the third time, following previous visits in 2003 and 2005. His proposal to visit regions - notably the South-East of Turkey - was not accommodated. There is a need to start a dialogue between Turkey and the HCNM on issues such as the participation of minorities in public life and broadcasting in minority languages. This would facilitate Turkey's further

alignment with international standards and best practice in EU Member States." **[71d] (p21)**

19.05 The EC 2007 report further noted that, "Turkey is a party to the UN International Covenant on Civil and Political Rights (ICCPR). However, its reservation regarding the rights of minorities and its reservation to the UN Covenant on Economic, Social and Cultural Rights (ICESCR), regarding the right to education, are matters of concern. Turkey has not signed the Council of Europe Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages. The management of the minority schools, including the dual presidency, remains an issue. Further efforts are needed to remove discriminatory language from textbooks." **[71d] (p21)**

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KURDS

19.06 A recently published report on human rights violations against Kurds in Turkey prepared by the Kurdish Human Rights Project (KHRP) reported that:

"Since the foundation of the Turkish Republic in 1923, Turkey has not recognised the existence of a separate Kurdish ethnic community within its borders. Over 20 million Kurds presently live in Turkey, who for decades have been subjected to economic disadvantage and human rights violations which bear the hallmarks of systematic persecution intent on destroying Kurdish identity. Over the past year, Turkey has made some gains in the quest for equality for the Kurds, but much work remains." **[6c] (p1)**

19.07 The same KHRP report further stated that:

"In its goal to join the EU, Turkey has enacted reforms that it says were designed to liberalise and open its political system. However, during the last year as Turkey has slid into its old habits of torture, repression, the denial of freedom of expression and association and discrimination against Kurdish people, concerns have been raised that Turkey's reforms were merely superficial and designed to give the appearance of change, without any substantive alterations to either the political system or the everyday lives of Kurds living in the country." **[6c] (p1)**

19.08 As noted in the USSD 2006 "Although the number was unknown, some minority groups were active in political affairs. Many members of parliament and senior government officials were Kurds." **[5g] (Section 3)** The same USSD report in addition noted that "Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked censure, harassment, or prosecution." **[5g] (Section 5)**

19.09 As outlined by the Council of Europe European Commission against Racism and Intolerance (ECRI) in its 'Third report on Turkey - adopted on 25 June 2004 and made public on 15 February 2005':

"According to estimates, there are between twelve and fifteen million Kurds living in Turkey. There are no official statistics as national censuses do not take account of people's ethnic origins. The Kurds live mainly in the South-East, although many of them have left the region as part of the drift to the towns and also because of the armed conflict that went on for several years between the authorities and the PKK." **[76] (p20)**

19.10 The ECRI report also stated:

"ECRI is pleased to note that the constitutional and legislative changes in the field of human rights and fundamental freedoms should help to give the Kurds greater freedom of expression, freedom of assembly and freedom of association. It notes, however, that in the case of the Kurds, such freedoms are still severely curtailed, especially in practice. ECRI notes in particular reports that Kurdish students have been arrested and/or expelled from university for having signed petitions or demonstrated in support of the teaching of Kurdish in universities… In some cases, however, persons who have expressed their Kurdish identity by peaceful means have been acquitted. ECRI hopes that the new laws will pave the way for a rapid improvement in this area. It notes that parents are now permitted by law to give their children Kurdish first names, even though a circular prohibits them from choosing names incorporating the letters Q, W or X, which exist in the Kurdish language but not in the Turkish alphabet." **[76] (p22)**

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KURDISH LANGUAGE

19.11 The European Commission 2007 report stated that:

"As regards cultural rights, broadcasting in languages other than Turkish, in March 2007 a new radio channel in Diyarbakır, Çağrı FM, received authorisation to broadcast in Kırmanchi and Zaza Kurdish. There are now four local radio and TV stations broadcasting in Kurdish. However, time restrictions apply, with the exception of films and music programmes. All broadcasts, except songs, must be subtitled or translated into Turkish, which makes live broadcasts technically cumbersome. Educational programmes teaching the Kurdish language are not allowed. An appeal against these rules has been pending before the Council of State for three years. Court cases have been opened against some broadcasters for trivial reasons." **[71d] (p22)**

19.12 The Human Rights Watch (HRW) World Report 2007, published in January 2007, recorded that "The Supreme Council for Radio and Television finally took the important step of permitting television and radio broadcasting in Kurdish, although only for one hour a day. Other restraints on minority languages in the public arena remain. In April, for example, a Diyarbakir court closed the Kurdish

Democracy Culture and Solidarity Association (Kürt-Der) for infringing the Associations' Law by conducting its internal business in Kurdish." **[9b]**

19.13 The USSD 2006 recorded that "The government maintained significant restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications." **[5g] (Section 5)**

19.14 As noted in the UK Foreign and Commonwealth Human Rights Annual Report 2006, released in October 2006:

"Government reforms have already led to improvements in the cultural rights of the Kurdish community. For example, following legal changes to broadcasting rights and the launch of national broadcasting in Kurdish in 2004, two local TV channels and one local radio station began broadcasting in Kurdish on 23 March 2006. In June 2006, the Turkish broadcasting authority, RTUK, announced that they were further loosening broadcasting restrictions on certain types of non-Turkish language broadcasting. Cultural programmes, such as films and music concerts, would no longer be bound by time restrictions. However, non-cultural programming in languages other than Turkish remains tightly regulated." **[4n] (p137)**

19.15 The Freedom House report 'Countries at the Crossroads 2005 – Turkey', published in December 2004 noted that "The legalization of these [non-Turkish language] broadcasts was a major step for Kurdish rights and freedom of expression… The broadcasts have been criticized for being too short and being limited to the national station, and liberalization still has a long way to go. However, the significance of the changes cannot be overstated." **[62c] (p16)**

See also Section 15.18 High Board of Radio and Television (RTÜK)

TEACHING IN KURDISH

19.16 The USSD 2005 report recorded that:

"A number of private Kurdish language courses closed during the year, citing a lack of students. Kurdish rights advocates said many Kurds could not afford to enroll in private classes. They also maintained that many potential applicants were intimidated because authorities required those enrolling in the courses to provide extensive documents, including police records that were not required for other courses. They maintained that the requirements intimidated prospective applicants, who feared police were keeping records on students taking the courses." **[5b] (Section 5)**

19.17 The European Commission 2007 report noted that:

"Children whose mother tongue is not Turkish cannot learn their mother tongue in the Turkish public schooling system. Such education can be provided only by private educational institutions. In the case of Kurdish, all such courses were closed down in 2004. Today there are no opportunities to learn Kurdish in the public or private schooling system." **[71d] (p22)**

19.18 The UK Foreign and Commonwealth Human Rights Annual Report 2006, released in October 2006, however noted:

"The private Kurdish language courses launched in 2004 closed down in 2005 due to 'lack of demand'. According to former course administrators, the unaffordable course fees and restrictions on curriculum and participation were also important contributing factors. In 2005, the pro-Kurdish political party DEHAP (now merged with the DTP) ran a campaign demanding non-Turkish mother-tongue language teaching at ordinary state schools and asking for the constitution to be amended to enable this. The constitution currently states that only Turkish can be used as a mother tongue in schools, and political campaigning in languages other than Turkish is still illegal." **[4n] (p137)**

19.19 As reported by the *Turkish Daily News* on 26 May 2005:

"The Supreme Court of Appeals' General Board on Legal Matters has unanimously decided to reverse a lower court decision not to close the Education Personnel Labor Union (Eğitim-Sen). Charges filed against Eğitim-Sen were based on constitutional articles stipulating Turkey's official language as Turkish and prohibiting the state from teaching other languages at the expense of Turkish. Eğitim-Sen's charter allows the teaching of local dialects and languages." **[23d]**

19.20 On 3 June 2005 the Turkish Daily News reported that "The Education Personnel Labor Union (Eğitim-Sen) will appeal to the European Court of Human Rights today on a supreme court ruling to reverse a lower court decision not to shut down the labor union, said Eğitim-Sen Chairman Alaaddin Dinçer yesterday, as reported by the Anatolia news agency." **[23ao]**

PRO KURDISH POLITICAL PARTIES

See also Annex B for details of political parties

19.21 As outlined by the Council of Europe European Commission against Racism and Intolerance in its 'Third report on Turkey (adopted on 25 June 2004 and made public on 15 February 2005):

"On the subject of freedom of association, ECRI notes that the bans on parties representing the interests of the Kurdish community have remained in place despite rulings by the European Court of Human Rights, which has frequently found against the government for violating freedom of association in this area. ECRI notes with approval that, following the constitutional and legislative amendments, it will be more difficult to ban a political party in future. In addition, cautions and ancillary penalties such as the removal of financial support may replace or precede outright bans on political parties." **[76] (p22)**

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HADEP

19.22 The Netherlands Ministry of Foreign Affairs 2002 reported that:

> "The pro-Kurdish HADEP [People's Democracy Party], was established in 1994 as a successor to the successively banned HEP, DEP and ÖZDEP…. HADEP campaigns for greater cultural rights for Kurds and a peaceful solution to the Kurdish issue. It has kept to that position by never resorting to violence. The party runs local branches in many provinces and districts, as well as women's and youth wings in a large number of localities. The Turkish authorities regard HADEP as the PKK's political wing. They therefore view this party with suspicion. The HADEP has no direct ties with the PKK, but relies largely on the same supporters." **[2a] (p131)**

19.23 As reported by the BBC on 13 March 2003:

> "Turkey's constitutional court has banned the country's main pro-Kurdish party [HADEP] for alleged links with rebel groups… The court also banned 46 members of the party, including former chairman Murat Bozlak, from politics for five years. Hadep did not stand in last November's [2002] elections, but its candidates stood under the umbrella of the Democratic People's Party (Dehap)… Neither Hadep nor Dehap describe themselves as Kurdish parties, but both say they defend the rights of people living in the south-eastern, Kurdish-populated, part of the country." **[66q]**

HADEP MEMBERSHIP CARDS

19.24 As noted in a Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa dated 28 April 2005 entitled Turkey: Whether the People's Democracy Party (HADEP) and the Democratic People's Party (DEHAP) issue membership certificates to members residing within Turkey and/or abroad, it noted that:

> "Prior to the dissolution of HADEP by the Turkish Constitutional Court, HADEP did indeed issue membership cards to members residing in Turkey, although actual possession of the card was uncommon among voters and supporters of the party. According to the former coordinator, few of the hundreds of thousands of members actually carried a card since this would have made them easily identifiable targets of the state and many preferred to avoid the risk of being caught by a police or military officer while carrying a HADEP membership card. One could either apply for a card through the local party office and, after approval, the provincial organization (il orgutu) would issue the card, which was initially printed on regular, plain paper. However, as a result of HADEP's investigations that found that non-HADEP members were forging these cards and claiming to be party affiliates for asylum purposes, the membership procedures and cards were modified." **[7e]**

19.25 The Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa further stated that:

"Under the revised HADEP membership procedures, only the party's Secretariat General in Ankara could issue cards. In addition, one had to apply at the party's district office (ilce orgutu) and submit references from two party members or active supporters known by the party office. The applications were then sent to the provincial organizations, which forwarded them to the General Secretary in Ankara for final approval. Approved members had to sign a form at the provincial office in order to receive their official membership card, which was now "of a higher quality, made out of plastic, with a special cold stamp to prevent forging and duplication." **[7e]**

RELATIVES OF HADEP

19.26 The Netherlands Ministry of Foreign Affairs 2002 reported that "Relatives of HADEP members need not fear persecution by the Turkish authorities solely because one or more of their relatives is a member of HADEP. In certain cases, however, it cannot be ruled out that, for example, first or second degree relatives of HADEP members who are active at local level are closely watched by the State because of their relatives' activities." **[2a] (p136)**

19.27 As noted in a Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa dated 06 June 2007 entitled Turkey: Status of the Kurdistan Workers' Party (PKK) and Turkish Hezbollah; situation and treatment of members, supporters and sympathizers of these parties (2006 - 2007):

"In 28 April 2006 correspondence sent to the Research Directorate, an assistant professor of political science at Loyola University in Chicago who specializes in Islamic politics in Turkey stated the PKK [Kurdistan Worker's Party] and the Hezbollah of Turkey are considered terrorist organizations by the Turkish state. Media reports also state that the PKK is considered a terrorist organization by Turkey, the US and the European Union. Criminal charges involving terrorism have been brought against members of both the PKK and Turkish Hezbollah: for instance, out of the 512 inmates of a prison in the city of Diyarbakir, 258 allegedly belong to Turkish Hezbollah and 224 are thought to belong to the PKK.

"It is illegal to be members, supporters, and sympathizers of both organizations in Turkey. Citizens suspected to have any kinds of ties to these organizations are harassed by security forces and violations of their human rights have been common. While the European Union-demanded reforms have liberalized Turkish legal systems, the progress in application has been much limited." **[7b]**

DEHAP

19.28 As noted in a Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa dated 21 September 2004 entitled Turkey: The situation and treatment of members, supporters and sympathizers of leftist parties, particularly the People's Democratic Party (HADEP) and Democratic People's Party (DEHAP) stated that:

"Established in 1997, the Democratic People's Party (DEHAP) is a pro-Kurdish

party that advocates for greater Kurdish rights in Turkey. Upon becoming DEHAP's leader in June 2003, Tuncer Bakirhan indicated in an interview that DEHAP will no longer be a party only of the Kurdish people, but of all Turks; it will enter into alliances with other parties and is in favour of neither a federation or a division. In anticipation of HADEP's ban, during the year prior to the Constitutional Court's ruling, 35 HADEP mayors joined DEHAP. However, immediately following the ban of HADEP, the Chief Prosecutor of the Court of Appeals filed a petition to also ban DEHAP for irregularities in the way the party participated in [the November 2002] parliamentary election." **[7f]**

19.29 The USSD 2006 report noted that:

"DEHAP reconstituted itself as the DTP early in the year; nonetheless the Constitutional Court deliberations in the legal case seeking DEHAP's closure on charges of separatism were ongoing at year's end. During the year [2006] police raided dozens of DTP (formerly DEHAP) offices, particularly in the southeast, and detained hundreds of DTP officials and members. Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism. On June 10, Aydin Budak, the DTP mayor of Cizre, was sentenced to one year and three months in prison, for partaking in separatist propaganda. On July 27, the Erzurum Second Heavy Penal Court convicted and sentenced DTP Erzurum Provincial Chairman Bedri Firat to two years in prison for allegedly issuing propaganda supporting the PKK in a speech during Nevruz celebrations." **[5g] (Section 3 Elections and Political Participation)**

19.30 The USSD 2006 report also recorded that, "Former DEHAP Chairman and current DTP Vice Chairman Tuncer Bakirhan, who had been the subject of over 60 investigations, had 25 court cases concerning freedom of expression pending against him at year's end." **[5g] (section 3)**

19.31 As noted in the Norwegian Country of Origin Information Centre 'Report of fact-finding mission to Turkey (7-17 October 2004)' made public in February 2005:

"The Head of DEHAP in the province of Diyarbakýr, Mr. Celalettin Birtane, claimed that members and officials of DEHAP and its predecessor HADEP (which was banned in March 2003) had been subject to regular harassment by security officials in recent years. The scope of harassment ranged from verbal threats, arbitrary detention and arrest to different forms of criminal and judicial persecution. Mr. Birtane pointed out that the attitude of the authorities against his party had become 'more relaxed' in 2004. (He made it clear that he only referred to the situation in the province of Diyarbakýr and that he could not comment on the situation in other parts of South-Eastern Turkey.)" **[16] (p25)**

19.32 The Norwegian report further noted:

"While intervening in public party activities, security forces do still use force, for example in order to disperse demonstrations. Persons who are arrested on

such occasions might face trials, usually for 'supporting an illegal organisation', 'inciting separatism', or for violations of the Law on Meetings and Demonstrations. The Human Rights Foundation stated that people who wish to exercise their right to express their dissent in a peaceful way still risk being harassed, beaten or facing criminal prosecution." **[16] (p25-26)**

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DEMOCRATIC SOCIETY MOVEMENT (DTH)/DEMOCRATIC SOCIETY PARTY (DTP)

19.33 As noted in a Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa dated 7 June 2007 entitled Turkey: Situation and treatment of members, supporters and sympathizers of the Democratic Society Party (DTP):

"On 9 November 2005, DEHAP members pre-emptively launched the Democratic Society Party (Demokratik Toplum Partisi, DTP) out of fear that DEHAP would be banned; as a result, all DEHAP mayors, members and leaders joined the DTP, and DEHAP was officially dissolved in December 2005. The DTP is led by co-presidents Ahmet Turk and Aysel Tugluk. The DTP is a pro-Kurdish party, described by the Turkish Daily News as being on the extreme left (13 June 2006). According to Agence France-Presse (AFP), DTP leaders are often accused of colluding with what is considered a Kurdish separatist group, the Kurdistan Workers Party (PKK).

Media, human rights and government sources have reported numerous arrests and convictions of DTP leaders for verbal or written statements. An article published on the Web site EurasiaNet in May 2007 reported that in recent weeks, the Democratic Society Party (DTP) has endured a crackdown, with dozens of its top leaders arrested or jailed and several of its offices raided by the police paralleling the dozens of raids and hundreds of arrests that occurred in 2006." **[7c]**

19.34 As further noted by the Canada Immigration and Refugee Board dated 7 June 2007:

"In July 2006, AFP reported that Ankara's public prosecutor accused DTP leaders Ahmet Turk and Aysel Tugluk of distributing Kurdish-language leaflets regarding the imprisonment of PKK leader Abdullah Ocalan. In February 2007, they were found guilty of [translation] 'praising criminals' and sentenced to 18 months' imprisonment. On 6 March 2007, Ahmet Turk received an additional six month sentence for using a Turkish term of respect when referring to Abdullah Ocalan, because this was considered a sign of approval of the PKK leader. In February 2007, the Kurdish mayor of Turkey's Karapinar district, Zulkuf Karatekin, was fined 3,000 lira for allowing members of the pro-Kurdish Democratic Society Party (DTP) to use a municipal vehicle to plant seedlings to mark the birthday of Abdullah Ocalan, the outlawed leader of the PKK.

"The Ardahan Criminal Court sentenced a DTP representative to 10 months in prison in May 2007, after he was accused of making a speech in which he

'denigrated and insulted' Turkey's parliament and general staff. Also in May 2007, Turkey's Appeals Court Prosecutor ordered that the DTP cancel the membership of 116 members, including prominent leader Leyla Zana, because of their criminal records. If it does not comply, the DTP has been told that it may be shut down, in the same way that four pro-Kurdish parties were banned in the past." **[7c]**

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19.35 As reported on 24 February 2006 by NTV television:

"Democratic Society Party [DTP] members and sympathizers reacted to the police, who searched the party building in Dogubeyazit in Agri this morning. There were skirmishes between the police and the demonstrators. This morning, the police raided the party building after receiving a search warrant from the prosecutor's office. The police searched the premises for about one hour. Party members and sympathizers gathered in front of the building during that time and tried to enter it. The arguments between the police and the demonstrators turned into skirmishes. The demonstrators threw stones and injured some policemen. Another group of people joined in and the crowd grew. Police fired in the air but they were able to leave the building only after gendarmes who came to the area took security measures." (Text of report by Turkish commercial NTV television of 24 February 2006, through BBC Monitoring made available to the Home Office by the British Embassy in Ankara) **[61a]**

19.36 On 7 March 2006 the same NTV television reported that:

"The Democratic Society Party [DTP] has proposed a two-stage solution for disarming the PKK. DTP Co-chairman Ahmet Turk has said: We must succeed in that for the sake of the unity and bright future of the people of Turkey. Turk held a news conference in Istanbul with the participation of DTP mayors. He stressed that as the first step towards a lasting solution, the PKK [Kurdistan Workers' Party] must put an end to its armed actions in line with a decision it reached last August. The second stage, he added, would be to move the PKK's armed forces outside the country. In this way, we can augur a new period where the PKK can be disarmed within the framework of a democratic solution plan, he said. [According to Amsterdam Firat News Agency, FNA, which is supportive of the Kurdish cause and the PKK, Ahmet Turk made a 'three-stage' proposal, the first stage of which was: 'The ban on the Kurdish language must be lifted, and Kurdish must gain an official status just like Turkish in areas populated by Kurds. The Political Parties Law and the election threshold must be reorganized and everyone must have the right to political representation. The DTP considers a general amnesty for political prisoners to be essential for the development of social peace and democracy.' The second and third stages of the solution as reported by FNA are identical to the proposed solution as reported by NTV.]" (Text of report by Turkish commercial NTV television of 7 March 2006, through BBC Monitoring made available to the Home Office by the British Embassy in Ankara) **[61b]**

PKK/KADEK/KONGRA-GEL AND THE CONFLICT IN THE SOUTH EAST

19.37 On 4 April 2002 PKK changed its name to the Kurdistan Freedom and Democracy Congress (KADEK). (The Washington Institute for Near East Policy Focus #48, October 2005) **[42a]** In November 2003 the party assumed the name of Kongra-Gel (Kurdistan's People's Congress). (Europa) **[1a] (p1194)** On 4 April 2005, the pro-Kurdish online newspaper *KurdishMedia* (quoting AFP) reported that:

"Turkey's armed rebel Kurdish movement has decided to revert back to its original name of PKK after two name changes in three years, a pro-Kurdish news agency reported on Monday. The MHA news agency said a 'congress' of 205 members of the organisation, considered terrorist by Turkey and many Western countries, met in 'the mountains of Kurdistan' and decided to once again go by its original name of the Kurdistan Workers' Party, whose Kurdish acronym is PKK." **[93b]**

19.38 As noted in the European Commission 2007 report:

"There has been a further deterioration of the situation in terms of attacks by the PKK and other terrorist groups. The PKK is on the EU list of terrorist organisations. Several hundred terrorist attacks have been recorded since the beginning of the year causing multiple casualties. On 22 May a suicide bombing in Ankara claimed the lives of 9 people. There was an increase of terrorist attacks targeting civilians throughout the whole country." **[71d] (p23)**

19.39 The EC 2007 report continued:

"As part of the fight against terrorism, three security zones were established from June to December 2007, covering parts of three provinces along the border with Iraq. Strict security measures are applied in these zones, including restrictions on access. On 17 October 2007, the Parliament adopted a motion authorising the Government to intervene militarily in the northern part of Iraq." **[71d] (p23)**

19.40 On 6 April 2005 Zaman reported that the operation that Turkish Armed Forces had launched against the terrorist organization the Kurdish People's Party (PKK/Kongra-Gel) continued at the border surrounding the southeastern Turkish cities of Sirnak and Hakkari:

"During the five-day operations, nine terrorists died and their weapons seized and an experienced sergeant was executed. According to information supplied by security units, the largest and most extensive operation in the last six-years is underway. The operation is being conducted from both land and sea. Two brigades and 2000 interim village guards have also participated in the operation. As the operation has shifted to the border, arms equipment and barracks belonging to the terrorist [sic] have reportedly been seized. It is assumed that 1,500 terrorist [sic] remain in hiding in the region. The operation began on March 31 on the steep rocky Cudi Mountain, a place used by PKK terrorists as a passage to Turkey from Iraq. The PKK, which is constantly changing its name in order not to be included among the terrorist organization

lists of the European Union (EU) and the US, had held a restructuring congress between March 28 and April 4 and declared the founding of the new PKK and requested the new structure be celebrated with action until May 6." **[84a]**

19.41 The BBC reported on 15 April 2005 that "Turkish security forces have killed 21 members of the Kurdish paramilitary group, the PKK, in south-eastern Turkey, officials in the area say. Three members of the Turkish armed forces also died in the three-day operation in Siirt province, they said. It is reported to be the biggest clash in the area since the PKK declared a unilateral truce in 1999." **[66k]**

19.42 As reported by the BBC on 2 July 2005: "A bomb attack on a passenger train in eastern Turkey has killed six people and injured at least 12…The train was carrying 45 passengers between the towns of Elazig and Tatvan in Bingol province…Officials blamed Kurdish paramilitaries of the PKK. Military officials said those killed were security guards." **[66j]**

19.43 As recorded by the *Turkish Daily News* on 9 July 2005:

"Interior Minister Abdulkadir Aksu said 65 terrorists were killed, 43 captured and 41 others surrendered to security forces in 2005 until May, the Anatolia news agency reported. The minister was responding to an official parliamentary questionnaire. 'Security forces increased their intelligence gathering and operations to obstruct the attacks of the terrorist organization,' said Aksu. 'A total of 99 terrorists were killed and 139 captured in 2004.' He also mentioned that two PKK members, one of whom was female, were recently captured in Mersin while attempting to conduct attacks following training in PKK camps abroad." **[23k]**

19.44 On 10 July 2005 the *Turkish Daily News* reported that:

"Beefing up its positions in the southeast, the army has redeployed specialized commando units from western Turkey and is reinstalling checkpoints on roads guarded by soldiers and armored [sic] vehicles… Fighting remains confined largely to remote areas and is of far lower intensity that the conflict that raged here between 1984 and 1999 and resulted in about 37,000 deaths. Although reforms by Ankara to expand Kurdish freedoms have eroded popular support for the PKK, the funerals of killed militants, increasingly marred by violence, have shown that unrest may easily spill over into urban areas…The militants, estimated at about 5,000, retreated to neighboring northern Iraq in 1999 after they declared a truce following the capture of their leader Abdullah Öcalan. At least 1,500 of them are believed to have crossed back into Turkey, bringing along arms and explosives." **[23r]**

19.45 As reported by Aljazeera.net on 17 July 2005:

"After years of relative calm, Turkey's southeastern region is once again witnessing armed clashes between soldiers and ethnic Kurdish rebels. In the past month, 20 Turkish soldiers have been killed in the region by mines or in ambushes, while the military has conducted operations against the rebels of the Kurdish Workers Party (PKK) involving up to 10,000 troops… 'The terrorist

threat is even more serious now,' Buyukanit told the press back in May [2005]. 'Terrorists are infiltrating into the country.' This was a reference to the PKK's bases next door in northern Iraq – territory nominally under the control of the US-backed Baghdad government…The fighting has returned after the PKK abandoned its unilateral ceasefire last year… 'People are very anxious,' says Selahattin Demirtas, chair of the Diyarbakir Human Rights Association (IHD). 'They are afraid that the killing will go on like before.' Many in the region are also disappointed and angry that while the PKK declared a ceasefire for more than five years, the authorities did not do likewise." **[68]**

19.46 On 12 September 2005 the *Turkish Daily News* reported that five soldiers had been killed in separate clashes with PKK in the southeast and east. **[23c]** On 23 September 2005 the same newspaper reported that security forces had killed three PKK terrorists and captured two more in the eastern city of Van only hours after PKK extended its 'cease-fire' to 3 October. **[23a]** On 27 September 2005 it was reported by the Turkish Daily News that "Two temporary village guards died in an armed attack carried out by the terrorist Kurdistan Workers' Party (PKK) against a military unit in charge of security on the Şırnak-Hakkari highway in southeastern Turkey, a statement from the local Governor's Office said yesterday." **[23b]**

19.47 The USSD 2005 recorded that "According to the HRF [Human Rights Foundation], landmines and unattended explosives killed 19 civilians and injured 49 during the year [2005]. Both security forces and the PKK used landmines. According to the government, 34 civilians, 100 members of the security forces, and 160 terrorists were killed in armed clashes during the year through November. Most of the clashes occurred in the southeast." **[5b] (Section 1a)**

19.48 The IHD (Human Rights Association) 2005 Balance Sheet on Human Rights Violations in Turkey recorded 316 deaths amongst the Security Forces; 179 armed militants and one civilian as well as 69 people killed by landmines. The figures for those injured were respectively 243 for the security personnel; one for armed militants; nine for civilians and 161 for injuries caused by landmines. **[73a] (Violations of right to live - Mines and free explosive incidents)**

RELATIVES OF PKK

19.49 The UNHCR Directorate for Movements of Persons, Migration and Consular Affairs in their 2001 report Official General report on Turkey noted that;

"Those known to have or suspected of having one or more family members in the PKK can expect some attention from the authorities. Depending, among other things, on the degree of kinship and the (suspected) position of their relative(s) within the PKK, family members may be subjected to varying degrees of intimidation, harassment, official obstruction, questioning and similar problems. It is perfectly conceivable, even probable in many cases, for the families of (suspected) PKK members to be kept under observation by the authorities or questioned and interrogated, also because they could as often as not be potential suspects themselves. In many cases the Turkish authorities probably assume that some relatives of PKK supporters harbour sympathies for

the party. However, if the authorities are convinced that relatives of (suspected) PKK members do not have any links to the PKK they are not persecuted." **[20]**

19.50 The same report further noted that, "Countless people in Turkey have one or more relatives in the PKK without having any significant problems with the authorities as a result. The families of prominent PKK supporters such as Abdullah Öcalan and Şemdin Sakık were probably always under intensive surveillance by the authorities and lived under a certain degree of pressure, but they were not actually persecuted for their relationship with the PKK leaders. Öcalan's family attended his trial on İmralı Island. One of Sakık's brothers is openly politically active." **[20]**

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NEWROZ/NEVRUZ CELEBRATIONS

19.51 As outlined by the Netherlands Ministry of Foreign Affairs report 2002 Newroz (or in Turkish Nevruz) is the New Year celebrated by Kurds, Persians and in Central Asia on the 21 March. **[2a] (p87)**

19.52 The USSD 2005 report recorded that in March 2005 police had intervened in Nevruz celebrations in a number of cities. Clashes between police and celebrants were reported by HRF in Siirt Province. In Edirne a number of local DEHAP officials and students were detained in connection with Nevruz celebrations. According to HRF in Siirt police beat juveniles who had stoned the police station after police had prevented Nevruz celebrations. **[5b] (Section 2b)**

The European Commission 2007 report recorded that "Few violent incidents were reported during the Kurdish New Year (Newroz) celebrations." **[71d] (p15)**

ARABS

19.54 According to World Directory of Minorities (1997) "There are probably about one million Arabs in the provinces of Urfa, Mardin, Siirt and Hatay (Alexandretta). Unlike the Turkish Sunni Majority Sunni Arabs belong to the Shaf'I tradition (which they share in common with most Sunni Kurds). They are denied the opportunity to use their language except in private, and the use of Arabic is forbidden in schools." **[57a] (p382)**

19.55 The World Directory of Minorities continued "About 200,000 Alawi, or Nusayri Arabs live in the northern most settlements of the larger Alawite community in Syria. They are a distinct religious community from Alevis but have in common reverence for Ali, the prophet's son-in-law, as an emanation of the divinity. Alawites have an uneasy relationship with Sunnis, but are more comfortable with Christians." **[57a] (p382)**

19.56 The World Directory also stated that "There are still about 10,000 Orthodox and Melkite (uniate with Rome) Christians (or, as they call themselves, Nasrani) in the Hatay…. They feel under pressure, like other Arabs, to 'Turkicize'." **[57a] (p382)**

CAUCASIANS

19.57 The Encyclopedia of the World's Minorities 2005 noted that there are Circassian diaspora communities in Turkey believed to be the largest in the world, with estimates numbering more than 4 million; however they are scattered throughout the entire country. **[46] (p313 – 316)**

19.58 The World Directory of Minorities (1997) estimated that there are probably about one million people of Circassians or Abkha descent in Sakariya, Bolu, Bursa, Eskişehir, Sinop, Samsun, Tokat and Kayeri. There are also about 80,000 Sunni Georgians and 10,000 Orthodox Christian Georgians located mainly in the Artvin province in the north east and around 150,000 Laz (a south Caucasian language related to Georgian) speakers in Turkey. **[57a] (p382-383)**

ARMENIANS

19.59 As noted in the "State of the World's Minorities 2007" report, released on 20 March 2007:

> "Turkey, while having made notable progress in the last few years due to European pressure, continues to experience a major national identity problem with regard to recognizing minorities as well as facing up to its past history of repression against minorities such as the Armenians. in September 2006 the novelist Elif Shafak was tried for 'insult' to Turkishness under Article 301 for comments referring to the Armenian massacres as genocide made by fictitious characters in her bestselling novel Baba ve Pic ('Father and Bastard'). The case provoked international condemnation and she was acquitted." **[57b] (p101)**

19.60 The same report further noted that, "Turkey's continuing refusal to admit to any notion of the Armenian genocide was highlighted by the EU Parliament report on Turkey of September 2006 and, in October, the French lower house of parliament passed a bill making it a crime to deny that Armenians suffered genocide at the hands of Ottoman Turks, provoking a furious reaction from Turkey." **[57b] (p101)**

19.61 The European Commission 2005 report also reported that "The training of Armenian language teachers is still not possible pending acceptance by the Turkish authorities of an Armenian department within an Istanbul university for the study of the Armenian language." **[71b] (p37)**

GREEKS

19.62 The USSD Report on International Religious Freedom 2007 estimates that there are up to 4,000 Greek Orthodox Christians in Turkey. **[5e] (Section 1)** The World Directory of Minorities (1997) states, that "There are probably 3,000 ageing Greek Christians, mainly in Istanbul, the residue of 80,000 still there in 1963. Formal expulsions police harassment and a climate of fear and popular animosity have since then reduced the community to its present number." **[57a] (p381)**

19.63 As noted in the EC 2007 report, "The Greek minority continues to encounter problems with education and property rights. In this context, problems affecting the Greek minority on the islands of Gökçeada (Imvros) and Bozcaada (Tenedos) continue to be reported." **[71d] (p22)**

19.64 The EC 2006 report further noted that, "The June 2005 ruling by the Council of State narrowing the scope for the Directorate General for Foundations to take over the management of foundations was not applied during the reporting period. In this respect, no progress can be reported on the Büyükada Greek Girls' and Boys' Orphanage, whose management remains under the control of the DG foundations." **[71a] (p16)**

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ROMA

19.65 The International Helsinki Federation (IHF) released a report March 2007 regarding the Roma rights in the OSCE region and stated that:

"An escalation and intensification of forced evictions of Roma from housing in Europe was a major negative development in 2006. Countries including Turkey continued to force thousands of Roma into segregated and extremely substandard conditions and deprived them from access to basic social and economic rights by expelling them forcibly from housing. Turkish authorities dramatically stepped up efforts to destroy Romani housing, including whole Romani neighborhoods. Forced evictions of Roma were sometimes reportedly accompanied by police violence and executed in contravention to due process and other housing rights guarantees. For instance, on 20 July, police and municipal officials demolished 120 houses of Roma in Küçükbakkalköy neighbourhood, in Kadiköy, Istanbul, as part of the urban transformation project of the Istanbul Metropolitan Municipality." **[10d]**

19.66 The International Helsinki Federation (IHF) also noted that:

"Authorities throughout the OSCE region failed as a matter of systematic practice to provide due remedy for extreme human rights harms where Roma were victims, perpetuating a cycle of impunity for such violations and entrenching the weakness of persons stigmatised as 'Gypsies'. Racial discrimination remained a matter of near-complete impunity in a number of countries, despite strong European Union (EU) rules specifying detailed laws. Access to employment for many Roma across the EU, and especially in Central and Eastern Europe, was seriously impaired by raw and frequently open and explicit discrimination in recruitment practices. Working conditions and advancement prospects for employed Roma were also significantly constrained by direct and indirect discrimination. Neither public nor private sector enterprises, particularly in Central and Eastern Europe, were making serious effort to apply equal opportunity or diversity policy." **[10d]**

As recorded in the EC 2007 report, "No steps have been taken to amend the Law on foreigners residing and travelling in Turkey which contains discriminatory

provisions on Roma, particularly as regards extradition. Turkey does not participate in the 2005-2015 Decade of Roma Inclusion. Further to an April 2006 decision by the Council of Ministers, an urban renewal programme targeting 'wrecked urban areas' is being implemented. In this context Roma neighbourhoods have been demolished in several provinces, in particular in Istanbul. Istanbul municipalities have taken no steps to provide shelter, basic sanitary facilities or other social and economic services for Roma people after the demolitions. Inhabitants of the Sulukule district in Istanbul and civil society organisations have applied to the Administrative Court of Istanbul to suspend the expropriations and evacuation of the district." **[71d] (p22-23)**

19.68 The "State of the World's Minorities 2007" report, released on 20 March 2007 noted that, "Across the region, Roma remain severely disadvantaged in key areas of public and private life, such as housing, employment, education and health services. They are also frequently the targets of racism by law enforcement officials and non-governmental actors." **[57b] (p100)**

19.69 BBC News reported in an article "Istanbul's Roma face upheaval" published on 10 October 2007, that "A run-down district behind a decaying stretch of Istanbul's Byzantine city walls, Sulukule has been home to the Roma (Gypsies) for 10 centuries. It is thought to be the oldest Roma settlement in the world. But the area has been earmarked for a regeneration project the Roma fear will force them out… They are offering current residents credit to buy the new houses or apartments to rent across town. But many Roma are extremely poor, and they call that unrealistic." **[66c]**

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20 LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

20.01 As noted in the Amnesty International document 'Turkey Memorandum on AI's recommendations to the government to address human rights violations', dated 1 August 2005:

"Article 122 of the draft of the new TPC which forbids discrimination on the basis of 'language, race, colour, gender, political thought, philosophical belief, religion, denomination and other reasons' was amended at the last moment so that 'sexual orientation' was removed from the draft. Amnesty International is therefore concerned that discrimination on the basis of sexuality was not criminalized in the new TPC. This is coherent with Article 10 of the Constitution which states that 'Everybody is equal before the law without making any distinction on the basis of language, race, colour, gender, political thought, philosophical belief, religion, denomination and other reasons.' Amnesty International considers that both these articles should be amended to ensure full equality in law and practice of individuals of different sexual orientation." **[12i] (Section on Minority rights and discrimination)**

20.02 The website of KAOS GL ('Brochure for KAOS GL' accessed on 1 October 2005) states that "KAOS GL is a group founded in September 1994 with the purpose of bringing Turkey's homosexuals together to struggle against discrimination. The group's underlying philosophy is that liberation of homosexuals will also free heterosexuals. KAOS GL has been publishing the journal KAOS GL (now a quarterly) since it was founded." **[96]**

20.03 The website of KAOS in an overview of issues affecting the Lesbian, Gay, Bisexual and Transgender (LBGT) of Turkey in September 2005, noted that:

"The new Turkish Penal Code, which does not recognize the existence of Turkish lesbian, gay, bisexual or transgender (LGBT) people, went into effect on June 1, 2005. None of the demands Kaos GL and Lambda Istanbul brought up during their face-to-face meetings with the Justice Commission members were considered… The Turkish LGBT Community urges the government to take the necessary action to amend the Turkish Penal Code to: Ban and criminalize discrimination based on sexual orientation and gender identity.Remove the article penalizing consensual sexual relations between young people of 15 – 18 years of age. (which conflicts with the Children's Rights Protocol and the Global Declaration on Human Rights, both ratified by Turkey). Amend the obscenity article by clearly defining acts of obscenity." **[96e]**

20.04 The KAOS website also noted that although it is legal in Turkey to be lesbian, gay, bisexual or transgender, discrimination and persecution are also prevalent. It is too early to be optimistic about the future when it comes to LGBT rights. There is still massive discrimination in both the public and private sector. It is very difficult for someone to press charges when he/she faces discrimination based on sexual orientation; Turkish laws do not recognize crimes of discrimination based on sexual orientation or gender identity. Transgenders, who are often the most visible part of the LGBT community, continue to face

discrimination and physical harassment by society. Just like gays and lesbians, they have little legal recourse. Although security forces have been very harsh to transgenders in the past, with the considerations regarding human rights by the European Union (EU) and the Turkish public, the situation is slowly improving. **[96f]**

GOVERNMENT ATTITUDES

20.05 As noted in the Human Rights Watch (HRW) report dated 16 October 2007, Turkey: End Legal Action Against Gay Rights Group:

"The Governor's Office of Istanbul has demanded the closure of Lambda Istanbul, an organization defending lesbian, gay, bisexual and transgender (LGBT) people's rights in Turkey, claiming that the name and objectives of the group are "against the law and morality". The governor had asked in early 2007 that the group be shut down; in July, the local Prosecutor's Office rejected the complaint. The Governor's Office then took the case to a higher court, the Beyoglu Sutluce Court of First Instance No. 5, which heard the case in July 2007 and ordered a second hearing for October." **[9f]**

20.06 The European Commission 2007 report recorded that:

"As regards anti-discrimination policies, the principle of anti-discrimination is enshrined in the Constitution and upheld in several laws. However, there is no specific protection against discrimination on grounds of age or sexual orientation. A closure case against an association, which represents lesbian, gay, bisexual and transgender people, is ongoing. Transsexuals and transvestites are, on occasion, subjected to physical harassment. There is a need for the police to properly investigate such cases." **[71d] (p20)**

20.07 As reported on 13 October 2005 on the website of the Kaos GL:

"An official demand to ban Turkey's first gay rights association was rejected by a prosecutor on Wednesday, allowing the KAOS Gay and Lesbian Cultural Research and Solidarity Association to continue to operate, reports Agence France-Presse. The decision was hailed by gay rights activists as a big step in combating discrimination in the country, which hopes to join the European Union. The Ankara governor's office had informed KAOS last month that it had asked a court to dissolve the group because 'associations against law and morality cannot be established.' But the prosecutor reviewing the demand decided not to proceed with a court case on the grounds that the words 'gay' and 'lesbian' are used both in daily life and scientific research with no inhibitions and that homosexuality does not amount to immorality. 'This is a big step in efforts to remove sexual discrimination in all areas of social life and allow Turkish homosexuals the equality and justice they deserve,' KAOS said in a statement." **[96b]**

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20.08 In a recent press release 'Cancellation of the LGBT March in Bursa' by the international Lesbian and Gay Association (ILGA) accessed on 22 August 2006, it was reported that:

"Our legal march has been suspended with the reason of an illegal aggressive protest! Our legal demonstration with a legal permission on 06.08.2006, called Homosexuals do have Associations; in front of the city museum has been hindered. With our friends from the organizations of Lambdaistanbul, Kaos GL, Pembe Hayat and from other cities who came to support the demonstration we have organized, we were surrounded by some aggressors and stuck in our building of Rainbow Association. About one hundred transvestites, transsexuals, gays, lesbians and bisexuals coming from Istanbul Ankara and Bursa have been cursed and have not been let out of the building, moreover our building has been stoned. While aggressors were using even carring guns with fake bullets the officials who confirmed the legal permissions only watched our fundamental human right to peacefully march and demonstrate being violated. In that sense the civilian authorities are collaborators of the illegal lynch atmosphere experienced outside the building." **[27a]**

20.09 As reported on the website of the Kaos GL on 4 October 2006:

"Belgin still vividly remembers the night, more than a quarter of a century ago, when police herded her and dozens of other transsexuals and transvestites on to a train as part of a campaign to clean up Istanbul.We did not know where the train was taking us. The police beat us and locked us up in the wagons. They gave us no water or food, she said, evoking scenes reminiscent of World War Two… Rights groups say transsexuals face increasing violence and this reflects a wider trend in Turkish society -- the growing influence of Islam in daily life since the centre-right AK Party, which has Islamist roots, came to power in 2002.Now the police raid their bars and take these people into detention more frequently, said Huseyin Ayyildiz, branch secretary of the Human Rights Association in Istanbul. He said this reflected the AK Party's promotion of more Islamist-minded police officers keen to defend conservative family values." **[96d]**

20.10 As reported on 9 December 2006 on the website of the Kaos GL News:

"A criminal court case has been filed in Ankara, Turkey against the chief editor and owner of Kaos GL Magazine which is the only LGBT Turkish magazine that has been published since 1994. Umut Guner, who is the owner of the magazine on behalf of Kaos GL and vice president of Kaos GL Association, is being accused of publishing pornographic issues based on Turkish Penal Code, Article 226. If he is convicted, he may face up to three years of jail sentence. Turkish Penal Code, Article 226, Part 2 says: A person who broadcasts or publishes obscene images, printed or audio material or who acts as an intermediary for this purpose shall be sentenced to imprisonment for a term of six months to three years." **[96c]**

20.11 The KAOS website however stated that the Turkish government provides neither positive programs to employ women, nor shelters for lesbians who are subjected to violence. Although some women's shelters still exist, most have been closed due to financial problems. **[96e]**

SOCIAL AND ECONOMIC RIGHTS

20.12 The KAOS also noted that the most important problem of lesbians living in Turkey is perhaps the difficulty of coming out. Even though lesbianism (along with gays and transgenders) is not considered a crime and not forbidden by law in Turkey, it's very hard to come out because of the fact that discrimination against sexual orientation is not forbidden. During the discussions about the New Turkish Penal Law, the LGBT organizations like Kaos GL and Lambda Istanbul made campaigns with feminist organizations in order to make discrimination on the grounds of sexual orientation a crime. Yet, the article making discrimination against sexual orientation a crime has been removed from the draft by the instruction of the Minister of Justice. Turkey still does not have any LGBT rights. **[96e]**

20.13 The KAOS website continued to note that:

> "In Turkey, because of some religious and cultural facts, the education level of women is low compared to that of men. Since most women are not as educated, [sic] The number of women who have a chance to have a career is less then men. Unemployment rate is high in Turkey and men are more likely to occupy the available jobs… It is very hard for women who went through only obligatory education to find a job. They can only find under-paid jobs in metropolitan areas with almost no social security. Because only people who had a prior job can benefit from unemployment insurance, women, who mostly deal with housework or unregistered house oriented jobs, cannot access this benefit… Most women are forced to marry because of societal and economic pressure. Consequently many lesbians are forced into marriage. There has been a recent case that can give an idea of the degree of violence to which lesbians are exposed. In that case, a husband who killed his wife's girlfriend, because of the fact that she was a lesbian, was given a diminished punishment for 'unjust provocation'." **[96e]**

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

20.14 KAOS further noted that some lesbians who come out to their families are punished in several ways. Some are not allowed even to go out and some families force them to go to psychiatrists in order to be treated. Contrary to the acceptable professional rules, some of the psychiatrists accept homosexuality as an illness and try to rid gays and lesbians of their sexual orientation. Kaos GL has some projects regarding this issue and is currently providing workshops in order to raise the understanding of psychiatrists regarding LGBT issues and to educate them that being a lesbian, gay, bisexual or transgender is not an illness. **[96e]**

20.15 The same website also adds that even working lesbians cannot come out in work places because the law does not forbid discrimination against sexual orientation. Being a lesbian is not forbidden by law but there are some articles in labor laws which allow the employees to fire people based on immorality. If a person is fired because of the fact that she/he is gay, the employee can claim that she/he has a right to fire the worker because she/he leads an immoral life.

In such a case, only the judge who works on that particular case can decide if that person's life-style is immoral or not. **[96e]**

20.16 KAOS also noted that one of the reasons that make coming out a major challenge is religion. In Islam, homosexuality, as well as premarital sex, is a sin. Because of these facts, women's sexuality is rarely spoken in families and community. The prevailing culture in Turkey is based on fear of women's sexuality which forces them to live with men. That is why it is very hard for a woman to accept herself as a lesbian and to build a lesbian life. Women in Turkey represent the 'honor' of their families and community. **[96e]**

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TRANSVESTITES

20.17 The Netherlands Ministry of Foreign Affairs 2002 reported that "Turkish law does not prohibit transvestism. Nor does government policy discriminate against transvestites in any way. Attitudes to transvestites in Turkey are also ambivalent. Some nationally known transvestites from the world of show-business are highly regarded in Turkey. Huysuz Virjin is a famous transvestite who presents a popular talk show on television. The transvestite singer Zeki Müren, who died in 1996, was given a state funeral for his services as a singer." **[2a] (p142)**

20.18 On 4 April 2005 ILGA (International Lesbian and Gay Association) reported that on November 17 2004 a transvestite called Hulya was threatened with a gun by a man, with whom she had paid sex, who alleged that he was a police officer.

"He then drove her to a place where there were other policemen and left her with them. … They began to beat her and took her to a police station. Once at the station they continued to beat her and broke her arms and injured one of her feet. Then they wrote a report stating that she had refused their demands and based on that the District Attorney of Kadikoy had her arrested and sent to Umraniye prison…The representatives from Lambda Istanbul Homosexual Civil Initiative and the Human Rights Association of Istanbul conducted a press conference in front of Sultanahmet Court Building on November 25, 2004 demanding the end of oppression towards transgender individuals. The same day they filed a lawsuit against the police officers that committed this crime." Hulya was aquitted in January 2005 and the first trial of these police officers was scheduled for 6 April 2005. **[27b]** However, as at March 2006 no information could be found on the outcome of this trial.

TRANSSEXUALS

20.19 According to the Netherlands Ministry of Foreign Affairs 2002:

"Transsexual operations are legally permitted and may be performed in Turkey subject to a number of conditions. The new Civil Code, which entered into force on 1 January 2002, imposes stricter conditions than in the past. Candidates must submit a medical certificate stating that the sex change is necessary for

the mental health of the person concerned. Persons who have undergone a sex change can record this fact in the civil register and are allowed to marry afterwards. The ambivalent social attitude towards transvestites also applies to transsexuals. The famous singer, Bülent Ersoy, who had a sex change in 1980 and married as a woman in 1999, is idolised, but less well-known transsexuals face the same difficulties as transvestites. Their position in Turkish society is also generally comparable to that of transvestites." **[2a] (143)**

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21 DISABILITY

PEOPLE WITH DISABILITIES

21.01 The USSD 2006 report recorded that, "The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services and the government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities. The Presidency Administration for Disabled People, under the Prime Ministry, is responsible for protecting the rights of persons with disabilities." **[5g] (Section 5)**

21.02 The USSD 2006 report further recorded that:

"The NGO Mental Disability Rights International (MDRI) announced that use of electroconvulsive or 'shock' treatment without anesthesia was abolished but that there remains no legal ban on the practice. In September 2005 MDRI released a report stating that people with mental disabilities in the country were subject to treatment 'tantamount to torture.' The international NGO, which conducted a two-year study in the country, claimed the country lacked community-based support for mental patients and offered no alternative to state institutions where the mentally disabled were held separately from society in prison-like incarceration. Specific abuses listed in the report included: mental patients committed to psychiatric hospitals without judicial review; excessive use of electroconvulsive shock treatment without anaesthesia; use of shock treatment on young children; malnutrition and dehydration of patients; lack of rehabilitation and physical therapy; and excessive use of physical restraints, including children tied to beds for extended periods." **[5g]**

21.03 The European Commission 2007 report recorded that:

"As regards the treatment of socially vulnerable and disabled persons and the principle of nondiscrimination, Turkey has signed in March the UN Convention on the Rights of Persons with Disabilities. New legislation addresses the issue of discrimination on the grounds of gender on the labour market. However, lack of data and research on disability prevents informed policy-making. The legal framework on antidiscrimination is incomplete, and does not provide for protection against discrimination on the grounds of age or sexual orientation." **[71d] (p61-62)**

21.04 The European Commission 2007 report further stated that "No progress can be reported on access to education, health, social and public services for persons with disabilities. In particular, physical barriers to access to public buildings remain. Lack of data and research in this area and on conditions of care for mentally ill persons are preventing informed policy-making. Implementation of the Law on People with Disabilities and related regulations is critical for improving the rights and living conditions of persons with disabilities." **[71d] (p20)**

21.05 As noted in a report by the Mental Disability Rights International (MDRI) entitled 'Behind Closed Doors: Human Rights Abuses in the Psychiatric Facilities,

Orphanages and Rehabilitation Centers of Turkey' (released on 28 September 2005):

"There is no enforceable law or due process in Turkey that protects against the arbitrary detention or forced treatment of institutionalized people with mental disabilities. There are virtually no community supports or services, and thus, no alternatives to institutions for people in need of support. As a result, thousands of people are detained illegally, many for a lifetime, with no hope of ever living in the community. Once inside the walls of an institution, people are at serious risk of abuse from dangerous treatment practices. In order to receive any form of assistance, people must often consent to whatever treatment an institution may have to offer. For people detained in the institution, there is no right to refuse treatment. The prison-like incarceration of Turkey's most vulnerable citizens is dangerous and life-threatening." **[90] (Executive Summary)**

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22 WOMEN

LEGAL RIGHTS

22.01 The Women for Women's Human Rights (WWHR) website (undated) accessed on 26 September 2006 noted:

"The new Turkish Civil Code (No 4721), which abolished the supremacy of men in marriage and thus established the full equality of men and women in the family, was approved by the Turkish Parliament on November 22, 2001, and came into effect on January 1, 2002. The old Turkish Civil Code of 1926 was translated and adapted from the Swiss Civil Code of the time and included several articles reducing women to a subordinate position in the family. For example, the husband was defined as the head of the marriage union, thus granting him the final say over the choice of domicile and children.

"The new Code sets the equal division of property acquired during marriage as a default property regime for property aqcuired after the new code went in effect. It also sets 18 as the legal minimum age for marriage for both women and men (it was previously 17 for men and 15 for women), gives the same inheritance rights to children born outside marriage as those born within marriage, and allows single parents to adopt children. In addition, in October 2001, Article 41 of the Constitution was amended, redefining the family as an entity that is 'based on equality between spouses.' The new article reads: The family is the foundation of Turkish society and is based on equality between spouses." **[95b]**

22.02 The WWHR website further noted that:

"The new Civil Code has taken a new approach to the family and to women's role in the family. The old legal approach, which assigned women a legislatively subordinate position in the family with rights and duties defined in respect to the husband, has been abandoned in favor of one that defines the family as a union based on equal partnership. Consequently, this new concept is also reflected in the language of the new Code. The terms 'the wife' and 'the husband' are replaced by 'the spouses', the new approach to the family is reflected in several changes:

- The husband is no longer the head of the family; spouses are equal partners, jointly running the matrimonial union with equal decision-making powers;
- Spouses have equal rights over the family abode;
- Spouses have equal rights over property acquired during marriage;
- Spouses have equal representative powers;
- The concept of "illegitimate children," which was used for children born out of wedlock, has been abolished; the custody of children born outside marriage belongs to their mothers.

22.03 The USSD 2006 report recorded that, "Under the law, women enjoy the same rights as men; however, societal and official discrimination were widespread.

The Directorate General on the Status and Problems of Women, under the State Ministry in Charge of Family Affairs, is responsible for promoting equal rights and raising awareness of discrimination against women." **[5b] (Section 5)**

22.04 The Women for Women's Human Rights (WWHR) website (undated) accessed on 6 September 2007 noted:

"On September 26th, 2004, the Turkish Penal Code Draft Law was accepted in the Turkish Parliament Grand National Assembly. In the new penal code, sexual offences are now regulated as 'Crimes against Persons,' in the sub-section 'Crimes against Inviolability of Sexual Integrity.' This constitutes a groundbreaking shift in the overall perspective of Turkish Penal Law, legally acknowledging women's ownership of their bodies and sexuality.
In the old penal code, there were several references to vague patriarchal constructs such as chastity, morality, shame or decency. For example, crimes of rape and sexual abuse were defined as 'forced seizure of chastity and attack on honor.' Killing of a newborn child out of wedlock by the mother received a reduced sentence, as this crime was considered to be committed to cleanse the woman's honor. In the new penal code, all such references are eliminated and definitions of such crimes are brought in line with global human rights norms.
The new penal code contains progressive definitions of rape, sexual assault, sexual abuse and sexual harassment. Rape and sexual assault used to be defined as 'forced or consensual seizure/attack of chastity', rather than attacks on individual sexual integrity.
Marital rape was not acknowledged as a crime in the old penal code. The justification of the article regulating rape stated that marital rape did not constitute a sexual offence. Marital rape has explicitly been acknowledged as a crime in the reformed penal code. It can be prosecuted upon the victim's complaint." **[95c]**

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POLITICAL PARTICIPATION OF WOMEN

22.05 A Turkish Daily News article dated on 26 January 2007 'Turkish woman's election to gender equality chair meaningful' stated that:

"It is significant when a Turkish woman (Ankara deputy Gülsün Bilgehan) becomes head of a Council of Europe committee in charge of gender equality and women rights. She was unanimously elected on Monday head of the Parliamentary Assembly of Council of Europe (PACE) committee on equal opportunities for women and men. Few committees at PACE are chaired by Turks but it is particularly meaningful that a Turkish woman was elected to chair a committee dealing with women rights, equality, honor killings, domestic violence, forced marriage and education of girls," **[23n]**

22.06 The *Turkish Daily* news also reported on 26 January 2007 that,"Arzuhan Doğan Yalçındağ, yesterday elected chairman of the Turkish Industrialists and Businessmen's Association (TÜSİAD), is the acting CEO of Doğan TV and a Doğan Holding board member. Yalçındağ started her professional life in 1990 in

Milpa, founding the company Mail Order with the German firm Quelle. Yalçındağ is one of the founders of the Aydın Doğan Foundation and remains a board member of the institution. She is also a member of the Turkish Education Volunteers Foundation (TEGV), Turkish-American Businessmen's Association, and Turkey Third Sector Foundation, as well as the founding member of the Women Entrepreneurs Association. She is currently lobbying for Turkey in the European Union member countries in her role as the founding president of the Women's Initiative for the European Union." **[23i]**

22.07 The *Hurriyet* newspaper further reported on 15 October 2007 that, "The AKP (Justice and Development Party) is launching three new programs aimed at increasing the number of female mayors in Turkey. The programs come in response to Prime Minister Recep Tayyip Erdoğan's request for more female participation in local government. Women account for only 18 of Turkey's 3500 mayors. Nine belong to the DTP (Democratic Society Party) and hold office in the southeast. The AKP has only two female mayors, in the Doğankent district of Giresun and the Yeşilköy district of Hatay. Songül Erol Abdil, the mayor of Tunceli, is the country's lone provincial chairwoman." **[70b]**

22.08 The European Commission Turkey 2007 Progress Report published 6 November 2007, noted that, "The campaign conducted by an NGO to raise awareness about participation by women in politics and to promote female candidates in the July 2007 elections has been successful in drawing public attention to the issue. The need for more women in Parliament and the possibility to introduce quotas for this purpose was publicly debated. In the 2007 elections, almost double the number of women (51) was elected to Parliament compared with the previous Parliament." **[71d] (p18)** The total number of seats in Parliament is 550. **[5d](Section 3)**

SOCIAL AND ECONOMIC RIGHTS

22.09 As noted in the UK Foreign and Commonwealth Office (FCO) Human Rights Annual Report 2006, released in October 2006:

"The joint UNICEF and Ministry of Education campaign to increase girls' attendance at school continued to yield positive results throughout 2005–06. The campaign, which now covers the whole of Turkey, continues to address shortages in classroom space, school materials and teacher training, and to encourage members of the community to identify girls who are not going to school and to discuss the issue with their parents. As a result of the campaign, enrolment and attendance have dramatically increased among primary age girls." **[4n] (p138)**

22.10 The EC 2006 report recorded that "The level of participation of women in the parliament and in local representative bodies remains very low and prevailing discrimination exists in the labour market. Participation by women in the workforce is among the lowest in OECD countries." **[71a] (p19)**

22.11 The EC 2007 report stated that, "In general, women's participation in the labour market remains low, although women occupy some high-profile positions, women's participation in national and local elected bodies remains

limited… The legal framework guaranteeing gender equality is in place. However, further efforts are needed to translate it into social reality. The gap between men and women in economic participation and opportunity, educational attainment, health and survival, and political empowerment remains significant." **[71d] (p18)**

22.12 The Human Rights Watch on 'Essential Background: overview on human rights issues on Turkey' March 2005, noted that, "Women who wear the headscarf for religious reasons continue to be excluded from higher education, the civil service, and political life. Female lawyers who wear the headscarf are not permitted to enter courtrooms, and in July the Ankara Bar took disciplinary action against a lawyer who wore a headscarf while carrying out her duty to a client in a bailiff's office." **[9e]**

22.13 As reported in September 2005 on the website of the Kaos GL News:

"In Turkey, because of some religious and cultural facts, the education level of women is low compared to that of men. Since most women are not as educated, the number of women who have a chance to have a career is less then men. Unemployment rate is high in Turkey and men are more likely to occupy the available jobs… It is very hard for women who went through only obligatory education to find a job. They can only find under-paid jobs in metropolitan areas with almost no social security. Because only people who had a prior job can benefit from unemployment insurance, women, who mostly deal with housework or unregistered house oriented jobs, cannot access this benefit… Most women are forced to marry because of societal and economic pressure. Consequently many lesbians are forced into marriage. There has been a recent case that can give an idea of the degree of violence to which lesbians are exposed. In that case, a husband who killed his wife's girlfriend, because of the fact that she was a lesbian, was given a diminished punishment for 'unjust provocation'." **[96e]**

EMPLOYMENT AND GENDER EQUALITY

22.14 The European Commission 2007 report stated:

"Low participation of women in the labour market and access to education remain points of concern. Transposition of the EC Directives concerning discrimination on grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation is incomplete. An effective and independent Equality Body needs to be established to promote non-discrimination and equal treatment… Overall, Turkey has made limited progress on alignment with the acquis… Gender equality should be improved in all economic and social life. In general, there is a need to increase administrative capacity for the effective implementation of the acquis." **[71d] (p54-55)**

22.15 The Council of Europe (COE) report at the 6th European Ministerial Conference on Equality between Women and Men in 2006 noted that:

"In 2002 the 2002 elections, 24 women were elected to the parliament, thus representing 4.4% of 550 members of parliament… Women's achievements in

the social and economic fields are not reflected accordingly in political sphere. Women's representation in local government, which can be considered as an initial step in political participation, is also very low. According to the results of March 2004 local elections, 18 out of 3 225 mayors, 834 out of 34 477 members of municipality councils, and 58 out of 3 208 members of provincial general assemblies are women." **[29b]**

22.16 The same COE report further stated that:

"According to the 2002 data of State Personnel Presidency, 31.9% of civil servants working under the Retirement Fund are women… There are now 12 female ambassadors and 23 female heads of civil administration (deputy governor and head of district). The rate of women within the total number of judges and public prosecutors is 18%... In 2005, one of the woman members of the Constitutional Court was elected as the President and another as the Vice President of the Court. The rate of women lawyers among all lawyers is 26%. The rate of women notary publics among all notaries is 15.5%. These data show that women's status in Turkey is advancing in all fields of life. However, high level decision making positions are not equally shared yet." **[29b]**

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MARRIAGE

22.17 The European Commission 2007 report further noted that "As concerns women's rights, amendments have extended the Law on Protection of the Family to all individuals in the family, including family members living separately. They have also abolished all fees for applications and administrative transactions related to court proceedings. The Turkish authorities have issued circulars to governorates, judges and prosecutors, with the aim of improving services to victims of violence… **(p18)** They have introduced medical consultation or treatment in a health institution as a new measure that can be enforced by courts on violent family members. Further, the law stipulates that no fees will be charged for applications and execution of court decisions alleviating, thereby, the financial burden of legal proceedings for victims." **[71d] (p 62)**

22.18 The USSD 2005 report noted that:

"Child marriage occurred. The legal age of marriage in the country is 18 for both boys and girls. A judge can authorise a marriage at age 17 under 'extraordinary circumstances'; the law requires judges to consult with parents or guardians before making such a decision. However, children as young as 12 were at times married in unofficial religious ceremonies. Families sometimes engaged in 'cradle arrangements,' agreeing that their newborn children would marry at a later date, well before reaching the legal age. Women's rights activists say underage marriage has become less common in the country in recent years, but is still practiced in rural, poverty-stricken regions. Activists maintained that girls who married below the legal age often had children shortly thereafter and suffered physical and psychological trauma as a result. Arranged marriages

have been cited as a cause of suicides among girls, particularly in the southeast." **[5b] (Section 5)**

Forced Marriages

22.19 As noted in a Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa dated 28 September 2004 entitled Turkey: Forced marriage in Turkey; outcome when a woman refuses to marry the designated man; outcome when a woman elopes with another man; attitude of state and availability of state protection (July 2001 -September 2004), it noted that:

"Although identified as a significant step in progress towards gender equality, the revised Civil Code is not perceived as a panacea to end gender discrimination and violations of women's rights in a country where historically customs and religious practices have controlled the lives of women and have accorded male family members the rights to make decisions, including those about forced or early marriages, concerning the lives of female family members. A 2004 Amnesty International (AI) report on violence against women in Turkey indicates the following distinction between forced and arranged marriages, forced marriage, in contrast to arranged marriage, has been described as 'any marriage conducted without the valid consent of both parties and [which] may involve coercion, mental abuse, emotional blackmail, and intense family or social pressure. In the most extreme cases, it may also involve physical violence, abuse, abduction, detention, and murder of the individual concerned." **[7a]**

22.20 The Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa further stated that:

"Young girls living in rural areas, specifically in eastern Anatolia, face difficulties, in trying to oppose forced marriage since under tribal custom they are considered the property of either their father before marriage or by their husband afterwards and if they resist social pressure from the community, 'they do so at their peril'. Similarly, according to one of the leaders of WWHR, rural women are likely to be marginalized in the context of changes induced by the new Civil Code, including the raising of the legal age for marriage to 18, as they 'must contend with traditions and customs, [including underage marriage] that have little to do with the legislative revisions their urban sisters enjoy'." **[7a]**

22.21 The Country of Origin Research of the Canada Immigration and Refugee Board, Ottawa also noted that:

"However, an article published by the London-based non-governmental organization Panos Institute in January 2002, indicated that child marriage did not exist only in Turkey's conservative heartland. The same article reported the story of a school in the Europeanised west of the country where more than 20 girls aged between 10 and 13 had been married off in exchange for bride price that took place just after the new Civil Code took effect. Middle East International (MEI) reported in January 2002 that many arrests were made by the authorities of the Western province of Aydin after finding that a large group

of girls between ages 10 and 14 were being deprived of schooling due to forced early marriages (11 Jan. 2002)." **[7a]**

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VIOLENCE AGAINST WOMEN

22.22 Stop Violence against Women (stopvaw) stated in their country page updated on 3 May 2005:

"Gender discrimination and violence against women are a widespread problem throughout Turkey. In a recommendation on Turkey's accession to the European Union, the European Commission noted that discrimination and violence against women, including honor killings, remains a major problem." **[97]**

22.23 As noted in the Norwegian Country of Origin Information Centre 'Report of fact-finding mission to Turkey (7-17 October 2004)' made public in February 2005:

"According to Ms. Nebahat Akkoç and the other women's rights activists consulted, violence against women is endemic all over Turkey and not limited to 'backward' parts such as Eastern Anatolia. It appears, however, that the problem is especially grave in traditional areas, where tribal customs still play an important role in every day life. Ms. Zülal Erdogan and Ms. RemziyeTanrýkulu from the Diyarbakýr Bar Association supported this view and pointed out that there are more cases in conservative, Kurdish families in the Southeast and among migrants from the Southeast living on the outskirts of the metropolitan areas." **[16] (p32)**

22.24 The European Commission Turkey 2007 Progress Report published 6 November 2007, noted that, "Domestic violence against women [is] continues to be widespread. Honour killings, early and forced marriages continue to occur. Moreover, access to reliable data on the incidence of violence against women and of honour killings continues to be a problem. More shelters for victims of domestic violence are needed to meet the demand, and services should be improved. Training for law enforcement bodies, judges and prosecutors should be stepped up." **[71d] (p18)**

22.25 The European Commission 2007 report noted that:

"Implementation of the prime ministerial circular to combat honour killings and domestic violence against women is underway, under the coordination of the Directorate-General for the Status of Women. Cooperation between public institutions and civil society has improved and regular meetings are held with public institutions and women's NGOs to monitor the implementation of the circular. Campaigns to prevent violence against women are continuing, supported by the government, the media, the private sector and the UN Population Fund." **[71d] (p18)**

22.26 Amnesty International's report 'No turning back – full implementation of women's human rights now 10 year review and appraisal of the Beijing Declaration and Platform for Action' published in February 2005 stated that:

"At every level of the criminal justice system in Turkey, the authorities fail to respond promptly or rigorously to women's complaints of rape, sexual assault or other violence within the family. The police are reluctant to prevent and investigate family violence, including the violent deaths of women. The police force's own record of human rights violations makes victims of domestic violence reluctant to seek their help. Prosecutors refuse to open investigations into cases involving domestic violence or to order protective measures for women at risk from their family or community. The police and the courts do not ensure that men, who are served with court orders, including protection orders, comply with them. In most cases the authorities fail to ensure that the perpetrators of violence in the home are brought to justice in accordance with international standards for fair trial." **[12m] (p4)**

22.27 A *Turkish Daily News* article dated 8 September 2006 stated that:

"The Women's and Children's Affairs Ministry will hold a summit at the Prime Ministry on violence against women and 'honor killings' today, with representatives of relevant state bodies, unions, nongovernmental organizations and universities present. The summit aims to draft an action plan to prevent violence against women and honor killings and to implement the measures as soon as possible. Çubukçu had previously said that laws and mechanisms protecting women from violence and punishing abuse were already in place. State Minister for Women's and Children's Affairs Nimet Çubukçu, speaking on Wednesday, said they would be discussing what had been done up until now and what could be done in the future to stop this social disease." **[23e]**

22.28 The USSD 2005 report noted that:

"Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse; however, the government generally did not effectively enforce the law. Police were reluctant to intervene in domestic disputes and frequently advised women to return to their husbands. Spousal abuse was considered an extremely private matter involving societal notions of family honor [sic], and few women went to the police". **[5b] (Section 5)**

22.29 The USSD 2005 report further added that:

"The Directorate General for the Status of Women reported that 147,784 women were victims of domestic violence from 2001 to 2004. These incidents included 4,957 cases of rape and 3,616 cases of attempted rape. In 2003 6,543 women suffered beatings from family members, and in the first eight months of 2004, 5,214 women suffered beatings. The law prohibits rape, including spousal rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Women's rights advocates believed cases of rape were underreported." **[5b] (Section 5)**

22.30 As reported by BIA News Center in September 2006, 'Women Seek Help Most for Domestic Violence':

"Istanbul Bar Association Women's Rights Enforcement Center (KHUM) records show that most applications made to this legal counsel service come from women seeking a divorce and 95 out of every 100 women applying last year have complained of being subjected to violence at home. KHUM records for the year 2005 show that 2,827 women applied to the Bar Association's women's rights center. 71 percent of them were complainants, 15.8 percent defendants. The data shows that 59.9 percent of applicants were seeking a divorce and 12.8 percent were seeking assistance in enforcing alimony payments. 9.7 percent of the applicants came to the center for violations of Law 4320 while 8.6 percent applied for alimony." **[102d]**

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Honour killings

22.31 A report "The Dynamics of Honor Killing in Turkey" by the United Nations Development Programme noted that, "honor is a property of women which is controlled by men. Women should passively obey the rules of conduct accepted as honourable while men have to actively make women obey these rules. As a result, 'honor' was usually formulated as something obliging both men and women to behave in a certain way." **[54] (p20)**

22.32 As noted in the USSD 2006 report:

"The government undertook a major campaign during the year to end the practice of honor killings--the killing by immediate family members of women suspected of being unchaste; however, the practice remained a problem. The government reported that there were 1,806 honor killings between 2001 and 2006. During the same period, 5,375 women committed suicide. After the government increased penalties for honor killings, family members increasingly pressured girls to kill themselves in order to preserve the family's honor, according to women's rights groups." **[5g] (Section 5)**

22.33 The USSD 2006 report further noted that:

"Broaching the formerly taboo topic, Prime Minister Erdogan condemned the practice of honor killings at the Organization of the Islamic Conference in November. In July the Prime Ministry issued to all ministries and provincial governments a circular that reminded each government institution of its responsibility to prevent domestic violence, including honor killings. In December the interior ministry issued a circular to provincial governors instructing them to form special committees to prevent honor killings. Turkish imams joined pop music stars and soccer celebrities to produce television and billboard ads declaring honor killing a sin and condemning all forms of violence against women." **[5g] (section 5)**

22.34 The USSD 2006 report further noted that, "Under the Penal Code, honor killings require punishment of life imprisonment. Women's rights groups reported that there remained dozens of such killings every year, mainly in conservative

Kurdish families in the southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing." **[5g] (Section 5)**

22.35 The Norwegian Country of Origin Information Centre '2004 Report of fact-finding mission to Turkey noted that:

"Like other forms of violence against women, honour killings happen in all parts of the country. They appear to be more frequent in the Black-Sea Region and in Kurdish inhabited areas in the Southeast, where tribal customs play an important role in everyday life. From the sunni-dominated areas of central-Anatolia (such as Konya) however, fewer cases are reported…Just like other kinds of violence within the family, no comprehensive recording or statistical monitoring is conducted as to the prevalence of honour killings." **[16] (p33-34)**

22.36 Amnesty International's report of June 2004 reported two of cases of those found guilty of honour crimes being sentenced to life imprisonment. According to the report "These cases have shown the positive steps that have been taken and the efforts being made within the Turkish judicial system to treat 'honour killings' as seriously as other murders… However, although some courts appear to have begun implementing the reforms, the discretion accorded to the courts continues to permit the perpetrators of domestic violence unwarranted leniency." **[12j] (p17)**

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Women suicides in Turkey

22.37 An *International Herald Tribune* article dated 12 July 2006 noted that:

"Every few weeks in this Kurdish area of southeast Anatolia [Batman], which is poor, rural and deeply influenced by conservative Islam, a young woman tries to take her life. Others have been stoned to death, strangled, shot or buried alive. Their offenses ranged from stealing a glance at a boy to wearing a short skirt, wanting to go to the movies, being raped by a stranger or relative, or having consensual sex.

"Hoping to join the European Union, Turkey has tightened the punishments for 'honor crimes'. But rather than such deaths being stopped, lives are being ended by a different means. Parents are trying to spare their sons from the harsh punishments associated with killing their sisters by pressing the daughters to take their own lives instead." **[82]**

22.38 The same *International Herald Tribune* article also noted that:

"In the past six years, there have been 165 suicides or suicide attempts in Batman, 102 of them by women. As many as 36 women have killed themselves since the start of this year, according to a United Nations official's finding on violence against women. There have been so many unnatural deaths that the

United Nations dispatched a special envoy to the region last month to investigate. After a fact- finding mission, the envoy, Yakin Erturk, concluded that while some suicides were authentic, others appeared to be "honor killings disguised as a suicide or an accident." **[82]**

22.39 The same *International Herald Tribune* article further noted that:

"In an effort to bring honor killings out from underground, Ka-Mer, a local women's group, has created a hotline for women who fear their lives are at risk. Ka-Mer finds shelter for the women and helps them to apply to the courts for restraining orders against relatives who have threatened them. Ayten Tekay, a caseworker for KaMer in Diyarbakir, the regional center, said that of the 104 women who had called Ka-Mer this year, more than half had been uneducated and illiterate. She said that in many cases the families had not wanted to kill their relatives but that the social pressure and incessant gossip had driven them to murder." **[82]**

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Virginity testing

22.40 The Human Rights Brief published a report, "Virginity Testing in Turkey: A Violation of Women's Human Rights" 2002 stating that;

"Virginity testing is discriminatory, highly invasive, and often involuntary. These tests involve the physical examination of a woman's hymen for tears to determine whether the woman is still 'a girl' (the term Turkish doctors use to refer to a virgin). Underlying the practice of virginity testing are cultural norms, which dictate that women who are not virgins may not be considered eligible for marriage and could bring dishonor to their families. This is especially true in rural areas of predominately Muslim Turkey. Virginity testing is thus used to prove a woman's chastity and make her eligible for marriage." **[41]**

22.41 The same 2002 report "Virginity Testing in Turkey" further noted that, "Prior to the ban, directors of state-run dormitories for female university students often required virginity exams of women when they first entered the dormitories, and subsequent to any nights they spent elsewhere. Nursing and midwife students also have been subjected to virginity testing. Additionally, applicants for civil service jobs at the State Cartography Department, a division of the Department of Defense, have complained about being tested for virginity. In addition, some hospitals' rules dictate that female patients are to be examined for virginity before being admitted." **[41]**

22.42 Amesty International reported on 26 Ferbruary 2003 that:

"It has continued concerns about the utilization of so-called 'virginity testing', in particular in relation to reports of women in custody being subjected to forced 'virginity tests'. In visits to prisons in Diyarbakir, Mus, Mardin, Batman and Midyat and interviews with over 100 female prisoners, representatives of the Diyarbakir Bar Women's Commission established that nearly all of the women

had been subjected to "virginity testing", and nearly all had experienced some form of sexual abuse, either verbal or physical, whilst in police custody." **[12k]**

22.43 Amesty International reported in June 2004 that:

"Even when laws change, practices persist that restrict women's options. After the passage of a law forbidding forced 'virginity testing', a study at an Istanbul hospital found that 208 women 'voluntarily' underwent a virginity test for 'social reasons'. We live in a society in which some women consider their own lives to be less important than a tiny membrane, Hülya Gülbahar, lawyer and women's activist, told Amnesty International." **[12j]**

22.44 The Women for Women Human Rights (WWHR) submitted in January 2005 a list of critical issues on the Turkish Penal Code which was accepted by the Parliament in September 2004 stating that, "The new Turkish Penal Code Article 287 on "Genital Examination" does not explicitly state that "virginity testing is banned" and fails to seek the consent of the woman as a necessary pre-condition; hence as it stands the article continues to provide a basis for this widespread practice of women's human rights violation." **[95a]**

22.45 The same report further noted that, "Unfortunately the practice of virginity testing still exists in Turkey, performed in various public institutions and penitentiaries and even employed by families when women are suspected of having premarital sexual relations. The practice not only discriminates against women based on virginity, but also violates women's human rights and bodily integrity, sometimes to the extent that it causes women to commit suicide or to be killed by their families in the name of 'honor'. **[95a]**

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Treatment of women in detention

22.46 The International Helsinki Federation (IHF) for Human Rights 2006 Turkey report noted:

"Since 2003, the government has improved the legislation and regulations concerning detention conditions and the rights of detainees, in connection with the EU accession process. The government declared a 'zero-tolerance' policy on torture but rejected any debate with human rights organizations on the issue, and reacted negatively to arguments and initiatives by these organizations. CPT commended theTurkish normative framework as one of the most elaborate in combating torture while pointing to deficiencies in the implementation. Torture and ill-treatment was still widespread and the government extended impunity to the police and gendarmerie accused of torture. Turkish human rights organizations stated that the safeguards provided by the government were not always respected in practice by the security forces despite progressive improvement." **[10a] (p440)**

See also Section 11 Arrest and Detention-Legal Rights

22.47 The 2006 IHF report further stated that:

"The case opened against four police officers for torturing two young girls, Fatma Deniz Polattas and Nazime Ceren Samanoglu, in Iskenderun in 1999 was concluded in 2005. While the officers remained in their duties and received promotions, Polattas and Samanoglu were convicted on the basis of their confessions reportedly extracted under torture. The two girls were released in December 2004 due to an amendment to the law. In April, Iskenderun Aggravated Penal Court acquitted the police officers on the basis of insufficient evidence since the Forensic Institute reported that the girls objected to virginity test which was supposed to obtain evidence on their rape claims." **[10a] (441)**

22.48 The 2006 IHF report also added that:

"Derya Orman, Gülselin Orman and Seyhan Geylani Sondas were arrested by the police in Istanbul in April because one of them did not have an identity card with her. They stated that the police requested them 'sexual favors' in the station in order to release them. They reported that they were stripped naked, sexually harassed and forced to sexual intercourse by the officers on duty, including a policewoman. HRA officials reported that the applicants were mistreated by the prosecutor when they went to his office to file complaints against the police officers." **[10a] (441)**

22.49 As reported in a recent BIA News article dated 2 November 2006:

"A recent study of violence against women by state security forces has shown that at least 70 women were raped while under detention between 1997 and 2006 while 166 others were sexually harassed. The total number of women who have sought legal support and assistance in this period is 236. A report issued by the Judicial Assistance Project for Sexual Harassment and Rape Under Detention said that only two of the 236 applications made for support came from Germany while the rest of the incidents were recorded in Turkey… The project's lawyer Eren Keskin told bianet that harassment and rape were specifically employed as deterrent methods in east and southeast Turkey while kidnapping of women concentrated in the cities of Tatvan and Mardin. Keskin acknowledged that women subject to this form of violence had 'great difficulties' in applying for judicial aid and said that as most women faced such incidents at very young ages, there was a need for a new institution other than the coroner's office, which could deal with psychological reports." **[102j]**

COMPLAINT PROCEDURE FOR WOMEN MISTREATED IN CUSTODY

22.50 As noted in a letter from the British Embassy in Ankara to the Country of origin information service, dated 27 March 2007, sets out details of the complaints procedure for women mistreated in custody, in terms of answers to a series of questions:

"I refer to your letter of 21 February for additional information on the complaints procedures available for women, who have been mistreated in custody in Turkey. The answers to your questions follow.

1. What precisely does a Turkish woman need to do in order to complain about her treatment by the Turkish police either during her arrest/questioning or while being held in police detention?

   There are currently a number of different avenues of complaint available in Turkey:

a) The most usual route is to submit a written allegation to the Provincial Chief Prosecutor, who will then arrange an investigation.
b) Alternatively, complaints about police treatment can be submitted directly to the Interior Ministry
c) A third option is to submit a complaint to the provincial Human Rights Board. The Boards consist of local government and non-governmental representatives and are have responsibilities across the full range of civil and political rights. They are unable to instigate a prosecution but they do have investigative powers and will submit their findings to the prosecutor. In 2004, 9.64% of applications to Human Rights Boards related to torture and mistreatment.

2. What forms does she need to fill in?

a) This option does not require a form, although complaints must contain details of places, times, persons and their actions. A lawyer may submit a complaint on the victim's behalf.
b) This option is most commonly pursued via an online form available on the Ministry of Interior Website at www.icisleri.gov.tr. The form must be completed in Turkish.
c) The Regional Human Rights Boards use a standard 4-page application form, copies of which are available on-line, from public and NGO offices. The form can be filled in personally, or by a relative or representative. Forms can be submitted by e-mail, fax, post or via a 'human rights application box' located in various public buildings in every town. An English version is available from the Prime Ministry website at www.basbakanlik.gov.uk Applications must be submitted in Turkish.

3. If she is required to attend in person can she be accompanied by a lawyer or other representative, such as a representative of an NGO?

   If required to attend in person, she may always be accompanied by a lawyer. NGO representatives are unlikely to be allowed to attend police interviews, but may accompany the plaintiff at other stages of the proceedings.

4. Can the complaint be lodged from a different police district from the one where the alleged ill-treatment took place?

   As outlined above, complaints are not submitted directly to the police. Complaints to the prosecutor and human rights board are submitted in the same province (an average province in Turkey has a population of 700,000 - 1 million). Complaints to the Interior Ministry are handled centrally, but involve local prosecutors.

5. How effective are these remedies in practice?

   Investigations into allegations of mistreatment occur after almost all allegations are submitted, but as outlined in the 2006 Progress Report, impunity remains a problem in Turkey. Prosecutions are often made but convictions are rarer.

6. Are there any human rights groups active in Turkey who provide assistance to women in this situation?

   There are no human rights groups focusing exclusively on women in this situation, but a number do provide this service to men and women. The most important of these is the Human Rights Association, which has branches in 35 cities in Turkey. Each can be contacted by phone or e-mail. Details are available from the website www.ihd.org.tr. The Human Rights Foundation will also compile medical evidence for submission to prosecutors and rehabilitation for torture survivors. It has offices in Ankara, Istanbul, Izmir, Adana and Diyarbakir. Contact details for each branch are available on the website www.tihv.org.tr." **[4r]**

22.51 The same letter noted that "a EU Twinning Project which aims to set up an independent Complaints Authority for both police and gendarmerie in Turkey was launched on 12 March [2007]. The UK IPCC will be the twinning partner in this project. Procedures are therefore expected to change." **[4r]**

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22.52 A letter from the British Embassy in Ankara to the Country of Origin Information Service, dated 17 April 2007, sets out details of the complaints procedures available for women who have been mistreated in custody by the National Guard or Jandarma:

"1. Complaints are dealt with by a centralised body known as the Gendarme Human Rights Violations Investigation and Assessment Centre (JIHIDEM), which is responsible for the investigation and assessment of complaints and their submission to the prosecutor for action. Applications can be made to JIHIDEM in a variety of different ways:

- Via an on-line form available on the Gendarme website (an English version is available at http://uyg.jandarma.tsk.mil.tr/JIHIDEM/FORM/frmIngBasvuruGD.aspx)
- In person, by phone or by petition to the relevant provincial command centre
- In person, by phone, fax, letter, petition directly to JIHIDEM.

2. Contact details for JIHIDEM are as follows
   JIHIDEM
   Jandarma Genel Komutanligi
   Korg. Hulusi SAYIN Kislasi 06500
   Bestepe, Ankara

Phone: 0312 456 1186
Fax: 0312 212 8463
0312 215 1417

3. I can find no indication that applications must be made in Turkish, but this is highly likely to be the case. Information about the complaints procedure and forms are available only in Turkish and English (for the diplomatic community). As outlined in my previous letter (above), there are various human rights groups in Turkey who will assist anyone wishing to make a complaint.

4. According to JIHITEM's own statistics, as of 8 April 2007 only 20% of total applications fell within JIHITEM's remit. 65% of applications had something to do with Gendarme activity; the remaining 35% had been sent to the wrong organisation. Of the valid applications, 70% were found to be ungrounded, with judicial procedures being initiated in the remaining 30% of cases (please note that these statistics are taken from the Turkish version, not the English version, which has been mistranslated and implies that no judicial proceedings of any kind have been initiated). Statistics on the total number of applications are not available but I understand that total application numbers are extremely low. We are not aware of any successful prosecutions. These figures call into question the effectiveness of the JIHITEM as it is currently constituted." **[4p]**

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Protection of Victims of Violence

22.53 The EC 2007 report noted that, "Campaigns to prevent violence against women are continuing, supported by the government, the media, the private sector and the UN Population Fund… The number of shelters for women subjected to domestic violence increased to 33, including those operated by the Social Services and Child Protection Agency, municipalities and women's NGOs." **[71d] (p18)**

22.54 In an article by Amnesty International News (undated) stated that:

"According to a recent European Union report there should be one shelter per 10,000 head of population. Turkey, with a population of 70 million people should therefore have approximately 7,000 shelters. In reality, there are approximately 14 'guesthouses' and 19 community-based services to support women experiencing violence at home… Women in Turkey want shelters. According to one study in which 33 per cent of women reported being beaten by their husbands, and 26 per cent reported being beaten by their father before marriage, 91 per cent of women stated that in the difficult times that they encountered ill treatment, they wanted to be able to find shelter from a social foundation." **[12b]**

22.55 An Amnesty International article dated 25 November 2006 on Turkey: "Shelters need government support" stated that "In 2005; a legal provision came into force in Turkey for municipalities with more than 50,000 inhabitants to open at least one shelter for survivors of domestic violence. According to this law, over 3,000 shelters should be opened around the country. To date, not a single municipality has established a new shelter because of limited budgets and a lack of political will."

"… Mor Çatý (Purple Roof), [is] a well-known women's solidarity center in Istanbul. For the last 16 years, the center has helped women fleeing from domestic violence by providing shelter and psychological and legal support. Most women get in touch with the centre via its confidential telephone helpline, while others are referred to it by the police or social workers. Mor Çatý cooperates with other organizations and authorities to offer women information and advice over the telephone and during face-to-face meetings." **[12d]**

22.56 The same Amnesty International article further noted that, "In many cases, women urgently need a safe place to stay. Mor Çatý shelter tries to help wherever possible, but it is in desperate need of more capacity and resources. Many women arrive at the shelter having escaped from their homes with little more than the clothes they are wearing. Apart from accommodation, the shelter offers women a community and prepares them for living independently. Residents of the shelter, in the best of circumstances, start to work and earn money two months after they arrive. However, for those who cannot work, and for the most traumatized, this process can last for many months, increasing the shelter's need for space and financial support." **[12d]**

Women's Organisations

22.57 An Amnesty International News article "Turkey: Shelters not Cemeteries" stated that:

"At present, the role of women's rights activists is crucial to ensure that at least a small proportion of women obtain protection – some of these organizations are the:

- Women's Support and Solidarity Centre in Antalya,
- the Purple Roof Foundation in Istanbul,
- the Women's Centre (Ka-Mer) in Diyarbakýr,
- the Women's Solidarity Foundations (KADAV) in Ankara and Izmit.

A worker at an NGO told Amnesty International, "Everyone sends women who have experienced violence to us. Everyone. [sic] The government, the police, everyone. We don't have the facilities to meet the demand'." **[12b]**

Women NGO's

22.58 The Stop Violence Against Women website accessed 30 0ctober 2007 stated that, "Nongovernmental organizations, or NGOs, play vital roles in articulating and enforcing international human rights standards. NGOs lobby on national and international levels for strengthened human rights standards… As

advocates for social change, NGOs have been instrumental in achieving legal reform and have played important roles in advancing women's rights as human rights. Despite their diversity, NGOs can be broadly defined as independent voluntary association[s] of people acting together on a continuous basis, for some common purpose." **[97b]**

22.59 The same Stop Violence Against Women website have further noted the six different Women NGO's listed in Turkey as follows:

Foundation for Women's Solidarity (Kadin Dayanisma Vakfi)
Mithat Pasa Caddesi, No. 10/11 Sihhiye
Telephone: 90-312-430-4005, Email: Kadindv@yahoo.com.tr

Human Resources Development Foundation (Insan Kaynagini Gelistirme Vakfi)
Sira Selviler Caddesi, Kristal Apt. No. 152/3-4 Beyoglu
Telephone: 90-212-293-16-05, Email: ikgv@ikgv.org

Flying Broom
Büyükelçi Sokağı 20/4 Kavaklıdere, Ankara, Türkiye 06700
Telephone: 90-312-427-00-20, Email: ucansupurge@ucansupurge.org
Fax: 90-312-466-55-61
Website: http://www.ucansupurge.org/

Foundation for the Support of Women's Work
Istiklal Cad. Bekar Sokak, No: 17 Beyoglu - Istanbul / TURKEY
Phone: 90-212-292-26-72, Email: kedv@kedv.org.tr
Fax: 90-212-249-15-08
Website: http://www.kedv.org.tr/

Human Rights Association
HRA Headquarters, İHD Genel Merkezi
Tunalıhilmi Cad. 104/4 Kavaklıdere, Ankara, Turkey
Telephone: 90(312)-466-49-13-14, Email: posta@ihd.org.tr
Website: http://www.ihd.org.tr/index.html

Kadin2000
Arjantin Caddesi 22/10, Kavaklıdere 06700, Ankara, Turkey
Telephone: 0312-467-13-37, Email: info@kadin2000.gen.tr
Fax: 0312-468-18-33
Website: http://www.kadin2000.gen.tr/

Women for Women's Human Rights - New Ways Foundation
İnönü Caddesi, 37/6 Saadet Apt. Gümüşsuyu, 80090, Istanbul-TURKEY
Telephone: 90-212-251-00-29, Email: wwhrist@superonline.com
Fax: 90-212-251-00-65
Website: http://www.wwhr.org

Right to Assembly

22.60 As reported by BBC News on 7 March 2005:

"The European Union has expressed shock and concern at the 'disproportionate force' used by Turkish police during a protest in Istanbul. Police used truncheons and tear gas to break up Sunday's demonstration ahead of International Women's Day. The EU, which has told Turkey it must continue with political reforms, said: 'On the eve of a visit by the EU during which the rights of women will be an important issue, we are concerned to see such disproportionate force used.' 'We were shocked by images of the police beating women and young people demonstrating in Istanbul,' the three EU representatives said in a joint statement. 'We condemn all violence, as demonstrations must be peaceful.'… About 300 people gathered for the unauthorised demonstration on Sunday, chanting anti-government slogans and demanding equal rights for women. After about 100 refused to follow police orders to disperse, officers armed with tear gas and truncheons charged on the crowd, say reports. Police were seen beating and kicking the men and women trying to flee." **[66i]**

22.61 The European Commission 2005 also reported that:

"During a demonstration marking international Women's Day in Istanbul on 6 March 2005, police intervened with disproportionate force, using tear gas and truncheons and injuring a number of participants. The government quickly conveyed the message that such behaviour on the part of the police is unacceptable. Following the incident, the Ministry of Interior demoted and fined 6 policemen and reprimanded 3 senior officials. A judicial investigation, launched by the Istanbul Public Prosecutor, is ongoing." **[71b] (p29)**

22.62 The EC 2006 report further recorded that:

"The administrative investigations have been finalised into the incidents during a demonstration promoting women's rights in March 2005. Three members of the Istanbul Directorate of Security have been punished with a reprimand due to Failure in undertaking the duty of training and supervising members under their command. A further six staff members have been punished with a salary deduction due to disproportionate use of force when dispersing the demonstrators and speaking to or treating the public in a degrading manner. The investigation launched by the Chief Public Prosecutor's Office of Istanbul against seven police officers is currently ongoing." **[71a] (p15)**

22.63 The EC 2007 report further notes that, "Overall, progress has been achieved on protecting women from violence. The legal framework guaranteeing gender equality is in place. However, further efforts are needed to translate it into social reality. The gap between men and women in economic participation and opportunity, educational attainment, health and survival, and political empowerment remains significant." **[71d] (p18)**

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23 CHILDREN

BASIC INFORMATION

23.01 The United Nations Children's Fund Turkey (UNICEF) in their 2006 report, "Early Childhood Development" (ECD) stated:

"As of 2006, 18.5% of the population of Turkey is estimated to be under 10 years of age — 9% of them under 5 years old. For these children, their earliest years are without question the most critically important phase of both mental and physical development. comprehensive, nationwide programme of ECD will help every child get the best start in life. As happier, healthier and better educated adults, this generation of children will contribute to the long term development of a more prosperous Turkey." **[91c]**

23.02 The USSD 2006 report noted that:

"The government was committed to furthering children's welfare and worked to expand opportunities in education and health. Government-provided education through age 14 or the eighth grade was free, universal, and compulsory… Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives… Child marriage occurred, particularly in rural, poverty-stricken regions; however, women's rights activists claimed that underage marriage has become less common in the country in recent years." **[5g] (Section 5)**

23.03 In a UNICEF press release "Child Protection" it was noted that:

"An EU-financed project Towards Good Governance, Protection and Justice for Children in Turkey or Children First was launched on 20th January 2006 in Ankara involves the Social Services and Child Protection Agency General Directorate (SHÇEK), the Security General Directorate, the Ministry of Justice, the Ministry of National Education (MONE), the Turkish Bar Association and civil society organisations. The specific aim of the project is to upgrade the capacity of related institutions to provide a more protective environment for children coming in contact with the law. This will include the collection of baseline data and empirical evidence; the development of common strategies and collaborative implementation practices for the protection and reintegration of these children." **[91d]**

23.04 The European Commission 2007 report noted that, regarding asylum seekers, "The children of applicants for asylum have the right to attend Turkish schools. Primary schools can be attended free of charge. 312 out of 1045 children of asylum seekers at school age are enrolled in education. Awareness among asylum seekers on education opportunities needs to be improved." **[71d] (p64)**

23.05 The BIA News Center article Children get Police & Courts, no Schools published 5 July 2006 reported:

"The Diyarbakir Bar Association has revealed that out of 10,193 suspects that were brought before courts in the city last year, 2,197 were children, describing the situation as 'grave'. Citing data with the Diyarbakir Bar Association Criminal Procedures Law (CMK) Enforcement Centre, association president Sezgin Tanrikulu said the figures showed how grave the situation was in the city and warned that it would become worse unless effective social policies to the advantage of children are enforced in a short time. Diyarbakir Bar Association CMK Enforcement Centre Coordinator Baris Yavuz explained, meanwhile, that the most important cause for every one out five people being put on trial in the city being a minor is internal migration and the poverty this has led to. Both Tanrikulu and Yavuz told bianet that by continuing to treat child offenses as only an issue of public order and security, the government was ignoring the community and social dimensions of the problem and making the situation worse." **[102k]**

Age of Consent

23.06 The Turkish INTERPOL website stated that, "the legal age of majority is eighteen (18) years. The legal age of consent for marriage is seventeen (17) years for males and fifteen (15) for female persons. Prostitution under the age of twenty-one (21) is forbidden (article 227 new penal code)." **[34]**

23.07 The Child Soldier Global 2004 report states that "National service is the right and duty of every Turk (Article 72). The Military Code provides for voluntary recruitment to some elements of the armed forces at a minimum age of 18, but the government has stated that this is not applied in practice. Other legislation apparently permits the deployment of 15 to 18 year olds in civil defence forces during national emergencies." **[40]**

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Customary marriages

23.08 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"Child marriage occurred, particularly in rural, poverty-stricken regions; however, women's rights activists claimed that underage marriage has become less common in the country in recent years. Children as young as 12 were at times married in unofficial religious ceremonies. Families in rare instances engaged in cradle arrangements, agreeing that their newborn children would marry at a later date, well before reaching the legal age." **[5g]**

23.09 The Amnesty International (AI) report "Turkey: Women confronting family" noted in June 2004 that:

"At the age of 13, 'Mine' was sold for the purposes of marriage by her brother. A shepherd and her only living relative in the village, he had three children and Mine was another mouth to feed… Under Turkish law, the legal age for marriage is having completed 17 years. A person under 18 is not of full legal

age; in these cases his or her family must give permission for the marriage. In extraordinary circumstances, a man or woman can also marry with the permission of a judge when they have completed 16 years." **[12j]**

Child Abuse

23.10 The USSD 2006 Country Reports on Human Rights Practices noted that:

"The justice ministry initiated an investigation into allegations that wardens at the Sincan Children's and Youth Prison inmates beat four inmates between 19 and 21 years of age on the soles, a practice known as falaka…In October 2005 broadcast media outlets aired footage of employees abusing children at the Malatya State Orphanage. Images included employees beating children, who were naked and sitting in a bathtub. Several of the children told police their caretakers had forced them to eat excrement. Physicians subsequently examined the children and reported finding evidence that 21 of 46 had been subject to torture, including severe beatings and hot water burns. Authorities charged nine officials--the provincial director for social services, the orphanage director, two civil servants, and five orphanage employees--with torture. None of the defendants have been relieved of their duties." **[5g]**

23.11 The BIA News Center in July 2006 reported in an article, 'Overhaul Needed in Child Protection' that:

"Diyarbakir Bar Association Children's Rights Center lawyer Cengiz Analay has appealed for children's homes to be opened for civilian inspection with an overhaul of the legislation protecting children in wake of confirmation that at least 34 minors had gone missing from such homes over the past 3 years in Diyarbakir province alone. It was revealed that 34 children listed at children's homes in Diyarbakir were unaccounted for, investigation launched by the Diyarbakir Governor's Office Human Rights Provincial Board on request of the Prime Ministry Human Rights Supreme Board. The investigation was launched after independent allegations of disappearances were made from social services operated children's homes and showed that 34 minors, including 18 girls, were missing from homes for 0-12 and 13-18 age group children." **[102b]**

23.12 The same BIA New centre reported on the 23 August in an article "Turkey Must Rethink Child Abuse Law" that:

"Following the recent controversy in France, where a Turkish child was raped by a child abuser released from prison, lawyer Akco evaluates Turkish legal provisions and finds them unsatisfactory. He does not believe that increasing the sentences for sexual abuse will prevent such abuse from happening. Commenting on legal provisions concerning the sexual abuse of children in Turkey, Akco said The Turkish Penal Code has prepared a special article concerning the sexual abuse of children. This article deals with the sexual abuse of children by adults, but at the moment it also includes sexual experimentation between children. Akco criticises the article for not being precise enough; if a crime is committed under this article, these crimes have to be dealt with effectively and without violating human rights." **[102l]**

Child Labour

23.13 The United Nations Children's Fund Turkey (UNICEF) in their 2006 report, "Child First: Eliminating Child Labour" stated that:

> "Nearly 18 million people or 25.6% of the population of Turkey were living with poverty in 2004, so it is unsurprising that many families need their children to help with household income. Because child labourers often drop out or never enroll in school, they have few prospects for improving their situation. It seems that labouring on the farm or on the streets is the most that many families can aspire to for their children." **[91g]**

23.14 The same UNICEF 2006 report also stated that:

> "Many working children are from migrant families, travelling for much of the year in search of low–paid employment in the agricultural sector. These families often live in squalid conditions without access to health care or education for their children. Growing numbers engaging in street life have led to a higher incidence of children selling small items to passers–by on the streets of the inner cities and larger towns. The unregistered labour contribution of children and women in these situations means that they remain statistically invisible as a result. The labour contribution of girls especially is often exploited within the home as unpaid and unrecognised domestic labour." **[91g]**

23.15 The 2006 UNICEF report further noted that," In 2002, 4.2% of children between the ages of 6 and 14 years of age and 28% of those between the ages of 15 and 17 were estimated to be working in Turkey. Since more comprehensive and up to date information on working children does not exist and poverty rates have not substantially improved, there is little to suggest that numbers of working children have been reduced." **[91g]**

23.16 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that, "There are laws to protect children from exploitation in the workplace; however, the government did not effectively implement these laws. The use of child labor was particularly notable in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than eight hours a day. At age 15 children may engage in light work provided they remain in school." **[5g] (section 6d)**

23.17 The same 2006 USSD report also noted that, "The law prohibits children attending school from working more than two hours per day or 10 hours per week. The Ministry of Labor and Social Security effectively enforced these restrictions in workplaces that were covered by the labor law, which included medium and large-scale industrial and service sector enterprises. A number of sectors are not covered by the law, including small-scale agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons. Nonetheless, child labor was widespread. The State Statistical Institute reported that the number of child laborers between the ages of 12 and 17 dropped from

948,000 in 2003 to 764,000 in 2004; however, the institute stopped collecting specific data on child laborers thereafter and some observers continued to claim that there were no reliable statistics in this field and that the actual number of working children was rising." **[5g] (section 6d**

23.18 The USSD 2006 report further noted that, "Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently had preference for future employment in the enterprise. If children employed in these businesses were registered with a Ministry of National Education training center, they were required to go to the center once a week for training, and the centers were obliged by law to inspect their workplaces. According to data provided by the ministry, there were 300 centers located in 81 cities; these centers provided apprenticeship training in 133 occupations. The government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers." **[5g] (section 6d**

23.19 The BIA News Center on 25 September 2007 reported in an article, 'In Some Schools No Teacher, in Some No Students' that:

"In Sanliurfa Province, many children are still working in the fields; some schools have not received teachers. The situation in the province of Sanliurfa (south-east Turkey) is repeated many times over in Turkey, particularly in the south-east of the country. Children are working in the fields and not able to start school on time. According to the Birgün newspaper, of the 650 pupils at primary school in Konuklu, Sanliurfa, 300 have not been able to start school yet, because the cotton harvest has been late this year. Teachers are going to the fields and trying to persuade the parents to send their children to school." **[102n]**

23.20 The EC 2007 report stated that "With respect to children's rights, efforts to combat child labour have continued. A child labour survey revealed a decrease in the proportion of working children, from 10.3% in 1999 to 5.9% in 2006… Child labour is still widespread in seasonal agricultural work and on the streets. Shortcomings remain in the labour law and its implementation, and the national resources allocated to tackle child labour are insufficient." **[71d] (p18-19)**

EDUCATION

23.21 The EC 2007 report stated that, "As concerns education, the gender gap in primary education decreased to 4.6% in the 2006-2007 school year from 5% in the 2005-2006 school year. The first phase of the campaign on education for girls conducted by the Ministry of National Education and UNICEF ended. Between 2004 and 2006 a total of 191,879 girls and 114,734 boys were integrated into primary education. A cash transfer scheme reinforced the campaign by providing direct income support to families. Private-sector and NGO campaigns aimed at increasing enrolment rates in primary and pre-school education continued." **[71d] (p19)**

23.22 The EC 2007 further added that, "However, the primary school enrolment rate remains at 90%. In the area of education, improved monitoring of progress and drop-outs, especially of girls from primary education, is needed. More efforts

are needed to reduce regional disparities in schooling rates. Girls' enrolment in primary education has increased, but the gap in secondary education remains wide." **[71d] (p19)**

23.23 As recorded in Turkey's Statistical Yearbook 2006, in the education year 2006/2007, 92.25 per cent of males and 87.93 per cent of females were in primary education; in secondary education 60.71 per cent of males and 52.16 per cent of females and for higher education there are no figures available yet. **[89a] (p106 Section on Education and Culture)**

23.24 UNESCO in their 2006 report 'Early Childhood Care and Education' stated that:

"In Turkey preschool education is optional and includes the education of children in the 3-5 years of age group. Preschool education is given in kindergartens, preparatory classrooms, application classrooms, day nurseries, nursery schools, day-care homes, and childcare homes. Pre-primary education for which the Ministry of National Education is responsible is provided in Ana Okulları (kindergartens) for 36-72 months Sınıfları (nursery classes) for 60-72 months children or Uygulamalı Anasınıfı ('practical' nursery classes) for 36-72 months children. Aside from a parental contribution to expenditure on meals and cleaning materials, all public pre-primary institutions are free of charge, regardless of the type of setting or the year concerned." **[75]**

23.25 The Child Information Network in Turkey, an undated website accessed on 3 October 2006 noted that under Article 28:

"States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity; they shall, in particular

(a) Make primary education compulsory and available free to all;
(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
(c) Make higher education accessible to all on the basis of capacity by every appropriate means;
(d) Make educational and vocational information and guidance available and accessible to all children;
(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates." **[80]**

23.26 The USSD 2006 report stated that, "Government-provided education through age 14 or the eighth grade was free, universal, and compulsory. The World Bank reported that gross enrollment for grades one to eight was 96 percent, while net enrollment for those grades was 90 percent. The maximum age to which public schooling was provided was 18. Only 40 percent of children have a high-school diploma, according to Organization for Economic Cooperation and Development. One in 10 girls does not attend compulsory primary school." **[5g] (section 5)**

23.27 As highlighted by UNICEF, the main barriers to girls' education were the followings:

"Shortage of schools and classrooms; schools are often situated far from home and many parents do not want their children, especially girls, to travel far; parents do not want to send children to schools that are in a poor physical state with no toilets or running water; many families suffer economic hardship; the traditional gender bias of families favours the needs of men and boys over those of women and girls; the need to augment domestic income by keeping children at home to work; many parents consider the early marriage of their girls to be more important than their education; female role models in rural communities are scarce – or entirely absent; opportunities for secondary education are rare, discouraging interest at primary level." **[91a]**

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23.28 As recorded on the UNICEF website on 29 December 2005:

"Only sixty-nine percent of girls attend primary school in Turkey. But thanks to a major education drive, over a quarter of a million more children have enrolled in school since 2003 – and 175,000 of these are girls. The campaign, dubbed 'Hey Girls, Let's Go to School,' depends on a vast network of volunteers who go door-to-door to lobby parents on the value of education. Volunteers from a wide variety of professions are signing up and the programme has received support from prominent politicians, including the Prime Minister and First Lady of Turkey." **[91b]**

23.29 As noted in a letter from the British Embassy in Ankara to the Country of origin information service, dated 27 March 2007:

"I refer to your letter of 21 February for additional information about services for children who are deaf, or whose hearing is impaired, in the province of Izmir. We are aware of at least one state-funded school for deaf children in the city of Izmir. This provides education from pre-school level up to 8th grade:

Tülay Aktaş İşitme Engelliler İlköğretim Okulu
Mevlana Mahallesi, 373/2 Sokak
No:6/1, Bornova - IZMIR
Tel: 90 232 3397826
Fax: 90 232 3392537
email: taktasio@ttnet.net.tr

There is no secondary school for the deaf and hearing impaired in the province. At present children have the choice between being assisted to attend a normal secondary school or attending a specialist school in one of the neighbouring provinces in the Aegean region.

Pre-school education is also available. We are aware of two state-funded specialist toddler groups in Izmir itself, in the Carsi and Konak districts.

Provision is likely to be much more limited outside of the main towns, as in the UK. To access these services a child's parents must first submit documentation to the local Directorate of Education confirming that his or her hearing is impaired. A state hospital will usually be able to provide a suitable report." **[4q]**

23.30 The International Deaf Children's Society (IDCS) released a report by Mary C Essex on "Resources for Deaf people in Turkey" which noted that:

"Turkey has been doing a good job of special education and there are many resources available for people with disabilities. There are 47 elementary schools and 14 high schools for the Deaf throughtout Turkey. All of these schools are under the auspice of the Turkish Ministry of Education. Other Key National Offices that provide support for People with Disabilities are:

Ministry of Social Services and Child Protection Services
Milli Sosyal Hizmitler Cocuk Esirgeme Kurumu Bakanligi.

Turkish Rehabilitation Centers (SHCEK): There are 385 updated lists of centers with 41 centers for Hearing and Speech Impaired 337 centers for the Mentally Retarded and 7 Spastic centers. These centers serve an early infant program and work with families and children from 0 – 21." **[28]**

RELIGIOUS EDUCATION

23.31 The USSD 2006 report also noted that:

"The law establishes eight years of compulsory secular education for students. Subsequently students may pursue study at imam hatip (Islamic preacher) high schools. Imam hatip schools are classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance exam grades if they applied for university programs outside their field of high school specialization. This reduction effectively barred imam hatip graduates from enrolling in university programs other than theology. Most families that enrolled their children in imam hatip schools did so to expose them to more extensive religious education, not to train them as imams." **[5g]**

23.32 The USSD 2006 report further stated that:

"Only the Diyanet is authorized to provide religion courses outside of school, although clandestine private courses existed. Students who complete five years of primary school may enroll in Diyanet Qur'an classes on weekends and during summer vacation. Many Qur'an courses function unofficially. Only children 12 and older may legally register for official Qur'an courses, and Mazlum-Der reported that law enforcement authorities often raided illegal courses for younger children. According to Diyanet figures, there are nearly 5,000 official Qur'an courses throughout the country." **[5g]**

23.33 The European Commission 2007 report however noted that, "Turkish legislation does not provide for private higher religious education." **[71d] (p17)** The authorities have designed a new educational reform programme as a key part of the National Development Plan (2007-2013). This programme has two key

pillars for education, modernisation and reform: increase the responsiveness of education to the demand; and enhance the educational system. However, the challenges are significant… Reforms and increased spending on education are generating some positive impact on educational attainment, but significant problems pertain." **[71d] (p30)**

23.34 The BIA News Center however reported that:

"Turkey's new school term started this Monday with 14 million primary and secondary school students heading off to school where only 595 thousand teachers are available to teach them, while the lack of a sufficient number of classrooms to do so remains to haunt the country's education system. A report prepared by the Education and Science Workers Union (Egitim-Sen) on the situation of education at the beginning of the 2006-2007-school term, has identified a shortage of teachers and classrooms as the primary problems continuing to face this sector. The report also stressed that problems created by the ongoing shortage of both were only compounded with other obstacles in front of education, among them school reconstructions and repairs that could not be finalized in time to open the facilities for education. Even more important though was the political staffing at schools, which came parallel to procedures such as internal exile, penalties and layoffs where thousands of education workers were aggrieved despite the shortages problem." **[102 I]**

CHILD CARE

23.35 The Netherlands Ministry of Foreign Affairs 2002 reported that "Children whose parents for whatever reason are unable to exercise custody are usually looked after by the family." However, if the relatives are unable to do this, the Netherlands report stated that:

"Turkish law (Law No. 2828 of 24 May 1983, on the Social Services and Child Protection Agency) provides for state care for unsupported minors. Only if care is not possible elsewhere may the case be referred to the Social Services and Child Protection Agency (Sosyal Hizmetler ve Çocuk Esirgeme Kurumu) coming under the Ministry of General Affairs. The Agency refers the minor's case to the court, which takes the ultimate decision on care." **[2a] (p152-153)**

23.36 The Netherlands report continued:

"Under Turkish law, depending on the length of their education unsupported minors can be taken into care at least up to the age of 18 and at most up to the age of 25. Children up to the age of 18 may register or be registered with the Social Services Directorate (Sosyal Hizmetler Müdürlüğü), to be found in every province. There are children's homes (Çocuk Yuvalari) for children up to the age of 12 and training institutions (Yetiştirme Yurtları) for children aged 12-18. There are currently an estimated 70 children's homes in Turkey with a total of roughly 7,000 children, and 91 training institutions with 5,000 young adults. In some cases young adults who do not have their own home on reaching the age of 18 may be allowed to stay longer." **[2a] (p153)**

23.37 In addition the Netherlands report 2002 also stated that, "The quality of care in homes varies from province to province. In some parts of the country there are fewer facilities for the placement of minors than in others… It is difficult to judge how far care in general is adequate by Turkish standards since levels of care vary so much. Turkish authorities responsible for care and assistance to unsupported minors often have to cope with a lack of funding." **[2a] (p153)**

23.38 The report continued "According to law, care and assistance to unsupported minors are provided by the state, but various charitable organisations also provide care for minors. The Social Services Directorates are responsible for authorising the establishment of and monitoring such institutions. The Directorates regularly consult such organisations in order to streamline care. UNICEF and other international organisations are also active to some extent in the field of care for unsupported minors." **[2a] (p154)**

23.39 The USSD 2006 report noted that, "In October 2005 broadcast media outlets aired footage of employees abusing children at the Malatya State Orphanage. Images included employees beating children, who were naked and sitting in a bathtub. Several of the children told police their caretakers had forced them to eat excrement. Physicians subsequently examined the children and reported finding evidence that 21 of 46 had been subject to torture, including severe beatings and hot water burns. Authorities charged nine officials--the provincial director for social services, the orphanage director, two civil servants, and five orphanage employees--with torture. None of the defendants have been relieved of their duties; however, the orphanage employees were transferred to another facility. Forty of the children were taken to an Istanbul facility for four months, and then returned to the Malatya Orphanage. The trial and investigation continued at year's end." **[5g] (section 1c)**

23.40 As reported by BIA News Center in July 2006, 'Overhaul Needed in Child Protection':

> "Diyarbakir Bar Association Children's Rights Center lawyer Cengiz Analay has appealed for children's homes to be opened for civilian inspection with an overhaul of the legislation protecting children in wake of confirmation that at least 34 minors had gone missing from such homes over the past 3 years in Diyarbakir province alone. It was revealed that 34 children listed at children's homes in Diyarbakir were unaccounted for, investigation launched by the Diyarbakir Governor's Office Human Rights Provincial Board on request of the Prime Ministry Human Rights Supreme Board. The investigation was launched after independent allegations of disappearances were made from social services operated children's homes and showed that 34 minors, including 18 girls, were missing from homes for 0-12 and 13-18 age group children." **[102b]**

23.41 The EC 2007 report noted that, "The way in which children are treated in institutions remains a cause for concern. Efforts are required to review the existing standards of care and protection of the Social Services and Child Protection Agency and to improve the capacity of its staff. Efforts to encourage foster parenting as an alternative to institutional care need to be intensified. Further progress needs to be made as regards the implementation of the Law

on child protection as well as the provision of educational and social services." **[71d] (p19)**

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HEALTH ISSUES

23.42 The United Nations Children's Fund Turkey (UNICEF) in the title page of their 2006 report, "Child First" stated that:

"For over fifty years the United Nation's Children's Fund has been contributing its international experience and resources to programmes and projects for children in Turkey. In partnership with government, civil society, the private sector, children, their families and communities, UNICEF continues to help build a society where every child benefits from good health care. Some of Turkey's successes for children and their families include infant mortality rates reduced from 43 to 29 per thousand live births and under five mortality rates reduced from 52 to 37 per thousand and polio–free certification by the European Regional Commission for Poliomyelitis Eradication." **[91e]**

23.43 The same UNICEF 2006 report, "Child First - Routine Immunisation" noted that:

"Diphtheria, pertussis, tetanus, tuberculosis, hepatitis B, polio and measles are potentially fatal diseases to which children are particularly vulnerable. All seven of these diseases are vaccine–preventable yet, according to the Turkey Demographic and Health Survey 2003 (TDHS), only 45% of children under five years of age — 34.4% in rural areas — received all of the necessary vaccinations before their first birthday." **[91f]**

23.44 The EC 2007 report noted that, "With regard to the coordination of social security systems, efforts to build the administrative capacity of the Social Security Institution, the competent authority under Community legislation, continued in particular through the establishment of an EU department. Preparations with a view to introduction of the European health insurance card have not started." **[71d] (p35)**

See also Section 25.01 Medical Issues

TORTURE AND MISTREATMENT UNDER DETENTION

23.45 The Child Rights Information Network (CRIN), in an article posted in April 2006, emphasised that:

"A total of 202 children had been detained in relation to the incidents in Diyarbakir between March 28 and April 1, 2006 and 91 of them were arrested after their initial custody period. As result of an appeal made by the Diyarbakir Bar Association, 34 of the imprisoned children were later released. The Bar Association Center had disclosed then that 95 percent of the children detained by security forces had been subject to torture and mistreatment." **[94a]**

23.46 BIA News Center reported in July 2006, '34 Torture Investigations in Diyarbakir' that:

"A total of 34 preparatory investigations have been launched against police officers in Diyarbakir related to allegations of torture and mistreatment of children and adults during and after the March 28-April 1 disturbances in the city this year. Diyarbakir Bar Association Children Rights Center lawyer Cengiz Analay welcomed the investigations and told Bianet that even if with a delay it appears for now that what should be done against torture and mistreatment is being done. But the 24 torture files that have been opened should not end up inconclusive like the others. Analay said that as the city Bar Association they are following this issue closely and are waiting for the result of the 34 investigations with interest. He said they insisted that torturers not be left unpunished." **[102e]**

23.47 As reported by BIA News Center in September 2006, 'Lawyer Investigated to Reveal Child Torture':

"The Izmir Public Prosecutor's Office has launched an investigation against attorney Nalan Erkem who in 2003, as an executive of the city Bar Association Group to Prevent Torture, publicly disclosed the existence of torture and mistreatment of children held at the local Buca prison. Erkem had passed on information and allegations to the press related to incidences of torture of children at the Buca prison children's ward, their denied access to legal counsel and refusals by prison authorities to requests of transfers." **[102c]**

23.48 In the Human Rights overview of Turkey 2005, Human Rights Watch noted that

"In January 2005, the Turkish parliamentary human rights commission reported that, during a visit to Saray Rehabilitation Center, a psychiatric institution in Ankara, it had discovered children tied to their beds and imprisoned naked in cold rooms. Mental Disability Rights International reported in September that psychiatric hospitals in Istanbul and Izmir were inflicting electroconvulsive treatment (ECT) on patients without muscle relaxants and anesthesia. The Council of Europe's Committee for the Prevention of Torture had already condemned this painful and dangerous practice in a 1997 visit to Turkey. The report also described how children were subjected to ECT, and had their hands and feet bound to their beds for long periods." **[9e]**

23.49 The USSD 2006 report noted that, "The NGO Mental Disability Rights International (MDRI) announced that use of electroconvulsive or 'shock' treatment without anesthesia was abolished but that there remains no legal ban on the practice. In September 2005 MDRI released a report stating that people with mental disabilities in the country were subject to treatment 'tantamount to torture.' The international NGO, which conducted a two-year study in the country, claimed the country lacked community-based support for mental patients and offered no alternative to state institutions where the mentally disabled were held separately from society in 'prison-like incarceration.' Specific abuses listed in the report included: mental patients committed to psychiatric hospitals without judicial review; excessive use of electroconvulsive shock treatment without anesthesia; use of shock treatment on young children;

malnutrition and dehydration of patients; lack of rehabilitation and physical therapy; and excessive use of physical restraints, including children tied to beds for extended periods." **[5g] (section 5)**

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24 TRAFFICKING

24.01 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"The law prohibits trafficking in persons; however, there were reports of trafficking in women and children to and within the country for the purpose of sexual exploitation and occasionally labor. There were allegations that police corruption at all levels contributed to the trafficking problem. The country was a destination and source for trafficked persons. The government identified 246 trafficking victims during the year. Young women seeking employment, particularly from Moldova, Ukraine, Belarus, and Russia, were at the greatest risk of being trafficked into the country. The most identified foreign victims were trafficked for sexual exploitation and were found in Istanbul, Ankara, and Antalya, although victims were identified in cities all around the country. There were media reports of Turks being trafficked internally and, according to NGOs working in the field, the number of women trafficked internally for sexual exploitation was increasing." **[5g] (section 5)**

24.02 The USSD 2006 report continued:

"The law punishes trafficking with prison terms ranging from eight to 12 years' imprisonment in addition to heavy fines. The 2005 Penal Code specifically addresses trafficking as a crime. However, prosecutors have mostly tended to use other articles that regulate prostitution, rather than the new law on trafficking, which has so far rendered the new law nearly ineffective. In December parliament passed two amendments to the Penal Code that addressed this problem by removing forced prostitution from the article regulating prostitution and adding it explicitly to the antitrafficking article. The amendments were signed into law by the president in December. The government reported that prosecutors opened 26 new cases against alleged traffickers through June. Courts convicted 22 defendants and acquitted 54 on trafficking charges during that period. Several cases were ongoing at year's end." **[5g] (section 5)**

24.03 The USSD 2006 report further noted that, "There were credible reports that the government continued its practice of processing trafficking cases as voluntary prostitution and illegal migration. The IOM reported that it assisted 191 trafficking victims who departed voluntarily. The national police identified 246 trafficking victims, all of whom departed voluntarily. Four police and 10 jandarma officials were arrested during the year for either ignoring or facilitating trafficking in persons. There were two shelters for trafficking victims, both operated by NGOs, in the country." **[5g] (section 5)**

24.04 The European Commission 2007 report stated:

"Progress continued in combating trafficking in human beings. A legislative amendment was made on the offence of human trafficking to allow for effective judicial implementation. The Minister of Interior issued a circular to all personnel working on the cases of human trafficking followed by a handbook on the subject. 422 traffickers were arrested in 2006 and 279more as of end of

September 2007. The free emergency helpline for trafficking victims, which rescued 122 individuals as of end of September 2007, was opened to international calls. In 2006, 246 persons were identified as victims and returned voluntarily to their countries of origin. In the first nine months of 2007, 124 were identified as victims. 101 of those returned voluntarily to their countries of origin. Victims of trafficking continued to benefit from two shelters run by civil society organisations. Protocols on cooperation and information exchange for the fight against human trafficking were ratified with Kyrgyzstan and with Moldova. Awareness raising and training activities to enhance the combating of trafficking in human beings need to be conducted." **[71d] (p65-66)**

24.05 The EC 2007 recorded that "The number of illegal migrants that were apprehended declined slightly, from 57,428 in 2005 to 51,983 in 2006. In the first seven months of 2007, 32,151illegal migrants were reported. To increase the capacity (of) to shelter illegal migrants, a new centre with a capacity of 200 persons was opened in Istanbul." **[71d] (p63)**

24.06 As noted in the US Department of State 'Trafficking in Persons Report', released on 12 June 2007:

"Turkey is a major destination and transit country for women and children trafficked primarily for the purpose of commercial sexual exploitation. A small number of men from Turkey were trafficked to the Netherlands for the purpose of forced labor in 2006. Women and girls are trafficked from Moldova, Russia, Ukraine, and other countries in Eastern Europe and the former Soviet Union. This year victims were also trafficked from Kenya, Nigeria, and the Philippines. Some of these victims are trafficked through Turkey to the area administered by Turkish Cypriots for the purpose of sexual exploitation." **[5d] (Country narratives – Turkey)**

24.07 The USSD 'Trafficking in Persons Report' continued:

"The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2006, the government amended its law to increase penalties for trafficking offenses and to increase victims' rights and access to assistance. Turkey also increased its total number of trafficking investigations, prosecutions, and convictions over the last year." **[5d] (Country narratives – Turkey)**

24.08 The 2007 Trafficking in Persons Report continued:

"The Government of Turkey significantly advanced its law enforcement efforts over this reporting period. Article 80 of the penal code prohibits trafficking for both sexual exploitation and forced labor. The penalties prescribed for trafficking have been increased to 8 to 12 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other grave crimes, such as sexual assault. Turkish authorities conducted 422 investigations, a significant increase from 241 investigations in 2005. The government prosecuted 192 suspects in 2006, up from 144 prosecuted in 2005. Convictions were obtained against 36 traffickers in 2006, up from 29 convictions in 2005. Twenty-nine traffickers received prison sentences ranging from one

month to six years; six traffickers only received fines. One trafficker's sentence was unconfirmed. During the reporting period, the police continued an internal anti-trafficking training program, reaching 1,150 additional police officers. While the government arrested some low-level officials for trafficking, no officials were prosecuted or convicted over the reporting period." **[5d] (Country narratives – Turkey)**

24.09 On 10 August 2006 the Turkish Daily News reported:

"Criminal courts in Turkey over the last year settled almost 200 cases involving the crime of human trafficking, with 687 people appearing before the courts. In response to an official question from Justice and Development Party (AKP) Balıkesir deputy Turhan Çömez, Justice Minister Cemil Çiçek said yesterday in a written statement that 116 of those cases are still pending this year. Thirty-seven out of 210 people who were tried concerning 66 cases were sentenced, Çiçek said. The number of aggrieved people who have been trafficked in 182 cases is 683, he noted, and added that those people were from Iraq, Iran, Russia, Ukraine, Belarus, Uzbekistan, Palestine, Romania, Bangladesh, Moldova, Kyrgyzstan, Azerbaijan, Georgia and Dagestan." **[23o]**

24.10 The BIA News Center reported that:

"A joint study conducted by the International Organization for Migration (IMO) and Turkey's Security General Directorate has revealed a significant increase in human trafficking victims being brought to Turkey, a majority of them by force… In the first three months of 2006, IMO revealed eight forced kidnapping cases all from former East Block countries involving women aged 19 to 29. A statement from IOM said eight of the women involved were kidnapped from the Istanbul Airport by persons speaking Russian and proposing to assist them in transport arrangements… Despite the concentrated efforts of the IOM and Turkey's National Police Directorate, there is a significant increase in documented kidnap cases.The police department against Smuggling and Organised Crime (KOM) figures shows that following the abolishment of the Soviet Union and the subsequent economic crisis in the region, human trafficking to Turkey has reached "dangerous proportions." **[102m]**

24.11 The European Commission 2007 report further stated that, "Progress can be reported particularly in the areas of organised crime, drug trafficking and human trafficking. Considerable and sustained efforts are required in areas such as police cooperation and external borders" **[71d] (p67)**

See also Section 28.01 Foreign Refugees

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SUPPORT AND ASSISTANCE

24.12 The 2007 Trafficking in Persons Report further noted:

"Turkey continued to improve its victim assistance efforts over the reporting period. Turkish authorities successfully implemented procedures to identify trafficking victims among women in prostitution, although there were reports that the government continued to process some trafficking cases as voluntary prostitution and illegal migration. Although the government does not provide a government-run shelter, it provided rent, utilities, and administrative costs for two NGO-run trafficking shelters. Police work closely with IOM to identify and refer victims to trafficking shelters, ensuring that victims have access to protection services." **[5d] (Country narratives – Turkey)**

24.13 As recorded on the website of the Turkish Ministry of Foreign Affairs last updated on 26 November 2007, "Due to her unique geographical position, Turkey is a destination country. Victims of THB are mostly from old Soviet Republics and the Statistical Data is as follows:

Fight Against THB*	Number of rescued victims	Number of voluntarily returned	Number of accommodated in shelters	Number of human traffickers apprehended
2003	102			149
2004	239	61	18**	227
2005	256	220	142	379
2006	246	197	190	422
2007 (till 9 November)	131	107	100	288

* Trafficking in human beings is frequently confused with human smuggling. Human smuggling is to assist for profit purposes, persons who do not possess a permanent residence in Turkey to enter and reside illegally and Turkish nationals to exit the country illegally.
** The number of the victims of human trafficking who accommodated, had medical and psychological assistance in shelters between November 2004-December 2004." **[60b]**

24.14 The Turkish Ministry of Foreign Affairs last updated on 26 November 2007 further noted that, "On 19 December 2006 "forced for prostitution" is included in the description of THB in article 80 of Turkish Criminal Code. Thus, forced prostitution, the most important dimension of human trafficking, will be punished with this article. Positive outcome of the amendment of the Article 80 is expected by the beginning of 2008." **[60b]**

24.15 The Turkish Ministry of Foreign Affairs updated 13 November 2007 further noted that, "157 the toll free, tip-off number/emergency helpline for the victims of trafficking, became operational on May 2005. The operators provide services in Russian, Romanian, English and Turkish. The helpline can be reached throughtout Turkey including mobile phones. It can also be reached from abroad (+ 90 312 157 11 22). Shelters have been established in Istanbul in 2004 and in Ankara in 2005 for the victims of trafficking." **[60b]**

24.16 A Country profile by Migration Research. Com dated April 2006 stated on the topic of human smuggling and trafficking that:

"Turkey has made some significant legislative changes in an effort to combat human smuggling and trafficking. First, it has amended its penal code to reflect the UN's Convention against Transnational Organised Crime (Palermo Convention) and its two protocols related to human smuggling and trafficking. Migrant smugglers now face penalties of three to eight years' imprisonment and a judicial fine, a penalty that increases by half if the perpetrators are acting as an organisation. The new penal code also provides an official definition of trafficking and a punishment of eight to ten years' imprisonment and judicial fine for the offense. The Ministry of Health has ordered the provision of free medical treatment at state-owned hospitals for individuals who have been identified as victims of human trafficking. Additionally, the Ministry of the Interior now allows authorities to issue humanitarian visas and temporary residence permits for up to 6 months to those victims of human trafficking who wish to stay in Turkey for rehabilitation and treatment." **[19] (p6)**

TRAINING ACTIVITIES

24.17 The Turkish Ministry of Foreign Affairs further noted that, "Training was given to law enforcement officials. First public awareness campaign with the title "Have you seen my mother?" was launched on 2 February 2006 with the contributions of IOM and coordination of the Turkish Government." **[60b]**

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25 MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

25.01 As noted in the United Nations Development Programme (UNDP) Human Development Report 2005 (Country Fact Sheets, Turkey) "Turkey is ranked 94th in the 2005 Human Development Report, with an HDI value of 0.750." The HDI rank for 2003 (177 countries) was 94, with an HDI value of 0.750. **[35a]**

25.02 As noted in a letter from the British Embassy in Ankara to the Home Office dated 11 April 2006 "According to the Turkish Health Ministry, in 2003 there were 1,130 hospitals with a bed capacity of 164,897. The total number of physicians was 93,200 with 748 people per physician." **[4m]**

25.03 The Foreign and Commonwealth Office reported in 2001 that if the patient has contributed to a social security scheme (SSK, BAG KUR, EMEKLI or SANDIGI), his or her cost of treatment will be met. A person who has not made social security contributions and who does not have his/her own financial means and can show that he/she is penniless, is provided with free treatment by the state. **[4a]**

25.04 On 21 February 2005 the Turkish Daily News reported that a law to transfer ownership of Social Security Authority (SSK) hospitals to the Health Ministry had come into effect over the weekend.

"The law also transfers health facilities owned by Postal and Telecommunications General Directorate (PTT) and Ziraat Bank to the ministry. SSK hospitals will from now on be run like other state-owned medical facilities. SSK members will still have to obtain referrals from their local hospital for treatment at university hospitals… Numerous political parties, nongovernmental organizations and labor groups criticized the government decision to transfer the hospitals to the Health Ministry. Those opposing to the law said the government intended to privatize the health sector, with many people only getting the treatment they could afford. The government decision is a small part of the social security reform process currently under way to ease the burden on taxpayers. Despite being owned by the SSK, hospitals are a drain to the state because of the huge losses they incur." **[23p]**

25.05 As reported in the letter from the British Embassy in Ankara to the Home Office dated 11 April 2006 "AKP contacts recently told the Embassy that the government would shortly pass two critical pieces of legislation regarding the health and social security system. One would bring three separate social security institutions under a single roof and the other would introduce general health insurance and a GP system in Turkey. These two pieces of legislation were cleared through the Parliamentary Committee stages in March 2006." **[4m]**

25.06 The US State Department's Consular Information Sheet on Turkey dated 1 November 2006 and current at 14 May 2007, stated:

"Turkish hospitals vary greatly. The new, private hospitals in Ankara and Istanbul have modern facilities and equipment, and numerous U.S.-trained

specialists, but still may be unable to treat certain serious conditions. Those planning to remain in Turkey should consider bringing a six-month supply of necessary chronic medications (e.g., heart medications, birth control pills). Nursing care and diagnostic testing (including mammograms) are not up to American standards. Health care standards are lower in small cities in Turkey in comparison to bigger cities such as Ankara, Istanbul, Izmir and Adana." **[5f]**

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25.07 The Emergency Medicine in Turkey website last updated on 14 June 2006 noted that:

"More than 5000 public health care clinics are located in cities and villages around the country. Many people visit one of these or a pharmacist directly, for care of simple illnesses. If a person obtains a certificate from the neighborhood representative, he or she can receive free health care from government hospitals. Most of the almost 1300 hospitals belong to the government and are known as government hospitals, social insurance hospitals, or university hospitals. Persons are bound to receive care at one type of hospital on the basis of their health insurance type; however, approximately one third of the population has no health insurance. Recent efforts have been started to centralize the care given by the government and social insurance hospitals. The government is required by law to only provide primary medical care to Turkish citizens in the government hospitals." **[59] (EMedicine)**

PHARMACIES

25.08 The Middle East Expats Online Community Resources & Forums website last updated on 6 January 2006, recorded:

"Eczanes (Pharmacies) are open from 09:00 -19:00 on weekdays and Saturdays. They are closed on Sundays but there is always one, open 24 hours in each neighbourhood. Every pharmacy will have a display in its window (which is posted each evening, on Sunday, and on statutory and religious holidays) listing the name and location of the pohen pharmacy, or Nöbetçi Eczane." **[50]**

25.09 The same website also recorded:

"Private hospitals are preferred by patients of middle and upper classes. Despite the fact that state hospitals are sometimes better equipped than the some of private hospitals, many patients prefer going to a private hospital because of the personal and friendly care offered.

- Acibademköy – Istanbul. Website: http://www.acibadem.com.tr/English/
- Acibadem Hospital, Carousel, Istanbul - Website: http://www.acibadem.com.tr/English/
- Acibadem Hospital, Kadiköy - Website: http://www.acibadem.com.tr/English/

- Amiral Bristol American Hospital - Güzelbahçe Sokak, 20 Nişantaşı Istanbul.
- German Hospital, Sıraselviler Caddesi, 119 Taksim Istanbul.

State Hospitals – due to limited funding, Turkish state hospitals don't have the best sanitary conditions. They are always full of patients and have endless queues. The lack of hygiene, lack of staff and lack of care is easily felt. Ironically however, they have some of the most well-known and respected doctors on staff, particularly at the university hospitals." **[50]**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

25.10 The Turkish Ministry of Health (MOH) Country report of February 2006 accessed via the UNAID in their country progress report noted that:

"The prevalence of HIV/AIDS in Turkey is at a reasonable level; the first case of HIV infection was reported in 1985, and by the end of 2004, a total of 1,922 cases had been identified. The rate of increase for the reported number of HIV/AIDS cases has been more or less constant over the last three years (about 190 reported new cases annually) and the estimated prevalence is 3,700 cases out of a population of over 70 million." **[39a]**

25.11 UNAIDS/WHO AIDS Epidemic Update: December 2006 however noted that:

"The epidemics in Central Europe remain small in comparison with the rest of Europe. Only four countries reported more than 100 new HIV diagnoses in 2005: Poland (where 652 people were newly diagnosed with HIV), Turkey (332), Romania (205), Serbia and Montenegro8 (112) and Hungary (110) (EuroHIV, 2006a)." **[39b]**

25.12 In December 2001 the Foreign and Commonwealth Office contacted Hacetepe University, Ankara, which provides world-standard treatment for HIV and AIDS. The University confirmed that such drugs such as thyroxine, sequinavir, D4T, 3TC, acyclovir, zirtek, diflucon and metoclopramide, or their substitutes, are available in Turkey. **[4a]**

CANCER TREATMENT

25.13 As recorded in the World Health Organisation's (WHO) the Impact of Cancer for Turkey 2005 states that, "In 2005 cancer killed approximately 52,000 people in Turkey, 37,000 of thise people were under the age of 70." **[37b]**

25.14 The International Observatory on End of Life Care website, dated 2006, stated that:

"Turkey is an area where supportive care with hospice/ palliative care is linked to the development of other services, particularly within hospital based oncology units… There are no specialist palliative care services in Turkey. Medical

oncology units and departments of algology (pain) at major hospitals in the country provide pain control and symptom relief. Oncologists and pain specialists in seven hospitals report actively working to establish the concepts of palliative care... The majority of cancer patients are treated in university hospitals that support units with pain specialists and medical oncologists… Some specialist cancer state hospitals such as the Dr Ahmet Andicen Oncology Hospital and Demetevler Oncology Hospital will provide pain relief and symptom management. No information, however, is currently available about the development of palliative care services in the state hospital system or the development of training in the 57 medical schools around the country. There are around 30 specialist 'pain centres' and 20 medical faculties with departments of algology in Turkey. There are no reported activities for paediatric palliative care." **[33] (Current palliative services)**

25.15 The same website also noted that:

"Individual physicians (and their colleagues) have reported active involvement in developing the concepts of palliative care within departments and units in three main areas of the country; in Ankara, a pain specialist at Hacettepe University Hospital, three oncologists, one at Başkent University Hospital, one in the Gulhane Military Academy, (GATA) and one at Gazi University Hospital; in Istanbul, a pain specialist at the Istanbul University Medical Faculty and two oncologists at the Marmara University Medical Faculty; there is one pulmonary specialist developing concepts of palliative care at the Pamukkale University Medical School, Denizli. Medical and nursing professionals have also expressed interest in palliative care at Ankara University Faculty of Medicine." **[33] (Current palliative services)**

KIDNEY DIALYSIS

25.16 The Oxford Journal dated 2002 stated that "The majority of dialysis treatments in Turkey are carried out in centres belonging to the Ministry of Health and in private centres. In the last decade, private centres have played an important role in providing sufficient beds for haemodialysis patients." **[32]** Some of the dialysis centres listed by The Middle East Expats Online Community Resources & Forums website are:

Kidney Health & Dialysis Hospital
Address: Osmaniye Mevkii E-5 Karayolu Üzeri, Bahçelievler, Istanbul

Elmalik Dialysis Center, Elmalik Köyü Elmalik, Ankara, 06490 Turkey

Alanya Hospital And Dialysis Center, Saray Mah.Yunus Emre Cad.No:1, Alanya, 07400 Turkey
[50]

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TUBERCULOSIS (TB)

25.17 The World Health Organisation (WHO) define TB as an illness of the respiratory system, and is spread by coughing and sneezing. **[37b]** The WHO country profile provides key indicators, notification and treatment outcome data. See link attached. **[37c]**
http://www.who.int/globalatlas/predefinedreports/tb/PDF_Files/tur.pdf

25.18 The Global Health Reporting website noted in an article published on the 9 February 2006 that, "Aid workers in Turkey are working to stem the spread of tuberculosis and other infectious diseases among undocumented migrant workers and immigrants who often are too afraid of being discovered by authorities to seek treatment. The Turkish Anti-Tuberculosis Association conducted surveys to assess the situation in collaboration with a volunteer program that aims to tackle TB among refugees and migrant workers in Istanbul. The program offers free testing and treatment and adheres to DOTS standards, although Turkey does not use the strategy, according to General Secretary of the Turkish Anti-Tuberculosis Association Zeki Kilicaslan. The program currently has 10 patients in treatment and three others under hospitalization." **[24]**

25.19 The Pub Med website published a case study by the Department of Pulmonary Disease, Sureyyapasa Center for Chest Diseases and Thoracic Surgery, Istanbul, "evaluated the results of treatment in 158 consecutive patients with multidrug-resistant tuberculosis who were treated at our center in Istanbul… CONCLUSIONS: Most patients with multidrug-resistant tuberculosis can be cured with the use of appropriate, intensive treatment regimens." **[22]**

DEAF & HEARING IMPAIRED

25.20 As noted in a letter from the British Embassy in Ankara asking about services for children who are deaf or whose hearing is impaired, in the province of Izmir. to the Country of origin information service, dated 27 March 2007:

"We are aware of at least one state-funded school for deaf children in the city of Izmir. This provides education from pre-school level up to 8th grade:

Tülay Aktaş İşitme Engelliler İlköğretim Okulu
Mevlana Mahallesi, 373/2 Sokak
No:6/1, Bornova - IZMIR
Tel: 90 232 3397826
Fax: 90 232 3392537
Email: taktasio@ttnet.net.tr

There is no secondary school for the deaf and hearing impaired in the province. At present children have the choice between being assisted to attend a normal secondary school or attending a specialist school in one of the neighbouring provinces in the Aegean region? Pre-school education is also available. We are aware of two state-funded specialist toddler groups in Izmir itself, in the Carsi and Konak districts. Provision is likely to be much more limited outside of the main towns, as in the UK.

To access these services a child's parents must first submit documentation to the local Directorate of Education confirming that his or her hearing is impaired. A state hospital will usually be able to provide a suitable report." **[4t]**

25.21 The International Deaf Children's Society (IDCS) published an article by Mary C Essex who specifically looked at the Turkish special education system for the deaf people and it noted that:

"The Ministry of Education estimates having 58,351 students with disabilities in elementary, middle scholl and high school. This is well below the WHO estimate of people with disabilities.

Percentages of Disabilities in Turkey

Disability	Total	Percentage
Deaf	8,666	15%
Vision	1,555	3%
Physical	656	1%
Mental	44,970	77%
Autistic	419	.007%
Other	2,085	3%
Total	58,351	0.8%

There are four Deaf education teacher training programs in Turkey and these are located in the cities of:

- Bolu, Abant Izzet Baysal University
- Eskisehir, Anadolu University
- Samsun, Ondokus Mayis Universitesi
- Trabzon Karadeniz Teknik Universitesi

There are 47 elementary schools and 14 high schools for the Deaf throughout Turkey… The Ministry of Special Education has more information about the Deaf education curriculum and other information about their services available in Turkish." **[28]**

MENTAL HEALTH

25.22 As recorded in the World Health Organisation's (WHO) Department of Mental Health and Substance Dependence Mental Health Atlas 2005 the country has disability benefits for persons with mental disorders. "After being approved by a mental health board as a chronic mental health patient, the patient can benefit from the social security services… Mental health is part of the primary health care system. Actual treatment of severe mental health is available at the primary level… Mental health in primary care is available in only some provinces… Regular training of primary care professional [sic] in the field of mental health is present and the approximate number of personnel trained over the last two years totalled 3,000." **[37a] (Section on Mental Health Financing)**

25.23 The WHO Mental Health Atlas 2005 further states that there are 1.3 psychiatric beds per 10,000 population, one neurosurgeon, one neurologist, one psychologist and one social worker per 100,000 population. **[37a] (Section on Mental Health Financing)**

25.24 The Foreign and Commonwealth Office contacted Hacettepe University Hospital Psychiatric Department in April 2002 and confirmed that antipsychotic and antidepressant medication are available in Turkey. **[4b]**

25.25 The WHO Mental Health Atlas 2005 recorded that "The following therapeutic drugs are generally available at the primary health care level:

Carbamazepine,
Ethosuximide,
Phenobarbital,
Phenytoin
Sodium valproate,
Amitriptyline,
Chlorpromazine,
Diazepam,
Fluphenazine,
Haloperidol,
Lithium,
Biperiden,
Carbidopa, and
Levodopa." **[37a] (Section on Therapeutic Drugs)**

25.26 The WHO Mental Health Atlas 2005 continued:

"The mental health department was established within the Ministry of Health in 1983 with the primary tasks of improving mental health services, development and dissemination of preventive mental health services, integration of mental health with primary care, community education and protection of the community from harmful behaviours. The means of achieving these aims were through determination of standards, training programmes, data collection, research, creation of counselling and guiding units, creation of psychiatric clinics in state hospitals, assigning proper tasks to personnel, developing rehabilitation facilities, carrying out public education through the help of media, educating the public on harmful behaviour, and taking care of those who succumb to those behaviours." **[37a] (Section on Other Information)**

25.27 As noted in a report by the Mental Disability Rights International (MDRI) entitled 'Behind Closed Doors: Human Rights Abuses in the Psychiatric Facilities, Orphanages and Rehabilitation Centers of Turkey' (released on 28 September 2005):

"There is no enforceable law or due process in Turkey that protects against the arbitrary detention or forced treatment of institutionalized people with mental disabilities. There are virtually no community supports or services, and thus, no alternatives to institutions for people in need of support. As a result, thousands of people are detained illegally, many for a lifetime, with no hope of ever living in the community. Once inside the walls of an institution, people are at serious risk of abuse from dangerous treatment practices. In order to receive any form of assistance, people must often consent to whatever treatment an institution may have to offer. For people detained in the institution, there is no right to

refuse treatment. The prison-like incarceration of Turkey's most vulnerable citizens is dangerous and life-threatening." **[90]**

25.28 The EC 2007 report acknowledged that, "Some progress can be reported in the area of mental health. Community-based services are not sufficiently developed as an alternative to institutionalisation, and resources (budget, staff, capacity, etc.) for mental health improvement are limited in relation to the needs. Preparations in this field are at an early stage. **[71d] (p71)** In the area of mental health, a government directive was issued to regulate the use of electro-convulsive therapy in hospitals in line with human and patients' rights. Relevant guidelines for implementation of the directive have also been prepared." **[71d] (p20)**

See also Section 21.01 Disability

HOME HEALTH CARE

25.29 The International Observatory on End of Life Care website dated 2006 stated that:

"Home health care is a low-cost alternative to traditional inpatient care and an appealing alternative for developing countries such as Turkey, where financial resources for health care are particularly scarce. Availability is generally limited to the bigger cities such as Istanbul and Ankara. These benefits include keeping families together, keeping the elderly independent, preventing institutionalisation, promoting healing, allowing a maximum amount of freedom for the individual, involving the individual and family in the care that is delivered, reducing stress, improving the quality of life, and extending life." **[33]**

General Overview of the Public Health Sector in Turkey in 2006 http://www.europarl.europa.eu/comparl/envi/pdf/expert_panels/public_health_panel/public_health_in_turkey_by_reig_and_valverde.pdf

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26 FREEDOM OF MOVEMENT

26.01 With regard to freedom of movement within the country, foreign travel, emigration and repatriation, the USSD 2006 report noted that:

"The law provides for these rights; however, at times the government limited them in practice. The law provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. The government maintained a heavy security presence in the southeast, including numerous roadway checkpoints. Provincial authorities in the southeast, citing security concerns, denied some villagers access to their fields and high pastures for grazing." **[5g] (section 2d)**

26.02 A senior official in the Passport Office, Ministry of Interior, explained to the Immigration and Nationality Directorate's fact-finding mission to Turkey in 2001 the passport issuing procedures in Turkey:

"All Turkish citizens are entitled to a passport. An applicant must apply in person; an application cannot be made through an agent. The application must be made in the local area where the applicant resides. The regional passport office makes checks to verify his or her identity. These checks include establishing whether the applicant has criminal convictions and/or is wanted by the authorities. The applicant is always asked why the passport is wanted." **[48] (p10)**

26.03 An interlocutor advised the IND fact-finding mission that the issue of a passport would not be withheld if the applicant had not completed his military service; this is because there are provisions in law to defer military service. **[48] (p11)**

26.04 However, the Netherlands Ministry of Foreign Affairs' 'Turkey/military service' report published in July 2001 records that "Persons of call-up age are not usually issued with passports, and cannot have passports renewed. In a small number of cases, and with the consent of the military authorities, a passport with a short period of validity is issued. The entry 'yapmiştir' (done) or 'yapmamiştir' (not done) in the passport indicates whether the holder has completed military service or not." **[2b] (p15)**

26.05 The IND fact-finding mission was also told that there are four different types of passport:

Red (diplomatic) passports.
Grey (service) passports, issued to lower rank government officials who are being sent abroad for a short time on official duty.
Green (officials') passports, issued to government officials, who have reached a certain level, the qualification for these passports is based on hierarchy and length of service in government, and
Blue passport, issued to ordinary citizens. **[48] (p10)**

26.06 The Immigration and Refugee Board of Canada reported in July 2003 that:

"Turkish citizens wishing to enter or exit Turkey are also required to have valid and appropriate travel documents. In the absence of such documents, airport and land border authorities will request that the individual present other documentation to assist in proving their Turkish citizenship, for example a drivers license, school records, birth registration card etc. However, since Turkish citizens are required to report their lost or stolen passports to the nearest Turkish embassy while abroad, Turkish border authorities must ask why the citizen does not have the appropriate travel documents. In addition to the inquiry, any information and all documents provided to the authorities by the individual are verified with the Turkish Ministry of Internal Affairs." **[7d] (p1-2)**

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NÜFÜS CARD/IDENTITY CARD

26.07 The Netherlands Ministry of Foreign Affairs 2002 reported that:

"The population registry has responsibility for issue of identity cards (in Turkish: nüfus cüzdani) often referred to in other languages too as nüfus cards. The nüfus card is the only valid domestic identity document, and everyone is required to carry it at all times. Births have to be registered to the population registry for the place of birth without delay, so that a nüfus card can be issued straight away." **[2a] (p19)**

26.08 The USSD 2006 report stated that:

"Religious affiliation is listed on national identity cards. A few religious groups, such as the Baha'i, are unable to state their religion on their cards because it is not included among the options; they have made their concerns known to the government. In April parliament adopted legislation allowing persons to leave the religion section of their identity cards blank or change the religious designation by written application. However, the government reportedly continued to restrict applicants' choice of religion; members of the Baha'i community said government officials had told them that, despite the new law, they would still not be able to list their religion on the cards." **[5g] (section 2c)**

26.09 As confirmed by the British Embassy in Ankara on 22 July 2005:

"Under Turkish law citizens are obliged to produce an official ID card if requested by police or jandarma. If you cannot produce identification when required, or refuse to do so, you can be held in detention until your identity is proved. The maximum standard detention period in Turkey is 24 hours, extendable for a further 12 hours to allow time for transfer between custody and the nearest court. (Suspects can be held up to 48 hours for organised crime offences, illegal drug production/sale, and certain crimes against the State). Under the Law on Misdemeanours those who refuse to give ID information, or who give false information, to civil servants conducting their duty are liable to a small administrative fine." **[4e]**

26.10 As noted in a letter from the British Embassy in Ankara to the Country of origin information service, dated 8 January 2007:

"I am writing in response to a number of queries you have sent about the ID card in Turkey. The format and application form currently available on the website of the Directorate General for Population and Citizenship Affairs (www.nvi.gov.tr).

Collection of ID Cards:
ID cards must be collected in person. They cannot be collected by relatives or friends on the behalf of the applicant. The only exception to this rule is when a person has been given power of attorney, in which case they can collect the ID card belonging to the person they represent.

Place of Issue:
The back of the ID card contains a section for details of the holder's original registration. This includes the place of registration (kayitli oldugu il/ilce/mahalle). A separate section lists details relating to the replacement card (nufus cuzdaninin verildigi yer/verlilis nedeni etc). This includes where the current card was issued and the reason it was replaced. The front of the card lists place of birth (dogum yeri), which in most cases is the same as place of registration (the ID card does not have to be carried by law until the age of 15, but an ID card without a photograph is provided following registration of a birth).

Religion:
The Population Services Law, which was ratified on 29 April 2006, came into force on 23 November 2006. The law permits individuals to choose what is written on the 'religion' section of the identity card. By making a written application, individuals can choose to leave the space blank, or to change the religion listed on the card." **[4o]**

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27 INTERNALLY DISPLACED PEOPLE (IDPS)

27.01 The Internal Displacement Monitoring Centre (IDMC) noted on the 26 July 2007 that;

> "Turkey's internally displaced people (IDPs) face uncertain prospects as a recent upsurge in violence in the south-eastern provinces threatens to undermine the positive impact of major human rights reforms which have been adopted since Turkey became a candidate for EU membership in 1999…The government declared 'security zones' in pockets of the south-east in June 2007 and the Turkish armed forces have talked of the need for an incursion into northern Iraq to tackle Kurdish rebels amid mounting tensions on the Turkey-Iraq border. However, in the last three years, the government has made strides to address the internal displacement situation. It has undertaken a national survey on the number and conditions of IDPs; drafted a national IDP strategy; adopted a law on compensation for property damages; and put together a comprehensive pilot plan of action for IDPs at the provincial level." **[3]**

27.02 The IDMC further noted that, "The survey, carried out by Hacettepe University Institute for Population Studies confirm that the number of IDPs in Turkey is significantly higher than the previous government estimate of 355,807... According to the survey, between 953,680 and 1,201,200 people were displaced for security-related reasons from the east and south-east of the country between 1986 and 2005…The survey estimated that up to 124,000 people have returned to their places of origin." **[3]**

27.03 As noted in the Human Rights Watch (HRW) World Report 2007, published in January 2007:

> "The Turkish government has failed to facilitate the return of the estimated 378,335 internally displaced persons (IDPs) from the southeast who were forced by the army to flee their villages during the armed conflict with the PKK in the 1980s and 1990s. The government has failed to rehabilitate the basic infrastructure of most villages destroyed by the army during the conflict; many villages have no electricity, telephone access, or schools. What is more, the security situation in some regions remains poor; the 58,000 village guards—Kurds armed and paid by the government to fight the PKK—often occupy or use vacated lands, and have killed 18 people, including would-be returnees, in the past four years. IDPs who do return to their villages cannot afford to rebuild their homes or re-establish agriculture." **[9b]**

27.04 The European Commission 2007 report recorded that, "In December 2006 Hacettepe University's Institute of Population Studies released the quantitative results of a government-sponsored survey on migration and the internally displaced population in Turkey. The survey showed that the number of IDPs in Turkey is substantially higher than previous estimates, and stands between 950,000 and 1,200,000. The survey is intended to be a basis for planning policy solutions to the problems of IDPs." **[71d] (p24)**

27.05 The EC 2007 report further added that, "IDPs in urban areas live in poverty with little or no access to social, educational and health services. The factors hindering the return of IDPs, i.e. the absence of basic infrastructure, lack of capital, limited employment opportunities and the security situation persist in the east and south-east. The presence of landmines and village guards also remain obstacles to the safe return of IDPs. No progress has been made towards abolishing the system of village guards." **[71d] (p24)**

27.06 The Internal Displacement Monitoring Centre (IDMC) also noted that, "Landmines also remain a security con-cern and a hindrance to the return of the displaced population in some areas. In May 2006, Turkey reported a total of just under one million mines within the country. A particularly affected area is Hakkari prov-ince, where villagers have been reluctant to return because of landmines. The national IDP strategy acknowledges the problem of landmines laid by the PKK but re-mains silent on the issue of landmines laid by the armed forces." **[3]**

27.07 The IDMC further noted that, "While Turkey is party to international agreements relating to land-mines, civil society organisations note the need for more mine risk education and more systematic marking of mined areas." **[3]**

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COMPENSATION

27.08 The Internal Displacement Monitoring Centre (IDMC) also noted that, "In July 2004, the government adopted the 'Law on the Compensation of Losses Re-sulting from Terrorist Acts and the Measures Taken against Terrorism'. Com-pensation is provided for three types of damage: (i) loss of immoveable and moveable properties, animals, trees and agricultural products; (ii) physical inju-ries, disabilities and death; (iii) access to property which has been restricted or hindered due to measures taken in the framework of the 'fight against terror-ism'. As of May 2007, 100 Commissions had been set up in 75 prov-inces. A total of just under 270,000 people had claimed redress under the compensation law by the end of June 2007." **[3]**

27.09 The IDMC also noted that, "While recognising the compensation law as a highly positive step, national and international NGOs and legal experts have drawn attention to a number of problems in the law and its implementation which may undermine displaced people's right to just compensation. Criticisms include the lack of independence of damage assessment commissions and the absence of effective appeals procedures…The government has made significant amendments to respond to some of the shortcomings in the law, and it has re-cently issued procedural guidelines to improve its implementation." **[3]**

27.10 As noted in the Human Rights Watch (HRW) report dated 14 December 2006, Turkey: Displaced Villagers Denied Fair Compensation:

"Despite its compensation law, the Turkish government is failing to provide fair compensation for hundreds of thousands of mainly Kurdish villagers displaced

by the military's brutal counterinsurgency campaigns in the southeast,… Payments under the Compensation Law to this group were intended to cover losses arising from the original displacement, as well as those incurred during the decade or more that families were unable to return to their property. The Turkish government stated that the intent of the law was to to deepen trust in the state, to strengthen the state-citizen relationship, to contribute to social peace and the fight against terrorism." **[9a]**

27.11 The European Commission Turkey 2007 Progress Report published 6 November 2007 noted that, **"**With respect to internally displaced persons, progress continued on the process of compensation. By 24 May 2007, 269,759 persons had applied to the Damage Assessment Commissions for compensation under the Law on the Compensation of Losses due to Terrorism and the Fight against Terrorism 57,071 applications have been examined, of which 37,309 have obtained a favourable response." **[71d] (p23)**

27.12 The EC 2007 report further noted that, "To allow more potential beneficiaries to apply for compensation, the deadline for applications was extended until 30 May 2008. In order to tackle the backlog of open cases, in December 2006 Parliament extended to January 2008 the deadline for finalising the assessment of applications. In addition, the Council of Ministers was given the authority to further extend this deadline if necessary. Furthermore, the number of Damage Assessment Commissions was increased to 106. The Ministry of the Interior issued guidelines which aim to harmonise implementation of the law nationally." **[71d] (p23-24)**

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28 FOREIGN REFUGEES

TREATMENT OF FOREIGNERS SEEKING ASYLUM IN TURKEY

28.01 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"An administrative regulation provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government exercised its option under the convention of accepting obligations only with respect to refugees from Europe. The government has not established a formal system or legislation for providing protection to refugees. The Office of the UN High Commissioner for Refugees (UNHCR) reported that during the year the government returned two recognized refugees to their country of origin. The government also deported nine persons who contacted the UNHCR indicating their wish to apply for asylum, before the UNHCR had the opportunity to assess their refugee claims. The government offered non-European refugees temporary residence while they were waiting to be resettled in another country. The UNHCR conducted refugee status determination for applicants from non European countries and facilitated the resettlement of those recognized as refugees" **[5g] (Section 2d)**

28.02 The USSD 2006 report continued:

"On January 27 [2006], the government introduced amendments to the 1994 Asylum Regulation that eliminate a time limit for asylum seekers, as well as the requirement to present a valid identity document. On June 22 [2006], the government issued an Implementation Directive that provided detailed guidance on the refugee status determination procedure and established a framework for the provision of assistance to asylum-seekers and refugees. The UNHCR reported that it has been able to successfully intervene in most cases where asylum seekers arrived in the country after transiting through one or more other countries. In the past, the government routinely rejected applications by such asylum seekers, claiming that they should have sought protection elsewhere." **[5g] (Section 2d)**

28.03 The USSD 2006 report further stated that, "Access by the UNHCR to persons in detention who wish to apply for asylum, as well as to persons trying to seek asylum while they are at the international areas of the country's airports, remained problematic." **[5g] (section 2d)**

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28.04 As noted in the U.S. Committee for Refugees and Immigrants 'World Refugee Survey 2005', Turkey released on 16 June 2005:

"Turkey maintained a geographic reservation on the 1967 Protocol to the Convention Relating to the Status of Refugees (1951 Convention) to limit to Europeans its obligations under the 1951 Convention. Turkish law protected asylum seekers from refoulement if they 'register their claims within ten days;

provide valid identity documentation; and receive resettlement assistance from UNHCR or directly from resettling countries.'... Despite progress in curbing illegal transit migration, Turkey lacked an effective process to screen asylum seekers from the thousands of interdicted migrants it periodically caught in sweeps. The Passport Law of 1950 criminalized entrance into Turkey without valid travel documents." **[92]**

28.05 The Kurdish Human Rights Project (KHRP) in their Fact Finding Mission report "Refusing Refuge: Investigation the Treatment of Refugees in Turkey" published February 2007, noted that:

"Although Turkey is a party to the 1951 Geneva Convention ('the 1951 Convention') and 1967 Protocol, Turkey applies a 'geographical limitation' to its obligations whereby the Convention applies only to persons who have become refugees as a result of events occurring in Europe. According to the UNHCR, few Europeans seek or receive Convention refugee status in Turkey or anywhere else, although they may enjoy effective protection in practice. Non-European asylum seekers, once they manage to cross the border into Turkey, face numerous problems with health, housing and the refugee status determination (RSD) process itself. This is particularly problematic given that Turkey lies along major migration routes." **[6d]**

28.06 The European Commission Turkey 2007 Progress Report published 6 November 2007, noted that:

"In the area of asylum, limited progress can be reported in preparing for de-centralisation of asylum procedures and for improved reception conditions and accommodation arrangements. The Ministry of Interior, in cooperation with UNHCR, provided for training in asylum case processing. To improve information for applicants for asylum new brochures in seven languages were published: English, Russian, French, Somalian, Arabic, Persian and Kurdish. Following the issuing of the implementation directive, the right of the applicant for asylum as well as the right of the legal representative to access the file have been extended." **[71d] (p64)**

28.07 The EC 2007 report also noted that, "The number of new asylum seekers rose in the reporting period. While 2,909 persons applied for asylum in 2005, 3520 asylum applications were registered in 2006. In the first eight months of 2007, 3210 people sought asylum. As of September 2007, a total of 12,150 asylum seekers reside in Turkey." **[71d] (p64)**

28.08 The EC 2007 report further noted that, "To ensure that all asylum seekers undergo a fair and standardized asylum procedure (including access to legal aid) and to ensure uniform implementation, new legislation is required, in particular, on procedures at international airports. Steps are necessary to ensure the review of the merits of the asylum cases at the judicial appeal stage. A new law on asylum, lifting the geographical limitation to the 1951 Geneva Convention and the creation of an asylum authority, with specialised staff employed exclusively for asylum issues and capable to screen asylum applications independently remain key issues for alignment in this field. The

same applies to screening mechanisms to identify asylum seekers among apprehended illegal migrants and UNHCR access to such applicants." **[71d] (p64)**

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29 CITIZENSHIP AND NATIONALITY

29.01 As regards nationality by birth, Introduction to Turkish Law states that:

> "Turkish nationality is mainly acquired through the relation to the father or mother. Thus a legitimate or illegitimate, but legally recognised, child of a Turkish father or mother is Turkish. Legitimate children born to a Turkish mother, and not acquiring the nationality of the father by birth, as well as all illegitimate children born to Turkish mothers, are Turkish. Children born of non-Turkish parents do not acquire Turkish nationality by reason of birth on Turkish soil. An exception is the case of children born in Turkey and not acquiring at the time of birth the nationality of either their father or mother; they are Turkish at birth." **[64] (p89)**

29.02 Regarding acquisition of nationality other than by birth. Introduction to Turkish Law states that, "Any foreigner may acquire Turkish nationality by means of naturalisation (telsik). Persons who have lived in Turkey more than five years and have all the qualifications required by the law may apply to the Ministry of Interior, and, upon the recommendation of this Ministry, the Council of Ministers may grant Turkish nationality." **[64] (p89)**

29.03 As highlighted in the IOM (International Organisation for Migration) document 'Irregular Migration and Trafficking in Women: The Case of Turkey', dated November 2003:

> "The Amendment to the Turkish Citizenship Law (No. 4866): This amendment, enacted by the Parliament on 4 June 2003, introduced some changes to the Turkish Citizenship Law (Law No. 403 of 1964). Before being amended this law played an important role in the sharp increase of paper marriages and this led to calls for amendments to prevent further abuse. The amendment has made it more difficult for a foreigner to acquire Turkish citizenship through marriage, by imposing a three-year waiting period before a foreign spouse may obtain Turkish nationality. Anyone not living in the same house-hold will not be eligible for Turkish citizenship." **[86] (p27)**

(See also Section 9.01 on Military service, for information on the deprivation of nationality for evasion of military service)

29.04 The EC 2006 report however also noted that, "Nationality requirements for professions such as lawyers, medical doctors, dentists and midwives, as well as for air traffic controllers and private security services are not in line with the acquis…" **[71a] (p34)**

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30 ENTRY/EXIT PROCEDURES

30.01 The Consulate General for the Republic of Turkey in London, gives information; visa applications, consular matters, useful addresses and general information about Turkey. **[31]**

http://www.turkishconsulate.org.uk/en/index.htm

30.02 The EC 2006 report stated that:

"As concerns visa policy, limited progress can be reported. With regard to alignment with the positive visa list, visa exemption agreements with Venezuela and Paraguay entered into force; one was signed with Colombia and visa-free regime for Andorra was introduced. No progress on alignment with the negative list can be reported. Although harmonisation with the uniform EU visa sticker has started, at present, Turkey allows nationals of 35 countries to apply for a visa at the borders, including citizens of 17 Member States. This practice needs to be progressively replaced and visas should be issued by diplomatic/consular authorities. As far as the capacity of Turkish consulates is concerned, equipment to detect false documents has been distributed, but further training is needed. Alignment with the EU security features and standards for visas requires urgent attention." **[71a] (p63)**

TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

30.03 The Netherlands Ministry of Foreign Affairs 2002 report states that:

"There are no indications that Turkish nationals are persecuted in Turkey purely because they applied for asylum abroad. The Turkish authorities are aware that many citizens leave the country for economic reasons and apply for asylum elsewhere. However, people who have engaged in activities abroad which the Turkish authorities regard as separatist are at risk of persecution if the Turkish authorities find out." **[2a] (p144)**

30.04 According to the Netherlands Ministry of Foreign Affairs Official General report on Turkey published in January 2003:

"In the removal of refused Turkish-Kurdish asylum seekers to Turkey it is true that they are checked on return in the same way as other Turkish subjects. It is checked whether there are criminal judgements or that there is a criminal investigation by the Jandarma against the person concerned. Those refusing to do military service and deserters are [also] recorded at the border posts." **[2c] (p102)**

30.05 The Netherlands 2003 Official General report continued "The Turkish border authorities shall mostly question the person concerned if one of these facts is established, in the case of incorrect border crossing documents, an earlier illegal exit from Turkey or removal from abroad. The questioning takes place at the police station of the airport and mostly involves:

- establishment or checking personal details,

- reasons and period of exit from Turkey,
- reason for the asylum application,
- reasons for any refusal of the asylum application,
- any criminal record and past record at home and abroad including drug offences,
- possible contact with illegal organisations abroad.

However, if there are no suspicions, as a rule after an average of six to nine hours they are released." **[2c] (p102)**

30.06 The Netherlands report 2003 further stated:

"If it appears that the person concerned is a suspect for punishable acts, they are transferred to the [appropriate authority] concerned. In Istanbul this is in most cases the Police Headquarters in the Bakırköy district located not far from the airport. Persons who are suspected of membership of the PKK/KADEK, left-wing radical organisations such as the DHKP/C or TKP/ML, militant Islamic organisations, or persons suspected of providing support or shelter to one of those organisations are transferred to the Anti-Terrorist unit of the police, which is housed in the same headquarters." **[2c] (p102-103)**

30.07 Turkish citizens who are without passports are returned on one-way emergency travel documents, which are issued by the Turkish Consul General in London. In a letter to the Home Office dated 11 January 2006 the Turkish Consulate General in London noted:

"A Turkish national who wishes to obtain an Emergency Travel Document from the Turkish Consulate General in London should meet the following requirements: 1. He/she must be a Turkish national; 2. He/she must apply in person to the Consulate General so that the applicant can be interviewed; 3. He/she should submit the following documents:

- Any identity document issued by official Turkish authorities (Nufus card, driving licence etc).
- A flight ticket (or reservation);
- Two photos;

If the applicant does not possess any official document of identity, he/she is required to provide his/her identity details during the interview at the Consulate. The purpose of the interview is to ascertain that people who apply for Emergency Travel Documents are indeed Turkish citizens. The Turkish Consulate would not refuse to issue an Emergency Travel Document to a Turkish National under any circumstances. [An] Emergency Travel Document is issued without delay if the Consulate is satisfied that the applicant is a Turkish national. The application is referred to the relevant authority in Turkey for approval – i.e. the Ministry of Interior of the Republic of Turkey if the Consulate is not satisfied that the applicant holds Turkish nationality. Passports checking at borders, ports and airports are carried out by security officers. People returning to Turkey on an Emergency Travel Document go through the same procedure as anyone returning there on a standard passport. There is only one type of Emergency Travel Document in use. However, Turkish nationals travelling with Emergency Travel Documents will be interviewed by security officials on their arrivals to Turkey." **[31a]**

THE PROBLEM OF FALSIFIED DOCUMENTS

30.08 The Norwegian Country of Origin Information Centre 'Report of fact-finding mission to Turkey (7-17 October 2004)' noted that:

"The Norwegian Directorate of Immigration has repeatedly been presented so-called documents 'proving' that an asylum-seeker was wanted by the Turkish authorities. Some of these documents were – according to the applicant – issued either by the Gendarmerie/Police or by the Ministry of Justice. All lawyers I asked about this invalidated the possible authenticity of such documents. Neither law enforcement authorities nor any other Turkish official were entitled to issue such a confirmation. Neither detention-orders, nor warrants were handed out to the suspect or any other third person before the suspect was detained. Both Mr. Islambay and Mr. Demirtaş claimed, however, that it was widely known that such (and other) 'documents' could be attained through bribery. Tanrikulu and Demirtaş mentioned that two court ushers from the former State Security Court in Diyarbakir had been arrested in the summer of 2004 and had been charged with corruption for selling fake documents. Such cases could be found all over the country and the two officials from Diyarbakýr where only the tip of the iceberg. Demirtaş and Islambay further mentioned that the problem of corruption was widespread and that this also applied to lawyers. One person working at a lawyers' office told me that they repeatedly had declined requests to produce fake documentary evidence, 'sufficient' for asylum applications. One lawyer stated that he had repeatedly rejected offers from Turkish citizens already staying in Western Europe, who offered him between 5,000 and 10,000 Euro for a complete 'asylum-file'. The same lawyer told me that it was considered 'easy' to get fake documents in Turkey and assumed that 'most of the documents presented to European Migration authorities are fake'." **[16] (p24-25)**

30.09 The Norwegian report continued:

"One lawyer stressed that it might prove difficult and unreliable to judge documents only by the looks of it since different types of forms (or only letters) may be used at different prosecutors offices (e.g. Fezlekes). Only a lawyer could conduct a reliable verification, since he/she could compare the document's contents (such as case-numbers) with the respective registries. Another lawyer told me that he had verified several documents for European Immigration authorities and that most of these documents had proved to be falsified. He had further noticed that most of these documents (some of them being 'warrants') referred to article 169 in the (old) Turkish Criminal Code. According to him, this article does not play an important role any more and it rarely leads to punishment: 'You can send the persons with article 169 back to Turkey, nothing will happen to them'. However, persons who are wanted for activities sanctioned by articles 125 and 168 in the Penal Code might still face severe problems after return, according to Demirtaş. He stressed that some of these persons really might be in need of protection and he suggested that documentation on such cases should be carefully verified." **[16] (p25)**

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THE GENERAL INFORMATION GATHERING SYSTEM (GBTS)

30.10 The Swiss NGO Schweizerische Fluchtlingshife (Swiss Organisation for Refugees) stated in its report on Turkey published in June 2003 that:

"There are a number of different information systems in Turkey. The central information system is known as the GBTS (Genel Bilgi Toplama Sistemi – General Information Gathering System). This system lists extensive personal data such as information on arrest warrants, previous arrests, foreign travel restrictions, avoidance of military service, desertion, refusal to pay military tax and delays paying tax. Served sentences are as a rule removed from this information system and entered onto the database of criminal records (Adli Sicil)." **[8] (p41)**

30.11 As outlined in the September 2003 Report on GBTS system by the Turkish Ministry of Interior, the GBTS is operated by the Anti-Smuggling Intelligence and Data Collection Department of the Turkish National Police. The Ministry of the Interior further state that "In the GBT system records of the following are kept as a general rule:

(i) Persons who have committed a crime but have not been caught;
(ii) Persons who have committed serious crimes such as organised crime, smuggling, drugs related crimes, terrorism, unlawful seizure, murder, fraud;
(iii) Persons who have search warrants issued including those who have an arrest warrant issued "in absentia";
(iv) Persons who are barred from public service;
(v) Missing persons;
(vi) Persons of responsibility within political parties who have been convicted of crimes defined in the Political Parties Law No.2908, article 4/4;
(vii) Stolen, lost, appropriated motor vehicles, firearms, identification documents." **[17]**

30.12 The Kurdish Human Rights Project (KHRP) in their 2004 legal review publication on legal developments stated in Hasyer that:

"Torture is still endemic in Turkey. The only recent improvement was an indication that methods of torture were less likely to leave visible marks. The GBTSS system stores various personal data. This includes information on criminal convictions, criminal records, outstanding arrest warrants, previous arrests, official judicial preliminary inquiries or investigations by the police or gendarmerie etc. On return to Turkey and at the point of entry all Turkish nationals, including returning failed asylum seekers, are checked against the GBTSS computer records. Returnees with no documents or temporary travel documents will be perceived as a failed asylum seeker. If a returnee is thought to be a failed asylum seeker or if the GBTSS computer records reveal information which is regarded as suspicious he or she is likely to be detained for interrogation at the point of entry. Interrogation is intended to establish or check personal particulars, reasons for and time of departure from Turkey, grounds for seeking asylum, reasons why the application was rejected, any criminal records at home and abroad, and possible contacts with illegal organisations abroad. These were only examples and the questioning was likely to concentrate on the

factor(s) which excited suspicion in the first place. Interrogation at the airport was unlikely to amount to persecution, although there is a risk of ill-treatment if an individual upon transfer to the Police HQ in Bakirkoy or the Political (or Anti-terror) Department headquarters on Vatan Caddesi. If as a result of interrogation and further inquiries there is no continuing suspicion the person is likely to be released after an average of 6 to 9 hours. When individuals are held for interrogation, police at the point of entry are likely to seek further information from police or gendarmerie stations in the birthplace and other places of residence in Turkey. If they hold any information about the individual it will be more detailed than that shown on the central computer records. If it is discovered during the initial computer check, interrogation, or inquiries in the home that area an individual is suspected of membership of 'separatist' organisations they are likely to be handed over to the Anti Terror Branch. Once transferred to the Anti Terror Branch there is a real risk of torture." **[6a]**

30.13 As stated by the Turkish Ministry of the Interior in September 2003, records are erased from the system under the following circumstances:

(i) Upon the death of a person convicted of a crime by a court;
(ii) As soon as a court decision of non-pursuit, acquittal or expiry of time limitation reaches the Turkish National Police (TNP) regarding a person who was previously registered in the GBTS;
(iii) In case of a crime other than those listed above, when the person is caught;
(iv) In case of stolen/lost/appropriated property, when the property in question is found. **[17]**

30.14 Only the latest warrant of arrest is held on file. The others are cancelled. Information about convicted persons is stored at the Judicial Registry Office (Adli Sicil Mudurlukleri), rather then on the GBTS. **[17]**

30.15 The Turkish Ministry of the Interior stated in September 2003 that "Only records of people who are under judicial proceedings or judicial examination are kept on the GBTS. No records of people are kept on the system who are detained and [subsequently] released by the security forces." **[17]**

30.16 The Swiss Organisation for Refugees in its report published June 2003 stated that "Experience has shown, however, that despite its name, this [GBTS] system does not by any means contain all the information relating to a given individual. Concrete examples have demonstrated that individuals are generally only entered onto the system following prosecution or issue of an arrest warrant by the public prosecutor or a court." **[8] (p41)**

30.17 However, the Swiss Organisation for Refugees also stated that "In several cases we have discovered that individuals who have been denounced as PKK activists or sympathisers show up as not being sought and therefore do not appear on the register even though authentic police statements prove that they have been denounced by name." **[8] (p41)**

30.18 The report continued "It should be mentioned that in addition to the GBTS central information system, the various security forces each have their own

information systems… They include the registers of the police, the anti-terrorist department, the gendarmerie, JITEM, the military secret service etc. It is therefore perfectly possible for someone not to be listed on the central system but to be sought by the anti-terrorist unit." **[8] (p41)**

30.19 The Swiss Organisation for Refugees further stated that:

"Neither can the absence of a data entry or current investigation or the lack of a passport ban be taken as evidence that an individual is not in danger. Despite the absence of entries in the central information system, the individual concerned might be listed on one of the other information systems. This must certainly be assumed in the case of individuals who have already been taken into custody by the police, gendarmerie or some other branch of the security forces in the past." **[8] (p41)**

30.20 In a fax sent to the British Embassy in Ankara on 7 October 2005, the Assistant Director of the Trafficking and Organised Crime Directorate of the Turkish Ministry of Interiors confirmed that:

"In our country the GBT system is governed by the Trafficking Intelligence and Information Gathering Directorate attached to the Ministry of Internal Affairs. Law enforcement units such as the police and the gendarme can use the GBT system. While the customs officers stationed at international ports and borders cannot use the GBT system police units stationed at all land, air and sea borders are able to use the said system. Foreign establishments cannot use this system in any way whatsoever. The offence of leaving the country through illegal means can only be detected when the offenders are captured abroad. It is impossible to know who left the country through illegal means and therefore no records are being kept in relation to such matters. Draft evaders are also being registered in the GBT system. Records relating to individuals who are being prosecuted or are subject to investigation are being kept in the GBT system. Records relating to individuals who have been taken into custody and subsequently released are not registered in the GBT system." **[4f]**

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31 EMPLOYMENT RIGHTS

31.01 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that, "The national minimum wage of approximately $360 (531 lira) per month did not provide a decent standard of living for a worker and family… The law establishes a 45-hour workweek with a weekly rest day, and limits overtime to three hours per day for up to 90 days a year. Premium pay for overtime is mandated but the law allows for employers and employees to agree to a flextime schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers." **[5g]**

31.02 The Turkish Statistical Institute (TURKSTAT) released on 28 September 2007 the Wages and Earnings in the Manufacturing Industry second quarter 2007 noted that:

"When average monthly gross earnings were examined by statistical regional classification at level 12 (twelve regions) (NUTS1), the highest per capita average monthly gross earnings was found in Western Black Sea Region (1 970 TRY.) In the second quarter of 2007 and Northeastern Anatolia Region (1 868 TRY.). Istanbul Region has 1 604 TRY per capita average monthly gross earnings in the second quarter of 2007." **[89b]**

31.03 The European Commission 2007 report recorded that:

"There is little progress to report with regard to employment policy. In 2006, the unemployment rate fell to 9.9 %, while the overall employment rate – at 43.2% –was slightly down compared to 2005. The labour market is characterised by low labour force participation and low employment rates, in particular for women, and high levels of youth unemployment. The large size of the informal economy and the marked rural/urban divide in the labour market are the main challenges. More than half of those in employment are not registered with any social security institution. The Prime Minister's circular on combating undeclared work identifies various targets and activities. However, more concrete policies and measures, including greater inspection capacities, are needed in order to tackle the problem together with the social partners. No further progress was made in finalising the Joint Assessment Paper on Employment Policy Priorities (JAP). The Turkish Employment Agency (ISKUR) continued its efforts to improve its institutional capacity." **[71d] (p53-54)**

31.04 The European Commission 2007 report also stated that, "As regards social dialogue, there is limited progress. The requirement to have worked for at least ten years in order to be elected to the management bodies of trade unions has been lifted. However, the draft legislation aimed at bringing the currently applicable Trade Union and Collective Bargaining, Strike and Lockout Laws into line with ILO and EU standards is still pending. Full trade union rights have to be established in Turkey… The number of workers covered by collective agreements is still low and further decreasing." **[71d] (p53)**

31.05 The EC 2007 report further noted that:

"There is no progress to report in the area of labour law. Shortcomings in the transposition of a number of directives remain; these include the limited scope of application of the Labour Law. On administrative capacity, recruitment of additional qualified personnel by the Ministry of Labour and Social Security and its affiliated institutions continued." **[71d] (p53)**

31.06 The EC 2007 report also noted that:

"As regards health and safety at work, Turkey has attained a good degree of alignment with the acquis. However, shortcomings remain. In particular, new legislation to transpose the Framework Directive has not been adopted. Furthermore, existing legislation does not cover all workers in the private sector and excludes workers in the public sector. In addition, further efforts to implement the legislation are needed, including through awareness-raising, training and strengthening the capacity of the inspection bodies." **[71d] (p53)**

31.07 The European Commission 2007 report stated that, "With regard to access to the labour market, new legislation on work permits for foreign nationals makes the procedure for obtaining such permits easier and exempts certain professionals, including those working for national and international projects, from the requirement to obtain work permits." **[71d] (p34)**

31.08 The EC 2007 further added that, "Efforts to increase the capacity of the Public Employment Service have continued. Additional staff has been recruited and training has been provided. Work has been initiated to provide jobseekers with public employment services through the internet. Further efforts are needed to prepare for participation in the EURES (European Employment Services) network." **[71d] (p35)**

MAJOR TRADE UNION CONFEDERATIONS

31.09 As recorded in Europa Regional Survey of the World: The Middle East and North Africa 2005, the major trade union confederations were TÜRK-IŞ (Confederation of Turkish Labour Unions) and DISK (Confederation of Progressive Labour Unions). **[1a] (p1204)**

31.10 The EC 2007 progress report recorded that:

"On labour rights and trade unions, the requirement to have worked at least ten years in order to be elected to the management bodies of trade unions has been lifted by new legislation. Furthermore, some employers' and employees' unions have concluded joint declarations and protocols on bipartite social dialogue. However, restrictions remain on the exercise of full trade union rights. Turkey fails to fully implement the International Labour Organisation (ILO) Conventions in particular as regards the right to organise, the right to strike and the right to bargain collectively. Turkey still maintains its reservations on Article 5 (right to organise) and Article 6 (right to bargain collectively) of the revised European Social Charter." **[71d] (p20)**

31.11 The US State Department Report (USSD) 2006, published on 6 March 2007, noted that:

"The law and diverse government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Industrial workers and some public sector employees, excluding white-collar civil servants and security personnel, have the right to bargain collectively, and approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective bargaining agreements. The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. The International Trade Union Confederation claimed that the law resulted in workers in many sectors not being covered by collective agreements." **[5g] (section 6b)**

31.12 The USSD 2006 report further noted that, "The law provides for the right to strike; however, the law requires a union to take a series of steps, including negotiations and nonbinding mediation, before calling a strike. The law prohibits unions from engaging in secondary (solidarity), political, or general strikes--strikes involving multiple unions over a large geographical area--or in work slowdowns. In sectors in which strikes are prohibited, labor disputes were resolved through binding arbitration." **[5g] (section 6b)**

MAIN EMPLOYERS' ASSOCIATIONS

31.13 As recorded in Europa the main employers' associations are TÜSIAD (Turkish Industrialists' and Businessmen's Association) TISK (Turkish confederation of employers' Associations). **[1a] (p1202)**

31.14 The Turkish Industrialists' and Businessmen's Association (TUSIAD) undated website noted that:

"This is the highest advisory board. All members of the Association are members. The General Assembly shall elect six members from among the members of the High Advisory Council to form the Presidency Board for two years. This Board consists of a chairman, three deputy chairmen and two secretaries. The Council meets at least twice a year as determined by the Chairman of the Council, to debate and decide on issues.
Principal duties of the council are:

a) to review the course and problems of Turkish industry and business and to consider long-term policy measures in relation thereto;
b) to evaluate strategies for the realization of the purpose of the Association and offer advice on such matters." **[26]**

31.15 The Turkish Industrialists' and Businessmen's Association (TUSIAD) US branch website stated that:

"Founded in 1971 and is an independent, non-governmental organization dedicated to promoting public welfare through private enterprise. TUSIAD supports independent research and policy discussions on important social and economic issues in Turkey and abroad. Much like the US Business Roundtable, TUSIAD is comprised of the CEOs and Executives of the major industrial and

service companies in Turkey, including those that are among global Fortune 500 companies." **[25]**

31.16 The same website also stated that:

"TUSIAD has expanded its scope to include US-Turkish relations and launched its office in Washington, DC, in November 1998. Within the general framework of the mission of its parent organization, TUSIAD-US strives to:

Be a conduit for exchange of information between Turkey and the United States…
Establish its own line of communication with the US administration and agencies, congressional committees, think tanks, business organizations, media, and international organizations;
Develop suggestions and formulate policy recommendations on ways to strengthen Turkish-US political, economic, and business ties…" **[25]**

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Annex A: Chronology of major events

(As reported in the BBC's 'Timeline – Turkey, A chronology of key events' unless otherwise sourced) **[66a]**

2001 **January:** Diplomatic row with France after French National Assembly recognises the killings of Armenians under the Ottoman Empire as genocide.
May: European Court of Human Rights finds Turkey guilty of violating the rights of Greek Cypriots during its occupation of northern Cyprus.
June: Constitutional Court bans opposition pro-Islamic Virtue Party, saying it had become focus of anti-secular activities. New pro-Islamist party Saadet is set up by former Virtue Party members in July.
October: The Turkish Parliament approved several amendments to the Constitution, notably to articles concerning the use of the Kurdish language. The amendments were intended to facilitate Turkey's accession to the EU. **[44a]**
November: British construction firm Balfour Beatty and Impregilo of Italy pull out of the controversial Ilisu dam project. Swiss bank UBS follows suit in February 2002.

2002 **January:** Turkish men are no longer regarded in law as head of the family. The move gives women full legal equality with men, 66 years after women's rights were put on the statute books.
February: Law No. 4744 adjusting some Turkish laws to the October 2001 constitutional amendments, was adopted by the Turkish Parliament. **[71a] (p25)**
March: Law No. 4748: further reform package. **[71a] (p25)**
July: Pressure for early elections as eight ministers including Foreign Minister Cem resign over ailing PM Ecevit's refusal to step down amid growing economic, political turmoil. Cem launches new party committed to social democracy, EU membership.
August: Parliament approves reforms aimed at securing EU membership. Death sentence to be abolished except in times of war, bans on Kurdish education, broadcasting to be lifted.
November: General election the AKP won two-thirds of the seats. President Sezer subsequently appointed AKP Deputy Leader Abdullah Gül as Prime Minister. **[1a] (p1171)**
December: Constitutional changes allow head of ruling AK, Recep Tayyip Erdogan, to run for parliament, and so to become prime minister. He had been barred from public office because of previous criminal conviction.

2003 **January:** The Turkish Government passes the fifth reform package allowing Turkish citizens who are found to have been denied a fair trial by the ECtHR to be retried in Turkey. **[1a] (p1171)**
March: AK leader Recep Tayyip Erdogan wins seat in parliament. Within days Abdullah Gul resigns as prime minister and Erdogan takes over.
May: More than 160 people, many of them schoolchildren trapped in a dormitory, die in an earthquake in the Bingol area.
June: Eyeing future EU membership, parliament passes laws easing restrictions on freedom of speech, Kurdish language rights, and on reducing political role of military.

July: The Turkish Parliament passes the sixth reform package aimed at improving human rights. **[36c] (p1-3)**
September: The PKK/KADEK announced an end to their four year cease-fire with the Turkish Government. **[1a] (p1171)**
November: On the 20 November two further suicide bombings were carried out one against the British Consulate and the other against the headquarters of the British based HSBC bank in Istanbul. **[66n]**

2004 **January:** Turkey signs protocol banning death penalty in all circumstances, a move welcomed in EU circles.
March: Local elections were held and were won overwhelmingly by the ruling AKP. **[36g]**
May: Passage of constitutional reform package. **[1b] (Turkey: The Constitution)**
June: PKK ends its five-year unilateral ceasefire begun in 1999. **[66o]**
Four Kurdish deputies (Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan) released from prison. **[44b]** First official broadcasts in Kurdish language take place. **[4h] (p106)**
September: Parliament approves penal reforms introducing tougher measures to prevent torture and violence against women. Controversial proposal on criminalising adultery dropped.
October: European Commission report gives the go ahead for talks to begin on Turkey's accession to the European Union. **[66ak]**
December: EU leaders agree to open talks in 2005 on Turkey's EU accession. The decision, made at a summit in Brussels, follows a deal over an EU demand that Turkey recognise Cyprus as an EU member.

2005 **January:** New lira currency introduced as six zeroes are stripped from old lira, ending an era in which banknotes were denominated in millions.
April: The introduction of the new Turkish Penal Code (due to come into force on that date) is postponed. **[66ba]**
May: Parliament approves amendments to new penal code after complaints that the previous version restricted media freedom. The EU welcomes the move but says the code still fails to meet all its concerns on human rights.
1 June: A revised version of the new Turkish Penal Code comes into force. **[23g]**
October: Turkey officially begins membership talks with the European Union. **[66bi]**
November: DEHAP dissolves. **[23h]** Democratic Society Movement (DHT) becomes the Democratic Society Party (DTP). **[93c]**

2006 **March:** 14 suspected Kurdish rebels killed by security forces.
April: At least a dozen people are killed in clashes between Kurdish protesters and security forces in the south-east. Several people are killed in related unrest in Istanbul.
May: Islamist gunman opens fire in Turkey's highest court, killing a prominent judge and wounding four others.
July: Baku-Tbilisi-Ceyhan oil pipeline opened at ceremony in Turkey.
August-September: Bombers target resorts and Istanbul. Shadowy separatist group Kurdistan Freedom Falcons (TAC) claims responsibility for some attacks and warns it will turn 'Turkey into hell'.

30 September: Kurdish separatist group, the PKK, declares a unilateral ceasefire in operations against the military.
2006 December: EU partially freezes Turkey's membership talks because of Ankara's failure to open its ports and airports to Cypriot traffic.

2007 **January:** Journalist and Armenian community leader Hrant Dink is assassinated. The murder provokes outrage in Turkey and Armenia. Prime Minister Erdogan says a bullet has been fired at democracy and freedom of expression.
April: Tens of thousands of supporters of secularism rally in Ankara, aiming to pressure Prime Minister Erdogan not to run in presidential elections because of his Islamist background.
Ruling AK party puts forward Foreign Minister Abdullah Gul as its candidate after Mr Erdogan decides not to stand. He narrowly fails to win in the first round.
May: Parliament brings forward national elections to 22 July to try end the standoff between secularists and Islamists over the choice of the next president.
Parliament gives initial approval to a constitutional change allowing the president to be elected by a popular vote, but the amendment is vetoed by President Sezer.
May: Tension mounts on Turkey-Iraq border amid speculation that Turkey may launch an incursion to tackle Kurdish rebels.
Bomb blast in Ankara kills six and injures 100. PKK denies responsibility.
July: AK Party wins parliamentary elections.
August: Abullah Gul is elected president.
October: Diplomatic row with United States after a US congressional committee recognises the killings of Armenia under the Ottoman Empire as genocide.
October: Parliament gives go ahead for military operations in Iraq in persuit of Kuirdish rebels.
October: Voters in a referendum back plans to have future presidents elected by the people instead of by parliament.

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Annex B: Political Organisations

MAIN PARTIES

Information on Political Parties in Turkey as of 3 August 2004 can be found on;
http://www.byegm.gov.tr/REFERENCES/Structure.htm and
http://www.politicalresources.net/

Democratic Left Party: (DSP Demokratik Sol Parti)
Founded on : November 14, 1985
Chairman : Zeki Sezer
Address : Mareşal Fevzi Çakmak Cad. No: 17 ANKARA
Phone : (0312) 212 49 50 (5 lines)

Nationalist Movement Party: (MHP Milliyetçi Hareket Partisi)
Founded on : February 9, 1969
Chairman : Devlet Bahçeli
Address :Karanfil Sok. No: 69 Bakanlıklar/ANKARA
Phone : (0312) 417 50 60 (5 lines)
Web site: http://www.mhp.org.tr/

Motherland Party: (ANAP Anavatan Partisi)
Founded on : May 20, 1983
Chairman : Erkan Mumcu
Address : 13. Cad. No: 3 Balgat/ANKARA
Phone : (0312) 286 50 00 (20 lines)
Web site: http://www.anavatan.org.tr/

Democrat Party: (DP Demokrat Parti)
Founded on : July 23, 1983
Chairman : Mehmet Ağar
Address : Selanik Cad. No: 40 Kızılay/ANKARA
Phone : (0312) 419 04 70 (2 lines)-417 22 40 (3 lines)

Felicity Party: (SP Saadet Partisi)
Founded on : July 27, 2001
Acting Chairman : Recai Kutan
Address : Ziyabey Cad. 2. Sok. No: 15 Balgat/ANKARA
Phone : (0312) 284 88 00

Justice and Development Party: (AKP Adalet ve Kalkınma Partisi)
Founded on : August 14, 2001
Chairman : Recep Tayyip Erdoğan
Address : Ceyhun Atuf Kansu Cad. No: 202 Balgat / ANKARA
Phone : (0312) 2868989-2863084
Web site: http://eng.akparti.org.tr/english/index.html

Republican People's Party: (CHP Cumhuriyet Halk Partisi)
Founded on : September 9, 1923
Chairman : Deniz Baykal

Address : Çevre Sok. No: 38 Çankaya/ANKARA
Phone : (0312) 468 59 69 (20 lines)
Website:
http://www.chp.org.tr/index.php?module=news&sid=74003ad117721af2c2f87c132cb29d21

Grand Union Party: (BBP Büyük Birlik Partisi)
Founded on : January 29, 1993
Chairman : Muhsin Yazıcıoğlu
Address : Tuna Cad. No: 28 Yenişehir/ANKARA
Phone : (0312) 434 09 20-27

Freedom and Solidarity Party: (ÖDP Özgürlük ve Dayanışma Partisi)
Founded on : January 21, 1996
Chairman : Hayri Kozanoğlu
Address : Necatibey Cad. No: 23/10 Sıhhiye/ANKARA
Phone : (0312) 229 97 06- 231 72 32

Democratic Turkey Party: (DTP Demokrat Türkiye Partisi)
Founded on : January 7, 1997
Chairman : Yaşar Okuyan
Address : Mesnevi Sok. 27 ANKARA
Phone : (312) 442 01 51 442 12 49 442 16 19

Liberal Democratic Party: (LDP Liberal Demokrat Parti)
Founded on : July 26, 1994
Chairman : Emin Şirin
Address : G.M.K. Bulvarı No: 47/14 Maltepe/ANKARA
Phone : (312) 2291503 (2 lines)
Web site: http://www.ldp.org.tr/

My Turkey Party: (Türkiyem Partisi)
Founded on : May 11, 1998
Chairman : Durmuş Ali Eke

Free Society Party: (Özgür Toplum Partisi)
Founded on : June 6, 2003
Chairman : Ahmet Turan Demir

Our Party: (Bizim Partimiz)
Founded on : August 2, 2004
Chairman : Ahmet Yılmaz

Nation Party: (MP Millet Partisi)
Founded on : November 22, 1992
Chairman : Aykut Edibali
Address : Atatürk Bulvarı No: 73/37-38 Kızılay/ANKARA
Phone : (312) 4194060

Worker's Party: (İP İşçi Partisi)
Founded on : March 2, 1992

Chairman : Doğu Perinçek
Address : Mithatpaşa Cad. No: 10/8 Sıhhiye/ANKARA
Phone : (312) 435 29 99

Labour Party: (EMEP Emeğin Partisi)
Founded on : November 26, 1996
Chairman : Abdullah Levent Tüzel
Address : Necatibey Cad. Sezenler Sk. Lozan Apt. ANKARA
Phone : (312) 232 41 98
Web site: http://www.emep.org/index.php

Changing Turkey Party: (DEPAR Değişen Türkiye Partisi)
Founded on : February 24, 1998
Chairman : Gökhan Çapoğlu
Address : 6. Cad. 78 Sok. 15/2 Öveçler/ANKARA

Democracy and Peace Party: (DBP Demokrasi ve Barış Partisi)
Founded on : March 11, 1996
Chairman : Yılmaz Çamlıbel
Address : Menekşe Sok. 10A/7 Kızılay/ANKARA

Liberation Tranquility Party: (Kurtuluş Huzur Partisi)
Founded on : February 1, 1999
Chairman : Hacer Söğütdelen

Communist Party: (Komünist Parti)
Founded on : July 20, 2000
Chairman : Yalçın Cerit

National Unity Party: (UBP Ulusal Birlik Partisi)
Founded on : October 23, 1998
Chairman :Fehmi Kural
Address :Necatibey Cad. Lale Sok. 3/14 Sıhhiye/ANKARA
Phone : (312) 230 16 32

Enlightened Turkey Party: (ATP Aydınlık Türkiye Partisi)
Founded on : November 27, 1998
Chairman : Ahmet Bican Ercilasun
Address : Çetin Emeç Bulvarı Öveçler 4. Cad. 52. Sk. Dikmen - ANKARA
Phone : (312) 284 29 32

The Main road Party: (AYP Anayol Partisi)
Founded on : May 5, 1994
Chairman : Gürcan Başer
Address : İzmir Cad. Sümer Sok. Sümer Han Kat: 4 4/2021 Kızılay/ANKARA
Phone : (312) 232 23 23

Great Justice Party : (BAP Büyük Adalet Partisi)
Founded on : April 12, 1995
Chairman : Sabit Batumlu
Address : Güvenlik Cad. 25/25 A.Ayrancı/ANKARA

Communist Party of Turkey: (Türkiye Komünist Partisi)
Founded on : November 11, 2001
Chairman : Aydemir GÜLER
Address : Selanik Cad. 41/7 Kızılay/ANKARA
Phone : (0312) 4188743-4172931

Democratic People Party: (DHP Demokrat Halk Partisi)
Founded on : December 15, 1999
Chairman : Mahmut İhsan Özgen
Address : Rüzgarlı Mah. Soydaşlar Sok. 4/6 Ulus/ANKARA
Phone : (312) 310 50 50

Socialist Worker's Party of Turkey: (TSIP Türkiye Sosyalist İşçi Partisi)
Founded on : January 3, 1993
Chairman : Turgut Koçak
Address : Lale Sok. 4/8 Sıhhiye/ANKARA
Phone : (312) 431 23 86229 99 93

Revolutionary Socialist Worker's Party : (DSİP Devrimci Sosyalist İşçi Partisi)
Founded on : April 25,1997
Chairman : Şevket Doğan Tarkan
Address : Menekşe 1. Sok. 8A/16 Kızılay/ANKARA

Socialist Worker's Party: (SİP Sosyalist İşçi Partisi)
Founded on : September 9,1996
Chairman : Mehmet Önder Ergönül

Socialist Unity Movement Party: (SBHP Sosyalist Birlik Hareketi Partisi)
Founded on : August 5, 1999
Chairman : Nihat Çağlı
Address : Bankacı Sok. 15/3 Kocatepe/ANKARA

Justice Party of Turkey: (TAP Türkiye Adalet Partisi)
Founded on : April 12, 1995
Chairman : Mehmet Yorgancıoğlu
Address : Cinnah Cad. Ahenk Sok. 10/8 ANKARA

Equality Party: (EP Eşitlik Partisi)
Founded on : May 25, 2001
Chairman : Bektaş Çelebi
Address : Selanik Cad. No:6/21 K.3 KIZILAY ANKARA

Union of Hearts Greens Party: (Gönül Birliği Yeşiller Partisi)
Founded on : November 03, 2000
Chairman : Eşref Yazıcıoğlu
Address : Strasbourg Cad. No:26/15 Sıhhıye/ ANKARA

Our Legacy Party: (Varlığımız Partisi)
Founded on : May 11, 2001
Chairman : Köksal Satır

Address : Demetevler İvedik Cad. No: B 99/P.9 ANKARA

Radical Change Project Party: (RADEP- Radikal Değişim Projesi Partisi)
Founded on : May 16, 2001
Chairman : Alişan Ağca
Address : Güniz Sok. No:12/3 KAVAKLIDERE ANKARA

National Autonomy Party: (Ulusal Muhtariyet Partisi)
Founded on : August 13, 2001
Chairman : Fehmi Öztürk
Address : İzmir Cad. Sümer 1 Sok. No : 12/6 Kızılay / ANKARA
Phone : (312) 229 97 06 231 72 30

Leader Turkey Party: (Lider Türkiye Partisi)
Founded on : September 03, 2001
Chairman : Mustafa ÖZMAN
Address : Harf Devrimi Cad. Özügüzel Kent Sitesi No:4/8 Eryaman / ANKARA

Independent Turkey Party: (Bağımsız Türkiye Partisi BTP)
Founded :September 25, 2001
Chairman : Prof. Dr. Haydar BAŞ
Address : K.Esat Cad. No: 123 Çankaya/ANKARA
Phone : (0312) 4482424 (5 lines)

Socialist Democratic Party: (TDP - Toplumcu Demokrat Parti)
Founded on : 29 January 2002
Chairman : Sema PİŞKİNSÜT
Address : Yıldız 4. Cad. 19. Sok. No:10 Çankaya/ANKARA

Solution Party: (ÇP - Çözüm Partisi)
Founded on : December 25, 2001
Chairman : Nazım KOCAMAN
Address : Saklambaç sk. No : 66/16 Keçiören / ANKARA

Social Democratic People's Party: (SHP - Sosyal Demokrat Halkçı Parti)
Founded on : May 24, 2002
Chairman : Murat KARAYALÇIN

Social Democrat Party: (SDP – Sosyal Demokrat Parti)
Founded on : November 29, 2001
Chairman : Nihat DEMİR
Address : Kuleli Sk. No : 33 / 4 GOP / ANKARA

Republican Democracy Party: (Cumhuriyetçi Demokrasi Partisi)
Founded on : July 19, 2002
Chairman : Erdoğan Bakkalbaşı
Address : Ergün Sok. No : 2 Maltepe / ANKARA
Phone : (0312) 232 63 00

Rights and Freedoms Party: (Hak ve Özgürlükler Partisi)

Founded on : February 11, 2002
Chairman : Abdülmelik FIRAT
Address : Menekşe 2. Sk. 33 / 7 Kızılay - ANKARA
Phone : (0312) 418 16 38

Homeland Party; (Yurt Partisi)
Founded on : March 14, 2002
Chairman : Sadettin TANTAN
Address : Öveçler Mah. 8. Cad. No: 25 Dikmen - ANKARA
Phone :(0312) 4785700

Eurasia Party: (Avrasya Partisi)
Founded on : May 9, 2002
Chairman : H.Hüsnü DOĞAN
Address : Çetin Emeç Bulvarı No : 57 Öveçler - ANKARA

Independent Republic Party; (Bağımsız Cumhuriyet Partisi)
Founded on : July 24, 2002
Chairman : Prof. Mümtaz SOYSAL

Republican Democrat Turkey Party: (Cumhuriyetçi Demokrat Türkiye Partisi)
Founded on : September 3, 2003
Chairman : Serap Gülhan

New Faces Party; (Yeni Yüzler Partisi)
Founded on : August 2, 2002
Chairman : Münci İnci

Turkey Party; (Türkiye Partisi)
Founded on : February 23, 2004
Chairman : Tekin Enerem,

Katılımcı Demokrasi Partisi: (Participatory Democracy Party KADEP)
Founded on : December 20, 2006
Chairman : Şerafettin ELÇİ

NOW BANNED

Fazilet Partisi (FP) (Virtue Party)
Founded 1997, banned June 2001. Fazilet replaced Refah Partisi (Welfare Party), which was dissolved by the Constitutional Court. Islamic fundamentalist. Interest in free market economy. Leader Recai Kutan. **[1c]**

Halkin Demokrasi Partisi (HADEP) (People's Democracy Party)
Founded 1994. Pro-Kurdish nationalist party. Chairman Murat Bozlak. **[1a]** On 20 September 2002 Mr Bozlak was barred from running in the November 2002 general election because of his conviction in the past for sedition. **[66b]** In March 2003 HADEP was banned by the Constitutional Court on the grounds that it aided and abetted the PKK. **[63c]**

Refah Partisi (RP) (Welfare Party)
Founded 1983, closed by a Constitutional Court ruling in January 1998 that it had become the focal point of anti-secular activity. Islamic fundamentalist. Chair Prof. Necmettin Erbakan. **[1b]**

MAIN LEFTIST AND/OR ILLEGAL POLITICAL ORGANISATIONS

IMPORTANT. This section consists of the names of both legal and illegal organisations. Those organisations which are known to be illegal have this fact recorded in their entry below. It is not possible to have a fully comprehensive list of illegal parties, because of their constantly changing and clandestine nature.

Information on the current situation regarding leftist Parties in Turkey can be found on www.broadleft.org/tr.htm **[52a]** and http://www.electionguide.org/country.php?ID=218 **[108]**

For general information on terrorist organisations in Turkey: http://www.tkb.org/GroupRegionModule.jsp?countryid=TU&pagemode=group&regionid=1 **[63a]**

List of proscribed terrorist groups outlawed in the UK. **[101]**
http://www.homeoffice.gov.uk/security/terrorism-and-the-law/terrorism-act/proscribed-groups

The Turkish State sees three main threats: militant Kurdish nationalism/separatism; militant Marxist-Leninist groups; and armed radical Islamic movements. **[2a]**

Brief glossary
cephe = front
devrimci = revolutionary
emek = labour
halk = people
hareket = movement
işçi = worker
köylü = peasant, villager
kurtuluş= liberation
örgüt = organisation, association
özgür = free
özgürlük = freedom, liberty

Aczi-Mendi Group. Radical Islamic group.
Founded by Müslüm Gündüz in Elaziğ in 1985. The meaning of Aczi-Mendi is the “Sect of the Helpless Servants of Allah”. All group’s members dress in the same style, with black robes, turbans, and baggy trousers, and they carry sceptres. They hold their meetings in Elaziğ and in dervish lodges, which they have established in different cities. Dervish convents in Elaziğ, Gaziantep and Izmir have been closed by court order. **[65]**

Akabe. A radical Islamic group.
Author Mustafa Islamoğlu leads it. The legal branch of the group is AKEV (Akabe Education and Culture Association). **[65]**

ARGK. See **PKK**.

BCH (Independent Republic Movement) (Bağimsiz Cumhuriyet Hareketi). **[52b]**

BDGP (United Revolutionary Forces Platform)
(Birleşik Devrimci Güçler Platformu) (Turkish)
(Platforma Hezen Soresgeren Yekgirti) (Kurdish)
Founded 1998. Radical left. **[52b]**

BP/KK-T (Bolshevik Party/North Kurdistan - Turkey) (Bolşevik Partisi/Küzey Kürdistan - Türkiye)
Illegal. Formed 1981 as TKP/ML (Bolsevik). Ex-Maoist, Stalinist. Publications - "Bolsevik Partizan", "Roja Bolsevîk". **[52b]**

Ceyshullah (Army of Allah).
Founded in Istanbul in 1995. Its aim is to bring about a theocratic regime in Turkey by "holy war". Between 1994 and 1999 the Turkish police conducted six operations against Ceyshullah, and apprehended 33 members, as well as guns, pistols, bombs and other munitions. The members stated that they had been trained in Saudi Arabia and Afghanistan. **[65]**

Dev Sol See **DHKP-C**

Dev Yol (Revolutionary Path) (Devrimci Yol). See **THKP/C**
Founded 1975. Radical left. Part of ÖDP (see Annex B). Publications – "Bir Adim" (One Step), "Hareket" (Movement), "Devrimci Hareket" (Revolutionary Movement). **[48] [18c]**

Devrim Partisi-Kawa. See **PS-Kawa**

Devrimci Gençlik See **DHKP-C**

Devrimci Halk Hareketi (Revolutionary People's Movement).
Split of TKIP in 1999. Radical left. Publication - "Devrimci Halk" (Revolutionary People). **[52a]**

Devrimci Hareket (Revolutionary Movement). **[52b]**

Devrimci Işçi Partisi - Insa Örgütü (Revolutionary Workers Party - Build up Organisation).
Trotskyist. Publication - "Enternasyonal Bülten". **[52a]**

Devrimci Mücadele (Revolutionary Struggle).
Founded 1977 as Devrimci Derleniş. Radical left. Publication - "Devrimci Mücadele". **[52a]**

Devrimci Sosyalist Yön (Revolutionary Socialist Direction) **[52b]**

DHKP-C / DHKP/C now known as the DHKC (Revolutionary People's Liberation Party - Front) (Devrimci Halk Kurtulus Partisi - Cephesi)
http://www.dhkc.net **[54]**
Illegal. Radical left. It was formed in 1993 as a splinter faction of **Dev Sol** (Devrimci-Sol, Revolutionary Left), which was founded in 1978 and which went out of existence

following the split. The other splinter faction, known as THKP/C Devrimci Sol, is on hostile terms with DHKP/C, but constitutes a far smaller group in scale and significance. Although DHKP/C has long had a difficult relationship with the PKK, it has repeatedly expressed is solidarity with the Kurdish armed struggle.

DHKP/C seeks to overthrow the existing Turkish system of government by armed revolution and to replace it with a Marxist-Leninist state. Its terrorist operations are aimed in particular at the Turkish security forces and public figures, as well as at bodies seen by the group as "symbols of imperialism". An attack on a bank in Istanbul in September 1999 left 23 people injured. The authorities struck a major blow at DHKP/C in 1999, arresting 160 members and seizing a large quantity of arms and explosives. In August 2000 the police caught seven DHKP/C members trying to plant a bomb at an airforce base. DHKP/C was in action again in 2001 with various operations, including an attack on a police car on 10 April, in which a passer-by was killed and two police officers injured. The US State Dept. report for 2001 records that DHKP-C suicide bombers attacked police stations in Istanbul in January and September 2001, killing several police officers and civilians.

Many of those involved in the hunger strikes in Turkish prisons in late 2000 and early 2001 came from among DHKP/C's ranks. The group drummed up large-scale support throughout Europe for protests in connection with those events. In Turkey itself the protests included a bomb attack on a police station in Istanbul on 3 January 2001, following which the organisation announced that this was in retaliation for the deaths of 30 prisoners in a prison clearance operation. Turkey's Anatolia news agency reported that, according to a circular distributed to police stations in Istanbul, the organisation had planned further attacks. **[2a]** Ankara State Security Court prosecutor Talat Salk alleged in a 1999 court case that DHKP/C conducts its activities under the names of HÖP (Haklar ve Özgürlükler Platformu) (Rights and Freedoms Platform), the outlawed Devrimci Gençlik (Revolutionary Youth), and TODEF (Türkiye Öğrenci Dernekleri Federasyonu) (Federation of Turkish Students and Youth Associations). **[23a]** Publications - "Yaşadiğimiz Vatan", "Devrimci Sol", "Kurtuluş" (Liberation). **[52a]** In UK the DHKP-C is part of the List of Proscribed international groups under the Terrorism Act 2000 (Proscribed Organisations). **[101]**

DHP (Revolutionary People's Party) (Devrimci Halk Partisi)
Founded 1994. Close to the PKK. Publication - "Alternatif" (Alternative). **[52a]**

Direniş Hareketi (Resistance Movement)
Founded 1978 as THKP/C - Üçüncü Yol. Radical left. Publication - "Odak". **[52a]**

Dördüncü Sol - Insa Örgütü (Fourth Left - Construction Organisation)
Trotskyist. Publication - "Son Kavga" (Last Fight). **[52a]**

DPG (Revolutionary Party Forces) (Devrimci Parti Güçleri)
Radical left. Illegal. **[52a]**

DSIH (Revolutionary Socialist Workers Movement) (Devrimci Sosyalist Işçi Hareketi)
Illegal. Radical left. Publication - "Kaldiraç" (Lever); Isçi Gazetesi **[52a]** **[52a]**

DSIP (Revolutionary Socialist Workers Party) (Devrimci Sosyalist Işçi Partisi).

Founded 1997. Legal. Trotskyist. Publication - “Sosyalist Işçi” (Socialist Worker); Enternasyonal Sosyalism. **[52a]**

ERNK. See **PKK**

ESP (Socialist Platform of the Oppressed) (Ezilenlerin Solyalist Platformu). Founded in 2002. **[52a]** In December 2004, the group’s publication Atilim reported that 46 of its members were arrested as members of the illegal MLKP and that a court claimed that ESP which is a legitimate organisation was in fact the legal branch of the MLKP.

Gerçek (Truth)
Publication – Gerçek. **[52b] [52a]**

Hareket (Movement) **[52b]**

HDÖ (People’s Revolutionary Leaders) (Halkin Devrimci Öncüleri)
Illegal. **[48] [18c]**

Hevgirtin Welatparez (Patriotic Union) **[52a]**

Hizb-l Kuran. See **Med-Zehra**

Hizbullah/Ilim Gruhu and Hizbullah/Menzil Grubu.
Both are illegal. Hizbullah/Hezbollah is a very shadowy Islamist group which originated in the 1980s in southeast Turkey. It advocates the establishment of an Islamic state by violent means. When a major Hizbullah leader was killed by PKK fighters in 1991, a difference of opinion emerged within the organisation as to whether the time was yet right to wreak revenge on the PKK, and also to take up arms in pursuit of its own objective. One faction, centring on the Menzil publishing house (and known as the Menzil group), took the view that the organisation was not yet sufficiently well-developed to pitch into armed struggle. The other, centred on the Ilim publishing house and known as the Ilim group, thought the time was ripe for armed revenge on the PKK. Its idea was as far as possible to let the Turkish State do the dirty work for it in combating the PKK. The Ilim group bore particular responsibility for the atrocities committed by Hizbullah. The group had an ideological aversion to Iran, which adhered to Shia Islam; the Ilim group was striving for a Sunni Islam state. When the Ilim group managed to kill some of the Menzil group’s main leaders in 1996, the Menzil group disintegrated and faded away. Some former Menzil members then joined the Ilim group, and, from 1996, Hizbullah become synonymous with the violent Ilim faction. Rumours were rife that Hizbullah was at least tolerated by the security forces because it was fighting against a common enemy, and it has been held responsible for a large number of disappearances and killings. Its victims included a former DEP member of parliament, Mehmet Sincar, and an Islamic feminist writer, Konca Kuris. President Demirel denied allegations that there were links between Hizbullah and Turkish officialdom, while the general staff of the armed forces issued an angry statement condemning such allegations as slander.

From 1997 onwards the Turkish authorities began to take tougher action against Hizbullah, with a reported 130 supporters arrested in 1998, 250 in 1999 and 3300 in 2000. In a raid on a home in the Üsküdar area of Istanbul on 17 January 2000 Hüseyin Velioğlu, Hizbullah’s founder and leader, was killed, and two other people arrested. On the basis of evidence found in the home, many other premises were searched, revealing

the bodies of thirteen missing businessmen. With many more corpses being uncovered in the following months, the public prosecutor was able to press charges against 21 people on 156 counts of murder in the major Hizbullah trial which opened on 10 July 2000. During an interrogation, a Hizbullah suspect reportedly confessed to killing moderate Islamic scholar Konca Kuris in the early 1990s. In November 2002 an appeals court acquitted five defendants and sentenced the others to prison terms ranging from life to 45 months. The security forces' many operations against Hizbullah have inflicted heavy setbacks on it, and the number of bombings carried out by the group has fallen from 302 in the first eight months of 1999 to 94 in the corresponding period of 2000. However, the provincial governor of Diyarbakır stated in October 2000 that, in spite of those serious setbacks, Hizbullah could certainly not yet be considered to have been eliminated. There are said to be many teachers and religious officials involved in the organisation. As of February 2000, Hizbullah was said to have had in Turkey some 20,000 members, who were organised in tight cells and knew a few of their fellow members because they were sworn to strict secrecy. They were said to operate in teams of two or three people, who "would stalk their victim before one member of the group carried out the execution by shooting the target in the neck with a single bullet, while the other kept a watch. A third militant may have assumed the duty of protecting the executioner." Up to the time of the security forces' major action in January 2000, there were no known instances of Hizbullah's having targeted the authorities in its operations. Since then, however, armed incidents have taken place. On 11 October 2000 in Diyarbakır a policeman was killed in a gunfight with Hizbullah, which has also been linked with the shooting dead of the province's chief of police, Gaffar Okkan, and five of his officers in January 2001. In April 2001 a Hizbullah member was arrested on suspicion of involvement in that attack. The USSD 2004 reported that the Government continued to detain persons, particularly in the southeastern province of Batman, on suspicion of links to Hizballahan that 1,500 political prisoners were alleged members of Hizballah or other radical Islamist political organizations. On 5 February 2005 Turkish Daily News reported that, acting upon intelligence that the group was trying to regroup the security forces had arrested 22 suspected Hizbullah militants in 18 provinces.
[2a] [5a] [5c] [7a] [23r] [32b] [48] [65]

Hizbullah Vahdet
Radical Islamic group, which centred on the Vahdet publisher in the 1980s. The group's leader is Abdulvahap Ekinci. The group's legal foundations are Davet Education and Culture Association and Abdulkadir Geylani Trust. The group publishes a periodical called "Vahdet". **[65]**

HÖP See **DHKP-C**

IBDA-C (Islamic Great East Raiders - Front) (Islami Büyük Doğu Akincilar Cephesi)
Illegal Iranian-backed fundamentalist group which seeks the establishment of an Islamic republic based on strict Shariah or religious law. It attacks the PKK as well as the Turkish establishment.

IBDA-C is reportedly organised in small, isolated cells. Members organise independently without any hierarchical authority. Usually each cell does not have information about another cell's actions. There are two different types of cell. One type carries out propagandist actions, publishing books and periodicals, and organising meetings, conferences or exhibitions. The other type includes such cells as "Ultra Force", "Altinordu", "Lazistan", and "Union of Revolutionist Sufis". IBDA-C is active in publication,

and has many bookstores, websites and print-houses. Meetings are held in bookstores. Some of its periodicals are “Ak-Doguş” , Ak-Zuhur”, Akin Yolu”, “Taraf”, and “Tahkim”. IBDA-C has been linked with a number of terrorist attacks, especially in the early 1990s. It frequently makes use of explosives and Molotov cocktails in its attacks, and has often targeted banks, casinos, Christian churches and Atatürk monuments. IBDA/C has been linked with the fatal bomb attack in October 1999 on a secular professor, Ahmet Taner Kişlali, who was best known as a journalist for the Cumhuriyet newspaper. In December 1999 and February 2000 IBDA/C members sparked off bloody clashes in Metris prison when they attempted, by armed force, to prevent guards from entering their cell. In the December riot, 54 soldiers were injured and 100 hostages taken by IBDA/C, which also laid claim to the fatal attack on two police officers in Istanbul on 1 April 2001. Proceedings were brought against IBDA/C’s leader, Salih Izzet Erdiş, known by the nom de guerre Salih Mirzabeyoğlu, before Istanbul State Security Court in February 2000, seeking to have the death penalty imposed on him for leadership of an illegal organisation working for the establishment of an Islamic state. On 3 April 2001 he was sentenced to death by that court. **[2a] [48] [34] [65]**

IHÖ (Islamic Movement Organisation) (Islami Hareket Örgütü)
Illegal. **[48]**

Ilerici Gençlik (Progressive Youth) **[52b]**

IMO (Islamic Movement Organisation)
Its goal was to found an Islamic State in Turkey. Members were trained in Iran. Usually high level militants were sent abroad for training in guerrilla tactics, using weapons, and producing bombs. Irfan Cagrici, the director of the operations team, was caught by police in Istanbul in 1996. After the command and control of IMO had been weakened, IMO collapsed, and today most of its members are in prison. **[65]**

Işçi Demokrasisi (Workers Democracy)
Founded 1998; split of DSIP. Trotskyist. Publication - “Işçi Demokrasisi”. **[52a]**

Jerusalem Fighters See **Kudüs Savaşçilari**

KADEK See **PKK**

Kaplancilar /Sözde Hilafet Devleti.
Illegal. **[48]**

KDB (Communist Revolutionary Union) (Komünist Devrimci Birlik)
Illegal. **[48]**

KDH (Communist Revolutionary Movement) (Komünist Devrim Hareketi) Publications - “Maya” (Ferment), “Parti Yolunda” Illegal. **[48] [52a]**

KDH/L (Communist Revolutionary Movement/Leninist) (Komünist Devrim Hareketi/Leninist)
Illegal. Publication – “Köz”. **[52b] [52a] [48]**

KHK See **PKK**

Kongra-Gel See **PKK**

KKP (Kurdistan Communist Party) (Kürdistan Komünist Partisi)
Illegal. **[48]**

Kongreya Azadî û Demokrasiya (Kurdistan Freedom and democracy Congress) **[52b]**

KP(IÖ) (Communist Party (Build Up Organisation)) (Komünist Partisi (Inşa Örgütü))
Illegal. Ex-Maoist, Stalinist. Split of MLKP in 1995. Publication - "Halkin Birliği". **[52a] [48]**

KSB (Communist Fighters Union) (Komünist Savaşçilar Birliği)
Publication – "Işçi Davasi". **[52a]**

Kudüs Savaşçilari (Jerusalem Fighters)
Islamic splinter group, said to have links with Iran. Police operations in May 2000 brought the arrest of some members and the discovery of various arms caches. **[2a]**

KUK (Kurdistan National Liberationists) (Kurdistan Ulusal Kurtulusculari)
Marxist-Leninist. Established 1978. Its initial aim is to establish an independent Kurdistan in east and southeast Turkey, and then to unite this republic with territories in which Kurds live in Iran, Iraq and Syria. KUK-MK leaders are Dasraf Bilek (General Secretary), Sait Özsoy, Vasfi Özdemir, Mahfuz Yetmen, Şevket Kaçmaz, Lütfi Baksi. KUK-SE leaders are K. Başibüyük, Yalçin Büyük (Gen. Sec.), Abdurrahman Bayram, Abdurrahman Esmer, Yasemin Çubuk, Zeynel Abidin Özalp, and Yusuf Ahmet Bartan. **[65]**

M-18 See **MLKP**

Malatyalilar (From Malatya/Malatyaites)
This radical splinter group, also known as Şafak-Değişim, advocates establishment of an Islamic state. The group first attracted attention at demonstrations against the ban on wearing the veil, in 1997 and 1998, and related disturbances in Malatya. Apart from Malatya, the organisation is reported also to be active in Istanbul, Gaziantep, Erzurum and Kayseri. In October 2000 the security forces carried out a large-scale operation against the group, arresting some 250 people in 28 provinces. Although there have (as of May 2001) been no known Malatyalilar acts of violence, a large number of arms were found in that swoop by the security forces. **[2a]** The group's leader is Zekeriya Şengöz. The group's leading members come from the city of Malatya in southeast Turkey. The group publishes "Değisim" (Metamorphosis) periodical. In addition, it has founded a legal trust named "Islamic Solidarity Trust", which is active in Istanbul. The group calls itself "Şafak" (Down Group), and in university circles they use the signature of "Muslim Youth". **[65]**

Marksist Tutum (Marxist Attitude). **[52b]**

Mezhepsizler Grubu. Illegal. **[48]**

Med-Zehra, also called **Hizb-i Kuran** (The Party of Q'uran)
A radical Islamist group, named after the university, Medresetu'z-Zehra, which Said Nursi (who was the originator of the Nurcu movement (probably the most important religious movement in Turkish Kurdistan), and who died in 1969) wished to establish in

Kurdistan. Med-Zehra is an important representative of Kurdish Islamic movements. It opposes the Turkish Government, and refuses to employ constitutional methods. **[7c]**

MIB (Marxist Workers League). (Marksist Isçi Birligi)
Trotskyist. **[52a]**

MLKP (Marxist Leninist Communist Party) (Marksist Leninist Komünist Partisi)
Illegal. Founded in September 1994; merger of TKP/ML - Hareketi, TKIH, TKP/ML(YIÖ). Stalinist. It seeks the armed overthrow of Turkey's present political system. It also sees itself as representing the Kurdish community, and wants to throw off the "fascist colonial yoke" by means of armed struggle, having its own armed wing, known as M-18. In May 1998 MLKP abducted Tacettin Asci, treasurer of the Bursa branch of the Turkish Human Rights Association, and Ahmet Aydin, and on 7 June 1998 it issued a statement saying that the two had been "executed" as police informers. Amnesty International said that it was appalled to learn of the killings, and added that the fact that the bodies had not been recovered suggested that the victims may have been interrogated under torture by their captors. Amnesty urged that the bodies be surrendered, and also that those responsible for the murders be brought to justice. Publications - "Partinin Sesi", "Atilim" (Progress); Teori'de; Dogrultu. **[2a] [52a] [118]** See also **ESP**

MLSPB (Marxist-Leninist Armed Propaganda Unit) (Marksist Leninist Silahli Propaganda Birliği)
Illegal. Founded 1975 as split from THKP/C; political military. Radical left. Publication - "Barikat" (Barricade). **[48]**

Müslüman Gençlik Grubu (Muslim Youth Group)
Illegal. **[48]**

PADEK (Freedom and Democracy Party of Kurdistan)
(Partiya Azadî û Demokrasî ya Kurdistanê) (Kurdish)
(Kürdistan Özgürlük ve Demokrasi Partisi) (Turkish)
Founded 2000 by faction of PYSK (Kurdistan Sosyalist Birlik Partisi). Left, Kurdish nationalist. Illegal. **[52b] [52a]**

PDK (Kürdistan Demokrat Partisi)
Illegal. **[48]**

PDK/Bakur (Democratic Party of Kurdistan/North)
(Partî Demokratî Kurdistan/Bakur) (Kurdish)
(Kürdistan Demokrat Partisi/Küzey) (Turkish)
Illegal. Founded 1992 as PDK/Hevgirtin. Left, Kurdish nationalist. It aims to unite Kurds living in Iran, Iraq, Syria and Turkey under the flag of an independent Socialist Kurdistan Republic. Publication - "Dênge Bakur". **[52a] [48] [65]**

PDK(T) (Democratic Party of Kurdistan (Turkey)
(Kürdistan Demokrat Partisi (Türkiye) (Turkish)
(Partîya Demokrat a Kurdistan (Türkiyê) (Kurdish)
Left, Kurdish nationalist. Illegal, founded 1965. Publication - "Xebat". **[52a]**

PIK (Islamic Kurdistan Party) (Partiya Islamiya Kurdistan)

Founded 1979. PIK's main aim is to establish an Islamic state, and its members see this as a holy mission. Its strategy is allegedly to create chaos in Turkey, to destabilise government institutions, to start a nationwide revolt, and to establish an Islamic Kurdistan. It is active in eastern and southeastern Turkey, especially in Malatya. It has branches in Ankara and Istanbul. Leaders of the party include Prof. Dr, Muhammad Salih Mustafa (Party President and General Emir/Governor), Osman Caner (Emir of Students and Youth) and Sukuti Evcim (Director of Youth. **[65]**

PKK also known as **KADEK** and more recently **KHK or Kongra-Gel** (Kurdistan Workers' Party)
http://www.kongra-gel.org/index.php?newlang=english
(Partîya Karkerên Kurdistan) (Kurdish)
(Kürdistan Işçi Partisi) (Turkish)
www.pkk.org and www.kurdstruggle.org/pkk
Illegal. Founded on 27 November 1978. It advocates armed struggle both at home and abroad, to achieve an independent Kurdish state slicing through Turkey, Syria, Iraq and Iran, and launched the struggle in 1984. 57-member directorate. Its components include ERNK (the National Liberation Front of Kurdistan), the PKK's "popular front and propaganda division", and ARGK (the Kurdistan National Liberation Army), the PKK's "popular army". Leadership: Abdullah "Apo" Öcalan. The PKK's armed operations in south-eastern Turkey, starting in 1984 and peaking from 1990 to 1994, involved attacks on civilians (in many cases Kurdish) and military targets, causing very many deaths. The PKK was guilty of human rights violations, including murders, especially in rural parts of the south-east, but also in other areas. The victims were mainly Jandarma officers, mayors, teachers, imams, village guards and their families, reluctant recruits, young villagers, refusing to fight for the PKK, and (former) PKK members acting as informants for the Turkish authorities. From the outset, the Turkish army took tough action against the PKK. The PKK attempted to make the south-east ungovernable, by systematically destroying economic and social infrastructure etc., and by deliberately polarising the local population. Many village schools were closed down, not least as a result of the PKK's policy, up until 1996, of killing schoolteachers. According to information from the Turkish authorities, a total of just over 23,000 PKK fighters and around 5000 members of the armed forces and security forces have been killed since 1987 in the conflict with the PKK. Just over 4400 civilians are reported to have been killed. The Injured number just over 11,000 armed forces and security forces members, and around 5400 civilians. No figures are given for injured PKK fighters. On 3 August 1999 Abdullah Öcalan called on PKK fighters to end their armed struggle and withdraw by 1 September to beyond Turkey's borders. On 1 September his brother Osman, a member of PKK's command council, announced that the PKK would do this with immediate effect. The extent to which Öcalan's call has been followed by PKK fighters can be seen from figures from the Turkish army high command in May 2000, showing only 500 out of 5500 PKK fighters still to be in Turkey. In the first five months of 2000, the number of clashes between the army and guerrillas had fallen to 18, as against 3300 at its peak in 1994 and 48 in 1999. There were few armed clashes in 2001, and a near absence of PKK violence in 2002. In April 2002 the PKK announced that it had ceased activities and had regrouped as KADEK, the Kurdistan Freedom and Democracy Congress (Kürdistan Özgürlük ve Demokrasi Kongresi). The change of name did not affect the policy of the Turkish State towards members of the PKK/KADEK. Publication - "Serxwebûn" (written in Turkish). **[1a] [2a] [5a] [18c] [63a] [67] [52a] [48]** In the UK PKK is part of the List of Proscribed international groups under the Terrorism Act 2000 (Proscribed Organisations). **[101]**

On the 29 May 2004 the BBC reported that Kongra-Gel declared that its five-year unilateral cease-fire would end in three days time (on the 1 June 2004) and that it would start to target Turkish security forces. **[66w]** In January 2005 the Turkish Daily News reported that, according to a report released by the Diyarbakir Human Rights Associations, the number of armed conflict between security forces and the Kurdistan's Workers Party (PKK/Kongra-Gel) increased. While 104 people died and 31 were wounded in armed clashes in 2003, 219 people died and 126 were wounded in 2004. **[23q]** On 8 October 2005, the Turkish Daily News reported that the PKK had said it ended a unilateral ceasefire against Turkey. **[23ac]**

PKK-DCS (PKK – Devrimci Çizgi Savasçilari) (PKK-Serwanên Xeta Soresgerî) (PKK – Revolutionary Line Fighters). Radical leftist, Kurdish-nationalist, illegal, split from PKK 1999. Publication: Devrimci Çizgi. **[52b] [52a]**

PKK/KKP (Communist Party of Kurdistan)
(Partiya Komunistê Kurdistan) (Kurdish)
(Kürdistan Komünist Partisi) (Turkish)
Founded 1990 by Kurdish section of TKEP. Communist. Publication – "Dengê Kurdistan". **[52a]**

PKK Vejin (Resurgence)
As noted in the website Terror Organisation in Turkey:
"After the Fourth [KADEK] Congress, three opposing members Sari Baran, Mehmet Sener and Faik (K) have formed another organisation called Vejin (Resurgence). This organisation was in the same direction with KADEK but it was giving its members more social rights, [such] as marriage and the right to resign from the organisation in [sic] every time the member wished. The leaders of Vejin have stated that their objective is to establish a Federal Kurdistan in the Turkish territories. Mehmet Sener was killed in Syria with A. Ocalan's command. After Mehmet Sener's death, Vejin and KADEK began to fight against each other." **[65]**

PNBK (National Platform of North Kurdistan)
(Platforma Neteweyî ya Bakûrê Kurdistanê) (Kurdish)
(Kuzey Kurdistan Ulusal Platformu) (Turkish)
Founded 1999. Left, Kurdish nationalist. Illegal. **[52a]**

PRK/Rizgari (Liberation Party of Kurdistan)
Partîya Rizgariya Kurdistan (Kurdish)
Kürdistan Kurtulus Partisi (Turkish)
Illegal. Founded 1976. Radical left, Kurdish nationalist. The party's aim is to establish an independent Kurdistan, and extend this to an independent United Socialist Kurdistan with territory which is at present part of Iran, Iraq, Syria and Turkey. Publications - "Rizgari", "Stêrka Rizgarî". **[52a] [48] [65]**

PRNK (National Liberation Party of Kurdistan) (Kürdistan Ulusal Özgürlük Partisi)
Illegal. Probably disbanded. **[48]**

PS-Kawa (Revolutionary Party) (Partîya Sores)
Illegal. Founded 1998 as split of PYSK (Kurdistan Sosyalist Birlik Partisi). **[48] [52a]**

PSK (Socialist Party of Kurdistan)

(Partîya Sosyalist a Kurdistan) (Kurdish)
Kürdistan Sosyalist Partisi (Turkish)
Illegal. Founded 1974. Left, Kurdish nationalist. Its legal wing is the DBP (see Annex B). Publications - “Roja Nû”, “psk-bulten”. Leader Kemel Burkay. **[48]**

PSK- (Kurdistan Revolutionary Party)
(Devrimci Kürdistan Partisi) (Turkish)
(Partîya Soreşa Kürdistan) (Kurdish)
Illegal. **[48]**

Revolutionary Marxist League
Trotskyist. **[52a]**

RNK/KUK (Kürdistan Ulusal Kurtuluşçular)
Illegal. **[48]**

RSDK (Socialist Democratic Organisation of Kurdistan)
(Rêxistina Sosyalîst a Demokratîk a Kurdistanê) (Kurdish)
(Kürdistan Demokratik ve Sosyalist Örgütü) (Turkish)
Split of PYSK (Kurdistan Sosyalist Birlik Partisi). **[52a]**

Şafak-Değişim See **Malatyalilar**

SED (Social Ecological Transformation) (Sosial Ekolijist Dönüsüm)
Green. Publication – Kara Toprak. **[52a]**

SEH (Socialist Labour Movement) (Sosyalist Emek Hareketi)
Publication – “Siyasi Gazete” (Political Gazette). **[52b] [52a]**

Selam Grubu.
Illegal. **[48]**

Selefi (from the Arabic “Salafi”, referring to an Islamic revivalist movement which seeks to emulate the lives of the earliest Muslims).
The organisation, which was established in 1993 by an imam, supports religious law. In raids in 1999, the Turkish authorities seized eight rocket rifles, one Kalashnikov, and 650 rounds of ammunition. The Turkish State considers the organisation to be terrorist. **[20] [30d]**

SIP See **Sosyalist Iktidar Partisi** - **Komünist Parti**

Sosyalist Alternatif (Socialist Alternative).
Part of ÖDP (see Annex B). Trotskyist. Publication - “Sosyalist Alternatif”. **[52a]**

Sosyalist Iktidar Partisi - Komünist Parti (Party for Socialist Power – Communist Party)
Founded 1993, Communist, legal, gained 0.12% of the national vote in the April 1999 general election. Changed its name in November 2001 to TKP (Türkiye Komünist Partisi) (Turkish Communist Party); it is unclear whether this is different from, or identical to, the TKP which is listed later in this annex. Gained 0.19% of the national vote in the

November 2002 general election. Publications – "Sosyalist Iktidar" (Socialist Power), "Sol" (Left). **[30a] [52a]**

Sosyalist Politika (Socialist Politics)
Part of ÖDP (see Annex B). Publication - "Sosyalist Politika". **[52a]**

Spartaküs
Illegal. **[48]**

TAYAD (the Solidarity Association of Prisoners' Families) (Tutuklu ve Hükümlü Aileleri Yardimlasma Dernegi)
In January 2001 the headquarters and various branches in Istanbul of the TAYAD were closed after it had held weekly demonstrations over a period of months against the introduction of the new cell system in prisons. Various executive members were arrested. The authorities regard TAYAD as a cover for the revolutionary DHKP/C. The organisation was consequently proscribed for a few years in the early 1990s. **[2a]**

TAK (Kurdish Liberation Hawks/Falcons) a radical Kurdish group said to have carried out various actions including the bombing in Cesme and Kusadasi in July 2005, two bomb explosions in Istanbul in February 2006, an explosion at the Mezitli offices of AKP in the same month, a bomb attack targeting a police building in Izmir in March 2006. The Tak is considered an offshoot of the Kurdistan Workers' Party (PKK) and a cover group for PKK although the PKK denies any links. **[23g] [23f] [66az] [66bj] [66bk]**

TDKP (Revolutionary Communist Party of Turkey) (Türkiye Devrimci Komünist Partisi).
Illegal. Founded 1980. Ex-Maoist, Stalinist. Its legal wing is Emep (Labourers Party) (see Annex B). Publication - "Devrimin Sesi". **[47] [52a]**

TDP (Revolution Party of Turkey) (Türkiye Devrim Partisi)
Illegal. Founded 1978, formerly TKP (Birlik). Radical left. Publication - "Hedef" (Target). **[52a] [48] [52a]**

Tehvid-Selam
Islamic splinter group said to have links with Iran. The group adopts Hizbullahi ideas, and is closely related to the Hizbullah and Menzil groups. It began to publish "Şehadet" (Testimony) and "Tehvid" (Unification) periodicals, and nowadays publishes "Selam" (Greeting, Salute), a weekly newspaper. Police operations in May 2000 brought the arrest of some members and the discovery of various arms caches. **[2a] [65]**

THKP/C Acilciler (Turkish Peoples' Liberation Party and Front – The Urgent Ones) (Türkiye Halk Kurtuluş Partisi/Cephesi Acilciler)
Illegal. Probably disbanded. **[52a] [48]**

THKP/C- Dev Sol (People's Liberation Party/Front of Turkey - Revolutionary Left) (Türkiye Halk Kurtuluş Partisi/Cephesi - Devrimci Sol)
Illegal. Founded 1993 as split of Dev Sol. Political military. Radical left. Publication - "Devrimci Çözüm" (Revolutionary Solution). **[52a] [48] [52b]**

THKP/C- Dev Yol.
Illegal. **[48]**

THKP-C/HDÖ (People's Liberation Party/Front of Turkey - People's Revolutionary Vanguards) (Türkiye Halk Kurtulus Partisi ve Cephesi - Halkin Devrimci Öncüleri) Founded 1977. Political military. Radical left. Publications - "Cephe" (Front, Façade), "Kurtuluş" (Liberation), "Kurtulus Cephesi" (Liberation Front). **[52a] [52b]**

THKP/C-MLSPB (People's Liberation Party/Front of Turkey – Marxist Leninist Armed Propaganda Unit) (Türkiye Halk Kurtulus Partisi ve Cephesi – Marksist Leninist Silahli Propaganda Birligi)
Publication – "Barikat" (Barricade). **[52b] [52a]**

TIKB (Revolutionary Communists Union of Turkey) (Türkiye Ihtilalci Komünistler Birliği) Illegal. Founded 1977. Political military. Ex-Maoist, Stalinist. Publications - "Ihtilalci Komünist", "Orak-Çekiç", "Devrimci Proletarya", "Alinterimiz". **[48] [52a]**

TIKB - B (Revolutionary Communists Union of Turkey - Bolshevik) (Türkiye Ihtilalci Komünistler Birliği - Bolşevik)
Illegal. Split of TIKB. Radical left. Publication - "Devrimci Duruş" (Revolutionary Attitude). **[48] [52a]**

TIKKO (Turkish Workers' and Peasants' Liberation Army) (Türkiye Işçi Köylu Kurtuluş Ordusu or Türk Işçiler Köylüler Kurtuluş Ordusu).
Illegal armed resistance movement, which was set up in 1972 by TKP/ML. It advocates the violent overthrow of the Turkish government and abolition of the entire Turkish political system. Members (a maximum of several thousand people) are scattered in small cells throughout Turkey. The armed guerrilla units are used by both TKP/ML and TKP(ML) in common for their terrorist operations. Amnesty International notes that in the early 1990s TIKKO and other organisations would frequently announce, that this journalist, or that Kurdish villager, had been "punished". Since then, the numbers of such killings have fallen notably. In September 2000 a police operation against TIKKO in Istanbul brought the arrest of the head of its local section. On 6 October 2000 a suicide squad attacked the military training college in the Harbiye district of Istanbul. TKP/ML also claimed responsibility for an attack on a police car on 11 December 2000, in which two policemen were killed. February 2001 saw two armed clashes between TIKKO and the security forces. The attack on a Jandarma general in Çorum on 22 March 2001 was said by the authorities to have been carried out by TIKKO, which reportedly itself on 28 March 2001 laid claim to the attack. [2a][12a] In June 2002 TIKKO reportedly abducted and killed Muharrem Hız from Sırçalı village, Tokat province. **[9a]** There used to be a division of labour between PKK and TIKKO guerrillas, with the PKK carrying on the combat in south-eastern Turkey and TIKKO in the Black Sea region. In October 1999 TKP/ML announced its complete disagreement with Öcalan's call to end the armed struggle. **[2a] [12a]**

TIP (Workers Party of Turkey) (Türkiye Isci Partisi) **[52a]**

TKEP (Communist Labour Party of Turkey) (Türkiye Komünist Emek Partisi)
Illegal. Founded 1980, part of ÖDP (Özgürlük ve Dayanisme Partisi - see Annex B). Communist. **[48] [52a]**

TKEP- Leninist (Communist Labour Party of Turkey - Leninist) (Türkiye Komünist Emek Partisi - Leninist)

Illegal. Split of TKEP in 1990. Political military. Communist. Publications - "Devrimci Emek" (Revolutionary Labour), "Devrim Iscin Mücadele Birligi. **[48] [52b] [52a]**

TKIP (Communist Workers Party of Turkey) (Türkiye Komünist Işçi Partisi)
Illegal. Founded 1998. Ex-Maoist, radical left. Publications - "Ekim" (Sowing, Planting), "Kizil Bayrak" (Red Flag) **[52a] [48] [72]**

TKKKÖ (Turkey and North Kurdistan Liberation Organisation) (Türkiye ve Kuzey Kürdistan Kurtuluş Örgütü)
Illegal. **[48]**

TKP (Communist Party of Turkey) (Türkiye Komünist Partisi)
Founded 1980 as TKP - Iscinin Sesi. Communist. Publication - "Iscinin Sesi" (Workers' Voice). **[52a]**

TKP/IS (Communist Party of Turkey/Workers Voice) (Türkiye Komünist Partisi/Işçinin Sesi).
Illegal. **[48] [52a]**

TKP- Kivilcim (Communist Party of Turkey - Spark) (Türkiye Komünist Partisi - Kivilcim). Illegal. Founded 1989 by Socialist Homeland Party (SVP). Communist. Publications - "Kivilcim" (Spark), "Zafere Kadar Direnis", "Yol" (The Way), "Widerstand". **[48] [52b]**

TKP/ML (Communist Party of Turkey/ Marxist Leninist) (Türkiye Komünist Partisi/ Marksist-Leninist).
Founded 1972. Political military. Based on Maoist ideology. The party has suffered several divisions, with each faction claiming to be "the real party". In 1994 it split into two wings: a partisan wing, retaining the old name TKP/ML, and an Eastern Anatolian regional committee, assuming the almost identical name TKP(ML). Talks have been under way since late 1999 concerning reunification of the two wings. In 1972 TKP/ML set up armed guerrilla units, known as TIKKO (Türk Işçiler Köylüler Kurtuluş Ordusu - Turkish Workers' and Peasants' Liberation Army), which are used by both TKP/ML and TKP(ML) in common for their terrorist operations. In October 1999 TKP/ML announced its complete disagreement with the call by Abdullah Öcalan, PKK leader, to end the armed struggle. TKP/ML claimed responsibility for an attack on a police car on 11 December 2000; two policemen were killed in the attack. Publications - "Partizan", "Isci-Köylü Kurtuluşu", "Özgür Gelecek" (Free Future). **[2a] [67] [52a] [52b] [69]**

TKP(ML) (Communist Party of Turkey (Marxist-Leninist) (Türkiye Komünist Partisi (Marksist-Leninist).
Split of TKP/ML in 1994. Political military. Maoist. Publications - "Isçi Köylü Kurtuluşu", "Devrimci Demokrasi" (Revolutionary Democracy), "Öncü Partizan" (Pioneer Partisan). **[52a]**

TKP/(M-L) DABK (Communist Party of Turkey (Marxist-Leninist) East Anadolu Area Committee) (Türkiye Komünist Partisi (Marksist-Leninist) Doğu Anadolu Bölge Komitesi)
Illegal. **[48]**

TKP/M-L Kons. Kes (Communist Party of Turkey/ Marxist-Leninist Conferencing Body) (Türkiye Komünist Partisi/Marksist-Leninist Koferansçi Kesim).

Illegal. **[48]**

TKP/ML (Maoist Parti Merkezi) (Communist Party of Turkey/ Marxist-Leninist (Maoist Party Centre)) (Türkiye Komünist Partisi/ Marksist Leninist (Maoist Parti Merkezi))
Illegal. Split of TKP/ML in 1987. Political military. Maoist. Publication - "Iktidara". **[48] [52b]**

TODEF See **DHKP-C**

Toplumsal Özgürlük Platformu (Social Freedom Platform).
Part of ÖDP (see Annex B). **[52a]**

TSIP (Socialist Workers Party of Turkey) (Türkiye Sosyalist Isçi Partisi).
Founded 1993. Legal. Communist. Publication - "Kitle" (Mass, Crowd). **[52a]**

Türkiye'de Marksist-Leninist Parti (Marxist Leninist Party in Turkey).
Founded in 1980 as TKP/ML Spartakus. Stalinist. Publications - "Spartakus", "Bilimsel Komünizmin Sancağı Altinda". **[52b]**

UIC (Union of Islamic Communities)
Founded 1983. Its initial goal is to unite Muslims living in Europe under one roof. Its main goal is to establish a Federal Islamic State in Anatolia. Its founder Cemalettin Kaplan declared himself the "caliph" of all Muslims in 1994, and from then on UIC called itself the "Caliphate State". After he died in 1995, his son Metin Kaplan replaced him as "caliph". Some members of UIC have rejected Metin Kaplan's caliphate, and UIC has divided into three groups. UIC has 200-300 members in Turkey, largely in Istanbul, Konya, Adana, Sivas, Aydin, and Maraş, and 1300 members in Germany. In Germany in 1999 Metin Kaplan declared a holy war against In Turkey. The German authorities arrested Metin Kaplan in March 1999. He was extradited from Germany in 2004 after Turkey banned the death penalty. The Turkish police have conducted operations against UIC militants in Sivas, Sakarya, Erzurum, Bursa and Çanakkale. As reported by BBC News on 20 June 2005, Metin Kaplan was sentenced to life in prison for plotting to overthrow Turkey's secular system. However, on 30 November 2005, BBC News reported that the appeals court had ruled that there had been inadequate investigation and procedural deficiencies in the case and Kaplan's conviction was overturned. **[65] [66bf] [66bm]**

Vasat Grubu/Ehl-i Sünnet vel Cemaat.
Illegal. It claimed responsibility for throwing a grenade at a book fair in Gaziantep on 14 September 1997, killing one person and injuring 24. **[56]** Today Vasat is inactive. With series of police operations in the June of 1999, in Malatya and in Ankara all the action plans, structure, strategies, educational activities and financial resources of the organisation had been deciphered. **[65]**

Yeni Yol (New Way)
Part of ÖDP (see Annex B). Trotskyist. Publication - "Yeni Yol" (New Way). **[52a]**

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Annex C: Prominent people: past and present

GOVERNMENT AFFILIATED

Head of state: Abdullah Gul was nominated for the presidency following the AKP's election victory and eventually elected to the position on 28 August 2007. **[81b]**

Prime Minister: Recep Tayyip Erdogan served as the Prime Minister of Turkey since March 14, 2003. He is the leader of the Adalet ve Kalkınma Partisi (AKP, or Justice and Development Party). **[81b]**

KEY MINISTERS AND POSTS.

Prime Minister:	Recep Tayyip Erdogan
Deputy Prime Minister and Minister of State:	Cemil Cicek
Deputy Prime Minister and Minister of State:	Nazim Ekren
Deputy Prime Minister and Minister of State:	Mehmet Simsek
Deputy Prime Minister and Minister of State:	Hayati Yazici
Minister of State:	Murat Basesgioglu
Minister of State:	Nimet Cubukcu
Minister of State:	Mehmet Aydin
Minister of State:	Kursad Tuzmen
Minister of State:	Mustafa Said Yazicioglu
Minister of Agriculture and Rural Affairs:	Mehmet Mehdi Eker
Minister of Culture and Tourism:	Ertugrul Gunay
Minister of Energy and Natural Resources:	Hilmi Güler
Minister of Environment and Forestry:	Veysel Eroglu
Minister of Finance:	Kemal Unakitan
Minister of Foreign Affairs:	Ali Babacan
Minister of Health:	Recep Akdag
Minister of Industry and Trade:	Mehmet Zafer Caglayan
Minister of Interior:	Dr Besir Atalay
Minister of Justice:	Mehmet Ali Sahin
Minister of Labour and Social Security:	Faruk Celik
Minister of National Defence:	Vecdi Gönül
Minister of National Education:	Hüseyin Çelik
Minister of Public Works and Housing:	Faruk Nafiz Ozak
Minister of Transportation:	Binali Yildirim

[81b]

OTHERS

Atatürk, Kemal (born 1880/1881, died 1938) His original name was Mustafa Kemal, he was surnamed Atatürk ("Father of the Turks") in 1934. Atatürk was the founder of modern Turkey. He became Turkey's first President in 1923.

Bahçeli, Devlet: Leader of MHP (Nationalist Action Party), and Deputy Prime Minister 1999-2002.

Bakirhan, Tuncer: Chairman of DEHAP. **[69]**

Baykal, Deniz: Leader of CHP (Republican People's Party).

Bozlak, Murat: Chairman of HADEP (People's Democracy Party) until it was banned in March 2003. He is banned from being a founder, member or administrator of another party for five years from March 2003.

Çiller, Tansu: Turkey's first woman Prime Minister 1993-96. Was Chairman of DYP (True Path Party).

Derviş Kemal: Formerly a Turkish Vice President of the World Bank. Appointed after the February 2001 crisis as the State Minister responsible for the economy; resigned August 2002.

Ecevit, Bülent: Former leader of DSP (Democratic Left Party), and Prime Minister 1999-2002. Was Prime Minister in 1974 (when Turkey invaded Cyprus, in order, in its perception, to protect the Turkish Cypriot minority), in 1977, and in 1978-79.

Öcalan, Abdullah (nickname "Apo")
Leader of the PKK. Born in 1949 in Urfa. He initiated, with six colleagues, a specifically Kurdish national liberation movement based on Marxism-Leninism. From 1978 the Apocular, or followers of Apo, called themselves the PKK. He was captured, forcibly returned to Turkey in February 1999, put on trial, convicted of treason and sentenced to death. With the abolition in 2002 of the death penalty for offences in peacetime, his sentence was commuted to life imprisonment without conditional release. **[30b] [58]**

Özkök, General Hilmi: Born 1940, Chief of the General Staff for a four year term from August 2002.

Sezer, Ahmet Necdet: President of Turkey since May 2000. He is the first President in Turkey's history who is neither an active politician nor a senior military official. He was formerly Turkey's most senior judge, the Chairman of the Constitutional Court.

Yilmaz, Mesut: Prime Minister in 1991, 1996, and 1997-1999, and Deputy Prime Minister 1999-2002. Was Chairman of ANAP (Motherland Party)

Zana, Leyla: Kurdish activist and former MP. She was one of the founders of the Democratic Society Movement (DHT) **[5c] [30a] [36b] [42] [44b] [66p] [77] [93a] [93c]**

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Annex D: Administration of Justice

The European Commission Turkey 2005 Progress Report released on 9 November 2005 recorded that "The principle of legality of criminal offences is set out in Article 38 of the Constitution and in Article 2 of the [new] Penal Code. The non-retroactivity of penalties is established in Article 38 of the Constitution and in Article 7 of the Penal Code. Proportionality between the criminal offence and the penalty is guaranteed by Article 3 of the Penal Code.

The principle of ne bis in idem [the right of a person not to be prosecuted twice for the same offence] is established in Article 223 of the Code of Criminal Procedure." **[71b] (p106)**

Judges

1. The position of the judge (hakim, yargıç) is important, especially as there is no jury trial in Turkey. His role is substantially larger than that of a judge in UK or USA. He is actively responsible for the administration of justice. He takes the initiative in finding the law applicable to the facts submitted by the parties. The lawyers have the duty to assist the judge in establishing the facts and determining applicable legal provisions. The independence of judges is safeguarded by Articles 138 and following of the Constitution: "Judges shall be independent in the discharge of their duties. They shall pass judgements in accordance with the Constitution, law, justice and their personal convictions. No organ, office, agency or individual may give orders or instructions to courts or judges in connection with the discharge of their judicial duty, send them circulars, or make recommendations or suggestions. No questions may be raised, debates held, or statements issued in legislative bodies in connection with the discharge of judicial power concerning a case on trial." **[64]**

   As recorded in Turkey's Statistical Yearbook 2006, published by the Turkish Statistical Institute, in 2005 there were 6,211 judges. **[89a] (p131 Section on Justice)**

Public Prosecutors

2. Offences are, in the great majority of cases, prosecuted in the name of the people by public prosecutors (savcılar), who are virtually representatives of the executive branch of the government within the judiciary. The duty of initiating public prosecution rests with the public prosecutor. As soon as he is informed of the occurrence of an offence, the public prosecutor should make the investigation necessary to decide whether public prosecution should be initiated. He investigates evidence both against the accused and in his favour, and helps to preserve proof which otherwise might be lost. If, at the end of his investigation, the public prosecutor decides not to prosecute, he will inform the accused if the accused has testified, or if a warrant of arrest has been issued against the accused. No one may be convicted under an indictment in which he is not named, nor may he be convicted of a crime not specified in the indictment. **[64]**

   As noted in the European Commission 2005 report "The Code establishes the concept of plea bargaining. In order to reduce the number of unmeritorious

prosecutions, the Code increases the discretion of prosecutors, who are now able to assess the strength of the evidence before preparing an indictment. Moreover, judges are given the power to return incomplete indictments. **[71b] (p15)** As regards legal guarantees including access to justice, so far as the prohibition of arbitrary arrest is concerned, Article 90 of the Criminal Procedure Code provides that persons who are arrested by the police must be informed of the reason for their arrest." **[71b] (p15)**

3. In the case of some lesser offences specified by law, where the injury is deemed more private than public, the injured party may himself institute criminal proceedings by filing a private complaint (şahsi dava) without participation of the public prosecutor. In these exceptional cases, the private party enjoys all the rights given to the public prosecutor by law. Furthermore, the person injured by an offence may intervene in any public prosecution, and he becomes a party to the action by virtue of his intervention (Müdahale yolu ile dava). **[64]**

As recorded in Turkey's Statistical Yearbook 2006, published by the Turkish Statistical Institute, in 2005 there were 3, 091 prosecutors. **[89a] (p131 Section on Justice)**

4. The European Commission 2005 report recorded that "The number of judges and prosecutors has remained largely stable; there are currently 5 952 judges and 3 179 prosecutors in service and a further 1 053 judges and prosecutors in training. A law adopted in December 2004 provided for the recruitment of 4 000 additional judges and prosecutors, 100 judicial inspectors and 6 619 court administrative staff." **[71b] (p105)**

The defendant

5. The law is designed to protect innocent citizens. The accused is favoured in criminal proceedings by the presumption of innocence. The burden of proof rests on the public prosecutor or the private complainant, and the defendant is not held guilty until his guilt is established by final judgement. When the court is not satisfied by the evidence of the prosecution, or a reasonable doubt exists, the court must give a judgement of acquittal. **[64]**

The European Commission 2005 report noted that "The right of defence is enshrined in Article 36 of the Constitution. The Code of Criminal Procedure regulates the use of legal counsel and the rights of defence in criminal investigations and during trials. The new Code substantially improves the rights of the defence. Article 150 of the new Code of Criminal Procedure provides that all accused persons may have access to a lawyer and that representation by legal counsel is mandatory, both during the investigation and the trial, for offences punishable by more than five years' imprisonment … The new Criminal Code also introduces the principle of cross-examination, which strengthens the rights of the defence. Nevertheless, certain practices undermine equality of arms. The design of the courtroom, in which the prosecutor is seated on a raised platform next to the judges while defence counsel is seated at ground level, places the prosecution in a privileged position vis-à-vis the defence. Defence counsel experience difficulties in communicating with their clients both in the court house immediately before the trial (in part due

to lack of suitable facilities) and in the court room during the course of the trial." **[71b] (p106)**

Evidence

The European Commission 2005 report recorded that "Under the new Code, criminal investigations must be carried out by a judicial police force under the authority of the public prosecutor." **[71b] (p15)**

7. The use of unlawful interrogation methods (such as maltreatment, torture, forcing drugs, causing fatigue, cheating, deceiving, violence, unlawful promises) which are may distort free will, is prohibited. Accordingly statements and depositions obtained by unlawful means are considered inadmissible, even if they are of free will (for example, if a person were deceived). **[64]**

   The European Commission 2005 report recorded that "All detainees are entitled to access to justice (i.e a lawyer) and for juveniles the presence of a lawyer during interrogation is obligatory. Moreover, the new Regulation on Apprehension, Detention and Statement Taking [entered into force on 1 June 2005] makes the appointment of a defence lawyer obligatory in cases where the alleged crime carries a sentence of more than 5 years' imprisonment." **[71b] (p23)**

COMMENCEMENT AND CONDUCT OF PROCEEDINGS

Preparatory investigation

8. The public prosecutor, upon being informed of the occurrence of an alleged offence, makes a preparatory investigation (hazırlık soruşturması) in order to ascertain the identity of the offender and to decide whether it is necessary to institute a public prosecution. If he concludes that a public action is necessary, he institutes a case by an indictment before the competent court. If a public action is unnecessary he decides not to prosecute. The Minister of Justice may, by order, direct the prosecutor to initiate a public prosecution. **[64]**

9. The public prosecutor may, for the purpose of his enquiry, demand any information from any public employee. He is authorised to make his investigation either directly or through police officers. The police are obliged to inform the public prosecutor immediately of events, detainees, and measures taken, and to execute orders of the prosecutor concerning legal procedures. **[64]**

10. In cases where a private complaint is submitted to the public prosecutor, and the prosecutor finds no reason for prosecution or decides not to prosecute after a preparatory investigation, he informs the petitioner of his decision. If the petitioner is, at the same time, the aggrieved party the petitioner may, within 15 days of notice, object to the Chief Justice of the nearest court which hears aggravated felony cases. If the court is convinced that the petition is well founded and rightful, it orders a public prosecution; the prosecutor in charge of the case executes this decision. Otherwise, the court refuses the petition, and after such action a public prosecution may be opened only upon production of newly discovered evidence. **[64]**

11. A public prosecution shall be dismissed when the perpetrator of an offence which is punishable by a fine or a maximum of three months' imprisonment

deposits the minimum amount of the fine prescribed for the specific offence (or, in the case of imprisonment, the sum which is the amount prescribed by the Law of Execution of Penalties for one day of imprisonment) in the appropriate office before the court hearing. If this amount is paid by the offender before a public prosecution has been initiated, and within ten days of the date of the offence, the perpetrator shall not be prosecuted at all. **[64]**

12. The preparatory investigation is, in principle, secret, performed without the presence of the parties and in written form. **[64]**

Final investigation (trial)

13. The European Commission 2005 report noted that "Article 38 of the Constitution provides for the presumption of innocence to be applied in criminal trials. Article 36 and 141 of the Constitution guarantee the right to a fair and public trial. Article 182 of the Code of Criminal Procedure also provides for trials to be held publicly." **[71b] (p106)** The final investigation or trial (son soruşturma) begins when the indictment is sent by the public prosecutor to the court which will try the case. The final investigation has two stages: the preparation for trial (duruşma hazırlığı) and the trial itself (duruşma). Its object is to examine all evidence before the court, and to reach a judgement with respect to the guilt of the accused. **[64]**

14. All phases of final investigation are conducted in the presence of the defendant. At his own request, a defendant may be excused from attending trial, and may send a defence counsel in cases where his presence is not necessary. Trial may also be instituted against an absentee defendant when the offence is punishable by a fine, confiscation, or both. If the suspect has already been heard by the court in an earlier session, or if he has been questioned by a judge on the facts of the case during preliminary enquiries before the trial, the trial may continue in the suspect's absence. **[64]**

15. In principal trials are open to the public. This includes cases relating to state security. In political cases the audience usually includes some representatives of human rights organisations, and diplomatic staff from various countries. **[2a]**

The European Commission 2005 report noted that The Code of Criminal Procedure introduces the requirement that certain trials are to be recorded on audio and videotape. **[71b] (p15)**

(See also 11.01 The Judiciary which includes the findings of the European Commission 2006 Report)

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Annex E: The Court System

THE COURT SYSTEM

"The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the nation's highest court; and three other high courts. The High Court of Appeals hears appeals for criminal cases, the Council of State hears appeals of administrative cases or cases between government entities, and the Audit Court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In 2004 parliament adopted legislation providing for the establishment of regional appeals courts to relieve the high court's caseload and allow the judiciary to operate more efficiently. The courts were scheduled to begin operations in 2007." **(USSD 2005) [5b] (Section 1e)**

"There is no jury system; a judge or a panel of judges decides all cases. Trials are public. The law requires bar associations to provide free counsel to indigents who request it from the court, and bar associations across the country did so in practice. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right to appeal." (USSD 2005) **[5b] (Section 1e)**

According to the Turkish law today, the power of the judiciary is exercised by Judicial (Criminal), and Administrative Military Courts. These Courts render their verdicts in the first instance, and the superior courts examine the verdict for the last and final ruling. The superior courts are: the Constitutional Court, The Court of Appeals, the Council of State, the Military Tribunal of Appeals, the Supreme Military Administrative Court, the Court of Jurisdictional Dispute, the Court of Accounts and the Supreme Council of Judges and Public Prosecutors. **[18]**

Courts

The courts in Turkey are in fact divided into courts of justice, administrative courts, military courts and Constitutional court. Except the Constitutional Court, they are further divided into lower and higher courts. **[18]**

A. COURTS OF JUSTICE

An old law dated 1880, which theoretically is still in force but actually has lost its identity because of a various amendments and new laws, was the first law determining the courts' competence and jurisdiction. The law relating to the organization of the courts determines the competence and jurisdiction of the different categories of courts. **[18]**

i. Civil Courts of the Peace (Sulh Hukuk Hakimliği)

This is the lowest civil court in Turkey with a single judge. There is at least one in every ilce. Its jurisdiction covers all kinds of claims where the amount does not exceed 2,000,000 Turkish Liras for the time being; claims of support, requests or minors for permission to marry or to shorten the waiting period of marriage, eviction cases for rentals by lease and all cases assigned to the court

by the Code of Civil Procedure and other laws. There are 846 Civil Courts of the Peace in Turkey. **[18]**

ii. Civil Courts of First Instance (Asliye Hukuk Hakimliği)
This is the essential and basic court in Turkey. Its jurisdiction covers all civil cases other than those assigned to the civil Courts of the Peace. There is one in every il and ilce, and sometimes divided into several branches according to the need and necessity. There are 958 such Courts in Turkey. **[18]**

iii. Commercial Courts (Asliye Ticaret Mahkemesi)
The Commercial Courts are the specialized branches of all Civil Courts of First Instance, having jurisdiction over all kinds of commercial transactions, acts and affairs relating to any trading firm, factory, or commercially operated establishment. **[18]**

The Commercial Courts consist of three judges, one presiding judge, and two members. At present, 35 Commercial Courts exist in commercial centers, throughout Turkey. Where there are no Commercial courts, the Civil Courts of First Instance perform the functions of the Commercial Courts. **[18]**

The competence of the Commercial Courts is clearly described under Article 5 of the Commercial Code. **[18]**

iv. Penal Courts of the Peace (Sulh Ceza Hakimliği)
This is the lowest penal court with a bench of one judge. There is one in every ilce, but it is sometimes divided into several branches according to the need and population. There are 840 such Courts in Turkey. They have jurisdiction over penal and municipal misdemeanors and all acts assigned by the Criminal Code, the Code of Criminal Procedure, the Code on the Application of the Criminal Code, and by other laws according to the assignment or to the degree of punishment stated by them. **[18]**

v. Penal Courts of First Instance (Asliye Ceza Hakimliği)
Among the penal courts, this Court with a single judge handles the essential local criminal work. Its jurisdiction covers all penal cases excluded from the jurisdiction of the Penal Court of the Peace and the Central Criminal Court. There is one in every il and in every ilce, sometimes divided into several branches according to the need and population. Therefore, at the moment there are 899 such Courts in Turkey. **[18]**

vi. Central Criminal Courts (Ağır Ceza Mahkemesi) (commonly referred to as 'Heavy Penal Courts')
This court consists of a presiding judge and two members with a public prosecutor. Offenses and crimes involving a penalty of over five years of imprisonment, or capital punishment are under the jurisdiction of this Court of which there is one in every il. But it is sometimes divided into several branches according to the need and population. There are 172 Central criminal courts throughout Turkey. **[18]**

vii. State Security Courts (Develet Güvenlik Mahkernesi)/Regional Serious Felony Courts (sometimes referred to as 'Specialised Heavy Penal

Courts')
As noted in the European Commission Regular Report on Turkey's progress Towards Accession 2004, the State Security Courts have been abolished and replaced by Regional Serious Felony Courts (also referred to as Heavy Penal Courts). According to the previous law, State Security Courts used to handle the criminal offenses described in Article 9 of the said law which were about the security of the state. They consisted of a presiding judge and two members with a public prosecutor. There were 12 such Courts throughout Turkey. **[18]**

viii. Execution Investigation Authority (Icra Tetkik Hakimliği)
A court with a single judge which has jurisdiction over disputes arising during the execution of all civil sentences and judicial decrees; over all acts obstruction or rendering difficult the execution of all civil sentences and judicial decrees. There is one such Court in every ilce in Turkey. **[18]**

ix. Other Lower Courts
In addition to the ordinary courts, there are 72 courts in Turkey which handle labor disputes; 443 courts which handle land registrations and surveys and 6 courts which handle traffic disputes. There are also 5 juvenile courts in Turkey. **[18]**

x. The Court of Cassation (Yargitay)
The highest appellate court in Turkey is called the Court of Cassation. It is divided into 30 chambers according to their particular specialized field. There are 20 civil chambers, 10 penal chambers. Each chamber is a five-judge court with a presiding judge and four members. One elected judge by the all judges of the Court of Cassation presides over the entire Court as general President. **[18]**

All final judgments are appealable, except those less than 400,000 Turkish Liras and, in penal cases, judgments concerning fines up to 2,000,000 Turkish Liras, judgments of acquittal from an offense involving fines not exceeding 10,000,000 Turkish Liras, and judgments which are described in the Criminal Code or other codes as final. **[18]**

A letter from the British Embassy in Ankara dated 22 April 2005 noted that the Yargitay only confirms or cancels court verdicts and does not conduct retrials. **[4d]**

xi. Intermediate Courts of Appeal
As recorded in the European Commission 2005 report: "The Law Establishing the Intermediate Courts of Appeal came into force on 1 June 2005. The establishment of the Courts of Appeal will substantially reduce the case load of the Court of Cassation and enable it to concentrate on its function of providing guidance to lower courts on points of law of general public importance. The Law provides that the Courts are to be established within two years of its entry into force." **[71b] (p16)**

B. ADMINISTRATIVE COURTS

The administrative courts include the Council of State, subordinate courts at the regions, and the Supreme Military Administrative Court. **[18]**

i. The Council of State (Danıştay)
The highest court for controversies arising from governmental or public services and action, and for general administrative disputes, having judicial and administrative function, is the Council of State. It is the final court for cases under its own jurisdiction and a court of appeal for the decisions given by subordinate administrative courts. The Council of State has 10 judicial chambers. **[18]**

ii. Subordinate Administrative Courts (Idare ve Vergi Mahkemeleri)
According to the law, first tier of administrative courts in Turkey are established on regional bases. The courts founded at the regions are, administrative courts (idare Mahkemeleri) and tax courts (vergi mahkemeleri). There are 22 administrative courts and 33 tax courts in Turkey. **[18]**

iii. Supreme Military Administrative Court (Askeri Yüksek Idare Mahkemesi)
The jurisdiction of the Supreme Military Administrative Court covers cases arising from administrative acts and actions made by military authorities and also cases arising from administrative acts and actions made by civilian authorities but involving military personnel and relation to military services. The Supreme Military Administrative Court is divided into 2 chambers. **[18]**

C. MILITARY COURTS

i. Military Criminal courts (Askeri Ceza Mahkemesi)
The jurisdiction of these Courts covers all military offenses described in the Military Criminal Code, in the Code Military Criminal Procedure, and in some other laws. There are 37 such Courts in Turkey. **[18]**

ii. The Military Criminal Court of Cassation (Askeri Yargitay)
According to the law, this court functions as the court of appeal of all decisions and judgments given by Military courts. It is divided into 5 chambers. **[18]**

D. THE CONSTITUTIONAL COURT (ANAYASA MAHKEMESI)

The Constitutional Court is first established by the Constitution of 1961, following the example of certain post-world War II constitutions, a system of judicial control of the constitutionality of laws. This system was maintained with certain modifications by the Constitution of 1982. **[18]**

The Constitutional Court consists of 11 regular members and 4 substitute members. All judges of the constitutional Court hold office until they retire at the age of 65 like all other judges in Turkey. **[18]**

As recorded in the document 'Political Structure of Turkey' dated November 2005) available in the References section in the website of the Office of the Prime Minister, Diretorate General of Press and Information (website accessed on 19 January 2006) "The decisions of the Constitutional Court are final. These decisions cannot be amended in any manner and their application cannot be delayed." **[36g]**

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Annex F: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save the Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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