

IHF FOCUS: national human rights protection; freedom of expression and free media; peaceful assembly; freedom of association; torture, ill-treatment and police misconduct; national and ethnic minorities.

While Turkey has ratified all major UN and European human rights instruments, it has made substantial reservations to them and declarations to the effect that its obligations under several key articles have been interpreted in accordance with its national law. Most reservations concern minority rights, especially with regard to the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child. Some European governments have lodged objections to the Turkish reservations based on their concern that such reservations raised doubts about the commitment of the Turkish government to the objectives and purposes of the conventions in question.¹ As the government has delayed its initial reports under the International Covenants on Civil and Political Rights (ICCPR) and on the ICESCR, the validity of these reservations have not been assessed yet. In 2005, Turkey acceded to the International Convention on the Protection of All Migrant Workers and signed the Optional Protocol on the Convention against Torture. Turkey has also ratified Protocol No. 13 to the European Convention on Human Rights (ECHR) abolishing the death penalty under all circumstances.

On the other hand, according to an amendment to the Constitution of Turkey in May 2004, in the event of a conflict regarding rights and freedoms between national law and international obligations (article 90), international agreements shall have precedence over national legislation. While some courts applied this constitutional principle to their judgments, the judiciary was generally inconsistent in respecting international human rights law. The problem of interpretative discrepancies between courts also applied in the im-

plementation of the legislation reforms initiated by the government in connection with the EU accession process.²

In an amendment to the constitution in May 2004, all references to the death penalty were eliminated. In order to align its legislation with the EU *acquis*, Turkey adopted a new Press Law in June 2004 and a new Law of Associations in July 2004. The new penal code, as well as the code of criminal procedure, the Law on Enforcement of Sentences and the Law on the Establishment of the Regional Courts of Appeal entered into force in June 2005, introducing structural reforms into the criminal justice system in Turkey. In March 2004, a new Regulation on Legal Aid was also passed, extending the scope of legal aid to cover court costs.

Since 2003, the government has officially promoted a policy of "zero tolerance" against torture and ill-treatment. The measures against torture and ill-treatment included eliminating obstacles to the prosecution of officers charged with such offences and to measures to reduce or suspend penalties decided for such officers. New safeguards were put in place to ensure the rights of detainees to access medical and legal assistance. The Regulation on Apprehension, Detention and Statement Taking, amended in January 2004, improved the protection of the rights of detainees. European Committee for the Prevention of Torture (CPT) commented in a report published in 2005 that the legislative framework in Turkey was capable of effectively preventing torture, but there was a need to enforce the rules in practice.³ In his follow-up report on the mission to Turkey, UN special rapporteur on torture also made recommendations in relation to the implementation of the current legal framework for the prevention of torture

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by judges and prosecutors as well as by law enforcement officials.⁴

Despite the legislative improvements introduced in the past two years, Turkey's laws and practices in 2005 still fell short of international standards for the protection of human rights. Among the main concerns were institutionalized impunity for human rights violations, extra-judicial killings, the situation of more than one million internally displaced persons (IDPs), torture and ill-treatment, violence against women and children, child labour, the situation of asylum seekers and refugees, inhumane prison conditions, restrictions on minority rights and restrictions on freedom of expression and freedom of peaceful assembly. National human rights NGOs considered that their monitoring of the human rights situation in Turkey suggested a regression compared to the situation and the attitude of the government in 2004.⁵

In reviewing the progress in Turkey with respect to pre-accession reforms, the European Commission (EC) commented on the application of the ECHR by Turkish courts, that it was "difficult to discern a clear positive pattern, as provisions of Turkish law and even articles of the ECHR are not interpreted consistently."⁶ EC progress report as well as other international monitoring reports also pointed to the close relations between judges and prosecutors, on the one hand, and the large role of the police in prosecution.⁷

The Human Rights Association of Turkey (HRA) reported,⁸ that at least 44 persons were killed extra-judicially in 2005 (40 in 2004)⁹ and at least 13 in prisons (30 in 2004) and three in police custody under suspicious conditions (five in 2004). Furthermore, seven persons were killed due to excessive use of force by security forces during demonstrations, injuring 330 persons. A total number of 496 persons (including a civilian) were killed in alleged clashes with or during military op-

erations against armed organizations, mainly the former PKK (*Kongra-Gel*).¹⁰ Most of the clashes occurred in the south-east. According to HRA, 69 persons were reportedly killed due to explosion of land mines and unexploded ordinances remaining from clashes and military operations in southeastern and eastern Turkey, injuring a further number of 161 persons, including a large number of children. Both human rights organizations and the Turkish Parliamentary Human Rights Inquiry Commission expressed their concerns on unlawful activities of the elements in the military against Kurdish civilian population as well as the militant activities, including the evacuation of settlements and a bomb attack on a civilian target in Hakkari Semdinli.¹¹

The HRA received 825 complaints of torture in 2005, in comparison to 843 in 2004, and information on 106 cases of abductions of persons by security forces (197 in 2004). It also received 40 complaints of sexual harassment of women by security forces during the year. HRA reported at least 2,702 arbitrary detentions (9,711 in 2004). Thirty-nine women and 29 men fell victim to "honor killings," and 116 women and at least 45 children were killed as a result of domestic violence. The year was also characterized by increased government and public awareness of the violence against women and children, a women's rights NGO working in the south-east and among IDP communities in other parts of Turkey preventing a substantial number of "honor killings."

National Human Rights Protection

In the past two years, Turkey has made major modifications to its legislation with a view to protecting human rights and democratizing the country in connection with the EU accession process. In 2004, a paragraph was added to article 90 of the constitution, recognizing the supremacy of "in-

ternational agreements in the area of fundamental rights and freedoms duly put into effect" over national law. The criminal justice system was reformed with a series of laws that came into force in June 2005, amending key provisions that had led to the prosecution of peaceful speech and introducing provisions against "honor killings" and the trafficking of women as well as for the protection of children and combating the impunity of officials involved in gross human rights violations.

The Human Rights Presidency remained the main agency of the central government concerned with human rights. It was tasked to monitor human rights legislation and implementation in Turkey alongside the government's Reform Monitoring Group. While there were no reports of the activities of the Reform Monitoring Group during the year, the presidency became inactive as the National Human Rights Education Committee and the Human Rights Advisory Board were not able to meet and make decisions after their key members were dismissed by the prime minister. The Human Rights Advisory Board was intended to provide a platform for consultations with academics and the relevant NGOs. However, the government displayed contempt for the Human Rights Advisory Board after the adoption of a report on minority rights that admitted the existence of official discrimination against minorities. Fourteen academics and NGO representatives were notified that they were dismissed from the board as of February 2005. The last president in office, a faculty member of the police academy, resigned when the government suspended reforming the board as an independent human rights institution.¹²

Eighty-one provincial and 832 district human rights boards also operated under the Human Rights Presidency. Provincial governors or district sub-governors headed the local boards of human rights, which

were comprised of public officials, representatives of NGOs and of universities who were invited by administrative officials to sit on the boards. Human rights NGOs generally avoided participating in the boards, arguing that they were neither independent nor effective. In June 2005, there were about 104 individual complaints against different authorities.¹³

The Human Rights Inquiry Commission of the Turkish Grand National Assembly consisted of members of parliament and were effective in investigating few complicated cases that came to public attention. The commission also sought solutions to an unknown number of individual complaints. Both the police and gendarmerie had their own human rights complaint and investigation units. It was reported that the Ministry of Interior's Investigation Office received 1,003 human rights complaints since it was established in February 2004 but only one complaint led to disciplinary action against an official.¹⁴

Hina Jilani, the special representative of the UN secretary general on human rights defenders, commented that "the Special Representative notes that as of yet, no independent national human rights body exists to monitor human rights nationally and to conduct independent investigations."¹⁵

Local bar associations were tasked by law to start human rights centers but their activities in this area varied largely, with Diyarbakir Bar Association running a comprehensive human rights program and bar associations while Istanbul and Izmir bar associations, two others with functioning human rights units, reduced their activities in this area. In March 2005, after the election of a new management board, Izmir Bar Association abolished its well-known Torture Prevention Committee. Bar Associations are also required provided legal assistance services paid by the government, but their capacities and commitment varied.

The major civil society actors in the field of human rights were the Human Rights Association (HRA), the Turkish Human Rights Foundation (HRFT), the Organization for Human Rights and Solidarity with Oppressed People (Mazlum-Der), the Helsinki Citizens' Association (HCA), Human Rights Agenda Association (HRAA) and the Amnesty International Branch of Turkey.¹⁶ Several women's and children's rights groups and platforms were also active. Human rights organisations, especially the HRA, is facing judicial harassment with about 500 prosecutions against HRA and its officials, with 47 new cases launched against them between August 2004 and August 2005.¹⁷

Freedom of Expression and Free Media

Human rights organizations reported a significant decrease in prosecutions under legislation restricting freedom of expression in 2005, particularly after the reform in the criminal justice system and the Press Law. While the government amended several provisions under the penal code or other laws, persons expressing their views publicly on controversial issues such as minorities, the Kurdish question, Islam and other religions, and human rights violations continued to be under threat of prosecution and conviction. Criticizing state policies and government institutions or debating historical or political issues were criminalized under the penal code in various articles.

Under the new penal code that entered into force in June, articles 299-301 define "crimes against signs of the state's sovereignty and the honor of its organs." Article 300, for instance, criminalizes "denigrating" the Turkish flag and the national anthem, and article 301 protects "Turkishness," the republic, the parliament, the government, the judiciary, the military and the security forces.

Such provisions still allowed prosecutions against persons expressing their opinions or reporting on controversial issues, including on minorities or Armenian or Kurdish issues and human rights violations, while both the number of prosecutions and the applicable sentences decreased. According to HRA, 192 persons were prosecuted during the year for expressing their opinions, and 59 persons were convicted compared to 693 persons who were sentenced to prison terms and fines for expressing their views in 2004. Eighteen of the persons convicted for expressing their views were prosecuted under article 301 of the new penal code. The independent Network for Monitoring and Covering Media Freedom and Independent Journalism (BiaNet) reported that new cases were launched against 29 journalists, writers and publishers under article 301.¹⁸ Four persons were charged with violating the Law on Crimes against Atatürk, the first President of the Republic of Turkey. BiaNet also reported that 15 journalists and human rights activists were prosecuted under article 216 of the new penal code for "inciting hatred and enmity."

◆ Professor Ibrahim Kabaoglu, the former head of the Human Rights Advisory Board, and board member Professor Baskin Oran faced five years in prison for the Minority Rights and Cultural Rights Working Group report released in October 2004, discussing legal and administrative discrimination against minorities in Turkey. Kabaoglu and Oran are charged under articles 216/1 and 301/2.

◆ Novelist Orhan Pamuk was prosecuted in August under article 301 in relation to his statement regarding the killing of Armenians and Kurds in Turkey in a Swiss newspaper. The charges were dropped under international criticism in January 2006.

The government enacted a new Press Law. The new law replaces prison terms

with fines for those who violate the law. However, human rights organizations and journalists noted that journalists will face prosecution under 25 articles of the new law for legitimate reporting. According to HRA, only one journalist was convicted under the new Press Law while there were 25 journalists in prisons who were detained or remanded with other charges, including the anti-terrorist legislation.

The independent Network for Monitoring and Covering Media Freedom and Independent Journalism reported in July that judicial harassment and political harassment of journalists increased dramatically in April through June 2005.¹⁹ BiaNet also reported that 12 journalist were charged with “disseminating terrorist propaganda” under the Anti-Terrorism Law, including mainstream journalists who reported on the Kurdish question. According to the annual report of this source, 17 journalists, who discussed current human rights issues and the cancellation of a conference on the Armenian issue by a court in their reports or articles were prosecuted for “influencing the court decision” and “attempting to influence fair trial.”²⁰

Arbitrary detention of journalists reportedly decreased in 2005 but some cases were reported, including the following:

- ◆ News reporters Kadir Özbek, Rüstü Demirkaya, Ferit Demir and Haydar Toprakçı (official Anatolian News Agency) were detained by the gendarmerie together with the members of a human rights delegation in Tunceli in August. The reporters were covering the return of army private Coskun Kirandi, who had been kidnapped by the PKK. They were charged for “disseminating terrorist propaganda.”
- ◆ Journalist Birol Duru of the pro-Kurd news agency Diha was detained for four months in Diyarbakir following his arrest in August while covering illicit drug trade in which some security officers were allegedly involved. He was charged with “collabo-

ration with the PKK” under articles 220/7 (membership of an armed organization) and 314/3 (membership of a criminal organization) of the new penal code. Duru was also charged with “denigrating the security forces” under article 301 for his report that security forces were burning forests in Bingol and Tunceli. He was released pending trial in December.

The broadcasting board RTUK continued harassing radio and TV stations with closure terms, including for broadcasting songs in Kurdish. The board imposed heavy fines particularly on local media.

Peaceful Assembly

According to the Law on Assemblies, Meetings and Demonstrations, which was amended in August 2003, governors were no longer allowed to ban demonstrations. In addition, the previous authority of governors or the Interior Ministry to postpone demonstrations and meetings for 30 days was reduced to ten days. Further, the maximum period for the postponement or ban of a meeting was brought down from three months to one month. While organizers were still required to “notify” the security authorities before demonstrations or meetings, the police often mistook “notifying” as an “authorization” process. According to HRA, 34 meetings and demonstrations were prohibited by the authorities during the year.

Police continued to intervene in demonstrations and open-air meetings organized by Kurdish activists, students, trade unionists, human rights groups or left-wing groups. Excessive security measures and the negative attitudes of the police toward demonstrators led to tensions. According to HRA, security forces used excessive force in 101 demonstrations and meetings compared to 124 in 2004. Seven persons were killed during demonstrations while more than 330 demonstrators, including political and minority activists, human

rights activists, students and journalists, were wounded during intervention in these actions.

- ◆ In Şemdinli, local people apprehended two army intelligence officers who were allegedly involved in a grenade attack on a Kurdish bookshop that killed one civilian in November. During disturbances following a press conference in the town of Yüksekova, police killed İsmail Bartın, Ersin Mengeç, Abdülhaluk Geylani and Gıyasettin Avci. It was reported that police used excessive force to disperse people who had assembled to listen to the reading of a press release issued by the Democratic People's Party (DEHAP) about events in Şemdinli.

Prosecutions of activists for peaceful assembly continued in 2005. According to HRA, authorities prosecuted persons participating in at least 24 demonstrations. At least 9 persons were sentenced to heavy fines compared to 134 persons who were sentenced to prison terms for participating in peaceful demonstrations or meetings in 2004. A large number of unionists were prosecuted and faced administrative sanctions for participating in strikes, protest demonstrations and meetings on charges including "stopping work illegally."

- ◆ The leaders of the Turkish Medical Association, Health Labor Union and the Association of the Rights of Medical Patients were prosecuted for organizing a demonstration for the general right to health. Eighty-five defendants were acquitted in April 2005.

Freedom of Association

The 2004 Law on Associations largely removed restrictions on registration and functioning of NGOs. However, restrictions continued to be provided for "prohibited objectives" (article 30), and article 56 of the law stipulated that "No associations will be formed with objectives in contravention of law and morality." Human rights organi-

zations consider these vague terms as potentially threatening. A regulation on the implementation of the law also prohibited NGOs whose names or objectives were considered as unconstitutional, such as promoting a minority culture. According to HRA, the authorities launched prosecutions with the aim of closure against three organizations and security forces intervened in the activities of several NGOs in 2005.

- ◆ In a case against Turkey's largest teacher's union, *Eğitim-Sen*, initiated upon a complaint by the chief of general staff for closure of the union for defending the right to education in children's mother tongues, the Ankara Labor Court decided in February against the indictment on the basis of the case-law of the ECtHR regarding freedom of expression and of association. The court argued that the Turkish law should be interpreted in line with international human rights obligations. However, the Supreme Court of Appeals decided to close the union in May, arguing that freedom of association could be restricted by considerations of territorial integrity and national security. The court stated that Turkish citizens could not be educated in any language other than Turkish and that freedom of association could be restricted for protecting national security and unity. The union avoided closure by removing the statement on the right to education in mother tongue from its statute. The union's leaders and several unionists were prosecuted for protesting the case.

- ◆ The authorities closed the Kurdish Democracy, Culture and Solidarity Association in July pending prosecution in connection with its statute containing an objective relating to education and broadcasting in Kurdish.

- ◆ Ankara Governorate blocked the registration of the gay and lesbian group *Kaos GL* in September based on the argument that its objectives were contrary to law and

morality. The public prosecutor decided not to take action, concluding that homosexuality could not be considered as immorality.

◆ Closure cases against two pro-Kurdish political parties, the Rights and Freedoms Party (HAK-PAR) and the Democratic People's Party (DEHAP), were pending with the Constitutional Court under provisions of the Constitution and the Law of Political Parties. The changes concerned the prohibited objectives of "creating minorities," support for illegal organizations and the use of prohibited languages in election activities.

Under the civil code, the activities of Turkish NGOs abroad and the activities of international NGOs within Turkey are subject to licensing by the Committee of Ministers (article 92), which is now delegated to the Ministry of Interior. Several cases have been launched under this provision particularly against Diyarbakır HRA for receiving foreign NGO, media, political and student delegations visiting the region. UN secretary-general's special representative pointed to judicial harassment of human rights NGOs, particularly HRA, for various reasons, including for receiving international delegations.

Torture, Ill-Treatment and Police Misconduct

Since 2003, the government has improved the legislation and regulations concerning detention conditions and the rights of detainees, in connection with the EU accession process. The government declared a "zero-tolerance" policy on torture, but rejected any debate with human rights organizations on the issue, and reacted negatively to arguments and initiatives by these organizations. CPT commended the Turkish normative framework as one of the most elaborate in combating torture while pointing to deficiencies in the implementation.²¹ Torture and ill-treatment was still widespread and the government extended

impunity to the police and gendarmerie accused of torture.²²

Turkish human rights organizations stated that the safeguards provided by the government were not always respected in practice by the security forces despite progressive improvement. Torture and ill-treatment occurred particularly in the south-east, but disadvantaged groups including the IDPs, Roma and children in the poorer sections of bigger cities were particularly vulnerable to torture and ill-treatment. Political detainees still risked torture and ill-treatment. CPT reported that there were regional disparities in the implementation of measures aimed at preventing torture.

Neither government nor NGO statistics are adequate to determine the frequency of torture in Turkey. While increased activity and visibility by the HRA and HRFT as well as better public awareness has resulted in better reporting of torture in recent years, it is believed that the most vulnerable groups are often discouraged from reporting torture, including by fear of retaliation. The HRA recorded 825 torture and ill-treatment complaints under detention, compared to 1,040 in 2004, while the prosecutors launched 1,239 cases against security officers and other officials charged with torture and ill-treatment in the first three months of the year, according to the government sources. The government reported that only 447 of these prosecutions led to court trials. Only 531 cases launched during previous years were finalized, courts convicting 232 officers and acquitting 1,005.

The new penal code increased the sentences for torture and ill-treatment, and the new regulations reinforced the safeguards against incommunicado detention. In 2005, however, the HRA observed that most detainees were not able to access attorneys during pre-trial detention, and that the system of forensic examination of detainees before and after detention was not adequately working. According to the bar

associations, while 70% of the detainees were able to request legal assistance in Diyarbakir, this figure was 5% in Agri. Forensic institutes concentrated in bigger cities. In addition, prosecutors and judges were still generally protective of the officers accused of torture and ill-treatment. While confessions extracted under torture still led to indictment and even conviction, torture allegations did not always lead to effective action by the judiciary.

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

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

Mental Health and Other Institutions

Torture and ill-treatment of persons under state custody came to public attention in other areas too, including schools

and mental health centers. Mental Disability Rights International reported that practices in the state’s mental health institutions and centers for mentally disabled children, including routine abuse of electroconvulsive therapy, breached European regulations. The report said that “Inhuman and degrading conditions of confinement are widespread throughout the Turkish mental health system. “People with psychiatric disorders and people with intellectual disabilities are subject to treatment practices that are tantamount to torture.” According to the report, thousands of people, including a large number of children, were detained arbitrarily and illegally, often for life, with no possibility of legal redress. “The prison-like incarceration of Turkey’s most vulnerable citizens is dangerous and life-threatening,” the report concluded.²³

Mistreatment of children was also reportedly common in state orphanages, as indicated also by a public scandal coming out with the broadcasting of images of children subjected to severe and group violence by their care takers in an orphanage in Malatya in October.²⁴

National and Ethnic Minorities

Officially, only Greeks, Armenians and Jews were considered minorities in Turkey, and “creating a minority” by discussing minority problems continued to be criminalized in various laws. The European Commission against Racism and Intolerance (ECRI) of the Council of Europe and international minority rights groups stated that there was a need for much progress in eliminating discrimination in Turkey.²⁵

Turkish legislation falls short of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination in failing to institute mechanisms to eliminate discrimination against minorities, including non-citizens. Regular confidential intelligence circulars by the Turkish Armed Forces to military and civil-

ian security authorities maintained their instructions on the surveillance of minorities, particularly Kurds, other minority members and minority rights activists. Two academics, former members of the official Human Rights Advisory Board, have been prosecuted in relation to a report in which they discussed discrimination against minorities in Turkey (see above). Human Rights Agenda Association reported that, while the Turkish penal code criminalized hatred speech against minorities, these provisions were used against persons criticizing dis-

crimination against minorities and expressions inciting violence against minorities remained immune from legal action.²⁶

ECRI expressed concern that non-Turkish speaking minorities were discriminated against in terms of access to public services. In a submission to the Turkish government and the European Union, the Minority Rights Group suggested that discriminatory treatment of Kurdish citizens, especially the internally displaced persons, remained a problem in western parts of the country.

Endnotes

¹ For the Irish objection to the Turkish government's reservations to the Convention on the Rights of the Child, see "Objections," www.unhcr.ch/tbs/doc.nsf/73c66f02499582e7c1256ab7002e2533/a5f0c573fa009561c1256b91003bc1de?OpenDocument.

² European Commission, Turkey -2005 Progress Report, 9 November 2005, sec. 1.1.

³ CPT, *Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 29 March 2004*, at www.cpt.coe.int/documents/tur/2005-18-inf-eng.pdf, 8 December 2005.

⁴ UN Commission on Human Rights, *Torture and other cruel, inhuman or degrading treatment or punishment - Report of the Special Rapporteur, Manfred Nowak, Addendum: Follow-up to the recommendations made by the Special Rapporteur, Visits to Azerbaijan, Brazil, Cameroon, Chile, Mexico, Romania, the Russian Federation, Spain, Turkey, Uzbekistan and Venezuela*, E/CN.4/2006/6/Add.2, 21 March 2006, paras 298 - 339.

⁵ Human Rights Association, *Report on Human Rights Violations in Turkey - 2005* (in Turkish), 28 February 2006, at www.ihd.org.tr/rapor/2005/2005b.htm.

⁶ European Commission, *Turkey -2005 Progress Report*, p. 17.

⁷ European Commission, *Turkey -2005 Progress Report*, p. 16; see also Amnesty International, *Turkey - Memorandum on AI's recommendations to the government to address human rights violations*, at [http://web.amnesty.org/library/pdf/EUR440272005ENGLISH/\\$File/EUR4402705.pdf](http://web.amnesty.org/library/pdf/EUR440272005ENGLISH/$File/EUR4402705.pdf), August 2005; Human Rights Watch, *Turkey, World Report 2006*, at <http://hrw.org/wr2k6/pdf/turkey.pdf>, January 2006; US Department of State, *Turkey, Country Reports on Human Rights Practices - 2005*, released by the Bureau of Democracy, Human Rights, and Labor, 8 March, 2006, at www.state.gov/g/drl/rls/hrprt/2005/61680.htm.

⁸ HRA, *Report on Human Rights Violations in Turkey - 2005*.

⁹ According to the figures the Human Rights Foundation of Turkey (HRFT) provided to the US Department of State, security forces killed 52 persons between January and November 2005, including reports of shootings by village guards and border patrols. HRFT estimated that security forces killed 48 persons in 2004. US Department of State, *Turkey, Country Reports on Human Rights Practices - 2005*, sec. 1(a).

- ¹⁰ Government figures varied widely, possibly reflecting the inability of human rights NGOs to monitor armed conflicts. According to the figures the government provided to the US Department of State, 34 civilians, 100 members of the security forces, and 160 members of armed groups were killed in armed clashes during 2005 through November. US Department of State, Turkey, *Country Reports on Human Rights Practices - 2005*, sec. 1(a).
- ¹¹ TGNA Human Rights Inquiry Commission, *Hakkari Semdinli Inquiry Report* (in Turkish), not dated, at www.tbmm.gov.tr/komisyon/insanhak/orta/kr_22HakkariSemdinli.pdf.
- ¹² Turkish daily *Sabah*, "Human Rights Presidency unable to hold meeting for the last 18 months" (in Turkish), 21 February 2006, at www.sabah.com.tr/2006/02/21/gnd106.html.
- ¹³ Turkish weekly *Aksiyon*, "Seeking rights" (in Turkish), 22 August 2005, at www.aksiyon.com.tr/detay.php?id=22388.
- ¹⁴ European Commission, *Turkey-2005 Progress Report*, p. 21.
- ¹⁵ UN Economic and Social Council, *Report submitted by the Special Representative of the Secretary-General on human rights defenders, Hina Jilani: Addendum - Mission to Turkey*, E/CN.4/2005/101/Add.3, 18 January 2005, para. 53, at <http://daccessdds.un.org/doc/UNDOC/GEN/G05/111/16/PDF/G0511116.pdf?OpenElement>.
- ¹⁶ For more information on human rights activists in Turkey and their main problems, see IHF, "Human Rights Defenders in Turkey," 30 March 2006, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4222.
- ¹⁷ US Department of State, Turkey, *Country Reports on Human Rights Practices - 2005*, sec. 4.
- ¹⁸ BIA News Center, *The Most Touchy Apparatus: The State*, 14 February 2006, at www.bianet.org/2006/04/01_eng/news74618.htm.
- ¹⁹ BIA News Center, BIA2 Report, *Journalism Shadowed by the Law*, 25 July 2005, at www.bianet.org/2005/10/01_eng/news64417.htm.
- ²⁰ BIA News Center, *The Most Touchy Apparatus: The State*, 14 February 2006.
- ²¹ CPT, *Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 29 March 2004*. See also UN Commission on Human Rights, *Torture and other cruel, inhuman or degrading treatment or punishment - Report of the Special Rapporteur, Manfred Nowak, Addendum: Follow-up to the recommendations made by the Special Rapporteur, Visits to Azerbaijan, Brazil, Cameroon, Chile, Mexico, Romania, the Russian Federation, Spain, Turkey, Uzbekistan and Venezuela*, E/CN.4/2006/6/Add.2, 21 March 2006.
- ²² See Amnesty International, "Turkey - Memorandum on AI's recommendations to the government to address human rights violations," August 2005; Human Rights Watch, Turkey, *World Report 2006*, January 2006; HRA, *Report on Human Rights Violations in Turkey - 2005*.
- ²³ Mental Disability Rights International, *Behind Closed Doors: Human Rights Abuses in the Psychiatric Facilities, Orphanages and Rehabilitation Centers of Turkey*, September 2005, at www.mdri.org/projects/turkey/turkey%20final%209-26-05.pdf.
- ²⁴ TGNA Human Rights Inquiry Commission, *Report on Malatya Orphanage* (in Turkish), October 2005, at www.tbmm.gov.tr/komisyon/insanhak/insanhaklari.htm.
- ²⁵ ECRI, *Third Report on Turkey*, adopted on 23 June 2004, published on 15 February 2005, at www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Turkey/Turkey%20third%20report%20-%20cri05-5.asp#TopOfPage.
- ²⁶ Crimes of Discrimination, Racism and Hatred in Turkey, 14 June 2005, at www.rightsagenda.org/articlesreports/report_discrimination_racism_hatred.htm.