



## GEZI PARK PROTESTS

### BRUTAL DENIAL OF THE RIGHT TO PEACEFUL ASSEMBLY IN TURKEY

On 30 May 2013, police cleared Gezi Park in central Istanbul of a small group of protestors opposed to its destruction. The denial of their right to protest and the violence used by the police touched a nerve and a wave of anti-government demonstrations swept across Turkey.

The authorities' reaction was brutal and unequivocal. Over the next few months, police repeatedly used unnecessary and abusive force, including tear gas, water cannons and beatings, to prevent and disperse peaceful demonstrations. By early July over 8,000 people had been injured. There is strong evidence linking the deaths of three protestors to the abusive use of force by police.

While little progress has been made in investigating and bringing police officers responsible for abuses to justice, thousands of demonstrators have been detained; hundreds risk prosecution simply for organising or attending the protests.

Journalists, doctors and lawyers who documented the events, supported the protestors or defended their rights have been arrested, beaten, threatened and harassed, as the government has sought to silence and smear those speaking out against it.

This report documents the human rights violations that have accompanied the crushing crackdown on the Gezi Park protest movement and calls on the Turkish authorities to respect the right to freedom of assembly, stop police abuses and end unfair prosecutions against peaceful protestors.

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# INTRODUCTION

“Unfortunately, the government is continuing its policies of violence, repression and censorship in the face of the people presenting their demands for human rights in a peaceful and democratic way. We want it known that we are diligently working towards a climate in our society where not a single person is physically hurt, where democratic demands can be expressed without tension.”

Taksim Solidarity statement following their meeting with Deputy Prime Minister Bülent Arınç, 5 June 2013<sup>1</sup>

“We cannot sit and watch a few hooligans coming to the square and provoke the people. Because when the nation voted for us, they voted for us to guard our history.”

Prime Minister Recep Tayyip Erdoğan, 2 June 2013<sup>2</sup>

On 30 May police in Istanbul broke up a small demonstration by several hundred environmentalists, using tear gas, beating protestors and burning their tents. The cause of the protestors and the abusive response of the authorities touched a nerve. Within days, tens of thousands of protestors had taken to the streets across the main cities of Turkey. By the middle of June hundreds of thousands had taken part in “Gezi Park protests” that spanned almost every one of Turkey’s 81 provinces.<sup>3</sup>

The Gezi Park protests began as part of a longstanding campaign against the destruction of the park, one of the last green spaces in central Istanbul, as part of the redevelopment of the Taksim area. The plans include the building of a replica 19<sup>th</sup> century Ottoman barracks, Topçu Kışlası, and said by the Prime Minister to include the construction of a shopping

centre and mosque. Anger was caused not just by the destruction of the park but also the opaque way in which the decision for the redevelopment project was taken, which critics described as characteristic not just of urban regeneration projects but, more generally, of a government unwilling to respect or listen to opposing opinion.

The nationwide protests were fanned by the authorities' aggressive dismissal of the integrity of those originally protesting in Gezi Park and the crude attempts to deny them the right to peaceful protest altogether. The widespread police use of tear gas, water cannon, plastic bullets and beatings of protestors during what were overwhelmingly peaceful protests added to the anger.

Over the next few weeks, this pattern spiralled across the country as protests against police violence and perceived government arrogance were met with fresh violence and increasingly hardline government rhetoric. Indeed, while figures including the Secretary General of the United Nations stepped in to call on the authorities to end the violence, the Prime Minister threatened even more severe repression of the demonstrations should they continue.<sup>4</sup> Large scale protest continued across the country in June and into early July, before reducing in terms of regularity and numbers of participants in mid-July and in August.

At the height of the Gezi Park protests, the authorities repeatedly showed total intolerance for any form of protest, however passive. Even solitary figures, standing alone and silent in Taksim Square were detained for participating in what became known as the "standing man" protests. In July, the Prime Minister suggested that banging pots and pans in solidarity with the demonstrators, would also be considered a crime and at least one criminal case has been opened for this [banging pots and pans in ones own home is a traditional form of protest in Turkey].<sup>5</sup>

While violence continued against protestors, journalists reporting from the protests, doctors treating the injured and lawyers defending their rights were also arrested and subjected to arbitrary and abusive use of force.<sup>6</sup> Rather than address the ongoing abusive use of police force against demonstrators, the authorities rallied against business owners who opened their doors to protestors fleeing police violence, vowing that there would be consequences for them, and condemned social media sites such as Twitter and Facebook that were being used to convey messages by protestors and their supporters.<sup>7</sup>

The mainstream national media, by contrast, conveyed little of the protest, frequently failing to cover them at all, or when doing so, to represent the views of the protestors in their reports. CNN Türk's decision to air a pre-scheduled two-hour documentary on penguins during the first weekend of mass protest across Turkey became a symbol in the eyes of many protestors and the wider public for self-censorship in the national media in general.

The Gezi Park protests left a significant trail of injuries in its wake. On 15 July, the Turkish Medical Association reported that by 10 July there had been more than 8,000 injuries at the scene of demonstrations.<sup>8</sup> As of the end of August, five people had died during the course of the protests. There is strong evidence linking three of these deaths to the abusive use of force by police.<sup>9</sup>

The Ministry of the Interior announced on 23 June that there had been approximately 4,900 detentions from the scene of protests. As of the end of August, police were continuing to detain and question individuals about their alleged instigation of, or participation in the protests. Like others accused of instigating the protests, prominent members of Taksim Solidarity, a coalition of over 100 non-governmental organizations (NGOs), political groups and professional bodies, were being investigated under anti-terrorism laws. Conversely, very little progress has been made to investigate the scores of allegations of abusive police violence. Indeed, the chance of police officers who have used abusive force being brought to justice remains remote unless urgent steps are taken by the authorities.

The authorities' response to the Gezi Park protests to date in many ways represents a continuation of long standing patterns of human rights abuses in Turkey; the denial of the right to peaceful assembly, excessive use of force by police officers and the prosecution of legitimate dissenting opinions while allowing police abuses go unchecked.

The difference in the case of the Gezi Park protests is in terms of scale and constituency. The street demonstrations have been unparalleled in terms of the numbers of people taking part, their duration for over two months and the fact that they spanned virtually every province in the country. Many of those taking part were in their 20s and had not previously been involved in any form of political protest. Many came from the more affluent sections of society. This has brought a more visceral awareness of the human rights abuses previously experienced by people demonstrating on politically sensitive issues such as Kurdish rights and politics to a broader audience within Turkey.

Most fundamentally of all, the Gezi Park protests display the need for the authorities to adopt a radically different approach to peaceful public protest. The current government must learn to tolerate the dissenting opinions expressed through street protests and ensure that police are equipped, trained and instructed to police them lawfully.

## AMNESTY INTERNATIONAL'S RESPONSE TO GEZI PARK PROTESTS

During the first days of the protests Amnesty International opened its office in Istanbul for use by voluntary doctors to provide first aid to persons in need. Amnesty International also monitored demonstrations in Istanbul and Ankara to observe police tactics and any use of violence by protestors. From the start of the protests, Amnesty International issued a series of statements documenting abuses and calling on the authorities to end them, while also urging those protesting to remain peaceful. During the course of the research for this report, Amnesty International spoke to activists participating in the protests, representatives of NGOs, professional bodies and doctors, lawyers and journalists. Amnesty International carried out on the ground research in June, July and August in Ankara, Antakya, Istanbul and Izmir and carried out telephone interviews with individuals in other locations. Amnesty International met with the Governor of Istanbul to discuss the protests and the authorities' response to them.

In this report, Amnesty International calls on the Turkish authorities to fulfil its obligations to respect the right to peaceful protest and to ensure that unnecessary, excessive, arbitrary or abusive force is not used against demonstrators or other members of the public. Amnesty International calls on the authorities to launch effective investigations into all allegations of abusive use of force by police officers and to bring responsible persons to justice. Amnesty

International also calls on the authorities to ensure that no prosecutions are brought against individuals for their peaceful participation or organization of protests or for any other legitimate acts they undertook in support of the protests or in defence of the rights of protestors. Amnesty International would consider any person imprisoned solely for the peaceful exercise of their rights to be a prisoner of conscience.

Amnesty International also calls on the international community to cease with immediate effect the transfer of chemical irritants such as pepper spray, tear gas and plastic bullets until effective investigations into their misuse have been conducted and effective measures put in place so that it can be guaranteed that such equipment will not be used to violate human rights.

# DENIAL OF THE RIGHT TO PEACEFUL ASSEMBLY

“They were still all there. The limits of tolerance have been exceeded. I told my Minister of the Interior: within 24 hours, you will clean up the Atatürk Cultural Centre. You will clean up the square. You will clean up the statue. After that, you will clean up Gezi Park. They ask: who gave the order to the police? I did. I did. Yes. Were we supposed to sit and watch the forces of occupation? Were we supposed to wait until the whole world would join in and celebrate?”

Prime Minister addressing a rally of Justice and Development Party (AKP) supporters on 24 June 2013.<sup>10</sup>

During the Gezi Park protests the authorities repeatedly and arbitrarily denied the right to peaceful assembly. Often no justification was offered for preventing the protests from going ahead, and when justifications were offered, they were inconsistent with the requirements of international human rights law. Many of the human rights abuses documented in this report such as the abusive use of force by police officers and unfair prosecutions brought against demonstrators follow on from this basic refusal by the authorities to recognise the protestors' right to peaceful assembly.

## PROTECTIONS TO THE RIGHT TO PEACEFUL ASSEMBLY IN INTERNATIONAL AND NATIONAL LAW

The right to freedom of peaceful assembly is enshrined in the Universal Declaration of Human Rights, as well as major human rights treaties to which Turkey is party, including the 1966 International Covenant on Civil and Political Rights (ICCPR) and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The right is also protected by Turkey's Constitution.



The right to freedom of peaceful assembly is widely recognized as a fundamental right in a democratic society - in fact, one of the foundations of such a society<sup>11</sup> - as well as being important for the full enjoyment of other human rights.<sup>12</sup>

As has been reiterated by the European Court of Human Rights (ECtHR) on numerous occasions, the right to freedom of assembly covers both private meetings and meetings on public thoroughfares, as well as static meetings and public processions; this right can be exercised both by individual participants and by those organizing the assembly.<sup>13</sup>

Under international law, the right to peaceful assembly may not be subject to derogation even during times of emergency and can only be restricted for specific reasons, under specific conditions.<sup>14</sup> The European Convention on Human Rights stipulates that no restrictions may be placed on the right to peaceful assembly and association other than those “prescribed by law and [...] necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.”<sup>15</sup>

Detailed guidance on the regulation of peaceful assemblies in line with international standards can be found in the reports of the UN Special Rapporteur on the rights of peaceful assembly of association. Additionally, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe’s European Commission for Democracy through Law (Venice Commission) have elaborated extensive Guidelines on Freedom of Peaceful Assembly (OSCE Guidelines) for OSCE participating states such as Turkey.<sup>16</sup>

The Turkish authorities have typically pointed to the alleged violent acts committed by protesters and the absence of notification as reasons for dispersing protests. Under international human rights law standards, however, neither of these factors suffice to deny the right to freedom of assembly altogether.

As the Special Rapporteur has emphasized, “States have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but also to facilitate the exercise of the right to freedom of peaceful assembly... Acts of spontaneous violence or other punishable acts committed by others do not deprive peaceful individuals of their right to freedom of peaceful assembly.”<sup>17</sup>

This requirement is elaborated on in the OSCE Guidelines, which state “the use of violence by a small number of participants in an assembly (including the use of inciteful language) does not automatically turn an otherwise peaceful assembly into a non-peaceful assembly, and any intervention should aim to deal with the particular individuals involved rather than dispersing the entire event. [...] Dispersal should not, therefore, result where a small number of participants in an assembly act in a violent manner. In such instances, action may be taken against those particular individuals. Similarly, if *agents provocateurs* infiltrate an otherwise peaceful assembly, the authorities should take appropriate action to remove the *agents provocateurs* rather than terminating or dispersing the assembly or declaring it to be unlawful.”<sup>18</sup> It follows also that, “individual participants in any assembly who themselves do not commit any violent acts should not be prosecuted, even if others in the assembly become violent or disorderly.”<sup>19</sup>

With respect to the failure of protesters to notify authorities of their intent to organise a public gathering, it is important to note that notification requirements should not be conflated with authorisation process.

Article 34 of Turkey's Constitution provides for the right to demonstrate peacefully without obtaining prior permission subject to limitations proscribed by law with the intention of protecting national security, public order, prevention of crime and the protection of the right and freedoms of others.<sup>20</sup> Article 90 of the Constitution also provides for the supremacy of international law standards above domestic law on the subject of rights and freedoms, thus requiring the direct application of international law standards on the right to freedom of peaceful assembly.<sup>21</sup>

The Law on Meetings and Demonstrations, No. 2911, regulates the conduct of the authorities and protestors alike in relation to demonstrations.<sup>22</sup> The restrictive nature of this law and the arbitrary and unjustified application of it (see section on detentions, investigations and prosecutions for participating in or organizing protests, page 40) represent a fundamental barrier to guaranteeing the right to peaceful assembly in Turkey.

Article 3 of the Law provides for the right of all persons to hold peaceful demonstrations without obtaining prior permission.<sup>23</sup> However, Article 10 requires the organizers of meetings and demonstrations to notify the authorities in detailed terms of the nature of the demonstration and its time and location.<sup>24</sup> Article 23 lists the circumstances under which a meeting or demonstration will be regarded as illegal, and includes the absence of prior notification.<sup>25</sup> Illegal meetings and demonstrations are to be cleared following a warning to disperse, using force if necessary (Article 24). The failure to disperse upon request is a criminal offence punishable by imprisonment for a period between six months to three years, increased by half for the organizers of the protest (Article 32).

International human rights law allows for notification requirements, but these should not impose such onerous or detailed requirements that they effectively limit the right to peaceful assembly. As the OSCE Guidelines on Freedom of Peaceful Assembly point out, national legislation should explicitly provide for an exception from the requirement of advance notice where giving advance notice is impracticable. Even if no reasonable grounds for the failure to give advance notice are provided, the authorities should still protect and facilitate any spontaneous assembly so long as it is peaceful in nature."<sup>26</sup>

The ECtHR has repeatedly held in cases involving the breaking up of demonstrations in Turkey, that the absence of prior notification is not sufficient to impose restrictions on a peaceful assembly. In the case of *Oya Ataman v. Turkey*, which concerned the dispersal of a demonstration for which prior notice had not been provided, the Court noted that "where demonstrators do not engage in acts of violence it is important for the public authorities to show a certain degree of tolerance towards peaceful gatherings if the freedom of assembly [...] is not to be deprived of all substance." The Court considered that "the police's forceful intervention was disproportionate and was not necessary for the prevention of disorder" and that the dispersal of the protest therefore violated the freedom of assembly, notwithstanding the absence of the legally required notification.<sup>27</sup>

## THE AUTHORITIES' RESPONSE TO GEZI PARK PROTESTS

From the start of the Gezi Park protests the Turkish authorities have – with isolated and brief exceptions – displayed a blatant disregard for the right to peaceful assembly as set out in international and national law. The government has repeatedly sought to discredit the protestors' motives, integrity and behaviour. Public officials have variously referred to the protestors as hooligans and claimed that marginal or even terrorist groups were behind the protests. The authorities have also frequently accused protestors of being violent, when they were in fact overwhelmingly peaceful, indeed, remarkably so, considering the levels of violence used by the police to disperse them.

Despite the fact that the right to peaceful protest is a recognised human right in international and national law, the authorities characterised the Gezi Park protests as a threat to democracy that must be stopped.<sup>28</sup> This blanket assertion served as the general pretext for the dispersal and banning of protests across the country. With the exception of the Taksim Square protests, discussed below, authorities have rarely attempted to justify the denial of the right of Gezi Park protestors to hold peaceful assemblies, let alone made reference to the permissible restrictions on the right to freedom of assembly as set out in international law (see the previous section).

Where they have provided an explanation at all, police and local authorities have typically sought to justify the dispersal of protestors on the grounds that the demonstration was “unauthorised”. As noted above, however, what Turkish law imposes is a notification requirement, not an approval process. This requirement cannot be applied (at least not in a manner consistent with Turkey's obligations under international law) in such a way as to render all spontaneous protest “unauthorised” and therefore unlawful.

While the overwhelming majority of the protests were peaceful, a small minority of persons, be they participants, non-participants or *agents provocateurs* did engage in acts of violence including throwing stones, bottles and other objects at police and damaging property. These acts are not protected by the right to freedom of assembly and police have a duty to intervene to protect the safety of the public and prevent damage to property. However, they must do so without denying the right of the peaceful majority to continue their protest. Throughout the course of the Gezi Park protests, however, the authorities have used isolated acts of violence to justify the dispersal (with force) of entire assemblies.

Furthermore, Amnesty International witnessed, and received many reports from others who observed the protests that violent acts that did take place, took place were in the context of clashes with police following police intervention aimed at preventing peaceful demonstrations from going ahead; i.e. the chronology of violence was in fact the reverse of the one put forward by police; as violent attempts by the police to disperse hitherto peaceful protestors provoked isolated acts of violence in response. Indeed, on the few occasions that the police have allowed protests to take place unhindered, the demonstrations took place without violence or damage to surrounding property, giving the lie to claims that protestors were bent on violence and destruction.

In addition to trying to violently break up small group and mass street protests, the authorities sought to deny the right to take part in even the most passive forms of protest. These included silent protests on Taksim Square, known as the “standing man” protests,

coordinated banging of pots and pans, and chanting of slogans at football matches.<sup>29</sup>

## ARBITRARY DENIAL OF THE RIGHT TO PEACEFUL PROTEST

Decisions taken by the authorities to allow or deny peaceful assemblies related to the Gezi Park protests have not been consistent any more than they have been in conformity with international standards on the right to peaceful assembly. Decisions have differed according to time and place for reasons apparently unrelated to the nature of the assembly highlighting the arbitrary approach of the authorities.

While police intervened to prevent protests in the western city of Izmir during the first days of the protests (31 May - 2 June), demonstrations after that date have been largely allowed to continue as of the end of August. In Istanbul, on 1 June following two days in which police sought to prevent mass demonstrations in the Taksim area of the city, the police withdrew to allow demonstrations to continue on Taksim Square peacefully until 11 June. In Gezi Park itself, adjacent to Taksim Square, where thousands of people had camped out, police used force against demonstrators in the evening of 11 June before finally clearing the park by force on 15 June. Demonstrations between 15 June and the end of August in central Istanbul have variously been allowed to continue or have met with police intervention with no explanation or apparent justification for the differing responses.

Demonstrations in districts of Ankara including the central Kızılay district were met with the use of force by police on a daily basis from the start of the protests, often from 9pm in the evening throughout June and into July at a time when peaceful protests were intermittently allowed to continue in Istanbul and Izmir. Protests in Ankara later spread to other areas of the city, notably Dikmen and were also refused permission to go ahead and dispersed by force.

In the southern city of Antakya, street protests took place on an almost nightly basis throughout June and into mid-July. Protests continued into August but less frequently. Protests in the city were reported to be peaceful but frequently descended into clashes with police after law enforcement officials intervened with force to end the protests.

Likewise, peaceful spontaneous protests in provinces across Turkey such as those in the central Anatolian city of Eskişehir and the eastern city Tunceli/Dersim have also repeatedly been dispersed without explanation or apparent justification.

## THE RIGHT TO PROTEST IN TAKSIM SQUARE AND GEZI PARK DENIED

Protestors were cleared from Taksim Square by force in the early morning of 11 June following almost 11 days in which they were allowed to peacefully occupy the square after a withdrawal by police from the Taksim area. In contrast to the dispersal of protests in others parts of Istanbul and the country, specific justifications for the interference in the right to peaceful assembly on Taksim Square were provided by the authorities, but only after the event. Various public statements by the Governor of Istanbul indicated that police had intervened to prevent the demonstrations due to the presence of banners belonging to illegal organizations on the statue of Atatürk in the middle of the square and on the Atatürk Cultural Centre, a public building on the square. The Governor also made [unspecified] references to violent acts committed by demonstrators.<sup>30</sup> The Governor provided similar unsupported justifications to representatives of Amnesty International during a meeting regarding the Gezi

Protests.<sup>31</sup> Following the clearing of the square, the authorities gave notification that no further assemblies would be allowed in the Taksim area.<sup>32</sup> Following the clearing of Taksim Square, on 15 June Gezi Park itself was cleared of demonstrators, some of whom had camped in the park since the start of the protests and had returned after the park was cleared by police on 30 May. After this intervention, Gezi Park remained closed to the public until 8 July. Since that time, the authorities have frequently denied permission for assemblies to go ahead, and police have cleared them using force.

Amnesty International regards the authorities' actions to clear both Taksim Square and Gezi Park as unnecessary, disproportionate and in violation of the right to freedom of peaceful assembly.

In reference to the forced clearance of Taksim Square on 11 June, Amnesty International notes that the presence of banners alone could not be used as a justification to interfere with the assembly on grounds of national security. The European Court of Human Rights has previously found the display during demonstrations of similar banners considered unlawful by the Turkish authorities, to be within the boundaries of the right to freedom of expression.<sup>33</sup>

With regard to the alleged need to preserve public order, it is true that, following the use of force to clear the square, a small number of individuals were seen to engage in violent acts, including throwing petrol bombs at police vehicles. However, no attempt was made to deal with the particular individuals involved and instead the authorities continued to disperse the entire assembly and deny any further attempts to demonstrate on the square.<sup>34</sup>

Regarding the protests on Taksim Square more generally, Amnesty International notes that the OSCE guidelines on freedom of assembly explicitly recognise, "[a]ssemblies are as legitimate uses of public space as commercial activity or the movement of vehicular and pedestrian traffic."<sup>35</sup> This principle has also been stated by the European Court of Human Rights, including in a case from Turkey.<sup>36</sup> Given the geography of Taksim Square and the fact that it is an important transport junction, it could have been legitimate for the authorities to require certain reasonable conditions to be met including that the protestors did not block the roads, allowed ordinary traffic on the adjoining roads to pass and did not block access to the bus/metro stations at the square, any or all of alternatives measures would have been more proportionate to the legitimate interests the authorities may have had in limiting the Taksim Square demonstrations than banning them outright.

In reference to the decision of the authorities to clear Gezi Park by force, Amnesty International notes that the courts had ordered a stay on the project to develop that area, so it would not be possible to justify the interference on the grounds that the demonstrators were providing an unreasonable obstruction to the progress of the development.<sup>37</sup> Amnesty International recognizes that as the occupation of the park continued, legitimate questions such as those relating to public health may have arisen, such as the disposal of waste and sewage but that such considerations could have been resolved through dialogue between the authorities and the protestors. Amnesty International at the time welcomed commitments by the authorities on 14 June to engage in a meaningful dialogue with the protestors in the park.<sup>38</sup> However, the organization regrets that the following day, on 15 June the authorities took steps to end the peaceful assembly without justification in violation of the protestors' right to freedom of peaceful assembly.

## ABUSIVE USE OF FORCE BY LAW ENFORCEMENT OFFICIALS

“I am specifically calling on all our citizens who have been giving support to these protests. They should return to their homes. Unfortunately, at this stage the state will have to consider every individual there [Taksim] as members of terrorist organizations.”

Egemen Bağış Minister for EU Negotiations, 15 June 2013<sup>39</sup>

The authorities' response to the Gezi Park protests has been characterized by the extreme level and sustained nature of abusive use of force by law enforcement officials during demonstrations. Not for a generation, has the level of police violence against demonstrators been so pronounced. The Turkish Medical Association reported that as of 10 July more than 8,000 people had been injured at the scene of demonstrations, of which more than 61 were severe injuries. Eleven people were reported by the Association as having lost an eye and 104 as having received serious head injuries.<sup>40</sup> The Ministry of the Interior also reported that more than 600 police had been injured during the demonstrations.<sup>41</sup> Five people have died as a result of injuries sustained at the scene of demonstrations, including one police officer. Strong evidence suggests that, of the five, three people, all demonstrators, died as a result of the abusive use of force by police. One person was shot in the head by a police officer with live ammunition. A second person was beaten to death. Police officers are among those accused of his murder. A third demonstrator sustained head injuries at a demonstration. Witnesses say that he was hit by a tear gas canister fired by police at close range. Eye witness accounts indicate that the remaining two deaths were the result of accidents.<sup>42</sup>

Doctors, lawyers and activists involved in the protests told Amnesty International that on many occasions, people did not seek medical attention in hospitals for fear of being identified as a participant in the demonstrations, thus increasing the risk to themselves of arbitrary detention or prosecution (see section on attacks on those reporting the protests, assisting the protestors or defending their rights, page 46). Many of the cases of police violence documented in this report are against professional persons such as journalists or others not involved the protests. Many protestors, among them young people who had not

previously been involved in political protest told Amnesty International that they did not want their experiences of police violence to feature in the report or to make criminal complaints for fear of criminal charges being brought against them.

From the start of the demonstrations police used water cannon, pepper spray and tear gas in a clearly unnecessary and disproportionate manner, as they were for the most part used to disperse peaceful protesters rather than in targeted responses to individual or collective acts of violence. Countless reports of abuse have been supplemented by television footage and numerous videos uploaded to the internet and shared via social media.

Police officers, including plain clothes officers, and civilians acting in partnership with police were also seen beating suspected protestors. Professionals carrying out their duties at the scene of demonstrations including journalists, doctors and lawyers were also among those beaten by police. The majority of women detained by the police that Amnesty International spoke to in the course of researching this report, reported that they had been sexually harassed by law enforcement officials. Almost all referred to the repeated use of sexual insults, several to the threat of sexual violence, and a few (see cases Eylem Karadağ and Deniz Erşahin, page 26) to actual sexual assault.

Much of the available video footage and several of the cases documented below indicate that force was used abusively not just to disperse crowds and in response to individual acts of violence, but also, often, punitively, and in a targeted manner against those clearly fleeing the scene of a protest, or against small groups of individuals caught in the vicinity of protests but not taking part in them.

Despite the widespread and systematic pattern of abuse by police officers, the authorities have continued to praise the actions of police. Prime Minister Recep Tayyip Erdoğan rejected international calls urging police restraint. Instead, he defiantly stated that police would use still greater force, and later described the response by the police as “legendary”.<sup>43</sup>

The levels of violence used by police in the course of Gezi Park protests clearly show what happens when poorly trained, poorly supervised police officers are instructed to use force - and encouraged to use it unsparingly - safe in the knowledge that they are unlikely ever to be identified or prosecuted for their abuses. Amnesty International is therefore calling on the authorities to launch effective investigations into all allegations of torture, ill-treatment and arbitrary or abusive use of force by law enforcement officials and to ensure that those responsible are brought to justice in fair trials. Amnesty International also calls for the authorities to ensure that all subsequent police interventions obey the absolute prohibition of torture and other ill-treatment and only employ force that is necessary, proportionate and in line with international standards.

Due to the widespread human rights abuses committed through the use of riot control equipment by law enforcement officials in relation to public assemblies, Amnesty International is also calling on governments, especially those of countries that have been suppliers of riot control equipment to Turkey (Brazil, Belgium, China, Czech Republic, Hong Kong, India, Israel, South Korea, the UK and the USA, see appendix 2 for details), to impose an immediate cessation of transfers of chemical irritant devices and kinetic impact projectiles used in riot control to the Turkish law enforcement agencies. Such a ban should

remain in force until the Turkish authorities allow prompt, independent and impartial investigations into the allegations of abusive or arbitrary use of force, and demonstrate a commitment to their use in accordance with international standards.

## INTERNATIONAL AND NATIONAL LAW STANDARDS ON TORTURE AND ILL-TREATMENT AND THE USE OF FORCE BY LAW ENFORCEMENT OFFICIALS

Torture and other ill-treatment are prohibited under customary international law. This prohibition is reflected in the Universal Declaration on Human Rights and in a number of international and regional human rights treaties, including Article 7 of ICCPR and Article 3 of the ECHR, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment.<sup>44</sup>

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF) provide guidance on the situations in which force may lawfully be used without violating human rights, including the right to life and the right to be free from torture and other ill-treatment. These explicitly state that police should as far as possible, apply non-violent means before resorting to the use of force, which they may use to the minimum extent necessary and only if other means remain ineffective or without any promise of achieving the intended result. Principles 13 and 14 of the BPUFF provide that:

*“In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary”.*

*“In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9.”* (i.e. when strictly unavoidable in order to prevent an imminent threat to life or life-threatening injury).

If the lawful use of force is unavoidable, the BPUFF require that police must exercise restraint in its use and act in proportion to the legitimate objective to be achieved, minimize damage and injury, and ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment. The Principles also stipulate that governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under national law.<sup>45</sup>

Article 17 of Turkey's constitution prohibits torture and it is criminalized in the Penal Code. Article 16 of the Law on the duties and powers of police defines the circumstances in which force can be used by law enforcement officials and requires that force be proportional.



### **The use of “less lethal” weapons**

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials also govern the lawful use of what is often described as “less lethal” weapons, munitions and policing equipment - such as plastic and rubber bullets, tear gas (chemical irritants either sprayed or in projectiles), stun grenades or what are commonly called “flash bangs” and batons or truncheons – which can result in serious injury and even death. Armoured vehicles often facilitate the use of such equipment and can also be extremely dangerous when used against demonstrators. Therefore, the type of equipment used for the purpose of dispersing an assembly must be carefully considered and used only when necessary, proportional, lawful and accountable. Police using “less lethal” equipment must be specially trained and under strict command according to professional standards for the legitimate use of such force.

Chemical irritant mixtures and their means of delivery vary and are approved by governments for the use in minimal force to disperse a crowd that is threatening violence. Even in healthy human adults, chemical irritants can cause choking, burning, vomiting, eye watering and even result in death or serious injury if a person is exposed to high doses or has a pre-existing medical condition or is hit on the head with tear gas projectile at high speed. Thus, chemical irritants, such as CS gas or pepper sprays, should not be used where people are confined in an area and not in a way that it can cause lasting harm to the health of demonstrators or bystanders (e.g. at too close a range, or directly aimed at the bodies of demonstrators).

Kinetic impact projectiles, often made of rubber or plastic and fired from a wide variety of launchers, theoretically enable law enforcement officials to incapacitate individuals at a distance without using lethal force, relying on compliance through the pain caused. Medical studies have shown the increased risk of death or serious injury if projectiles hit the head and upper body region. Some evidence suggests that women face a greater injury risk from rubber projectiles than men, particularly to the skull, eyes, brain, lungs, liver, and spleen, with children and teenagers also facing heightened risk. The likelihood of projectiles causing injuries such as these is increased by the general inaccuracy and unreliability of most weapons currently on the market.<sup>46</sup> Law enforcement and correctional agencies should only use approved projectiles in situations of self-defence or defence of others.<sup>47</sup> To reduce death and injury at close range, law enforcement agencies should stipulate minimum safe firing distances in the guidelines for use. The guidelines should prohibit firing at less than this range and firing higher than the waist unless there is an immediate threat to life which cannot be contained by less extreme options.

### **WATER CANNON**

Water cannons have been used since the start of the Gezi Park protests as a principle means of dispersing protestors. Vehicles known by the acronym TOMA (Toplumsal Olaylara Müdahale Aracı) have been the most commonly used. According to the Turkish company that produces them, these vehicles can dispense water, chemical gas, dye, or foam, or a combination thereof.<sup>48</sup> On 13 August it was reported that the authorities had ordered a further 60 water cannon vehicles.<sup>49</sup> Smaller vehicles referred to as “scorpions” were also equipped with water cannons and used by police during the Gezi Park protests.

At demonstrations monitored by Amnesty International, pressurized water was used repeatedly and unnecessarily against peaceful demonstrators over a number of hours. Other

abusive use of water cannons has included against demonstrators fleeing police in an apparently punitive manner and arbitrarily against demonstrators and bystanders alike at or close to the scene of demonstrations.

Water cannons have also been recorded targeting people inside buildings, being sprayed through doors and windows, and at makeshift health clinics. Incidents of the use of water cannons in this way have included at the German Hospital, close to Taksim Square, Istanbul on 15 June, the Divan Hotel, Harbiye, Istanbul (where doctors were treating injured protestors at a makeshift health clinic) on 16 June and at the Point Hotel in Taksim on 16 June.<sup>50</sup>

Doctors told Amnesty International that injuries caused by water cannons have been caused by the impact of the water itself, resulting in falls and burns to the skin. Indeed, there is strong evidence to suggest that chemical irritants have been added to water used in water cannons during Gezi Park protests, adding to the injuries resulting from the arbitrary use of water cannons. Doctors reported to Amnesty International that water fired from water cannons had caused skin irritation and first degree burns, while the Governor of Istanbul acknowledged that “medication” had been added to the water but denied that chemical materials had been added.<sup>51</sup> A company that produces irritants intended to be mixed with the water stated that the burns may have been caused by too high concentrations of the chemical irritants being mixed with the water.<sup>52</sup>

Individuals hit by pressurized water at the Divan Hotel told Amnesty International that they suffered an immediate burning sensation that was accompanied by reddening of the skin that lasted for hours after the event. A foreign journalist told Amnesty International that she suffered burns after being hit by pressurized water at the Divan Hotel and had not been previously exposed to tear gas. In a separate incident, an individual present at the Taksim Hill Hotel told Amnesty International that immediately after the pressurized water was sprayed at the doors of the hotel, the people in the lobby started coughing and gasping for air.

## TEAR GAS AND PEPPER SPRAY

Like water cannons, tear gas has been used repeatedly and unnecessarily against peaceful demonstrators since the beginning of the Gezi protests. The government announced that 130,000 gas canisters had been used during the first 20 days of the protests alone, equivalent to a year's supply and that orders would be made to replace the stocks.<sup>53</sup> On 13 August it was reported that an order for 400,000 gas canisters had been placed.<sup>54</sup> Previous annual procurement was reported to be 150,000 canisters.<sup>55</sup>

At the end of June the Ministry of the Interior (MOI) produced a circular providing clarification regarding the use of tear gas at demonstrations. The contents of the circular which was distributed to provincial offices of the MOI across Turkey was widely reported but not made public.<sup>56</sup> The circular addressed some of the abuses seen involving the use of tear gas during Gezi Park demonstrations. However, according to reports, no guidance was issued regarding abuses such as the use of tear gas in confined areas, or the firing of tear gas canisters at demonstrators as a weapon, in addition to other widely seen abuses. Amnesty International witnessed tear gas being used abusively by police following the issuing of the circular in much the same way as during previous Gezi Park protests.

According to reports the circular provided for the following requirements; to issue a warning before use, allow people who want to leave the scene to do so before the use of tear gas, to use water cannon before resorting to tear gas, not to use where it will affect a crèche, hospital, care home or similar facility. The circular also stated that; the most senior officer present to be responsible for its use, it should not be used in an uncontrolled or unnecessary way, and that note should be taken of the presence of "old people, women and disabled people". Additional provisions included that tear gas should not be used against individuals or groups no longer resisting police officers and that other measures should be used to unsettle people, such as stun grenades/flash bangs rather than tear gas. The circular announced that video recordings would be made of the dispersal by force by police and of apprehensions at the scene of demonstrations.

Both before and after the circular was issued, Amnesty International witnessed tear gas being used repeatedly against peaceful protestors at demonstrations in a manner that was manifestly inappropriate, abusive and in violation of their rights. Widespread reports and photographic and video evidence also point to the frequent use of tear gas against protestors fleeing police and apparently randomly against potential demonstrators and bystanders alike at the scene or close to demonstrations (see for instance the case of Deniz Erşahin, page 26) and at persons in confined spaces including residential buildings and commercial premises where protestors had sought refuge and health facilities where injured persons were receiving treatment.

Police officers were repeatedly seen firing tear gas canisters horizontally at suspected demonstrators as a weapon. A significant proportion of persons injured at the scene of demonstrations received injuries through being struck by gas canisters, many of them fired at close range. The Human Rights Foundation of Turkey reported to Amnesty International that of the applications for rehabilitation made to their foundation, 60% were due to injuries caused by gas canisters, a far higher proportion than they are accustomed to dealing with after other protests.<sup>57</sup>

The European Court of Human Rights has already found the use of tear gas at previous demonstrations in Turkey to be abusive. In the case of *Yaşa v. Turkey*, the Court considered the case of an applicant who had been hit in the head by a tear gas canister fired directly at him by police using a launcher during violent demonstrations in Diyarbakır in 2006. The Court found that police officers did not have the appropriate training and that there were no specific provisions in law regulating the use of tear gas at demonstrations. It ruled that the actions of the police violated Article 3 of the ECHR (prohibition of torture and other ill-treatment).<sup>58</sup> The ECtHR has found the use of tear gas and pepper spray to violate rights in several other cases. In the case of *Ali Güneş v. Turkey*, for instance, the Court found that the spraying of pepper spray into the applicant's face represented a violation of Article 3 of the ECHR.<sup>59</sup> Incidents of this kind have also been widely reported during the course of the Gezi Park protests.

Hand held pepper spray devices were frequently used against peaceful protestors in a manner that is inappropriate and abusive. Individuals told Amnesty International that police officers sprayed pepper spray in their eyes as a punishment when they were apprehended at the scene of demonstrations (see cases Deniz Erşahin and Massimiliano Goitom, pages 26 and 23 respectively). A photo taken during the initial police intervention to clear Gezi Park on 28

May, of a police officer spraying pepper spray into the face of a woman standing in the park and not posing any threat to police became a symbol of police injustices against peaceful protestors.

The extreme dangers inherent in the abusive use of tear gas are evident in the tragic case of **Abdullah Cömert**.

Abdullah Cömert was struck at a protest in Antakya on 3 June and died as a result of his injuries on 4 June. According to witnesses he was hit in the head by a tear gas canister fired at close range by a police officer. Devran Demircioğlu went to the protest together with his brother, Erdoğan Demircioğlu and Abdullah Cömert. He gave this account of the incident.

“That day, three of us went to the demonstration, Abdullah Cömert, myself and my brother Erdoğan. After having stayed with us for half an hour Erdoğan started to head back home. The events had not yet started. We were sitting far away from the other protestors on the pavement in front of the Gendarmerie Social Facilities that everyone knows. Suddenly the sound of the gas bombs [tear gas canisters] started.

The police had built a barricade at the bottom of the street, the police stationed there started to throw gas bombs in our direction. We started running quickly to the road that leads from the back door of the Armutlu Mosque towards Mumcu Avenue. From there we arrived at the street where the events took place. We waited there and watched the street from the corner. A TOMA [water cannon vehicle] was coming up and down the street, at one point it stopped and sprayed water in our direction but we were not affected.

The armoured vehicles that were cruising around fired gas bombs on every street they passed. After a short period a dark coloured armoured vehicle stopped at the beginning of the street, Abdullah and I were watching it out of curiosity.

I heard something similar to the sound of a gun and the sounds of tear gas being fired, but I could not be sure if it came from the armoured vehicle. After a tear gas canister missed my head by about 20 or 25 centimetres, I turned around to run away. At that point I saw my friend Abdullah fall to the ground, all of a sudden there were pools of blood everywhere. While tear gas continued to be fired at us, and without waiting even for a moment I tried to bandage his head and asked the people around me for help.”

As of the end of August a criminal investigation into Abdullah Cömert's death continued. However, three months after the incident, no statement had been taken from the police officers present at the scene that day.

The cases documented below show the range of circumstances in which tear gas canisters were fired abusively and the severe injuries that can result from the firing of tear canisters at close range at the head, whether intentionally or not.

Journalist **Ahmet Şık** told Amnesty International that he was hit on the head on two separate occasions by gas canisters fired by police while reporting on Gezi Park protests. On 31 May at around 9am he was standing next to three Members of Parliament who were attempting to enter Gezi Park as part of an information gathering mission. A

grenade style gas canister was thrown by a uniformed police officer from a distance of 10 metres away striking him on the head. Photographs of Ahmet Şık with blood steaming down his face as a result of the injury were widely circulated on social media.<sup>60</sup> He fainted after being hit and received treatment at the nearby Taksim Emergency Hospital before being released a day and a half later. Ahmet Şık was shot for a second time around 1 am on 16 June while photographing protests on Taksim Square. He told Amnesty International that the area was not crowded and that he was directly targeted. He said that he had two large cameras around his neck, at the time that he was hit, which should identify him as a journalist. He was hit on the back of his head from a distance of around 20 metres by a gas canister fired by police. A helmet of the type issued to war reporters which had been damaged by the gas canister but prevented him from being seriously injured or killed.

**Burak Ünveren**, a researcher at Istanbul's Yıldız Technical University told Amnesty International that he was hit by a gas canister fired by police on 1 June while he was at the scene of a demonstration close to his house in Beşiktaş, Istanbul.<sup>61</sup> He could hear noise from the demonstration and after a few hours went to see what was happening. At around 10pm a group of around 50-100 protestors were involved in a standoff against police who were firing water cannon and tear gas. Demonstrators were swearing at police but he did not see any violent acts committed by them. After about ten minutes he saw that the police were advancing against the demonstrators but that they did not give any warning. He told Amnesty International that he turned to move away from the police but was hit by a tear gas canister in his left eye and fell to the ground. Four people he did not know took him to the Şişli Etfal State Hospital where he was rushed into an operation. After a week doctors told him that he had lost his left eye. After two weeks he was released from hospital but was still receiving treatment. He told Amnesty International that he believed the police fired the gas canister deliberately at him. Burak Ünveren made a criminal complaint but as of August he had received no notification from prosecutors regarding any investigation and had not been called to make a statement.

**Umur Can Erşahin**, a dance instructor in Istanbul, was hit on the left side of his head with a tear gas canister in the evening of 1 June in Beşiktaş. Umur Can Erşahin told Amnesty International that he was with his father in Taksim Square when they heard that there was police intervention in Beşiktaş. He decided to go there on his own to see what was going on. When he got there, he was first hit by a water cannon from about 3m distance. There were about 150-200 police officers who were firing tear gas canisters at protestors. There was tear gas everywhere. Umur Can Erşahin told Amnesty International that he tried to run away but got hit by a tear gas canister from about 20 metres away. He fell to the ground and remained there for about two minutes surrounded by tear gas. Then someone came and picked him up, dragging him along the ground for 6-7 metres. After a while, he began to regain the feeling in his legs again and ran into a hotel. Doctors later told Umur Can Erşahin that he had had a brain hemorrhage and trauma injuries and that he had around five or six small fractures to his skull. He was in intensive care for the night. At the time he spoke to Amnesty International, four weeks after the incident, he was complaining of headaches and bouts of dizziness.

**Muharrem Dalsüren**, a street cleaner working for Çankaya Municipality in Ankara was hit by a gas canister fired by police on 3 June. He told Amnesty International that he had left the Çankaya Municipality building to collect his cleaning materials and was on the corner of Ziya Gökalp and Selanik Streets close to Kızılay Square. There was a demonstration taking place at the time. He told Amnesty International that he saw a police officer in a “scorpion” armoured vehicle aiming directly at him and fire a gas canister from a distance of around 20 metres. Muharrem Dalsüren told Amnesty International that he looked away but that the tear gas canister hit him in the eye. He was taken to the nearby Hacettepe University Hospital where he was operated on, but doctors were unable to prevent him from losing his sight in the affected eye. He was unable to work for 38 days following the incident. At the time he spoke to Amnesty International on 31 July, he was still receiving treatment and was going to have a prosthetic eye fitted. He made a criminal complaint on 4 July but as of the end of August he had received no reply from prosecutors.

**Berkin Elvan**, a 14-year-old was hit by a gas canister fired by police on 16 June close to where he lives in Okmeydanı, Istanbul. Between 7 and 7.30am on 16 June Berkin Elvan left his house. Even at that early time of the morning, a demonstration was taking place and there were a lot of riot police around together with water cannons.

Berkin Elvan’s father told Amnesty International he walked from a side street onto the main road where the demonstration was taking place, he was he was hit in the head by a gas canister fired from a distance of approximately 20-25 metres. His family were informed of the incident at around 7.30 am. He was taken to the Okmeydanı Teaching and Research Hospital and immediately received an emergency operation on his brain and a second operation later that day to stop a severe brain haemorrhage. He has been in an coma since 16 June.

**Massimiliano Goitom, 27**, told Amnesty International that he was attacked by riot police at around 2am in the morning of 12 June in the Taksim area of Istanbul. “I was close to Istiklal after leaving Gezi Park with two Italian friends. A group of police officers came up to us. They seemed to be looking for protestors. I told them that I was a foreigner and that I worked for independent media. One of my friends ran away, the police fired a tear canister at him as he ran off but it didn’t hit him. The police let us go. The two of us that remained continued walking towards the hostel we were staying in. A second group of police saw us and from five or six metres away fired a tear gas canister at us. It passed me at head height, missing me by 20-30 centimetres. We ran away, up a side street. I had my hands in the air. I shouted “tourist, press, Italian”. A different group of police grabbed us, shouting something that I could not understand, and threw the two of us to the ground. My friend was on his knees, they kicked him in the face, and sprayed him with pepper spray directly in the eyes. I managed to get up but they sprayed me with pepper spray, about 10cm from my face, directly into my eyes. After that they left us alone, I couldn’t see anything but we met up with some other people and we went together to the hostel. A few days later I still had problems with my vision so I went to Beyoğlu Eye Hospital. They gave me eye drops and some antibiotics.”

When Massimiliano Goitom spoke to Amnesty International again, on 16 August, he said that the vision in one eye had still not returned to normal.

## PLASTIC BULLETS AND LIVE AMMUNITION

Amnesty International received widespread reports of the use of plastic bullets by police during both peaceful demonstrations and on occasions where there were clashes between police and demonstrators. In contrast, there have been very few reports of use of live ammunition by police officers during Gezi Park protests (see however the case of Ethem Sarısülük, shot dead by a police officer using live ammunition, page 37). Doctors have reported that plastic bullets have been one of the main causes of injuries sustained at the scene of demonstrations. Of particular concern are the many reports of plastic bullets being fired at close range to head and upper parts of the body, such as the case of Hülya Arslan below.

**Hülya Arslan**, a recent graduate was in Gezi Park with her mother at the time of a police intervention into the park on 11 June. She lost her right eye as a result of injuries she sustained during the police intervention. Her nose was also broken. Doctors told Hülya Arslan that the injuries she sustained were consistent with those resulting from plastic bullets.

Hülya Arslan told Amnesty International that she and her mother had camped in the park for several days, but on this occasion they had just gone for the day. She joined her mother after her first day at work at the finance company Koç Finans at around 7pm.

Hülya Arslan described the police intervention in the park: "At around 9pm, the lights suddenly went out. Tear gas was being shot into the park from left and right and we could hear shots all around us. There was no warning. My mother has a heart condition. She thought she was having a heart attack. There was a large crowd at the centre of the park. We went there. My mother thought it would be safer. My two brothers were in another part of the park."

Hülya described being shot: "There was a rubbish container behind me. I felt bad because of the tear gas, so I went behind the container. I think about two shots were fired from about 10-15 metres away. It was dark so I only saw the sparks that came out of the gun. My friend who was with me said that three people in civilian clothes were shooting around. I was shot in the right eye with a plastic bullet which also broke by nose. I lost a lot of blood. I was taken to the makeshift health clinic in the park. I tried not to lose consciousness by repeating my mother's name and phone number. An ambulance was called and I was taken to Şişli Etfal Hospital." At the time Hülya Arslan spoke to Amnesty International on 28 June, she was still receiving treatment and was due to have a prosthetic eye fitted.

## UNOFFICIAL DETENTION

Amnesty International is concerned that many of the abuses reported against protestors and others, including sexual assault and beatings, took place while victims were being held following their arrest by police at the scene of demonstrations. In many cases, it was reported that people were detained on the street and released after several hours, sometimes after identity checks had been completed. In other cases Amnesty International received reports that people were held in police vehicles or municipality buses for hours before being released or brought into official custody (see the cases of Gökhan Biçici and Eylem Karadağ, pages 33 and 26 respectively). In a smaller number of cases it was alleged that individuals were held by police in buildings outside official places of detention or in police detention facilities but

without their detention being registered.

Amnesty International is concerned that the widespread practice of holding people in unofficial detention was adopted by the authorities in cities across Turkey during the Gezi Park protests, violating the rights of detainees. In some cases it appears that unofficial detention was used for logistical reasons due to the high number of detentions being carried out by police. However, it also appears that unofficial detention has been used as a method of intimidation, as a means to arbitrarily detain individuals, or to detain individuals without access to safeguards in law, such as access to lawyers, family members and mandatory medical examinations.

Under international law and standards, anyone deprived of their liberty should have prompt access to family and counsel and should be held only in an official place of detention. Amnesty International's research has demonstrated that it is when people are placed in secret or incommunicado detention that abuses such as torture and other ill-treatment are most likely to occur.

Amnesty International calls on the Turkish authorities to ensure that all those arrested in the course of protests are either released or promptly transferred to an official place of detention and guaranteed the right to have access to a lawyer, to notify a family member and to an independent medical examination from the very outset of their detention.

In addition to other cases documented in this report where individuals reported being held in unofficial detention, the case of Deniz Kaptan is illustrative of the abuses reported in Istanbul and other cities.

A lawyer assisting **Deniz Kaptan** told Amnesty International that Kaptan was apprehended by plain clothes police close to Gezi Park in the evening of 15 June and held for one and a half hours before being released. The lawyer told Amnesty International that at around 10pm in the evening plain clothes police handcuffed him behind his back with plastic handcuffs, while swearing and threatening him, saying "we have got a file on you, you're finished!" The plain clothes police told him not to speak or look around. They allegedly took him to an area behind the panels of the nearby Atatürk Cultural Centre on Taksim Square where he couldn't be seen from the road. The lawyer told Amnesty International that the marks made by the plastic handcuffs could still be seen three days later. The plain clothes police took his identity card from his pocket and checked of his records (Genel Bilgi Toplama).<sup>62</sup> One of the plain clothes police shouted "the pimp has done a masters degree." After around 20 minutes the plain clothes police cut the plastic handcuffs with a fruit knife but kept him there for another hour. After that one of the plain clothes officers took a photo of him with his cell phone and took him onto the street a short way towards Gümüşsuyu before telling him to go. His lawyer told Amnesty International that the plain clothes police officers didn't give him back his identity card, telling him to report it lost.

## SEXUAL ASSAULT

Amnesty International received many reports of male police officers threatening women with sexual assault during their apprehension and detention, and two allegations of actual sexual assault. The victims in the two cases documented below also reported their allegations to the



police and filed criminal complaints. The complaint of at least one, Eylem Karadağ, appears, at this early stage, to have been taken seriously, though not by the police. Indeed, in both cases, police either initially refused to record the allegation, or challenged the character of the complainant. It is very likely that incidents of sexual harassment – both physical and verbal – will be significantly under-reported.

**Eylem Karadağ** told Amnesty International how she was detained, beaten and sexually assaulted by male police officers after she was apprehended, close to the scene of a demonstration in the Ankara district of Dikmen on 26 June.

“I met a young friend, 17 year old D.K. next to a coffee shop in İlkadam Park. There was a lot of tear gas in the air and we were looking for a place to rest after coming from a demonstration. It was about 1.30 in the morning. Eight plain clothes police officers, wearing police vests came up to us and grabbed us by the arms. They took us in the direction of an armoured police vehicle. They hit me on my head, they hit D.K. on his back, I'm not sure what they hit us with. All the time they were swearing at us. I felt the hand of one of the police officers on my breast, it was obvious that he did it on purpose, then I felt a hand on my bottom, then on my sexual organ. They put me into the armoured car like that. I was scared about what they would do to me in the vehicle if that is what they do outside. A senior officer came and shouted to the police “crush them”. One police was sitting almost on top of me. I didn't say anything. It was only a distance of ten minutes drive from where we were detained to the police station but for one hour they kept us in the armoured vehicle. They were firing gas canisters from the vehicle.

After that they transferred us to normal police vehicles, D.K. to one and me to another. There was another woman detainee next to me. We waited there in the bus for half an hour. Then they took us to the police station [Ankara Province Security Branch]. When we arrived at the police station they swore at us again, calling us traitors, without honour. They took me for a medical examination. I told the doctor that I had been hit, he said that there was nothing that he could write because there was no trace of this. I didn't want to tell him anything about the sexual assault. I gave my statement to the police, I said that I was hit, I said that I was sexually assaulted.

Two days later I made a separate criminal complaint. I gave my statement to the prosecutor. The police made a public statement about me saying that I had been detained three times and that I had made an allegation of sexual assault on each occasion. I had indeed been detained three times but I never made an allegation of sexual assault before. Later I got two calls from the Ministry of the Family and Social Affairs, offering me assistance. I received a letter from the Ministry of Interior saying that inspectors have been instructed to look into the case and that I should go to give a statement to them on 19 August.

**Deniz Erşahin** told Amnesty International how she was sexually assaulted by police officers in the Kızılay district of Ankara on 16 June.

“It was about 6pm on 16 June, the day of the funeral of Ethem Sarısülük [a protestor shot dead by police in Ankara on 1 June]. The police didn't allow the funeral to go ahead

and there was a demonstration. I wasn't taking part in the demonstration at that time, just watching from a distance.

I was with two female friends, standing next to the GIMA shopping centre. There were other people there too who we did not know, no more than 20 people in total. The demonstration was in Güven Park and on Sakarya Avenue, there was nothing going on where we were. Police came in an armoured vehicle and without warning fired a tear gas canister towards us. We ran away towards Yüksel Avenue but there were riot police there waiting for us. I fell while I was running. A police officer grabbed me and told me to open my bag. He hit my friend with a truncheon. The three of us were there together. The riot police officer dropped a tear gas grenade at our feet and sprayed pepper spray into our eyes. We ran off, I was on my own, I don't know where my friends went but I went in the direction of Karanfil Street. There were police everywhere, in front and behind me. There were tear gas bombs and flash bangs going off. A riot police officer took my bag and opened it, I had a white face mask, Talsit solution [to treat exposure to tear gas] and a Turkish flag in my bag. They knew that I was a demonstrator when they saw these things. They took me to the area where they were holding people in detention behind Güven Park. They shouted sexual insults like "bitch" and threatened me with rape. There were journalists taking pictures but the police kept on swearing at me. A police officer felt my bottom. I looked at him. He was wearing a gas mask. I said "what are you doing?" but he kept doing it. They took my picture, I said nothing. One of the police said "why isn't this bitch talking". I said "What are you saying". He replied "Shut up!" One of the police kicked my legs, while I was being searched up against a police vehicle by a woman police officer they hit my head against the glass window twice. They put me in a police vehicle with four other people who were being detained. It was about 6.30 or 7pm by this time. They took us to the General Security Branch. When I got there I said that I had been hit, that I was sexually assaulted but they just laughed and made fun of me. There were 118 of us, including 17 women. The men looked in a worse state than us, covered in blood, torn clothes. The police tried to get me to sign a piece of paper with all the things that I was accused of, it had everything on it – attempting to overthrow the government, resisting police, membership of a terrorist organization, damaging public property, throwing a Molotov cocktail - I refused to sign the paper.

I was taken to have a medical examination. I told the doctor that I had been kicked. The doctor didn't even look at me, but told me that I was fine. I was detained for over 24 hours, it was extended. They wanted us to sign a piece of paper for every bottle of water or item of food that we received. On the paper it was also written that we were detained at a demonstration. I gave a statement to a police officer. I made a complaint. I said that I was sworn at, that I was sexually assaulted. At first, the police officer didn't write this down. My lawyer argued with him and in the end he wrote it down."

## BEATINGS

In Ankara, Antakya, Istanbul and Izmir where Amnesty International conducted on the ground research and in other cities where demonstrations took place, scores of cases of ill-treatment were reported. Cases of ill-treatment reported to Amnesty International almost universally occurred at the scene of demonstrations, on apprehension by police officers, during unofficial detention and during transfer to police custody. Very few cases of ill-treatment in official places of detention were reported to Amnesty International.

In many cases ill-treatment was apparently targeted at suspected protestors, with police searching bags for banners, gas masks etc, before beating individuals (see, for instance, the case of Deniz Erşahin page 26). However in many cases beatings are reported to have been inflicted randomly at the scene of demonstrations with bystanders beaten by police alongside demonstrators. Professionals at the scene of demonstrations to carry out their functions, such as journalists, lawyers and doctors were among those beaten. There is evidence to suggest that in some cases they were targeted on account of their work (see section on attacks on those reporting the protests, assisting the protestors or defending their rights, page 46). Individuals that Amnesty International spoke to identified riot police as the main perpetrators of beatings against suspected demonstrators, but also reported that they were beaten by armed plain clothes police (identified by their police radios and truncheons). Beatings were inflicted by police officers with batons or truncheons, as well as fists, feet and other means. Handcuffs were also used for ill-treatment. In other instances, persons in civilian clothes, who may or may not have been police officers, took part in beatings (see, for instance, the case of Ali Ismail Korkmaz page 38, who was beaten in Eskişehir. Both civilians and a police officer stand accused of his murder).

Doctors and lawyers told Amnesty International that many people reported beatings but did not wish to make criminal complaints because they feared it would identify them as being a participant at the demonstrations and could result in their detention or counter charges being brought against them. Many people who spoke to Amnesty International also cited the fact that they did not see any hope of those responsible being brought to justice as a reason for not registering a criminal complaint (See impunity section, page 35).

**Hakan Yaman**, a 37 year-old father of two was beaten by police near his home in the Sarıgazi district of Istanbul on 3 June.

At around 10.30 – 11pm Hakan Yaman was returning home after finishing work as a minibus driver. He parked his vehicle a couple of streets away from his house and proceeded to walk home. A demonstration was taking place on the nearby Demokrasi Avenue. He told Amnesty International what happened:

“I saw some riot police a few hundred meters away. I was first sprayed by water cannon. Then I was hit in the stomach with a tear gas canister but I didn’t fall down. Around five police officers came over and began hitting me repeatedly on around the head. One of them put a hard object into my eye and gouged the eye out. By then I was lying down, without moving. I heard one of them say ‘this one is finished, let’s completely finish him off’. They dragged me about 10 to 20 meters and threw me onto a fire. They left and I dragged myself out of the fire. I was taken by some of the protestors to the hospital..”

According to the forensic medicine report Hakan Yaman sustained serious injuries to his head and face. His nose, his cheek bone, and the bones of his forehead and his chin were broken. He lost one eye completely and has lost 80 percent of his sight in the other eye. His skull was fractured from the top of his head all the way down to his jaw and his back sustained second degree burns from being thrown on the fire. He lost consciousness during the attack.

A witness filmed part of the attack on their camera phone. In the video two riot police can be seen next to a water cannon, with around four others dragging a man along the ground towards a fire.

Hakan Yaman said: "They tried to kill me. They thought I was a protestor and they tried to kill me." Hakan Yaman filed a criminal complaint on grounds of attempted murder. As of the end of August, Hakan Yaman had been called by the prosecutor to give a statement. Three police officers had also been called to provide statements.

**Alper Merdođlu** is a member of the board of the Istanbul Branch of the Chamber of Engineering Physicists, a member organization of Chamber of Architects and Engineers (TMMOB), a professional association that played an active role in the Taksim Solidarity coalition.

On 16 June, Taksim Solidarity called a press conference for 7pm, following the clearing of Gezi Park the previous day. Alper Merdođlu and a few others from the Chamber of Architects and Engineers were on their way to attend the press conference when they came across around 60 police officers on Siraselviler Avenue in Taksim. Alper Merdođlu told Amnesty International that the police officers attacked everyone in the vicinity. Alper Merdođlu was beaten with batons, kicks and punches by around five police officers, some of whom were in plain clothes. Riot police put metal handcuffs on him and pepper sprayed his face with a hand held device. He was kicked and punched when he was on the ground.

Alper Merdođlu was taken to Taksim Square near the buses that were stationed there for the use of the riot police. He alleges that he was further beaten and gassed. He told Amnesty International: "They tightened the handcuffs until I could no longer feel my hands. They beat me outside behind the buses, then took me to the front of the buses and beat me again. Then they put me on the bus, sat me at the back and beat me there too. They took me out and put me on a different bus and beat me again. All in all, the time I was on the buses was around one hour. They were beating me and all the while shouting insults at me, including threats to rape members of my family."

Alper Merdođlu and another 10 to 15 people were then taken to Haseki Hospital for routine medical examination mandatory for all detainees. Alper Merdođlu told Amnesty International that a police officer was in the room during his examination. The medical report stated he had been assaulted. The doctor diagnosed a burst eardrum but this was not noted in the medical report, which referred to a 'hearing problem in the ear' bruising on the nose bridge, superficial injuries on the feet and knees and bruising on the left arm, left shoulder and on his back. He had a back and head tomography taken. According to Alper Merdođlu, no treatment was offered or applied following the medical examination. He was not given any medication such as pain killers.

He was then taken to Istanbul's main Security Directorate, on Vatan Avenue in Fatih. He was detained for around 36 hours on the grounds that he had "violated the Law on Meetings and Demonstrations". He told Amnesty International that he could still not feel his fingers from the handcuffs that had been put on him during the first hours of his detention on the evening on 17 June when he was taken back to the hospital for a

further medical examination. In the morning of 18 June, after another medical examination at the hospital, he was taken to Çağlayan Courthouse from where he was finally released in the evening around 9pm.

**Kemal Soğukdere** and **Alper Çakıcı**, both journalists working for Al Jazeera, told Amnesty International that they were beaten on 17 June while walking in Taksim, Istanbul at around 10.30pm.

“We met my wife and were going to have some tea at Sütüş cafe. We heard some shouting coming from further down on Istiklal Street and saw that there was a group of police officers shouting and coming up towards us from that direction. I took my camera out to film. I saw two police officers running towards me. There was another one behind them with a riot shield. I had an Al Jazeera card on my lapel. I showed it to them telling them I am from the media. The one with the shield hit me with it and pushed me against the wall. He then hit me again three or four times. Then he grabbed me by my hair [Kemal Soğukdere has long hair] and pulled me to the middle of the street. I was constantly telling them I am from the media. Two police officers held my arms out from either side, forcing me to bend over and others hit me with truncheons, insulting me all the while, calling me a ‘son of a bitch’ etc. The one pulling my hair actually pulled out a handful of hair from its roots. I believe they attacked us because we are from the media. It seemed like they hit me more when I said I am from the media.”

Alper Çakıcı told Amnesty International: “I was not attacked as badly as Kemal. They separated us and one police officer hit me on my hand which stopped my camera from working. Then they wanted my camera, I tried to calm them down by telling them I would give them the card inside the camera. Once I gave them the card, one of them said ‘OK, I have the card, go for them now’, meaning that they should beat us more.”

Kemal Soğukdere and Alper Çakıcı have filed a criminal complaint with the prosecutor’s office in Istanbul and claim to be able to identify four of the police officers involved. As of the end of August, they had not heard back from the prosecutor’s office.

**K.O.** a 43 year-old gym instructor told Amnesty International that he was beaten by police officers when he was in the vicinity of a demonstration in Istanbul.

On 16 June 2013 at around 2.30pm, K.O. was on Siraselviler Avenue on his way to meet with friends. A large crowd of around 1,000 protestors were on the street attempting to reach Taksim Square. The crowd was being pushed back by police using water cannon and tear gas.

K.O. saw there was a serious disturbance, possibly a clash, between the police and the protestors further up the avenue towards Taksim Square, and turned to run in the opposite direction towards Firuzaga. He suddenly felt a punch on his face by a plain clothes police officer.

He described what happened: “I told him, ‘don’t hit me, I am not resisting’. Another five to six police officers jumped on top of me and started punching me. I fell on the ground and adopted the foetal position. I was sprayed with pepper spray from about 10cm. They

handcuffed me with my hands behind my back whilst I was still on the ground and took me all the way to Taksim Square. I cannot quite recall how many they were but there were a lot of riot police. They kicked, punched and shouted abuse. At some point I realised there was blood in my genital area. I was bleeding from my penis.”

K.O. told Amnesty International that at around 5pm, he was put on a police bus. “There were 19 others on the bus some of whom were being beaten. We were kept there for about two hours and then taken to Istanbul’s General Security Directorate [on Vatan Avenue] without being taken to hospital for a medical examination. I began to lose consciousness at the Security Directorate. After a long while I was taken to Haseki Hospital where I was seen by a doctor in the presence of a plain clothes police officer. The doctor didn’t examine me but said that there was nothing wrong with me.”

K.O. told Amnesty International that he was taken back to the Security Directorate but the bleeding continued so he was taken back to the hospital. At around 6pm, he had a bladder operation, having been diagnosed with ‘oedema of the urinary tract caused by a blow’. He had to wear a drain for 18 days and as a result he could not work. When Amnesty International met him in July it remained unclear whether there would be long term damage to his health.

**M.E.** a 26 year-old architecture student told Amnesty International how he was beaten by police close to the scene of a demonstration in Beşiktaş, Istanbul.

On 2 June in the evening, M.E. called a friend in Beşiktaş whose home had been turned into a makeshift health clinic to treat injured protestors to ask his friend whether they needed anything. At around 11.30pm he took a ferry from Üsküdar to Beşiktaş across the Bosphorus to bring them food. This is how he described the events:

“There were very few people around but there was a lot of tear gas in the air. I was affected by the tear gas in the air as soon as I got off the ferry so I went to a nearby makeshift health clinic at Bahçeşehir University, where students gave me first aid and some lotion for my eyes. From there I set out for my friend’s house. I was looking for a street that wasn’t blocked by police. There were sounds of tear gas bomb explosions coming from the market, but there were no protestors around. Beşiktaş was empty. As I was walking, nine or ten riot police officers who were on the side of the road, resting, told me to go home. I think they thought I was a protestor. I carried on walking. Then they started shouting abuse. Around seven of them suddenly jumped on me. They made me kneel and handcuffed me behind my back with plastic handcuffs. They punched me on my face and they kicked me on my legs repeatedly. Then they lifted me and pushing and shoving, took me near the dock for the ferries to Kadıköy where a police bus was stationed. There are no cameras there for them to be seen. When we got there they punched me repeatedly.

It was about 12.05am by the time they put me on the bus where there were another six or seven people. One of them had a broken nose. I felt my eye was swollen. Another detained man took his t-shirt off and put it on my head as a compress, telling the officers that my head was bleeding. Another woman told them I needed to see a doctor. The officers didn’t do anything. The plastic handcuffs had broken during the course of

the beating and they replaced them with metal handcuffs on the bus. I was kept there for two hours. My eyes were constantly watering. I felt they were completely bloodshot. Then five of us on the bus were taken by boat first to Balat and then to the Istinye State Hospital. I was not allowed to see the doctor on my own, there were up to two police officers in the room. The doctor did not examine me, I said I had been beaten. The sclera [white part of the eye] were completely bloodshot. A nurse put some bandages on my knee and my head. I saw a voluntary bar association lawyer at 5.20am. The police prevented her from taking pictures of my injuries. The other detainees and I were then put on the boat again and taken to Beşiktaş and then by minibus to the Beşiktaş District Security Directorate where we were made to wait for two hours. My statement was taken at 7am. I was released at 7.30am.”

Journalist **Gökhan Biçici** told Amnesty International that he was beaten at the scene of a demonstration in Istanbul on 16 June and held for several hours in unofficial detention before being transferred to official police custody.<sup>63</sup>

“I was in the Şişli area at about 4pm. It was the day after Gezi Park had been cleared and there was a call for protestors to go to Taksim. I was on the corner of Rumeli Street and Halaskargazi Street, standing next to police. There were groups of demonstrators on three sides. I had a camera and I was recording live for IMC TV [an independent television news channel in Turkey]. I had my IMC press card around my neck. At about 5.30pm a senior riot police officer came up and swore at me “Press, fuck you”. He tore the press card from the cord around my neck. He grabbed my gas mask and helmet, took my ipad. He stamped on my helmet and mask, destroying them. He opened my bag, spilling the solution [that you use to treat exposure to tear gas] on the floor. At this point a journalist came up to us and took photos, he told the police officer that he knew me from the press. At this point I called the channel; I said that I had been detained on the street and that they might take me to a police station in Taksim. The police were making another intervention against the protestors, advancing and firing tear gas. They had masks on but the police had taken mine. Tear gas was everywhere. Two of them dragged me along the road for 500 metres with them. At this point they stopped. I sent a tweet from my phone that I had been detained. The channel called me and I reported live on what was happening to me. The riot police officers that were holding me told me that they didn’t know why I was there but that their superior told them to keep me. It was about 6.30 -7pm by this time. My lawyer and someone from the channel were on their way. There were two of us detained there, me and a photographer; he was a freelancer.

The police started to make another intervention against the protestors, and gave me a gas mask. At this point a police chief came over. He had seen me taking a photo with my phone and told me that I couldn’t. I said “Am I under arrest? You have had me here for two hours.” He said “I will put that phone in your ass.” He said to the other police “Take him to an apartment building and finish the job”. The police chief hit me, two other police hit me too, with fists, truncheons and kicking me. I was really frightened, I knew that they might really beat me if they took me off the street and into an apartment building. I tried to protect myself as best I could, protecting my head and groin. I shouted “I’m a journalist, they are torturing me, help me” people heard me and started throwing things from the windows of nearby apartments. Someone from one of the apartment buildings took a video of them beating me.<sup>64</sup> The police stopped beating me,

and put plastic handcuffs on me, behind my back. A police officer said to me "I want to kill you but this is not the place". The police took me to outside the Ramada hotel and put me on a police bus. One of them punched me in the face; I still had my hands handcuffed behind my back. There were 12 of us on the bus. Everyone had been beaten; they had blood on their faces. An officer came onto the bus and started to beat the people with a truncheon. All the people were handcuffed behind their backs. I said "I'm a journalist, you can't do this". It was about 8pm - 8.30pm by this time. The people on the bus told me that police officers had come on to the bus and beat people before I got there.

There was someone on the bus who was in a very bad way with asthma. An ambulance was there and someone from the ambulance looked at me. I had head wounds and blood coming from my groin. He said that I was lucky, that if the blows hit me a couple of centimeters closer, I could have lost an eye or burst a testicle. The police put metal handcuffs on me replacing the plastic ones and the bus left. First we went to outside the Point Hotel in Talimhane, where there were other police buses with people on them. Then they took us to outside the Atatürk Cultural Centre on Taksim Square, from there we went to Karaköy. One person was taken out of the bus there. I heard a police officer say to the driver "Get out and we'll throw in some tear gas, let them drop dead." They didn't do it though. From there we went to Dolmabahçe, then on to the General Security Directorate on Vatan Avenue. It was about 12 or 12.30 at night by this time. There were about three or four bus loads of detainees there at the same time.

When we got there a plain clothes officer came onto the bus, he said "Is Gökhan Biçici here?" I learnt afterwards that the TV channel had got in touch with a Member of Parliament who had raised the issue of my detention with the Minister of the Interior. Apparently the Minister of Interior said that he was looking into it. It was about 9pm that the Minister of the Interior had been told, but they couldn't find where I was for about three hours.

At this point they took me off the bus and took the handcuffs off me. There were lots of people who had been detained, someone there had been detained from next to the German Hospital on the Cihangir side of Taksim. His face was purple with bruises and swollen. He told me that police had been kicking him in the head while he was in handcuffs. They took me to have a medical examination, when I was back from there, they followed all the procedures and put me into a cell. They kept me in the Anti Terror Department (TEM) as all the other cells were full. It was about 3am on Monday morning. On the Tuesday morning they took me to the Çağlayan prosecutor's office to give my statement to the prosecutor. I was waiting there for a long time, there were a lot of people waiting to give their statements. When it was my time to give my statement, the prosecutor was ready. He had already watched the video of me being beaten. I said that I wanted to make a complaint. I was beaten and others were beaten because we are journalists. It is systematic."

Gökhan Biçici told Amnesty International that he made a separate criminal complaint but that as of the end of August there had been no response from the Prosecutor's office.



Journalists **Eylem Düzyol** and **Fulya Atalay**, told Amnesty International that they were beaten by police officers while reporting from the scene of protests in Istanbul. They were beaten in the same area and on the same day that journalist Gökhan Biçici was beaten.

They told Amnesty International that after taking pictures of the protests from the police side, they went over to stand next to the protestors. "It was about 4.30pm, the police advanced with water cannon and tear gas, destroying the protestors' barricade. We couldn't see anything because of the tear gas, it was like a white cloud. The protestors were running away and we ran with them. The two of us ran into an apartment building, along with one other person we didn't know. Three or four riot police officers came in after us, they started beating the guy, he was 20 years old at most, beating him with a truncheon, kicking and slapping him. We showed the police our yellow [state provided] press cards. The police officers looked at the cards and then started to beat us. One of them pulled my [Eylem's] hair, and they started to beat and kick us, throwing us out of the apartment building onto the street. One of the police took off Fulya's mask, there was gas everywhere. All the time we were saying "We are journalists" but they continued to beat us. It felt like the beating went on for five or ten minutes. After that the police pulled back and the ones that were beating us went back with the rest of them. We did our best to get away from the tear gas, the protests were continuing and it was hard to walk in the streets. First we went to another apartment building and rested there for 20 or 30 minutes before continuing. My [Eylem's] house is nearby, we got there at about 6pm. The next day our bruises were worse, we went to the hospital and got a medical report. We made a criminal complaint about ten days later. There has been no response from the prosecutor.<sup>65</sup>

**Alp Buğra Bahadır Gültekin**, a correspondent for the *Radikal* daily told Amnesty International how he was beaten by police after covering the protests in the Taksim district of Istanbul.

"It was about 1am on Sunday morning on 23 June. I was on a side street just off Istiklal Street [the main pedestrian street in Taksim]. The police had used tear gas and I was running to get away from it, next to the protestors, throwing up at the same time – I didn't have a gas mask on. The police came after us and I said "I'm from the press". The riot police officer said "Fuck the press", hit me with a truncheon and kicked me. I fell to the ground. He carried on running but other police officers came past and beat me as they went. In all, seven or eight police officers beat me. I had nine or ten different marks from being beaten. After the police had left I got up and staggered to a nearby restaurant where I collapsed on the table. I was able to call friends who picked me up from there so I could get home. The next day I went to Bağcılar Medipol Hospital and got a medical report. Later I went back to the street where the police beat me. I spoke to a shop keeper and managed to get CCTV footage showing the police beating me and others.<sup>66</sup> I made a criminal complaint against the police and am still waiting to hear back from them."

In an unrelated incident, on the night of 3 August Alp Buğra Bahadır Gültekin was detained for an hour by police while at the scene of protests in Taksim.<sup>67</sup>

# IMPUNITY FOR POLICE ABUSES

Though the abusive use of force by police has been widely documented, the likelihood of those responsible being brought to justice remains remote. Police officers in Turkey have long enjoyed de facto immunity from prosecution, especially in the context of demonstrations.<sup>68</sup> The lack of effective investigations and prosecutions of abuses by law enforcement officials and the absence of genuinely independent complaints mechanisms has been noted with concern in recent years by both the UN Human Rights Committee and the Committee against Torture.<sup>69</sup>

The long-established perception that complaints will not be seriously investigated or effectively prosecuted - and the real risk of counter charges being brought against those complaining - has led many victims to not report abuses. While investigations into the abuses that were reported in connection with the Gezi Park protests are ostensibly ongoing, the early indications are that the usual impunity will prevail.

With a few exceptions, official statements have typically praised the police and exonerated them of wrongdoing.<sup>70</sup> The Prime Minister has been particularly effusive, referring to the actions of police as “legendary”, and describing the police as victims of violence.<sup>71</sup> Police tactics, such as the use of unofficial detention, and the widespread failure of police to wear visible identification numbers have both facilitated abuses and made the likelihood of bringing successful prosecutions more remote.<sup>72</sup>

By the end of August, only one of the victims in the cases documented in this report who filed a criminal complaint, had since been summoned to give a statement by the prosecutor. The overwhelming majority have heard nothing at all since filing complaint.

Prosecutors in Istanbul announced on 11 June that they had launched an official investigation into police violence in the city. However, three months later there were no signs that the investigation had progressed or that any police officers had been called to provide statements.<sup>73</sup>

The historical impunity enjoyed by law enforcement officials in Turkey, the encouragement – at the highest levels - of the use of force and the excuses offered when it has been used excessively, have undoubtedly contributed to scale of the police abuses that have accompanied the Gezi Park protests.

## OBSTACLES TO IDENTIFYING PERPETRATORS

International standards such as the European Code of Police Ethics require that police personnel should normally be required to display their police status and some form of individual identification while on duty.<sup>74</sup> Turkish law does not place such a requirement on police officers acting in the ordinary course of their duties, but it does require riot police to wear helmets with identification numbers. This requirement was routinely ignored, however. Even when they were wearing helmets, riot police were frequently observed to have covered up identity numbers with stickers or to have worn helmets without numbers.

As police officers were frequently wearing gas masks, they are often difficult to identify subsequently from video or photographic evidence. In combination with the lack of visible identification, this effectively places offending police officers beyond the reach of prosecution unless exposed by fellow officers.

Police officers were also frequently observed intervening in demonstrations wearing civilian clothes<sup>75</sup>, or only a police vest identifying them as police officers. In addition to plain clothes police officers, it appears from numerous accounts that civilians also took part in violence against demonstrators, apparently unhindered by, and sometimes in cooperation with, police officers (see, for instance, the case of Ali Ismail Korkmaz, page 38).

## THE CIRCUMVENTING OF OFFICIAL DETENTION PROCEDURES

As noted in the section on abusive use of force by law enforcement officials above, many of those detained were held for extended periods of time on the street or in police vehicles, before being released. In such circumstances, protections applicable to persons in regular custody, such as the right to notify a third party, access to lawyers and medical examinations and the video recording of the detention facilities are inevitably absent, increasing the likelihood of abuses and decreasing the likelihood of their detection. In a number of cases it appears that police have used unofficial detention with the express purpose of ill-treating protestors (see, for instance the cases of Gökhan Biçici, M.E and Alper Merdoğlu, pages 33, 31 and 29 respectively).

Other safeguards for detainees have also been ignored. The requirement for detainees to undergo regular medical examinations has generally been adhered to. However, in many cases individuals told Amnesty International that police officers remained in the room during medical examinations and that doctors did not examine persons complaining of ill-treatment properly or did not include such injuries in official medical reports (see cases of M.E, page 31, Deniz Erşahin, page 26 and Alper Merdoğlu, page 29).

## THE LACK OF EFFECTIVE INVESTIGATIONS AND PROSECUTIONS

International human rights law standards require all allegations of human rights violations by law enforcement officials to be investigated promptly, thoroughly, impartially and effectively. While it is still too soon to come to definitive conclusions regarding investigations into police abuses in the context of the Gezi Park protests, early indications are not promising.

Of the 20 cases involving non-fatal injuries described in the abusive use of force by law enforcement officials section above, 16 criminal complaints have been filed. By the end of August, prosecutors had only responded to two of these complaints. Of those who had received no response, lawyers representing the complainants were unaware of a single witness having been identified by prosecutors or of any police officers having been questioned.

Conversely, Amnesty International is aware of a number of investigations that have been closed, apparently without a proper examination of the facts.

For example, a lawyer representing **E.O.** showed Amnesty International a detailed criminal complaint made on behalf of his client who was injured as a result of police use of force on 1 June, in the Basmane area of Izmir. E.O. alleged that she sustained head

injuries as a result of a gas canister being fired close to where she was standing. Despite the presence of injuries that were documented by doctors and the fact that the time and location was recorded in the complaint, the lawyer told Amnesty International that the prosecutor rejected the complaint without taking a statement from the complainant.

The situation with respect to the investigation of the three fatalities alleged to have occurred as a result of the use of force by police is more mixed.

The case of Abdullah Cömert, who died on 4 June as a result of head injuries he sustained at a protest in Antakya on 3 June (see page 21), repeats the pattern of delay outlined above: as of the end August, three months after the event, no police officers present at the scene had been called to provide a statement to the prosecutor.

In the case of **Ethem Sarısülük**, described below, a police officer has been indicted, but on the least serious charges possible. There are also alarming indications that both Ethem Sarısülük's family and potential witnesses are being harassed.

On 1 June Ethem Sarısülük was shot in the head by a police officer using live ammunition. He died as a result of his injuries on 14 June. The moment when the police officer shot Ethem Sarısülük in the head was filmed and the video which identifies the riot police officer via his helmet number has been widely circulated on social media.<sup>76</sup> The video shows the police officer moving forward, separating himself from other riot police officers, and kicking a protestor who is on the ground then firing shots from a revolver as protestors around him continue to throw stones in the direction of the police. The video shows the police officer firing three shots, two into the air and a third shot parallel to the ground. This third bullet hit Ethem Sarısülük who was around five metres from the police officer at the time the shot was fired.

Prosecutors first inspected the scene of the crime only on 7 June. Despite the fact that the identity of the police officer was never in question, it was not until 14 June, two weeks after the shooting, that the police officer was detained and a statement taken from him prior to his release on the same day.

The prosecution alleges that the police officer accidentally fired at protestors due to the situation that he was in, with protestors throwing stones at him. He is accused of causing death by exceeding the limits of legitimate defence (Articles 81 and 27/1 of the Penal Code)

The prosecution was initially halted by the trial judge on the grounds that permission was required from the authorities to prosecute a public official for an act committed during the course of his duties. This has since been overturned by a higher court. As of the end of August, the trial had not yet commenced.

A lawyer representing the family of Ethem Sarısülük told Amnesty International that of the three witnesses he found, an arrest warrant had since been issued against one of them while another had been detained and held in pre-trial detention before later being released, in connection with offences allegedly committed in the course of the demonstrations.

Ethem Sarisülük's older brother and sister told Amnesty International that they had been harassed and threatened by plain clothes police officers at the hospital where Ethem Sarisülük was in a coma. They also told Amnesty International that they had both received threatening phone calls from unknown individuals since the death of their brother. Their lawyer alleged that another individual who had expressed interest in being a witness in the case has subsequently received threatening phone calls.

Ethem Sarisülük's family also reported to Amnesty International that their father had two criminal cases opened against him for damaging public property due to two pieces of graffiti he wrote during the time when Ethem Sarisülük was in a coma in hospital.

The case of **Ali Ismail Korkmaz**, who died as a result of being beaten at a Gezi Park protest presents an example of the obstacles to identifying police officers accused of violence against protestors. Police officers are alleged to have taken part in the beating wearing civilian clothes, without any official insignia identifying them as police officers. They are also accused of directing and acting in cooperation with civilians to beat protestors on their behalf. Following the death, the authorities stated that no police officers were involved in the attack. Video footage of the attack was destroyed.

Despite these barriers to identifying those responsible, a wealth of evidence has been gathered, and an investigation and prosecution progressed. The success in identifying the alleged perpetrators of the attack has been achieved in large part by a campaign led by the family, lawyers acting on their behalf and media attention in the case, persuading witnesses to come forward. The responsible prosecutor has also been effective in gathering available evidence of the attack.

Ali Ismail Korkmaz, a resident of the central Anatolian city of Eskişehir, died as a result of injuries he sustained while at a Gezi Park protest shortly after 11pm on 2 June. Witnesses reported that he was beaten by a group of men in civilian clothes armed with clubs.

In a move typical of the support received by the police from officials, the Governor of Eskişehir made a statement saying that police were not involved,<sup>77</sup> despite numerous allegations made at the time by witnesses that plain clothes police officers were among those beating Ali Ismail Korkmaz.

Severe obstacles have been encountered in securing CCTV footage of the incident. The footage from the two cameras trained on the area where the incident took place was not initially provided to prosecutors because they were either broken or not recording at the time. Finally, one of the recordings, from the camera of a bakery was passed by law enforcement officials to prosecutors but it was damaged and, in any case, missing the vital minutes in which the attack took place. The prosecutor initiated an investigation into the possible destruction of evidence by police officers, but later issued a statement indicating that civilians rather than police officers were responsible for deleting footage.<sup>78</sup> On the prosecutor's request a gendarmerie unit was able to recover the deleted footage. Footage from a second camera trained on the area that the incident took place, belonging to a hotel, was also not available. It is alleged that a plain clothes police officer ordered the hotel manager to turn off the camera on the night that the beating of

Ali Ismail Korkmaz took place and that subsequently footage was deleted from the camera.<sup>79</sup> Footage from this camera remains unrecovered.

On the basis of the recovered footage and the statements of witnesses who came forward following media coverage of the incident, on 7 August four people were charged and remanded in custody accused of the intentional killing of Ali Ismail Korkmaz. The four included one Anti-Terror Branch police officer and the owner of the bakery.<sup>80</sup> The investigation continued with further statements being taken from police and civilians. On 24 September an Eskişehir court accepted the indictment of the prosecutor. Eight people face prosecution for their role in the beating of Ali Ismail Korkmaz. Four are plain clothes police officers from the Anti-Terrorism Branch of the Eskişehir police and four are civilians alleged to have taken part in the attack with them.

## DETENTIONS, INVESTIGATIONS AND PROSECUTIONS FOR PARTICIPATING IN OR ORGANIZING PROTESTS

**“I believe those who have started these protests and are giving them direction/leading them are aiming to overthrow the government and remove it from office. But the security services and the cautious approach by the government have prevented those harbouring this aim from achieving it. I don’t believe they will attempt to engage in such action anymore.”**

Ruling Justice and Development Party (AKP) deputy chair and former Minister of Justice Mehmet Ali Şahin calls for protestors to be charged with “attempting to overthrow the government” which carries a term of life imprisonment, 31 July 2013.<sup>81</sup>

In the months that have followed the outbreak of the Gezi Park protests, police and prosecutors appear to have been much more assiduous in investigating and charging protesters than combating the abuses perpetrated by law enforcement officials.

Thousands of individuals were detained, at the scene of demonstrations, while, across the country, police have already detained scores more at homes, in raids that have followed the demonstrations. In both cases detainees have been required to provide statements to police or prosecutors and are accused of participating in or having an organizational role in the Gezi Park protests, or having committed violent acts during the protests.

Amnesty International is concerned that many of these detentions – and related criminal investigations - have unlawfully targeted individuals exercising their right to peaceful assembly.

In particular, Amnesty International is concerned that many ordinary participants in the protests risk prosecution under legislation criminalising the failure to leave an unauthorised protest following force being used to disperse it (Article 32 of the Law on Meetings and Demonstrations), when the demonstrations they were participating in were peaceful and legitimate under international human rights law.

Amnesty International is additionally concerned that many of those accused of organizing the protests are being investigated under anti-terrorism legislation and related provisions, such as Membership of an [illegal] organization, Article 314 of the Penal Code, and Committing a crime in the name of an [illegal] organization, Article 220/6. These provisions, which carry harsh penalties, are often used to prosecute critics of the state for conduct and the expression of views protected by the rights to freedom of expression, association and assembly.<sup>82</sup> All the indicators available so far point to similar abusive use of anti-terrorism provisions in the context of Gezi Park protests.

By the end of August, the vast majority of cases criminal investigations were still ongoing and it was still unclear how many would ultimately result in prosecutions. However, a number of prosecutions for alleged breaches of the Law on Meetings and Demonstrations had been brought before the courts.<sup>83</sup> In a worrying precedent for other prosecutions to come, the evidence submitted in the indictments in cases seen by Amnesty International does not, in all but a handful of cases, seek to demonstrate any act beyond participation in protests.

## DETENTIONS AT THE SCENE OF DEMONSTRATIONS

Figures provided by the Ministry of the Interior show that by 24 June, there had been roughly 4,900 detentions in relation to Gezi Park protests across Turkey. Approximately 3,400 of these detentions occurred during the first weekend of the protests from 31 May – 2 June.<sup>84</sup> The Ankara Bar Association told Amnesty International that they had provided legal aid to 950 individuals detained during the protests. Of these individuals, approximately 700 were detained during the first weekend of protests from 31 May to 2 June, with 585 detentions on 2 June alone. The Bar Association estimated that the total number of detentions, including those individuals who had their own lawyer or those that did not request the assistance of a bar association lawyer could be in the range of 1,200-1,500.<sup>85</sup> The Bar Associations in Istanbul and Izmir said that they had provided legal aid to close to 1,200 and 538 people respectively.

Amnesty International is concerned that many of these detentions may have been arbitrary and due solely to individuals exercising their right to peaceful assembly. Amnesty International observed, for instance, large numbers of detentions of protestors on 16 June on Siraselviler and nearby backstreets close to Taksim Square. In none of these cases did individuals appear to have engaged in any acts of violence, indeed police officers appeared to be randomly detaining anyone taking part in the protest. The detention of K.O., who was apprehended from this area on 16 June is just one such example (see page 30). Amnesty International received countless reports of arbitrary detentions of people who were peacefully protesting or who were in the area of protests and perceived by the police to be protestors (see for instance, the cases of M.E. page 31, Deniz Kaptan, page 25 and Eylem Karadağ and Deniz Erşahin, page 26).



Amnesty International was told that individuals were accused of “taking part in unauthorised demonstrations” or “resisting police officers”. In other cases individuals were accused of violent acts such as throwing stones or petrol bombs without evidence to substantiate these accusations (see for example the case of Deniz Erşahin, page 26). In an indication of the extent to which any protest however peaceful could result in detention, police detained at least 16 people taking part in the “standing man” protest on Taksim Square on 17 June, for standing silently and alone in individual acts of protest.<sup>86</sup>

Lawyers in Ankara, Antakya, Istanbul and Izmir reported to Amnesty International that police encouraged detainees to give statements without a lawyer present, on occasions made detainees wait for hours before they could access lawyers and withheld access to food, water and toilet facilities for hours at a time.

## THE TARGETING OF PROTEST ORGANISERS

As of the end of August a number of criminal investigations were being brought under anti-terrorism laws and related provisions. While the evidence against the accused had not yet been produced by the authorities, the accusations against those questioned suggest a continuation of the pattern of abuse of anti-terrorism laws against people alleged to have organised or participated in demonstrations.

Since the Gezi Park protests took off around the country, scores of alleged and actual organisers of related demonstrations have been arrested in a series of raids and police operations in cities across Turkey. A number of those detained were still being held on remand by the end of August. It is these alleged protest organisers that risk the most serious charges, including on terrorism-related charges. It is still unclear how many of those detained and questioned will ultimately stand trial. It is clear, however, that the Turkish authorities have been determined to send out a very strong signal that the Gezi Park protests will not be tolerated – and that those organising them do so at considerable risk.

On 1 August in Ankara, the Bar Association told Amnesty International that 50 people had been detained from their houses following the demonstrations, of which 35 had been charged and remanded in pre-trial detention. As of the end of August, six people remained in pre-trial detention. Lawyers told Amnesty International that those detained and questioned were accused of offences including membership of an [illegal] organization (Article 314) committing a crime in the name of an [illegal] organization (220/6), attempting to overthrow the government by force (Article 312), and damage to public property (Article 152). As of the end of August no prosecution had been opened and a secrecy decision had been issued in relation to the case meaning that defence lawyers cannot see the file containing the evidence against the accused.<sup>87</sup> Lawyers told Amnesty International that those detained had been questioned about their participation in Gezi Park protests and previous demonstrations.

In Antakya, lawyers told Amnesty International that two operations were launched by police in July to detain people from their houses. Around 30 people were detained, of which 13 were still remanded in pre-trial detention by the end of August. A lawyer representing some of the people under investigation told Amnesty International that his clients had been accused of “membership of an [illegal] organization” (Article 314). He said that evidence presented at the investigation stage included postings on the social networking site Facebook, possession of legal left wing magazines found during house searches, video recordings and photos taken

at the scene of protests, which allegedly showed the accused throwing stones and the accused persons' connection with registered political parties or associations. The lawyer told Amnesty International that the accused persons were questioned by prosecutors regarding their role in the protests.

In Istanbul, there have been a series of detentions following the Gezi Park protests. One such operation has targeted members and supporters of the Socialist Party of the Oppressed (ESP). Lawyers representing the defendants told Amnesty International that 69 people were detained in connection with this operation and that 27 were remanded in custody, with arrest warrants issued for a further 21 people. In addition to the Gezi Park protests, individuals were questioned in relation to protests relating to a hunger strike which took place in 2012, demonstrations for May Day in Istanbul in 2013 and press statements made during this time. The suspects, including all those remanded in custody, were accused of membership of an illegal organization, the Marxist Leninist Communist Party, (MLKP), a banned armed group in Turkey. Lawyers told Amnesty International that telephone records showing that individuals were in the area of demonstrations at the time they were taking place and photographs that police say show the individuals were at demonstrations were presented to the accused. The authorities also claim to have discovered several weapons and explosive material, but these claims are disputed by the accused.

Another wave of arrests targeted members and supporters of the Socialist Democracy Party (SDP). Lawyers told Amnesty International that 72 people were detained following arrests that were made in the party building and two nearby locations on 11 June. Of those individuals, four have been remanded in pre-trial detention. According to the lawyers, persons questioned were accused of offences including; attempting to change the constitutional order by force (Article 309 of the Penal Code), Attempting to overthrow the government by force (Article 312). Of the four people who have been remanded in pre-trial detention one of them has been charged under Article 314 of the Penal Code (membership of an [illegal] organization). The three others have been charged with committing a crime in the name of an [illegal] organization (Article 220/6 of the Penal Code). The authorities maintain that one of the detained persons was photographed on Taksim Square throwing petrol bombs at police.

Members of Taksim Solidarity have also been targeted. Taksim Solidarity is a platform representing 150 political parties, NGOs and professional bodies that first organised opposition to the redevelopment of Gezi Park. Police detained 48 members of Taksim Solidarity after it called supporters to Gezi Park on 8 July - the day the park was briefly opened after being cleared by police on 15 June. Among those detained were Ali Çerkezoğlu, General Secretary of the Istanbul Medical Association and Mücella Yapıcı, General Secretary of the Chamber of Architects and Engineers. Requests to remand Ali Çerkezoğlu, Mücella Yapıcı and ten others were rejected by the Court. Members of Taksim Solidarity told Amnesty International that they were questioned about their organization of the protests and accused of "forming a criminal organization" (Article 220 of the Penal Code).

Lawyers in Izmir told Amnesty International that 65 people had been detained in the course of four police operations, of which 49 were still being held on remand at the end of August. Of those in pre-trial detention 25 were university students. Those detained and released were suspected of breaking the Law on Meetings and Demonstrations, and/or resisting arrest (Article 265 of the Penal Code). Those still in pre-trial detention were additionally accused of

“committing a crime in the name of an [illegal] organization” (Article 220/6 of the Penal Code).

## PROSECUTIONS

Prosecutions brought against individuals for their alleged participation in Gezi Park protests illustrate the intention of the authorities to prosecute individuals solely for their participation in the demonstrations without evidence that they themselves participated in any violent act. Prosecutions previously brought against alleged protestors in Turkey have similarly accused many of participation in demonstrations and in cases where it is alleged that violent acts were committed, evidence that individuals themselves committed violent acts has very frequently been absent.

A number of prosecutions have been opened against people alleged to have participated in Gezi Park protests in Istanbul. One case, seen by Amnesty International has been brought against seven people apprehended during a Gezi Park protest in Taksim on 29 June. The accused, most of whom are in their early 20s are accused of “failure to disperse from an unauthorized demonstration on request” under Article 32/1 of the Law on Demonstrations, “resisting an official in the pursuance of his duties” under Article 265 of the Penal Code and defamation of public officials under Article 125 of the Penal Code.<sup>88</sup>

According to the prosecutor the police gave numerous warnings for the group of [an unstated number of] demonstrators to disperse and that police used force against demonstrators who shouted slogans defaming the police and high state officials and threw stones.

According to the prosecutor, the evidence presented against the individuals is that photographs taken at the scene or found during searches or apprehension show that the accused were in possession of; an “industrial glove”, a white mask and white helmet, black spray paint, a cloth with “Taksim Solidarity” written on it, a gas mask, goggles and helmet. Two people are accused of being in possession of a slingshot and a bread knife (which they deny).

According to the prosecutor, all of the accused resisted the police and were responsible for attacks on police, and that they all defamed the Prime Minister and Istanbul public officials [although evidence for these claims is not presented]. The prosecutor also states that an examination of the photographs shows that the accused regularly participated in Gezi Park protests.<sup>89</sup>

The first prosecution to be brought against Gezi Park protestors in Ankara displays similar failings. The prosecution has been brought against 73 individuals on the basis of their participation in the funeral of Ethem Sarısülük, a 19 year-old youth shot by police during an earlier Gezi Park demonstration in Ankara (see page 37).

Amnesty International is concerned that the prosecution against many of the protestors is based solely on their participation in the funeral procession and not on any evidence that they were personally engaged in any violent or otherwise recognisable criminal acts. The protestors are accused of “participating in an illegal demonstration” and “failing to disperse despite warnings to do so and force being used”, under Article 32 of the Law on Meetings and Demonstrations. The offence is punishable by up to three years imprisonment.<sup>90</sup>

The funeral procession was due to take place on 16 June in Ankara from the Cemevi<sup>91</sup> through the central Kızılay district to Sıhhiye. According to the indictment, the procession was refused permission to proceed on the grounds of “preventing provocations and in order to avoid unwanted events”.<sup>92</sup> The indictment goes on to state that an audible warning was given at 12.15pm on the day of the funeral; that the march was in violation of the Law on Meetings and Demonstrations and that the group, which according to the indictment, numbered 1,500 people was told to disperse, or force would be used to break up the assembly.

The indictment makes reference to international human rights law standards on the right to peaceful assembly but also states that the right to peaceful assembly does not protect any demonstration which contains an attack or another form of violent act,<sup>93</sup> contradicting international standards which state that “acts of spontaneous violence or other punishable acts committed by others do not deprive peaceful individuals of their right to freedom of peaceful assembly”.<sup>94</sup>

Water cannon and tear gas were used to break up the demonstration and the 73 indicted individuals were arrested. According to the indictment, three of the demonstrators are identified by video footage of the events as throwing stones. Another can allegedly be seen with a stone in his hand. The rest face prosecution on the grounds that they were detained at the scene of the demonstration and that upper body searches of them at the time recovered items that indicated that they were part of the demonstration. The indictment states these items to be; stones, gas masks, goggles, lotion [presumably for the treatment of tear gas exposure], lemons, milk, vinegar [which are also used to treat tear gas exposure].

The first hearing in the case was set for 1 November 2013.

# ATTACKS ON THOSE REPORTING ON THE PROTESTS, ASSISTING THE PROTESTORS OR DEFENDING THEIR RIGHTS

Senior members of the government and other public officials frequently insulted, criticised and threatened those they perceived to be supporting the demonstrators. Those singled out for criticism included a diverse range of groups and professions that were variously accused of providing logistical support for the protestors, misrepresenting the events in the media or even organizing the protests themselves. An Ankara police report issued to prosecutors is representative of the authorities' view, alleging legal and illegal organizations had provoked the members of the public to "commit crimes [...] and rise up against the government." The document alleges that "Because the majority of the individuals who took part in the actions were not part of an organisational structure, they were agitated and directed by anti-government media organisations, civil society organisations, [football] fan groups, members of the arts community, and marginal groups." The police further allege that these groups are responsible for portraying these "illegal actions" as a democratic right. It lists the organizations responsible as The Chamber of Architects and Engineers (TMMOB), The Contemporary Lawyers Association (ÇHD), the Turkish Medical Association (TTB), Ankara Bar Association, The Human Rights Association of Turkey (IHD) and Ankara Medical Association as fostering public support for the protestor groups, putting psychological pressure on the Ankara justice and security apparatus and encouraging people to make criminal complaints regarding excessive force committed by police. The report goes on to accuse international media organizations such as CNN, BBC, The Economist, Al Jazeera and Reuters of exaggerating or distorting the protests, amounting to disinformation.<sup>95</sup>

Representatives of the groups singled out for government criticism have also been targeted by police on the ground with verbal abuse, detention, physical violence or other threats. Such groups have notably included journalists working for the international media and opposition media in Turkey, social media users, doctors that provided first aid to those injured at the scene of demonstrations and lawyers who provided a key role offering advice and representing people in detention.

Businesses opening their doors to fleeing protestors have also been singled out by government officials. The Divan Hotel, close to Gezi Park was one of the most visible businesses to do so. The Prime Minister accused the hotel owners of "abetting criminals" along with others that allegedly provided food free of charge to protestors.<sup>96</sup> A subsequent tax audit in July focussing on three companies belonging to Koç Holding, the owners of the Divan Hotel, and which resulted in a more than \$1 billion drop in its share price, is widely perceived

to be the authorities' response to what they see as the group's support for the Gezi Park protests, though this allegation is strenuously denied by the government.<sup>97</sup>

## MEDICAL PERSONNEL

Makeshift health clinics staffed by volunteer medical personnel played a key role in providing first aid to people injured at the scene of demonstrations, treating minor injuries and serious conditions alike. This was particularly important given the chemicals, projectiles and other dangerous equipment and tactics used by the police. Reliance on makeshift health clinics was increased due to the failure of the police to ensure that medical aid was provided to injured persons at the earliest possible moment, as they are required to do by international standards.<sup>98</sup> In Ankara and Izmir, doctors told Amnesty International that ambulances would not attend the scene of protests for "security reasons". Many people told Amnesty International that they feared going to hospitals to receive treatment as it may identify them as having participated in the protests leading to their detention or prosecution, all of which added the reliance on the makeshift health clinics.

In Ankara, Istanbul and Izmir, doctors reported raids on health clinics and threats or actual violence by police against medical personnel in an apparent systematic attempt to intimidate medical personnel and prevent protestors' access to health services. Medical personnel providing emergency care at the scene of protests were also detained.

## RAIDS ON MAKESHIFT HEALTH CLINICS

In Izmir doctors reported that the health clinic in the building of the Izmir Medical Association was raided by police on the night of 2 June. **Dr. Özlem Aydın**, a doctor staffing the clinic who complained to the police about the raid was reportedly hit with a truncheon, sustaining head injuries.<sup>99</sup>

In Ankara, on the same evening, three raids were made by police on health clinics across the city. A doctor told Amnesty International "Anyone wearing a white jacket became a target that weekend. We made a decision not to wear them."

Doctors told Amnesty International that the first raid was made at around 8pm on 2 June. A makeshift health clinic operating in the entrance floor of Kızılay Shopping Centre was targeted by riot police and plain clothes police using tear gas inside the building. Three doctors were struck by police while carrying out their duties. Five medical students were detained by police from the health clinic. Doctors told Amnesty International that around 100 people were either receiving treatment or seeking refuge at the time the police raided the clinic and that many of them were beaten by police. The raid had the no doubt desired effect of closing the clinic.

Amnesty International was also shown the damage resulting from a reported attack by police on a makeshift health clinic based in the entrance floor of the nearby Civil Service Association Clubhouse at around 9pm on the same evening. Around 40 medical personnel were reportedly providing treatment to a similar number of injured people, some of them with serious injuries including bleeding and wounds requiring stitches. Doctors told Amnesty International that riot police fired tear gas at the window of the clinic, breaking the glass and filling the building with tear gas. Police reportedly beat people running out of the building due to the tear gas. Doctors also reported that the electricity to the building was cut at the

time of the police raid.

Doctors told Amnesty International that at approximately 10pm on the same evening a makeshift health clinic at the nearby Nazım Hikmet Cultural Centre was raided by riot police using the same tactics. Doctors said that the electricity was cut, that the glass of the door to the clinic was broken and two gas canisters thrown in. At the time there were approximately 20 medical personnel on duty and a similar number of people receiving treatment. Police reportedly beat people inside the building and those who ran outside as a result of the gas. Doctors said that there were around a hundred people in the adjacent café, some of them who had received treatment in the clinic and that police beat people in this area too.

In Istanbul, tear gas was repeatedly used at the entrance of or inside makeshift health clinics preventing the treatment of injured people. Reports and video footage show police firing tear gas and pressurized water at the entrance of the makeshift health clinic at the Divan Hotel on 15 June and police removing masks from the faces of people inside and removing lotion used to treat exposure to tear gas.<sup>100</sup> The Chamber of Mechanical Engineers told Amnesty International that police threw a tear gas canister into their building that was being used as a makeshift health clinic on 2 June. Riot police officers were captured on video throwing the capsule into the building.<sup>101</sup> The Istanbul Medical Association told Amnesty International that on 15 June, a makeshift health clinic at the Ramada Hotel in Harbiye was targeted by police and the medical personnel there prevented from carrying out their duties by police. Two people wearing white coats were detained at the scene but later reports indicated that they were not qualified medical personnel. A lawyer present at the scene was among those who reported to have been struck by police (Burcu Öztoprak, see below). Police were also recording using water cannon at the entrance of the German Hospital close to Taksim Square.<sup>102</sup> The Istanbul Medical Association also informed Amnesty International that three doctors, one dentist and a nurse were detained during the protests while transporting medical supplies.<sup>103</sup>

#### ATTEMPTS TO CRIMINALIZE MAKESHIFT HEALTH CLINICS

On 14 June, the Minister of Health stated that the makeshift health clinics were illegal and that medical personnel could face criminal investigation as a result for providing emergency health care there.<sup>104</sup> The Turkish Medical Association issued a firm response reminding the Minister of Health that penalties exist in law for not providing first aid to those in need.<sup>105</sup> Later, in a written communication to the Turkish Medical Association the Ministry stated that doctors who had attended makeshift health clinics during work hours could be subjected to investigation.<sup>106</sup> As of August a legal amendment that would require official permission to open makeshift health clinics was pending approval at the Parliament.<sup>107</sup>

#### LAWYERS

Lawyers have played a crucial role providing *pro bono* advice to detained persons and victims of violence during Gezi Park protests. Their efforts to defend the rights of protestors were hindered by the authorities on various levels. Lawyers in Ankara, Antakya, Istanbul and Izmir all reported that the police had made attempts to deny them access to detainees for extended periods. Lawyers also reported to Amnesty International being verbally abused by police officers. Lawyers in Ankara and Istanbul reported that police made unsuccessful attempts to enter bar association offices where crisis desks had been set up to offer legal advice and monitor detentions. Lawyer **Burcu Öztoprak** told Amnesty International that she was insulted

and assaulted by police who accused her of acting on behalf of an illegal armed group while monitoring detentions on behalf of the Istanbul Bar Association at the Ramada Hotel in Harbiye on 16 June.

On 11 June, in an unprecedented event, two lawyers who were part of a small group attempting to make a press statement condemning police violence in the context of Gezi Park protests were detained at the Çağlayan Courthouse in Istanbul. A much larger group of lawyers then protested the detentions at the courthouse, before themselves being detained and transferred to Istanbul's main security directorate on Vatan Avenue in Fatih. In all 49 lawyers were detained, some of them after being dragged out of the courthouse by police officers. The group was released 11 hours later without official detention procedures being completed, an official record of the detention being provided or legislative requirements relating to the detention of lawyers being followed.

## JOURNALISTS

Journalists have an important role in providing independent coverage of demonstrations. As noted in the OSCE Guidelines "Media footage also provides an important element of accountability both for organizers of events and law enforcement officials. The media must therefore have access to assemblies and the policing operations mounted to facilitate them."<sup>108</sup>

Far from being able to get on with their jobs, journalists reported being subjected insults, obstruction, the destruction of footage, and even physical violence. Indeed, a significant number of journalists reported to Amnesty International being beaten by police officers at demonstrations on account of their work (see the cases of Gökhan Biçici, page 33, Kemal Soğukdere and Alper Çakıcı, page 30, Alp Buğra Bahadır Gültekin, page 34 and Eylem Düzyol and Fulya Atalay, page 34). On 8 July, Reporters without Borders reported that 54 journalists had been ill-treated by police during the course of the Gezi Park protests and 34 had been detained. The organization reported that a number of international journalists were among those detained and ill-treated. One of the detained journalists, **Mattia Cacciatori**, an Italian national has been charged with violating the Law on Meetings and Demonstrations and resisting police officers.<sup>109</sup> If convicted on both counts he could face up to seven years imprisonment. The first hearing in the case was scheduled to take place on 1 November 2013.

During the Gezi Park protests the government made unprecedented attacks on the media, focusing in particular on the international media which it accused of misrepresenting events and attempting to inflame tensions.<sup>110</sup> A number of journalists working for international media organizations reported that they had received anonymous threats of violence. The Justice and Development Party (AKP) Mayor of Ankara Ibrahim Melih Gökçek, started a twitter campaign against one BBC journalist, prompting the BBC to issue a statement expressing concern regarding the "continued campaign of the Turkish authorities to discredit the BBC and intimidate its journalists".<sup>111</sup>

Journalists working for national media often faced pressure to refrain from critical reporting of the authorities' response to the Gezi Park protests by editors and media owners with strong business links to the government. The Journalists Union of Turkey reported on 22 July that 59 journalists had lost their jobs in relation to coverage of the Gezi Park protests, with 22



being fired and 37 journalists forced to resign.<sup>112</sup> The next day, on 23 July, **Yavuz Baydar** was fired from his position as Ombudsman for the pro-government daily, *Sabah* following his criticism of media-self censorship in relation the Gezi Park protests.<sup>113</sup> A week later, one of Turkey's best known columnists, **Can Dündar** was fired from the daily *Milliyet* and the number of journalists reported to have been forced out of their jobs had risen to 81.<sup>114</sup> The dismissals came in an environment where many of Turkey's most well known and critical journalists had already been forced out of their jobs by media bosses keen to maintain positive relations with the government.

#### SOCIAL MEDIA USERS

In the face of self-censorship exercised by large swathes of the mainstream media in Turkey, social media played an important role in providing information regarding developments during the protests and for those wishing to express their support. Government attacked social media companies and its users with the Prime Minister stating "There is a scourge called Twitter".<sup>115</sup> Government statements suggested that they had received user information from Facebook but not from Twitter forcing Facebook to issue a statement denying cooperation with the Turkish authorities<sup>116</sup>. The Government later made a statement that it would require Twitter to open an office in Turkey and require it to cooperate on "universal crimes" including defamation.<sup>117</sup> Government made further statements regarding [unspecified] plans to introduce a law to regulate social media and require cooperation to combat "defamation".<sup>118</sup>

As of the end of August, a criminal investigation into 38 twitter users detained in Izmir on 4 June was still ongoing. The majority of those under investigation are between 18-27 years of age. Lawyers told Amnesty International that many were held in detention for 36 hours and that they are being investigated under Penal Code articles 214, (encouraging the commission of a crime), and 217, (encouraging breaking of the law). The investigations relate to tweets expressing support for the protests and providing information on where police were intervening against protestors, injuries and medical needs, and which areas were safe to protest in. Some of those under investigation risk charges for only one or two tweets. None of the tweets cited to date by police in the course of the investigation represents incitement to violence or any other form of prohibited speech. Indeed, one of them explicitly implores demonstrators not to throw stones.

Amnesty International is also aware of another investigation into social media users in Antakya. Lawyers there told Amnesty International that an investigation was continuing against approximately 50 people for Facebook posts similar to Izmir tweets. Amnesty International would consider any person imprisoned solely for the peaceful online exercise of their right to freedom of expression to be a prisoner of conscience.

# CONCLUSIONS AND RECOMMENDATIONS

The violent response of the Turkish authorities to the Gezi park protests has shocked many both inside and outside Turkey. It has significantly undermined the claims of the ruling Justice and Development Party to be delivering responsible, rights-respecting government and exposed a striking intolerance of opposing voices.

The smashing of the Gezi park protest movement has involved a string of human rights violations – many of them on a huge scale. These include: the wholesale denial of the right to peaceful assembly and violations of the rights to life, liberty and the freedom from torture and other ill-treatment.

The vast majority of police abuses already look likely to go unpunished, while many of those who organised and participated in the protests have been vilified, abused – and now face prosecution on unfair or inflated charges. Those who assisted protestors or reported on the protests – such as doctors, lawyers, journalists and even businesses, have faced threats and harassment.

The Turkish authorities must change tack. They must respect the right to peaceful public protest and ensure that demonstrations are policed responsibly.

To this end, Amnesty International urges the Turkish authorities to:

## RECOMMENDATIONS TO THE TURKISH AUTHORITIES

### **Ensure the right to freedom of peaceful assembly to all persons within its jurisdiction wishing to peacefully express their views, in accordance with international human rights law**

- Conduct a thorough review of the Law on Meetings and Demonstrations and its application and make necessary revisions in line with international human rights law and standards, such as the OSCE's Guidelines on Freedom of Peaceful Assembly;
- Ensure that other laws, including anti-terrorism laws are not used to prosecute people for exercising their right to organise and take part in peaceful assemblies.

**Ensure that nobody is detained or prosecuted for activities protected by the right to freedom of peaceful assembly**

- Remove provisions of the Law on Meetings and Demonstrations that criminalize participation in peaceful demonstrations such as the failure to disperse upon request (Article 32);
- Ensure that individuals who have not committed or encouraged any violent act do not face detention or prosecution even if others in the assembly become violent or disorderly.

**The policing of demonstrations**

- Police should proactively engage with those planning or organizing assemblies in order to identify and mitigate potential risks of conflict or escalation prior to the events;
- Police responses should include a broad range of options that include the possibility of non-intervention if intervention may increase the risk of conflict. The use of force in the dispersal of violent assemblies should be restricted, and used only if other means remain ineffective or without any promise of achieving the intended result;
- Police should employ mediation and negotiation to de-escalate conflicts before resorting to the use of force;
- If force is unavoidable, for example to secure the safety of others, to restrict such force to the minimum amount necessary, in compliance with UN standards for the conduct of law enforcement officials;
- Develop detailed guidance on the use of riot control and restraint equipment in cooperation with expert bodies and publish the guidance once complete;
- Only those law enforcement officials who are rigorously trained and under strict command according to professional standards consistent with those of the UN, OSCE for the legitimate use of force should be authorized to handle equipment which can result in serious injury and even death such as plastic bullets, tear gas (chemical irritants either sprayed or in projectiles), stun grenades or what are commonly called “flash bangs”, batons or truncheons and water cannon and other armoured vehicles;
- The types of equipment used for the purpose of dispersing an assembly must be carefully considered and used only when necessary, proportional, lawful and accountable;
- Each instance of the use of such equipment should be carefully monitored by the authorities complies with international requirements of necessity and proportionality in the use of force;
- Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- Ensure that journalists are able to perform their duties in reporting from the scene of demonstrations unhindered and in safety;
- End the practice of unofficial detention and ensure that all detainees are promptly transferred to official places of detention and are able to have access to lawyers without delay;

- Ensure that officers are individually identifiable at all times when they are policing demonstrations, by means of individual identity badges worn visibly on their uniform, including when they are wearing special gear, such as helmets or other protective clothing.
- Plain clothes officers carrying out policing functions such as arrests or identity checks should identify themselves to the individual concerned and, on demand, to others witnessing the event.

#### **Combat human rights abuses by law enforcement officials**

- Carry out effective and impartial investigations into all cases of alleged ill-treatment by state officials; and bring those responsible to justice;
- Implement the Optional Protocol to the Convention against Torture through the creation of an independent monitoring mechanism to carry out regular and ad-hoc unannounced visits to all places of detention;
- Establish a truly independent and effective police complaints mechanism. In particular, this mechanism should:
  - Have no structural or organizational connection with the police, such as in the form of an independent non-departmental public body, for example a specialized Police Ombudsman or Independent Police Complaints Body;
  - Such a body should be adequately staffed and headed by professionals of acknowledged competency, impartiality, expertise, independence and integrity, who are not members of the law enforcement agencies. It should have at its disposal its own corps of independent expert investigators to investigate complaints.

#### **RECOMMENDATIONS TO STATES INVOLVED IN TRANSFERS OF RIOT CONTROL EQUIPMENT TO TURKEY:**

- Impose an immediate cessation of transfers of chemical irritant devices and kinetic impact projectiles used in riot control to the Turkish law enforcement agencies until the Turkish authorities allow prompt, independent and impartial investigations into the allegations of abusive or arbitrary use of force and demonstrate a commitment to their use in accordance with international standards.

# APPENDIX

## APPENDIX 1: TIMELINE OF GEZI PARK PROTESTS

### **Monday 27 May**

A number of representatives from Taksim Solidarity, a coalition of NGOs, political groups and professional bodies who had been actively speaking out against the regeneration plans in Taksim start gathering in Gezi Park after bulldozers arrive.

### **Tuesday 28 May**

A group of environmental protesters stage a peaceful sit-in at Gezi Park. Police use excessive force (tear gas and pepper spray) in attempts to clear the park.

### **Wednesday 29 May**

The number of protesters in Istanbul grows following public outrage at the excessive force used against the Gezi Park protesters.

### **Thursday 30 May**

Footage shared on social media and news outlets show police setting fire to the tents of protesters occupying Gezi Park in the early hours of the morning. Police use pepper spray and water cannon to disperse the protesters. By the evening, the number of protesters increases significantly.

### **Friday 31 May**

Police move in to Gezi Park in the early hours, using excessive force, including tear gas and water cannon to clear peaceful protesters from the area. Violent interventions by police continue across central Istanbul into the evening. Mass protests spread to Ankara and Izmir as well as other cities including Antakya, Eskisehir, Edirne, Bursa, Kocaeli, Samsun and Adana

### **Saturday 1 June**

Police withdraw from Taksim Square at around 5pm but police interventions carry on in other parts of the city.

Protests continue to spread to other cities, as does the excessive use of force by police against peaceful protesters. Police clash with tens of thousands of demonstrators in Ankara, Izmir and Eskisehir and thousands of protesters in cities across Turkey including Adana, Edirne, Samsun, Antakya, Trabzon, Bursa and Kocaeli.

### **Sunday 2 June**

Police abusive use of force continues across Turkey. Police intervention with tear gas and water cannon against peaceful protests continues in Ankara and Izmir. Police are reported to have attacked makeshift health clinics treating injured protestors in Ankara and Izmir.

In a public statement, Interior Minister Muammer Güler says that in the six days of protest, 1,730 people had been detained in 235 protests held in 67 provinces.

### **Tuesday 4 June**

22 year-old Abdullah Cömert dies having sustained multiple head injuries during police intervention at a demonstration in Antakya on 3 June. Witnesses say he was hit with a tear gas canister fired by police.

38 people are detained in Izmir for messages they posted about the protests on Twitter.

### **Wednesday 5 June**

Turkish Medical Association reports that 4,355 people have been injured across 12 cities with the majority of injuries registered in Istanbul, Ankara, Izmir and Eskişehir.

### **Friday 7 June**

Having returned from a four day trip to North Africa, PM Erdoğan addresses a crowd of supporters in Istanbul. The Prime Minister's speech refers to the protests being illegal, that around 1,000 people had been injured and that most of these were police, and that the protests must end. He also says that there may have been cases of excessive use of force by police

### **Tuesday 11 June**

In the morning, police carry out an intervention in Taksim Square, using tear gas and water cannon ending the 11 day peaceful occupation of the square. Clashes between police and demonstrators continue through the day and into the night.

In the afternoon Istanbul Governor justifies the police intervention into Taksim Square on the grounds that "banners of terrorist organizations" had been placed on the statue in the centre of the square and surrounding buildings. He pledges that there will not be a police intervention in Gezi Park.

From early evening police intervene in Gezi Park, using tear gas, water cannon and plastic bullets.

45 lawyers are detained for protesting the detention of another, smaller group of lawyers for attempt to make a press statement condemning police violence against Gezi Park protestors at the Çağlayan Courthouse in Istanbul.

**Wednesday 12 June**

Prime Minister Recep Tayyip Erdoğan issues a 'final warning' to protesters to leave Gezi Park.

Police fire tear gas in and around the Taksim Gezi Park makeshift health clinic in the early hours of the morning.

**Friday 14 June**

Ethem Sarisülük dies having been shot in the head by a police officer with a live bullet during protests in Ankara on 1 June.

**Saturday 15 June**

Police use tear gas, water cannon and plastic bullets to clear protestors peacefully occupying Gezi Park. Protesters are prevented from re-entering the park.

Police use water cannon and tear gas at the entrance of the Divan Hotel, filling the lobby with tear gas, where a makeshift health clinic had been established to treat injured protestors.

**Sunday 16 June**

Police used excessive force to intervene in the funeral procession for Ethem Sarisülük in Ankara.

**Monday 17 June**

A silent stationary protest - the 'standing man' - begins in the evening, with many others joining in soon after.

At least 16 solitary protestors are detained on Istanbul's Taksim Square, and subsequently released after 8 hours.

Turkish Medical Association reports that 7,478 people have been injured across 12 cities with the majority of injuries registered in Istanbul, Ankara and Izmir.

**Saturday 22 June**

Police fire tear gas in and around a makeshift health clinic at the Chamber of Architects and Engineers.

**Sunday 23 June**

The Ministry of the Interior reports that almost 2.5 million people have taken part in demonstrations in 79 of Turkey's 81 provinces. During this time, approximately 4,900 people had been detained for various periods of time.

### **Monday 24 June**

Turkey's Prime Minister addresses a police academy graduation ceremony, praising the police for their brave, heroic actions during the Gezi Park protests.

Turkish Medical Association statistics show that since the start of the protests 8,038 people sustained injuries in 13 cities.

### **Monday 8 July**

Gezi Park is opened by Istanbul Governor Hüseyin Avni Mutlu to the public, quickly filling with activists and members of the public. After two hours police tell people in the park that they have to leave, shortly after using force including tear gas and plastic bullets. The police operation moves into the surrounding area, and continues into the early hours of the morning.

50 individuals, including representatives of Taksim Solidarity are detained after peacefully attempting to enter Gezi Park.

### **Wednesday 10 July**

19 year-old Ali Ismail Korkmaz is pronounced dead after having been brutally beaten by individuals in civilian clothes as he was running away from police intervention at a protest in Eskişehir on 3 June. Five people including one police officer were later arrested and charged with his murder.

### **Friday 12 July**

All of the representatives of Taksim Solidarity who had previously been detained on 8 July are released.

### **Monday 22 July**

Sevgi Park in Antakya, which had been occupied by peaceful protesters, is cleared by police in the early hours of the morning.

Police use excessive force against protesters in Taksim Square.

### **Friday 26 July**

Prosecutors complete the indictment to commence the first prosecution against Gezi Park protests in Ankara. The prosecution is brought against 73 people for attending the funeral procession of Ethem Sarisülük, a protestor shot dead by police.

### **Thursday 1 August**

Columnist Can Dündar is fired from *Milliyet* newspaper for his coverage of the Gezi Park protests



The Union of Turkish Journalists reports that 81 journalists have been forced out of their jobs as a result of their coverage of the Gezi Park events.

**Saturday 3 August**

Police use excessive force (water cannon, tear gas and plastic bullets) against peaceful protesters wanting to stage a protest in and around Gezi Park. The police intervention continues through the night.

**Monday 19 August**

Police in Antakya use tear gas and water cannon against demonstrators commemorating the 40<sup>th</sup> day since the death of Ali Ismail Korkmaz.

**Tuesday 20 August**

Police use tear gas and excessive force against participants and supporters of 'walk for justice', a group of four people who walked from Antalya to Istanbul to highlight the lack of justice for the victims of the police violence in the context of the Gezi Park protests.

## APPENDIX 2: COUNTRIES SUPPLYING RIOT CONTROL AND RELATED EQUIPMENT TO TURKEY

Amnesty International is calling on governments to suspend transfers of chemical irritant devices and kinetic impact projectiles and launchers to the Turkish law enforcement agencies until the Turkish authorities allow prompt, independent and impartial investigations into the allegations of abusive or arbitrary use of force, and publish the results in order to guarantee protestors' right to peaceful assembly. The following have been reported suppliers:

### **Brazil**

After recently-made tear gas canisters from Brazil were identified in Taksim Square, Brazil's Foreign Ministry said that Brazilian companies had exported so-called non-lethal weaponry to Turkey. The Condor Non-Lethal Technologies SA firm confirmed in June 2013 that it had sold the tear gas to Turkish security forces.

### **Belgium**

New supplies of FN 303 weapons for the Turkish police able to launch pepper, yellow dye and plastic kinetic impact projectiles were announced in July 2010, and seen being used in 2013.

### **China**

The Zhejiang Huaan Security Equipment Co Ltd said it had supplied "Riot Control Suits" to Turkey in 2006.

### **Czech Republic**

The government reported in 2010 and again in 2011 that the Czech Republic exported to Turkey an unspecified quantity of "stun guns and pepper spray".

### **Hong Kong**

Checkmate Industries supplies a wide range of Chinese riot control equipment including vehicles, launchers, ammunition and protective equipment to a number of countries. In 2013 the firm listed Turkey as one of its export destinations but did not specify what equipment was supplied.

### **India**

The Tear Smoke Unit (TSU) plant at Tekanpur, Madhya Pradesh, said in 2009 that it received large-scale orders from countries including Turkey. In 2007 TSU said Turkey bought 10,025 tear gas munitions.

### **Israel**

Israeli firm Beit Alfa Technologies / Beit Alfa Trailer Co., (BAT) which developed the Pulse Jet Water Cannon, was reported in 2007 to have supplied water cannon vehicles to Turkey and Nurol Makina was reported to be BAT's agent in Turkey. The TOMA water cannon used by both the Turkish Police and Gendarmerie is reportedly made by Nurol Makina but is visually similar to the water cannon made by BAT.

### **South Korea**

CS tear gas munitions with the markings of the Korea CNO Tech company were found in Turkey in 2013.

### **UK**

In May 2011 a single license was issued for the export of £32,000 of CS grenades from the UK to Turkey and in December 2011 an open license for unspecified quantities was issued for the export of crowd control ammunition, including CS gas, as well as small arms and parts.

### **USA**

Large numbers of CS tear gas canisters with the markings of the US firm Non Lethal Technologies Inc based in Homer City were found in Taksim Square in 2013.

# ENDNOTES

<sup>1</sup> See Hürriyet, *Taksim Dayanışması'dan talep metni*, 5 June 2013. Available at <http://www.hurriyet.com.tr/gundem/23439555.asp>

<sup>2</sup> See Bianet, *Erdoğan: Taksim'e Cami de Yapacağız*, 2 June 2013. Available at <http://www.bianet.org/bianet/siyaset/147142-erdogan-taksim-e-cami-de-yapacagiz>

<sup>3</sup> See Radikal, *Gezi eylemlerinin bilançosu açıklandı*, 23 June 2013. Available at [http://www.radikal.com.tr/turkiye/gezi\\_eylemlerinin\\_bilancosu\\_aciklandi-1138770](http://www.radikal.com.tr/turkiye/gezi_eylemlerinin_bilancosu_aciklandi-1138770)

<sup>4</sup> See Hürriyet Daily News, *UN secretary-general urges calm and dialogue in Turkey protests*, 11 June 2013. Available at <http://www.hurriyetdailynews.com/un-secretary-general-urges-calm-and-dialogue-in-turkey-protests.aspx?pageID=238&nid=48648>; and statement of the Secretary-General on the situation in Turkey, 18 June 2013. Available at <http://www.un.org/sg/statements/?nid=6913>.

During a meeting with TESK (Confederation of Turkish Tradesmen and Craftsmen) the Prime Minister is reported to have said: "We did not respond to punches with punches. From now on security services will behave differently. They will account for what's been done." Available at <http://www.aksam.com.tr/siyaset/basbakan-erdogan-olaylarin-istihbaratini-3-ay-once-aldik/haber-215118>

<sup>5</sup> For reference to this statement see BBC Türkçe, *Erdoğan: Tencere, tava çalanlar yargıya taşınmalı*, 21 July 2013. Available at [http://www.bbc.co.uk/turkce/haberler/2013/07/130721\\_erdogan\\_gezi.shtml](http://www.bbc.co.uk/turkce/haberler/2013/07/130721_erdogan_gezi.shtml). On the criminal case opened for banging pots and pans in protest see Milliyet, *Tencere-tavada ilk dava açıldı*, 20 August 2013. Available at <http://gundem.milliyet.com.tr/tencere-tavada-ilk-dava-acildi/gundem/detay/1752224/default.htm>

<sup>6</sup> See page 48 of this report.

<sup>7</sup> See Radikal, *Başbakan Erdoğan: Twitter denen bir bela var*, 2 June 2013. Available at [http://www.radikal.com.tr/politika/basbakan\\_erdogan\\_twitter\\_denem\\_bir\\_bela\\_var-1135952](http://www.radikal.com.tr/politika/basbakan_erdogan_twitter_denem_bir_bela_var-1135952); In his speech at the Kazlıçeşme rally in Istanbul on 16 June 2013, Prime Minister Erdoğan said: "We know very well who sent the 30.000 footsoldiers to Taksim square. Those who collude with terrorism in their own hotels, we know very well those, those who host them. Won't they be called to account? If we don't do this, the people will call us to account for it." Full speech available at <http://www.akparti.org.tr/site/haberler/biz-yuzde-yuzun-hukumetiyiz/46043>

<sup>8</sup> Turkish Medical Association, *The Health Status of the Demonstrators*, 15 July 2013. Available at <http://www.ttb.org.tr/index.php/Haberler/veriler-3842.html>

<sup>9</sup> See section on abusive use of force by police

<sup>10</sup> Prime Minister's speech in full is available at <http://www.akparti.org.tr/site/haberler/basbakan-eroganin-milli-iradeye-saygi-erzurum-mitingi-konusmasinin-tam-metn/46327>.

<sup>11</sup> See European Court of Human Rights, *Djavit An v. Turkey (Application no. 20652/92)*, judgment of 20 February 2003, page 19, paragraph 56 available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-60953>; and, *Kokkinakis v. Greece (Application no. 14307/88)*, judgment of 25 May 1993, page 12, paragraph 31 available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57827>

<sup>12</sup> See, Human Rights Council Resolution 15/21, *The rights to freedom of peaceful assembly and of association*, adopted in October 2010 (A/HRC/RES/15/21). Available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/15/21](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/15/21)

<sup>13</sup> See European Court of Human Rights, *Djavit An v. Turkey* (Application no. 20652/92), judgment of 20 February 2003, page 19, paragraph 56 available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-60953>; and *Christians against Racism and Fascism v. the United Kingdom* (Application no. 8440/78), Commission decision of 16 July 1980, page 148. Available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-74286>

<sup>14</sup> UN Human Rights Committee, *General Comment No. 29*, 31 August 2001, page 3, paragraph 5. Available at <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/71eba4be3974b4f7c1256ae200517361?Opendocument>

<sup>15</sup> European Convention on Human Rights, Article 11(2) “No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State”. Similarly, Article 21 of the ICCPR, provides that “No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

<sup>16</sup> See OSCE, *Guidelines of Freedom of Peaceful Assembly*, 2010. Available at <http://www.osce.org/odihr/73405?download=true>

<sup>17</sup> See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, 24 April 2013, page 14 para. 49 available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf). See also OSCE Guidelines, Guideline 2.2, page 15.

<sup>18</sup> See Paragraphs 164 and 167 of the OSCE Guidelines on Freedom of Peaceful Assembly states. Also see paras. 131 and 163, regarding the facilitation of peaceful assemblies, even where the organizers have not complied with the requisite preconditions established by law.

<sup>19</sup> OSCE Guidelines, page 62, paragraph 111; See also Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, page 20, para. 78.

<sup>20</sup> Turkish Constitution, Law No. 2709 entered into force 7 November 1982

**Article 34.** (As amended on October 17, 2001) Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.

The right to hold meetings and demonstration marches shall only be restricted by law on the grounds of national security, and public order, or prevention of crime commitment, public health and public morals or for the protection of the rights and freedoms of others.

The formalities, conditions, and procedures governing the exercise of the right to hold meetings and demonstration marches shall be prescribed by law.

<sup>21</sup> **Article 90.** The ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Turkey, shall be subject to adoption by the Turkish Grand National Assembly by a law approving the ratification.

Agreements regulating economic, commercial and technical relations, and covering a period of no more than one year, may be put into effect through promulgation, provided they do not entail any financial commitment by the state, and provided they do not infringe upon the status of individuals or upon the property rights of Turkish citizens abroad. In such cases, these agreements must be brought to the knowledge of the Turkish Grand National Assembly within two months of their promulgation.

Agreements in connection with the implementation of an international treaty, and economic, commercial, technical, or administrative agreements which are concluded depending on an authorisation given by law shall not require approval by the Turkish Grand National Assembly. However, agreements concluded under the provision of this paragraph and affecting the economic, or commercial relations and private rights of individuals shall not be put into effect unless promulgated.

Agreements resulting in amendments to Turkish laws shall be subject to the provisions of the first paragraph.

International agreements duly put into effect carry the force of law. No appeal to the Constitutional Court can be made with regard to these agreements, on the ground that they are unconstitutional.

<sup>22</sup> The Law on Meetings and Demonstrations, Law No. 2911 entered into force on 6 October 1983. Available at

<http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.2911&sourceXmlSearch=&MevzuatIliski=0>

<sup>23</sup> Article 3 – Everyone has the right to organize unarmed and peaceful meetings and demonstrations without prior permission in accordance with this law that does not consider such meetings and demonstrations unlawful.

<sup>24</sup> Article 10 of the law on demonstrations states that organizers must provide the notification to the Governorship or the Prefecture within at least 48 hours and during working hours, stating the aim of the meeting, date, start and end times and the names, home and if available work addresses of the organizers. Full text available in Turkish at

<http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.2911&sourceXmlSearch=&MevzuatIliski=0>

<sup>25</sup> These include holding a meeting or a demonstration outside the times declared in the notification, possession of weapons or explosives, sharp objects, stones, sticks, iron or plastic bars, metal ropes or chains that can cause injuries or be used to strangle, toxic substances that can burn, corrode or injure, or any other poisonous substances or smoke, gas and other similar substances, carrying insignia of illegal organizations, or wearing clothing that implies a uniform with the insignia of such organizations, or covering of faces completely or partially with the aim to conceal their identity, carrying placards and other objects with slogans that would constitute a crime or diffusing such slogans with amplifiers. Full text available in Turkish at

<http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.2911&sourceXmlSearch=&MevzuatIliski=0>

<sup>26</sup> OSCE Guidelines, page 15, paragraph 1

<sup>27</sup> *Oya Ataman v. Turkey* paras 38 -44 <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-78330>

<sup>28</sup> Prime Minister's speech at Kazlıçeşme rally in Istanbul 16 June 2013. Available at

<http://www.akparti.org.tr/site/haberler/biz-yuzde-yuzun-hukumeti-yiz/46043>

<sup>29</sup> "Standing man" protests began on 17 June by Erdem Gündüz who stood in silence in Taksim square for eight hours and was also carried out by others across the country over the following days, drawing a lot of media attention. See BBC Türkçe, *Erdogan: Tencere, tava çalanlar yargıya taşınmalı*, 21 July 2013. Available at [http://www.bbc.co.uk/turkce/haberler/2013/07/130721\\_erdogan\\_gezi.shtml](http://www.bbc.co.uk/turkce/haberler/2013/07/130721_erdogan_gezi.shtml); and Bianet, *Stadyumda "Her Yer Taksim Her Yer Direniş" Yasağı*, 31 July 2013. Available at <http://www.bianet.org/bianet/spor/148864-stadyumda-her-yer-taksim-her-yer-direnis-yasagi>

<sup>30</sup> For details of Istanbul Governor Hüseyin Avni Mutlu's press statement following the clearing of Taksim Square see HaberTürk, *Vali Mutlu'dan eylemcilerin ailelerine çağrı*, 11 June 2013. Available at <http://www.haberturk.com/gundem/haber/851715-vali-mutludan-eylemcilerin-ailelerine-cagri>

<sup>31</sup> Meeting with Istanbul Governor with representatives of Amnesty International , 11 June 2013

<sup>32</sup> See Sec Haber, *Taksim'e çıkış tamamen yasaklandı*. Available at <http://www.sechaber.com/taksime-cikis-tamamen-yasaklandi/>

<sup>33</sup> See European Court of Human Rights, *Korkmaz v. Turkey* (Application no. 42590/98), judgment of 20 December 2005. Available in French at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-71721>

<sup>34</sup> Paragraph 165 of the OSCE Guidelines states: "**Dispersal of assemblies:** So long as assemblies remain peaceful, they should not be dispersed by law-enforcement officials. Indeed, the dispersal of assemblies should be a measure of last resort and should be governed by prospective rules informed by international standards. These rules need not be elaborated in legislation but should be expressed in domestic law-enforcement guidelines, and legislation should require that such guidelines be developed. Guidelines should specify the circumstances that warrant dispersal and who is entitled to issue dispersal orders (for example, only police officers of a specified rank and above)".

<sup>35</sup> Under restrictions on freedom of assembly, in paragraph 3.2: "**Public space.** Assemblies are as legitimate uses of public space as commercial activity or the movement of vehicular and pedestrian traffic. This must be acknowledged when considering the necessity of any restrictions."

<sup>36</sup> See European Court of Human Rights, *Balçık and Others v. Turkey* (Application no. 25/02), judgment of 29 November 2007, para 52. Available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83580>

<sup>37</sup> See CNN Türk, *Topçu Kışlası'na durdurma kararı*, 31 May 2013. Available at <http://www.cnntrk.com/2013/turkiye/05/31/topcu.kislasina.durdurma.karari/710259.0/index.html>. The stay of execution was overturned on 22 June 2013

<sup>38</sup> Amnesty International, *Turkey: Negotiations a welcome step towards resolving the human rights crisis*. Available at <http://www.amnesty.org/en/library/info/EUR44/016/2013/en>

<sup>39</sup> See Hürriyet, *Egemen Bağış'tan Taksim protestolarıyla ilgili açıklama*, 16 June 2013. Available at <http://www.hurriyet.com.tr/gundem/23517868.asp>

<sup>40</sup> See Turkish Medical Association, *Health Status of the Demonstrators*, 15 July 2013.

<sup>41</sup> See Anadolu Ajansı, *Gezi Parkı için referandum mümkün*, 13 June 2013. Available at <http://www.aa.com.tr/tr/manset/192568--gezi-parki-icin-referandum-mumkun> Gezi Park

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<sup>42</sup> Ethem Sarısülük died on 14 June having been shot in the head with a 9mm bullet on 1 June during protests in Ankara. Abdullah Cömert (22) died on 4 June following police intervention in protests in Ankara. During the intervention on 3 June, Cömert received multiple blows to the head. Ali Ismail Korkmaz (19) was brutally beaten by individuals in civilian clothing after running away from police intervention at a protest in Eskişehir on 3 June. He is reported to have had a brain hemorrhage. Korkmaz died on 10 July. Witnesses said that the group that beat Ali Ismail Korkmaz included plain clothes police officers and civilians. Two other deaths were also reported: police sergeant Mustafa Sarı fell 5 metres off a bridge that was under construction in Adana on 5 June. He died the following day on 6 June. It is reported that Sarı was chasing after protesters who were fleeing from the police when he fell. Mehmet Ayvalıtaş (20) was hit by a car that was driven amongst a group of protesters on 3 June in Istanbul. Ayvalıtaş was pronounced dead at the hospital on the same day. These two deaths are thought to have been accidents not related to clashes between demonstrators and police.

<sup>43</sup> See Milliyet, *Polis destan yazdı*, 25 June 2013. Available at <http://siyaset.milliyet.com.tr/polis-destan-yazdi/siyaset/detay/1727367/default.htm>

<sup>44</sup> Turkey ratified the ICCPR on 23 September 2003, ECHR in 1954, CAT on 2 August 1988

<sup>45</sup> UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

<sup>46</sup> Amnesty International will soon publish a detailed report on the risks to human rights of “less lethal” weapons

<sup>47</sup> This is based on Amnesty France’s recommendations for Flashball use. See Amnesty International, *Lanceur de balles de défense (de type Flashball)*. Available at <http://www.amnesty.fr/AI-en-action/Violences/Mauvais-traitements/Presentation/Lanceur-balles-defense-Flashball>

<sup>48</sup> See Nurol Makina ve Sanayi A.Ş., *TOMA Riot Control Vehicle*, available at <http://www.nurolmakina.com.tr/en/products/internal-security/toma.html>

<sup>49</sup> See T24, *Polise 400 bin biber gazı, 60 yeni TOMA geliyor*, 13 August 2013. Available at <http://t24.com.tr/haber/polise-400-bin-biber-gazi-60-yeni-toma-geliyor/236728>

<sup>50</sup> For videos see <http://webtv.hurriyet.com.tr/20/50932/0/1/alman-hastanesi-ne-toma-li-mudahale.aspx>; and <http://www.youtube.com/watch?v=qfpGoi4chAU>

<sup>51</sup> See NTV, *Vali Mutlu: İlaçlı su, kimyasal değil*, 16 June 2013. Available at <http://www.ntvmsnbc.com/id/25449362/>

<sup>52</sup> See Hürriyet Daily News, *Substance in water cannons in Gezi Park protests harmful and criminal, experts say*, 18 June 2013. Available at <http://www.hurriyetdailynews.com/substance-in-water-cannons-in-gezi-park-protests-harmful-and-criminal-experts-say.aspx?pageID=238&nid=49009>

<sup>53</sup> See Milliyet, *Devletin gazı 20 günde bitti*, 19 June 2013. Available at <http://gundem.milliyet.com.tr/devletin-gazi-20-gunde-bitti/gundem/detay/1724846/default.htm>

<sup>54</sup> See T24, *Polise 400 bin biber gazı, 60 yeni TOMA geliyor*, 13 August 2013. Available at <http://t24.com.tr/haber/polise-400-bin-biber-gazi-60-yeni-toma-geliyor/236728>

<sup>55</sup> See Milliyet, *Devletin gazı 20 günde bitti*, 19 June 2013. Available at <http://gundem.milliyet.com.tr/devletin-gazi-20-gunde-bitti/gundem/detay/1724846/default.htm>



<sup>56</sup> The circular reportedly included measures to be taken before the use of tear gas such as loud warnings for those who want to leave the demonstration to be able to leave, use of water cannons before using tear gas and avoiding the use of tear gas in the vicinity of schools, nurseries, hospitals and hospices. See BBC Türkçe, *Biber gazı kullanımı konusunda genelge*, 27 June 2013. Available at [http://www.bbc.co.uk/turkce/haberler/2013/06/130627\\_biber\\_gazi\\_genelgesi.shtml](http://www.bbc.co.uk/turkce/haberler/2013/06/130627_biber_gazi_genelgesi.shtml)

<sup>57</sup> Interview with Dr. Şebnem Korur Fincancı 5 August

<sup>58</sup> *Abdullah Yaşa and Others v. Turkey* (Application no. 44827/08), judgment of 16 July 2013 paras 48-50. Available in French at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-122368>

<sup>59</sup> See European Court of Human Rights, *Ali Güneş v. Turkey* (Application no. 9829/07), judgement of 10 April 2012. Available at <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-110262>; and *Case of Abdullah Yaşa and Others v. Turkey* (Application no. 44827/08). Available in French at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-122368>

<sup>60</sup> See for example Gerçek Gündem, *Ahmet Şık başından vuruldu*, 31 May 2013. Available at <http://www.gercekgundem.com/?p=548398>

<sup>61</sup> Interview with Burak Ünveren, 19 June 2013.

<sup>62</sup> Searches known as GBT (Genel Bilgi Toplama) of information held on an individual by the state including criminal records.

<sup>63</sup> Interview on 26 June 2013

<sup>64</sup> Video available at <http://www.youtube.com/watch?v=eC9-Z7gw3DA>

<sup>65</sup> Interview with Eylem Düzyol and Fulya Atalay, 18 July 2013.

<sup>66</sup> See See Radikal, *'Gelen vurdu giden vurdu'*, 23 June 2013. Available at [http://www.radikal.com.tr/hayat/gelen\\_vurdu\\_giden\\_vurdu-1138794](http://www.radikal.com.tr/hayat/gelen_vurdu_giden_vurdu-1138794)

<sup>67</sup> See Hürriyet, *Alp Buğra Bahadır Gültekin gözaltına alındı*, 3 August 2013. Available at <http://www.hurriyet.com.tr/gundem/24454246.asp>

<sup>68</sup> See Amnesty International, *Turkey: The Entrenched Culture of Impunity Must End*, 5 July 2007. Available at <http://www.amnesty.org/en/library/info/EUR44/008/2007>. Also see Amnesty International *All Children Have Rights: End Unfair Prosecutions of Children under Anti-terrorism Legislation in Turkey* - impunity section page 11-14 Available at <http://www.amnesty.org/en/library/info/EUR44/011/2010>

<sup>69</sup> See Human Rights Committee, *Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session*, 13 November 2012, para 14. Available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/475/98/PDF/G1247598.pdf?OpenElement>; and Committee Against Torture, *Concluding Observations 45th session*, 20 January 2011, para 8. Available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsvJXP2%2b500L9036biF%2f9eatHQ7LHvsqWAd%2b%2b%2bHXKOD2ILPJaGWwJRuUgEAs7kwizhMPDMVAioTxk2eARyYSuV9NLswm9MnrFSqmXLC4m>

<sup>70</sup> Deputy Prime Minister Bülent Arınç apologised for the excessive use of force by police during the first days of the protests in Istanbul, in contradiction with other government statements exonerating the police. See BBC "Turkey protests resume in Istanbul after apology" <http://www.bbc.co.uk/news/world-europe-22776946>

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- <sup>71</sup> See Milliyet, *Polis destan yazdı*, 25 June 2013. Available at <http://siyaset.milliyet.com.tr/polis-destan-yazdi/siyaset/detay/1727367/default.htm>
- <sup>72</sup> For instance, laws requiring video recording of places of detention and the identification of riot police officers with helmet numbers have been important in combating abuses.
- <sup>73</sup> See Radikal, *Gezi Parkı'nda polis şiddetine soruşturma açıldı*, 11 June 2013. Available at [http://www.radikal.com.tr/turkiye/gezi\\_parkinda\\_polis\\_siddetine\\_sorusturma\\_acildi-1137182](http://www.radikal.com.tr/turkiye/gezi_parkinda_polis_siddetine_sorusturma_acildi-1137182)
- <sup>74</sup> See Council of Europe, *European Code of Police Ethics*, March 2002. Available at <http://polis.osce.org/library/f/2687/500/CoE-FRA-RPT-2687-EN-500>
- <sup>75</sup> See Radikal, *İzmir Emniyet Müdürü 'sopalıları' açıkladı: Sivil polisler*, 4 June 2013. Available at [http://www.radikal.com.tr/turkiye/izmir\\_emniyet\\_muduru\\_sopalilari\\_acikladi\\_siviller-1136245#](http://www.radikal.com.tr/turkiye/izmir_emniyet_muduru_sopalilari_acikladi_siviller-1136245#)
- <sup>76</sup> Video showing the moment Ethem Sarısülük was shot available at <http://webtv.hurriyet.com.tr/2/50629/0/1/ankara-daki-gezi-parki-protestolarinda-ethem-sarisuluk-boyle-vuruldu.aspx>
- <sup>77</sup> Interview with the governor of Eskişehir Güngör Azim Tuna on CNN Türk, 10 July 2013. Available at <http://www.youtube.com/watch?v=umjCajKzTw>
- <sup>78</sup> See Bianet, *"Hasarlı" Görüntüleri Alan Emniyet Görevlilerine Soruşturma*, 10 July 2013. Available at <http://bianet.org/bianet/insan-haklari/148385-hasarli-goruntuleri-alan-emniyet-gorevliilerine-sorusturma>
- <sup>79</sup> See T24, *Ali İsmail Korkmaz cinayetini ortaya çıkaracak kamerayı sivil polis mi kapattı?*, 21 September 2013. Available at <http://m.t24.com.tr/haber/ali-ismail-korkmaz-cinayetini-ortaya-cikarak-kamerayi-sivil-polis-mi-kapatti/240119>
- <sup>80</sup> See Milliyet, *Ali İsmail cinayetinde flaş gelişme*, 7 August 2013. Available at <http://gundem.milliyet.com.tr/ali-ismail-cinayetinde-flas-gelisme/gundem/detay/1747227/default.htm>
- <sup>81</sup> See Radikal, *Mehmet Ali Şahin: Gezi eylemleri müebbetlik suç kapsamında*, 31 July 2013. Available at [http://www.radikal.com.tr/turkiye/mehmet\\_ali\\_sahin\\_gezi\\_eylemleri\\_muebbetlik\\_suc\\_kapsaminda-1144298](http://www.radikal.com.tr/turkiye/mehmet_ali_sahin_gezi_eylemleri_muebbetlik_suc_kapsaminda-1144298)
- <sup>82</sup> See Amnesty International, *Turkey: Decriminalize dissent: Time to deliver on the right to freedom of expression*, March 2013, pages 17- 31. Available at <http://amnesty.org/en/library/info/EUR44/001/2013/en>
- <sup>83</sup> See Radikal, *Ali İsmail Korkmaz'ın ölümünde 6'ıncı adam*, 26 August 2013. Available at <http://webtv.radikal.com.tr/turkiye/4829/ali-ismail-korkmazin-olumunde-6inci-adam.aspx>
- <sup>84</sup> See Radikal, *Gezi eylemlerinin bilançosu açıklandı*, 23 June 2013. Available at [http://www.radikal.com.tr/turkiye/gezi\\_eylemlerinin\\_bilancosu\\_aciklandi-1138770](http://www.radikal.com.tr/turkiye/gezi_eylemlerinin_bilancosu_aciklandi-1138770)
- <sup>85</sup> Interview 1 August 2013
- <sup>86</sup> See BBC Türkçe, *Kimdi peki bu #duranadam?*, 18 June 2013. Available at [http://www.bbc.co.uk/turkce/haberler/2013/06/130618\\_duranadam\\_kim.shtml](http://www.bbc.co.uk/turkce/haberler/2013/06/130618_duranadam_kim.shtml)
- <sup>87</sup> "Secrecy decisions" block the disclosure of evidence to defence lawyers ahead of the release of the indictment. The measure is enacted by a judge following an application by the prosecutor in the case under Article 153 of the Code of Criminal Procedure on the grounds that disclosure of the evidence

would “jeopardise the aims of the investigation.”

<sup>88</sup> Indictment of 16 July 2013, no. 2013/13024, p 1-2

<sup>89</sup> Indictment of 16 July 2013, no. 2013/13024, p 3

<sup>90</sup> According to Article 32/1 of the Law on Meetings and Demonstrations 2911.

<sup>91</sup> A Cemevi is a place of worship for Alevis. Alevism has practices distinct from those of Turkey’s Sunni majority who worship in a mosque.

<sup>92</sup> Indictment of 26 July 2013, case no. 2013/493, page 7

<sup>93</sup> Indictment of 26 July 2013, case no 2013/493, page 9

<sup>94</sup> See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, 24 April 2013, page 14 para. 49 available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf)

<sup>95</sup> See Cumhuriyet, *Emniyet’ten sınır aşan fezleke*, 3 July 2013. Available at <http://www.cumhuriyet.com.tr/?hn=426416>

<sup>96</sup> They say ‘police attacked the hotel’. The police didn’t attack the hotel without any reason. Those who fought against the police in the squares went to that hotel. The owners of the hotel invited them in and hosted them. Afterwards the police entered the hotel. As you well know there is a crime called ‘abetting’ in the law. This is a crime of abetting as it happens. <http://haber.gazetevatan.com/divan-otel-de-yataklilik-etti/548619/9/siyaset>

<sup>97</sup> See Spiegel Online, *Investors Nervous: Erdogan’s Witch Hunt Endangers Economy*, 20 August 2013. Available at <http://www.spiegel.de/international/business/erdogan-endangering-economy-with-financial-sector-witch-hunt-a-917370.html>

<sup>98</sup> General Provision 5 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that: “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.”

<sup>99</sup> Also see the Turkish Medical Association reporting of the event, *İzmir’de Sağlık Hizmeti Sunan Meslektaşımıza Polis Saldırısı*, 9 June 2013. Available at <http://www.ttb.org.tr/index.php/Haberler/izmir-3853.html>

<sup>100</sup> Video of police removing masks and lotions from inside the Divan Hotel on evening of 15 June available at <http://www.youtube.com/watch?v=V7-WDegwRtY>

<sup>101</sup> Video available at <http://www.youtube.com/watch?v=x7jjQpw5J0>

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- <sup>102</sup> See Hürriyet TV, Alman hastanesine TOMAlı mudahale video, 16 June 2013. Available at <http://webtv.hurriyet.com.tr/20/50932/0/1/alman-hastanesi-ne-toma-li-mudahale.aspx>
- <sup>103</sup> Interview of 13 August
- <sup>104</sup> See Bianet, *Gönüllü Doktorlara Soruşturma!*, 14 June 2013. Available at <http://www.bianet.org/bianet/insan-haklari/147570-gonullu-doktorlara-sorusturma>
- <sup>105</sup> See Turkish Medical Association Press Release, *Gezi eylemcilerine gönüllü sağlık hizmeti, insani yardım 'hukuki değil' mi?*, 17 June 2013. Available at <http://www.ttb.org.tr/index.php/Haberler/hukuki-3862.html>
- <sup>106</sup> The letter is available at <http://sozcu.com.tr/2013/gundem/saglik-bakanligindan-revirlere-sorusturma.html>
- <sup>107</sup> See Hürriyet, *Sağlıktaki torba tasarıya hekimlerden ağır eleştiri*, 24 June 2013. Available at <http://www.hurriyet.com.tr/ekonomi/23575034.asp>
- <sup>108</sup> See OSCE, *Guidelines of Freedom of Peaceful Assembly*, 2010, para 169. Available at <http://www.osce.org/odihr/73405?download=true>
- <sup>109</sup> See Bianet, *İtalyan fotoğrafçıya 7 yıl hapis istemiyle dava açıldı*, 20 July 2013. Available at <http://www.bianet.org/bianet/insan-haklari/148615-italyali-fotografciya-7-yil-hapis-istemiyle-dava-acildi>. He is charged under Article 265 of the Penal Code (resisting an official in the pursuance of his duties) and Article 32 of the Law on Meetings and Demonstrations (failing to disperse despite warnings to do so and force being used)
- <sup>110</sup> Excerpts from the Prime Minister's full speech at Istanbul Rally, 16 June 2013. Available at <http://www.akparti.org.tr/site/haberler/biz-yuzde-yuzun-hukumetiyiz/46043>
- <sup>111</sup> See BBC Media Centre, *Statement regarding BBC reporters in Turkey*, 24 June 2013. Available at <http://www.bbc.co.uk/mediacentre/statements/bbc-reporters-turkey.html>
- <sup>112</sup> See Bianet, *Gezi Direnişinde 59 Gazeteci İşten Çıkarıldı, İstifaya Zorlandı*, 22 July 2013. Available at <http://www.bianet.org/bianet/medya/148636-gezi-direnisinde-59-gazeteci-isten-cikarildi-istifaya-zorlandi>
- <sup>113</sup> See The Guardian, *Turkish paper fires readers' editor after refusing to publish his columns*, 24 July 2013. Available at <http://www.theguardian.com/media/greenslade/2013/jul/24/press-freedom-turkey?guni=Article:in%20body%20link>
- <sup>114</sup> See Radikal, *Ve Can Dündar da gitti*, 2 August 2013. Available at <http://www.radikal.com.tr/turkiye/ve-can-dundar-da-gitti-1144521>; and BBC Türkçe, *Türk medyasında neler oluyor?*, 12 August 2013. Available at [http://www.bbc.co.uk/turkce/haberler/2013/08/130809\\_turkiye\\_basin\\_ozgurlugu.shtml](http://www.bbc.co.uk/turkce/haberler/2013/08/130809_turkiye_basin_ozgurlugu.shtml)
- <sup>115</sup> See NTV, *Erdogan: Twitter denilen bir bela var*, 2 June 2013. Available at <http://www.ntvmsnbc.com/id/25446690/>
- <sup>116</sup> See Facebook Newsroom, *Fact Check*, 26 June 2013. Available at <http://newsroom.fb.com/Fact-Check>
- <sup>117</sup> See Zaman, *Twitter'in Türkiye'de ofis açması için yasayı değiştireceğiz*. [http://www.zaman.com.tr/ekonomi\\_twitterin-turkiyede-ofis-acmasi-icin-yasayi-degistirecegiz\\_2113925.html](http://www.zaman.com.tr/ekonomi_twitterin-turkiyede-ofis-acmasi-icin-yasayi-degistirecegiz_2113925.html)

<sup>118</sup> See Hürriyet Daily News, *Government working on draft to restrict social media in Turkey*, 18 June 2013. Available at <http://www.hurriyetdailynews.com/government-working-on-draft-to-restrict-social-media-in-turkey.aspx?pageID=238&nid=48982>



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*Cover photo:* On 31 May, following their dawn intervention in Gezi Park riot police continued to attack hundreds of protestors who were participating in a sit-in by the tramway stop in Taksim Square. According to the Istanbul Medical Association, around 100 people were injured.  
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