

# **POLICE/VIOLENCE CASE**

**(January 5, 2008)**



## **Police Demands Unaccountability**

Security Headquarters sent a report entitled “Problems of the Police Law” to the Turkish Grand National Assembly in December 2006, demanding the power of arbitration without the need for judicial decision for handcuffing, searching, capturing, and keeping personal records. The demands were:

**Keeping personal information:** Police should have the power to take and keep information on the physical features of the suspects such as picture, body size, and fingerprint and palm print for identification.

**Handcuff:** decision on the use of handcuff should be left to the police without restriction. Police should have the power to handcuff captured and arrested people to transfer them. Law enforcement officers should be allowed to handcuff 15 year olds to prevent escape or harm to themselves or others.

**Capture:** The power to capture is restricted except the cases of catching in the act. Law enforcement officers should be given the power to capture in cases where a prison sentence would be given or when delay is unfavourable.

**Search:** Written order of a public prosecutor is needed for searching in cases where delay is unfavourable. Enforcement officers should be able to carry out search with a written order of the head of the enforcement officers.

**Body search:** Police should have the right to run a body search or personal belongings search under the order of the head of the officers.

Following this report, Istanbul Security Chief Celalaettin Cerrah speaking at the “Global Terrorism and International Cooperation” conference in Ankara on 24 March 2007, wanted the amendment of some articles of Criminal Procedural Law (CPL) and Turkish Penal Code which had been amended during EU integration process. Some of the extraordinary demands he made were:

**Arrest:** The period of arrest should be four days, and it should be possible to prolong it to 15 days with a court order.

**Search:** In the cases when a delay is unfavourable the power to give order to search should also be given to the head of the enforcement officers.

**Capture:** Police should have the power to postpone between one and four days the use of the right to inform ones relatives and see ones lawyer in the case where people are captured for terrorist crimes.

**Confiscation:** Law enforcement officers should have the power to confiscate in terrorist crimes without the need for a court order.

**Examination of document:** In terrorist crimes enforcement officers should examine the seized documents not the prosecutor.

**Keeping Personal Information:** Information banks should be set up to keep fingerprints and DNA information. Entry and exit records should be kept and fingerprints should be recorded at the borders.

### **Fast track Amendment in Law**

**25 May 2007** Approximately two months after Cerrah expressed his demands, AKP MPs Selami Uzun, Kerim Özkul, Sinan Özkan and Muharrem Tozçöken submitted to the Chairing Office of the Parliament a draft law amending the Police Law.

**28 May 2007** 3 days later Parliamentary Justice Commission passed the draft law allowing the police power to search, to use force and firearms, to collect and keep personal information without the control of the courts.

**3 June 2007** Draft amending the Law on Police Duties and Powers in line with the demands in the report “Problems of Police Law” was accepted in the General Assembly of the Parliament.

**14 June 2007** President Ahmet Necdet Sezer approved the amendment.

**15 June 2007** The Law amending the Num. 5681 law on Police Duties and Powers was published in the Official Gazette and entered into force.

## **And... Police State: 1, Supremacy of Law: 0**

With the amendment in the Police Law, police were given broad powers. Now police had the power to:

- \* Stop people and vehicles, ask identification and ask questions, interrogate to prevent crime.
- \* Take and keep picture and personal information in addition to fingerprints.
- \* Search people, their vehicles, personal belongings and documents.
- \* Apply all kinds of baton, handcuff, pressured water, tear gas or powder, physical prevention and force
- \* Use firearms and in the case of self defence shoot without hesitation.
- \* ask people to identify criminals

Besides through the vague terms in the law such as "moderate reason", "sufficient suspicion", "necessary measure", "cases where neglect is unfavourable", freedom of individuals, associations, foundations, trade unions etc. were left to the arbitration of the police. Individual security and freedoms, freedom of assembly came under threat as the law entered into force. Police forces enjoying the unaccountability have committed serious rights violations.

### **Use of force, beating and torture increased**

Claims of torture and violence were constantly on the agenda in 2007

In the evening of 17 November Muzaffer Ateş was in Taksim. Police asked him to show his identity, and Ateş asked the officer "Who are you". Police punched him. Ateş said he was treated in the same way when he went to Beyoğlu Police Station to complain against the officer. He was told in the station "who are you complaining about and to whom". Ateş

filed a complaint with the prosecutor with his medical report from a hospital.

On 14 October Sertan Çelik was attacked in Taksim by a traffic police for not turning down the music, then he was arrested..

Mehmet Nezir Çirik lost his spleen after he was beaten up in Taksim Police Station and was thrown on to the road on 10 August.

In Mardin's Kızıltepe town Eyyüp Doğan was on his way home on 2 August. Doğan hitchhiked to a minibus without knowing that it was a police vehicle. Policemen got off the minibus and beat him up.

Lawyer Muammer Öz was asked to produce identification as he was in Istanbul's Moda neighbourhood on 29 July. He quarrelled with the police and was beaten up, his nose was broken.

24 year old Mustafa Kükçe was arrested on the suspicion of theft, he was put in Umraniye prison, and his claim that he was tortured was ignored. He died on 17 June in Umraniye E Type prison.

On 26 May Ferhat Yalçınkaya was arrested and was beaten up with wooden batons as he failed to produce an ID and a knife was found on him after a fight in Istanbul's Galatasaray Square.

Police used physical violence against hundreds of people and journalists who had gathered to celebrate May Day. Over a thousand people were arrested. Police sprayed pepper gas on the people already arrested and put in the police busses. An officer slapped Masis Kürkçügil in front of cameras as he was sitting in a nearby coffee shop.

Near Aşağı Turgalı village in Van's Özalp town soldiers fired at seven people who they claimed were "smuggling fuel". Muğdat Barış was wounded.

## **Violations Increased**

In 2007, 55 people died and 29 were injured due to attacks by unknown perpetrators. In 2007 182 soldiers, 180 PKK members and 6 civilians, 368 people in total were killed in confrontations. 302 soldiers, 14 PKK members, 9 civilian, 325 people in total were injured. In the South East region only 2266 people were arrested and 579 were remanded in 2007. 17 houses were raided in the region, and 136 people were kidnapped and asked to become informants. In 2007, in the SE region 226 people were mistreated or tortured in detention.

### **17 claims of “execution without trial”**

Following the new powers introduced by the Police Law, police officers violated people’s right to live. 17 people were killed in 2007 for not obeying the orders to “stop”.

**2 January 2007** An unidentified Syrian citizen was killed by soldiers near Antep's İslahiye town.

**10 January 2007** Mehmet Okur was killed by the police in Ankara's Cebeci neighbourhood.

**16 January 2007** Şeyhmuş Girgin was killed by the police officer M.K. in İzmir's Tepecik neighbourhood. Police claimed that Girgin was a "mugger".

**8 February 2007** Police officers fired shots at a car in Istanbul’s Okmeydanı neighbourhood, the police said that the car had not obeyed the order to “stop”. 17 year old Emrah Dervişoğlu was killed, Tuncay Karabulut were critically wounded.

**27 February 2007** In Istanbul's Terazidere neighbourhood a police officer named Y.K. killed Hüseyin Aytaç who was claimed to be a "mugger".

**4 June 2007** Hakkı Çancı was reported as having hanged himself in Çanakale Security Centre. Çancı was under arrest with the suspicion of "theft".

**6 June 2007** E.T who was arrested with the suspicion of "theft" was reported to have hanged himself on 6 June.

**29 August 2007** Nigerian citizen Festus Okey who was arrested in Beyoğlu was killed in the police station by a bullet out of a police gun.

**13 September 2007** In Van's Özalp town a villager named Ejder Demir was fired at with machineguns by soldiers, as he left home to visit his sister. Demir died in Van Research Hospital.

**18 September 2007** Polish citizen Dariusz Witek "committed suicide" in the guest house of Foreigners Branch.

**27 September 2007** Two beekeepers near Tunceli's Boydaş village Bülent Karataş and Rıza Çiçek were shot by the special team. Çiçek was wounded, Karataş died.

**7 October 2007** 19 year old Ferhat Gerçek was shot by the police while selling a magazine on the street in Yenibosna. He is paralysed.

**10 October 2007** A police armed vehicle ran over and killed 65 year old Emine Arık in Diyarbakır. The police vehicle was on its way to intervene in an attack against the police.

**21 November 2007** Feyzullah Ete, father of two was kicked by the police on the chest as he was sitting in a park with his friend, in his neighbourhood. Ete died. Police officer was released.

**24 November 2007** 20 year old Baran Tursun was shot dead in İzmir. Police said that Tursun was fired at since his vehicle did not stop at the barrier and did not obey “stop” order. Tursun died on 30 November. Tursun’s friends Emre Ökçelik and Atilla Doğan who were in the car with him said they did not hear any siren or megaphone announcement and there was no barrier. They said that police only fired once. Police officer in Karşıyaka Security Centre V.A. was released while officer O.A. was remanded. Home Ministry announced that they launched an inquiry.

**6 December 2007** In Yukarı Koçkiran village of Van's Özalp town Nazmi Güler was fired at near Iranian border. Soldiers claimed that Güler was smuggling diesel fuel. Güler died. Peasants said Güler was wounded and was left out there by the soldiers, and he froze to death.

**10 December 2007** In a police operation at a house in Ankara Kevser Mirzak was killed. Ankara Security Centre said that the anti-terror branch raided the house as part of an operation against 'DHKP/C'. Lawyers claimed that it was an execution without trial.

## **EYES OF THE WORLD**

### **(National and International Committees against Human Rights Abuses)**

#### **Purpose:**

- \* Setting up national and international committees to act fast and effectively against the violations of human rights and freedom of expression,
- \* Informing the public opinion in and outside the country,
- \* Creating a democratic pressure to stop the continuing of such violations.

#### **Origin:**

Prof. Noam Chomsky and Kurdish author Mehmed Uzun arrived Turkey to attend trials against their books creating public opinion around the cases, led to the fast track ending of both cases (10-15 minutes) in

acquittals. If the eyes of the world are set on a case violations could not be sustained.

### **What do we want to do?**

Repression does not always appear in the form of the cases in State Security Courts. Sometimes it takes the shape of a threat against minorities, or an investigation against university students, sometimes it appears as a ban on the use of mouthertounge or wearing headscarf, ranging from the violation of freedom of expression or conscience, to the seizure of right to work or have education. Thus a chain of reactions should be formed in an organised way against all repressive acts, informing national and international public regulary and instantly.



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