



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME

الشبكة الأوروبية - المتوسطية لحقوق الإنسان



**MISSION REPORT ON THE PROTEST
MOVEMENT IN TURKEY AND ITS REPRESSION
MAY-JULY 2013**

INTRODUCTION

The ‘Gezi Park’ events in Turkey – which actually extended far beyond the small Istanbul park of Gezi to reach most major cities in Turkey – dominated news headlines around the world for a month in June 2013. The events have proven to be highly significant for millions of people throughout Turkey, as they signal a newly gained awareness of the different forms that political participation can take. These include direct – in the streets, assembly-based – participation, and the mobilizing power in defence of fundamental freedoms and democratic principles.

For the current – and indeed, any future – government, this protest movement made clear that a lack of transparency, dialogue, plurality and participatory democracy principles is no longer acceptable. The society showed that it would not tolerate an autocratic administration of the country, based on the direct intervention of the government into people’s lives – in the form of intrusive urban planning, through peremptory statements regarding morality and acceptable ways of life, and on contempt and repression towards those who dissent. The ‘Gezi’ events also showed that people were acutely aware of, and outraged by, the violation of fundamental rights such as freedom of expression, assembly, and the rights to life and freedom from torture.

Finally, these events indicated that, as happens in most consolidated democracies throughout the world, citizens wish to participate beyond electoral consultation in decision-making processes and are increasingly building new ways of formal or informal direct participation. The months-lasting park assemblies in Istanbul and Ankara are good examples of these new more horizontal forms of political participation, where citizens from different social, cultural and political backgrounds come together to debate and attempt to find solutions.

The Euro-Mediterranean Human Rights Network (EMHRN) visited Turkey in early July 2013 and met with numerous stakeholders to investigate these events. During the inquiry, numerous allegations were received of serious human rights violations, particularly affecting freedom of assembly, the right to life, the right to be free from torture and ill-treatment, and the right to liberty and freedom of expression. The following pages set out our main findings, including first an assessment of the relevant domestic laws, drawing on international human rights standards. These findings lead to the final section of conclusions and recommendations to the Turkish authorities.

I. BACKGROUND

1. Reasons and objectives of the fact-finding mission

The EMHRN has been working on Turkey for years as part of its regional mandate. The EMHRN has two member organizations in Turkey (the Human Rights Association - IHD and the Helsinki Citizens Assembly). The IHD has been a member of the EMHRN regional Working group on Freedom of association, assembly and movement since 2006.

This working group has published a report in 2011 on *Freedom of association of groups defending minority Rights in Turkey*¹. The EMHRN has also closely followed the judicial case brought against its Executive committee member M. Osman İşçi who was imprisoned 10 months between June 2012 and April 2013, and carried out trial observations².

¹ [Freedom of association of groups defending minority Rights in Turkey](#)

² [Observation of the trial of Osman İşçi, human rights defender and trade-unionist](#). Ankara, 10 April 2013.

Lastly, the working group on Freedom of association, assembly and movement has elaborated a [Regional study on Freedom of assembly in the Euro-Mediterranean region](#), of which First part on *Legislation Review* has been published in 2013, and which Second part on *Practices* will be published in 2014.

As the protest which began in Gezi Park in Istanbul spread to other parts of the country, it was widely reported that those seeking to exercise their right to freedom of peaceful assembly were met with excessive force on the part of the Turkish police. Consequently, in July 2013, as part of its ongoing regional work of monitoring freedom of assembly and documenting violations of this right, the EMHRN tasked a delegation of human rights and legal experts to further investigate allegations of violations of human rights and freedom of peaceful assembly.

2. Composition of the delegation

- Osman İŞÇİ, EMHRN Executive Committee member and the political referent of the EMHRN Working group on Freedom of association, assembly and movement
- Michael HAMILTON, member of the EMHRN Working group on Freedom of association, assembly and movement and Human Rights Law Professor at the University of East Anglia; also member of the OSCE-ODIHR Panel of experts on Freedom of assembly
- Helena SOLÀ MARTÍN, human rights law researcher
- Bérénice MICHARD, EMHRN Freedom of association and assembly programme coordinator

3. List of persons and organizations met

3 July 2013

1. Trade union of police forces - Emniyet sen – Istanbul Branch (names of representatives are kept confidential)

4 July 2013

2. Emma Sinclair Webb, Human Rights Watch Senior Researcher
3. Nadire Mater, Bianet
4. Murat Çekiç, Amnesty International Turkey Section Director
5. Sanar Yurdatapan - Freedom of Expression
6. Human Rights Association (IHD) -, Ümit Efe President of the IHD Istanbul branch; HR Foundation of Turkey; Progressive Lawyers Association and Contemporary Lawyers Association – Istanbul branches
7. Ali Çerkezoğlu - Taksim Solidarity Platform

5 July 2013

8. Arzu Çerkezoğlu, Secretary General of DISK (Democratic confederation of Labor)
9. Helsinki Citizens Assembly

6 July 2013

10. Huseyin Aykol, editor in chief of Ozgur Gundem
11. Mustafa Sarısülük, brother of Ethem Sarisuluk
12. Human Rights association (IHD) İsmail Boyraz (Secretary General) and IHD – Ankara branch administrators; Turkish Medical Association – Ankara branch; Progressive Lawyers association – Ankara branch; Pro-freedom Lawyers – Ankara branch

8 July 2013

13. Trade union of police forces - central office (names of representatives are kept confidential)

14. Feray Salman, Human Rights Joint Platform

9 July 2013

15. Mehmet Elkatmış, Ombudsman responsible for human rights and 3 collaborators

16. Ismail Hakkı Tombul , KESK General Secretary (Confederation of Public Employees Trade Union)

17. Dr. Kerem Altıparmak, political sciences professor, Ankara University

18. Metin Bakkalci, General Secretary of the HR Foundation of Turkey

19. Dr. Arzu Erbilici , Turkish Medical Association

Meeting requests were also sent to the Istanbul Governor's office, the Ministry of Health and the Ministry of Interior Affairs. None of them answered the requests.

4. Chronology of events

February 2012: The urban development project for Taksim Square was approved. The project entails the destruction of a part of Gezi Park, "one of the few last remaining green spots of central Istanbul", aimed at the reconstruction of the former Taksim military barracks from the Ottoman era, demolished in 1940, to host a commercial mall, and that would also include the pedestrianisation of Taksim Square.

May 27, 2013: a group of environmentalists (ranging from 15 to a few dozen individuals according to sources) started a peaceful sit-in at Gezi Park, to keep the bulldozers from entering the park.

May 28, 2013: At dawn, police entered the park and fired tear gas and used water cannons to disperse on the protesters camping in Gezi Park. The number of protesters kept growing over the following days as police intervention became harsher. Protesters occupied the park again.

May 30 and 31, 2013: Police entered into the park and evicted people using force, tear gas and water cannons. After the crackdown in the early hours of May 31, police blocked access to the park to prevent re-occupation. Furthermore, public transport and roads leading to Taksim were closed.

The anger spread across the country, with thousands of demonstrators taking to the streets in 80 major and minor cities. The Ministry of Interior estimated a total participation of 2.5 million people in the Gezi Park events.

In a statement issued on the same day (May 31, 2013) Ria Oomen-Ruijten, the European Parliament Rapporteur on Turkey, expressed her concerns regarding the "excessive use of force" reported by human rights organizations against peaceful demonstrators during the protests.³

June 1 and 2, 2013: the Ministry of Interior Affairs stated that 235 actions had taken place in 67 provinces and that 1730 people were arrested and 173 people were wounded. According to the Human Rights Foundation of Turkey (HRFT) 1293 people were wounded and, 3301 people arrested⁴. In Ankara one person died days afterwards due to a gunshot wound to the head.

³ <http://www.reuters.com/article/2013/05/31/us-turkey-protests-idUSBRE94U0J920130531>

<http://www.todayszaman.com/news-317075-eu-voices-concern-over-violent-clashes-in-istanbuls-taksim.html>

⁴ <http://www.tihv.org.tr/index.php?01-03-june-2013-daily-human-rights-report>

On June 1, in Istanbul, after the attack the police withdrew from Taksim Square letting protesters back into the Park but continued to employ heavy-handed strategies to disperse crowds all over the country.

In Istanbul, tens of thousands of residents marched to Taksim to show solidarity, including many that crossed the Bosphorus Bridge [normally closed to pedestrians] connecting the Asian and the European sides of the city.

The Riot Police Provincial Directorate Chief Muhammed Fatih Sariyildiz sent a text message to numerous riot officers' cell phones stating that 'You are now saving your country, you are patriots, you are like the soldiers who fought in the war of independence'.

June 2, 2013: Prime Minister Erdoğan dismissed the protests and their participants by referring to the latter as "just a few looters" (*çapulcu*), which further exacerbated the outrage of many sectors of the society.⁵

However, the Park was then occupied for 2 weeks in a row without major interference from the authorities.

June 14, 2013: At 1.00 o'clock in the morning, the Prime Minister, M. Erdoğan, the Ministers of Interior, of Culture and of Planning and Environment received members of the Taksim Solidarity Platform and a group of artists.

June 15, 2013: The police cleared the park and the nearby square dismantling the protest camp using teargas, water cannon and rubber bullets.⁶ Clashes between police and protesters spread to many neighborhoods across Istanbul.

June 17, 2013: Protests and deliberative forums began in other parks in Istanbul.

July 3, 2013: The Istanbul First Regional Court ordered a temporary halt to the urban development project at Taksim Square. The Culture and Tourism ministry appealed.

July 22, 2013: The Istanbul First Regional Court decision was cancelled by the Sixth Administrative Court. Judgment on the merits is still to be decided by the High council of protection of cultural and natural goods.

II. THE TURKISH LEGAL FRAMEWORK

The EMHRN has recently published a *Regional Study on Freedom of Assembly in the Euro-Mediterranean Region*⁷ that provides a thorough analysis of the legislation governing the right to assemble in 13 countries of the region, including Turkey. For the purpose of the present investigation report, we will present only a few more important elements.

1. Constitutional protection

⁵ <http://www.independent.co.uk/news/world/europe/just-a-few-looters-turkish-pm-erdogan-dismisses-protests-as-thousands-occupy-istanbuls-taksim-square-8641336.html>

⁶ <http://www.theguardian.com/world/2013/jun/15/turkey-police-clear-gezi-park>

⁷ *Regional Study: The right to freedom of assembly in the Euro-Mediterranean region - Part I: Legislation Review*, EMHRN, 2013.

Also see: Legislation review of [Turkey](#)

The right to peaceful assembly is enshrined in Article 34 of the Constitution, which lays down that “[e]veryone has the right to hold unarmed and peaceful meetings and demonstrations without prior permission”. Besides, article 26 protects the right to issue “public statements” by setting out that “[e]veryone has the right to express and spread his/her thoughts and opinions, individually or collectively, with verbal, written, visual or other means”.

In their second paragraph, both articles state that the law can restrict the exercise of these rights on the ground of national interests⁸. However, there is no mention of the condition of necessity and proportionality of such restrictions, leaving the door open to excessive and arbitrary interferences⁹. The Constitution mainly focuses on restrictions and fails to mention the positive obligation of the State to protect peaceful assemblies established by the European Court of Human Rights¹⁰.

2. Law on assemblies

The Law No. 2911 on Meetings and Demonstrations (1983) (the Demonstrations Law) regulates the right to freedom of assembly. Several important aspects of the right to freedom of assembly are lacking. First of all, like the Constitution, it doesn’t mention the obligation for the State to protect peaceful assemblies. It only warns, in article 29, that a sanction would be taken towards anyone who would restrict this right, but enumerates a long series of restrictions that go far beyond international standards. For instance, section 22 prohibits demonstrations in certain locations, such as public streets, parks, places of worship and buildings where public services are based. Demonstrations were prohibited in Taksim square between 1977 and 2009, and Mayday demonstrations in 2013 were again banned.

All unnotified assemblies are regarded as unlawful. Consequently, unnotified assemblies may be –and are often– forcibly dispersed on the order of the governor’s office. Finally, the law imposes onerous restrictions on freedom of expression, penalizing the display of “*symbols of illegal organisations, uniforms with these symbols, chanting illegal slogans, carrying illegal posters, signs, pictures etc.*” (Article 23). The concepts of “illegal slogans” or “illegal posters” are undefined and can give rise to very broad interpretation. The law also discriminates against foreigners, who have to ask a special permission from the Ministry of Interior Affairs to organize or participate in a gathering.

3. Law on Duties and Responsibilities of the Police and other regulations of the use of force

The Law No. 2559 on Powers and Duties of the Police¹¹, amended by law No. 5681 of 2007, provides that the police can resort to forceful measures if a person or group attacks police officers or opposes

⁸ Article 26§2 : “The exercise of these freedoms may be restricted for the purposes of national security, public order, public safety, safeguarding the basic characteristics of the Republic and the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as a state secret, protecting the reputation or rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary.” In the same way, “the right to hold meetings and demonstration marches shall be restricted only by law on the grounds of national security, public order, and prevention of commission of crime, protection of public health and public morals or the rights and freedoms of others.” (article 36§2)

⁹ Article 11§2 of the European Convention on Human Rights; article 21 of the Covenant on Civil and Political Rights

¹⁰ Case of *Plattform „Ärzte für das Leben“ v. Austria*, 06/21/1988, §34

¹¹ 4 July 1934

resistance to them, preventing them from fulfilling their duties.¹² The law foresees a “*gradually increasing level of bodily force, material force [handcuffs, batons, teargas, etc.] and, where the legal conditions are in place, arms may be utilized*” against illegal demonstrators¹³. However, the provision on “use of force and arms” fails to build that use of lethal force must be a last resort and only permissible in order to protect life, according to international standards. The law stipulates that the police can use a firearm in self-defence, “*vis-a-vis resistance which cannot be rendered ineffective by way of using bodily physical and material force, with the objective of and proportional to breaking such resistance*” and “*in order to capture people for whom there is an arrest warrant, a decision to detain, forcibly capture or apprehend; or in order to capture the suspect in cases of being caught while a crime is being committed, and the extent proportional for that purpose.*” In the case of the last quoted provision, the police may shoot “*for warning purposes,*” and then if the person ignores the warning and attempts to escape “*firearms may be shot in a proportional extent to ensure that he/she is caught*”.¹⁴

The United Nations Special Rapporteur on Extrajudicial, summary or arbitrary executions has stated that “*Although proportionality is mentioned, the omission of the required objective of protecting life and the ambiguity of the “stop warning” result in a dangerously large power grant*”.¹⁵

Tear gas is listed as one of the weapons that can be used by police officers, but law No. 2559 does not set out, contrary to international standards, as the European Court of Human Rights has pointed out, any specific circumstances regulating its use.¹⁶

The **Order on rapid intervention forces** (*Polis Çevik Kuvvet Yönetmeliği*) of 30 December 1982 establishes procedures for the dispersal of demonstrators, such as two to three warnings¹⁷ (except in cases of effective attack and resistance against law-enforcement forces or when protesters effectively attack a building protected by law-enforcement forces); the establishment of minutes proving the warnings were heard from the furthest point in the crowd; and the gradual use of physical force, material force and weapons. Importantly, the **Circular n°19** was issued on 15 February 2008 to regulate the **conditions and circumstances for the use of tear gas**, such as the presence of first aid services for those affected by the gas, the issuance of prior warnings, compliance with the proportionality principle, the clearing of exits for the crowd to disperse, the prohibition of direct firing at people in all cases, and the prohibition of using gas against people who have stopped resisting or attacking. These provisions were completed right **after the Gezi events with two further circulars of the Ministry of the Interior** (on 26 June 2013 and on 22 July 2013) which contain instructions to the police force on the use of tear gas during unlawful demonstrations. In particular, they set out for example that law enforcement personnel should avoid using tear gas unless there is an actual aggression or resistance against them, and should stop using gas when such resistance ends.

¹² Article 16.

¹³ Article 6

¹⁴ See Human Rights Watch, [Closing Ranks against Accountability, Barriers to Tackling Police Violence in Turkey](#), 2008

¹⁵ [Preliminary Observations on official visit to Turkey by Mr. Christof Heyns, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions](#), November 2012

¹⁶ See *İzci v. Turkey*, 23/07/2013, para. 65.

¹⁷ See Order on rapid intervention forces, 30 December 1982, para. 25.

Finally, in order to ensure that security personnel wearing riot gear can be identified and to discourage the use of excessive force, identity numbers have been printed on their helmets since 2009¹⁸.

During the mission, repeated claims were received pointing to the shortage of clear and precise standards on the circumstances allowing for the use of the different types and intensities of anti-riot equipment and weapons, not to mention the non-compliance with existing provisions by law-enforcement forces.

Moreover, the current legal framework does not provide for any monitoring system, such as an independent police complaints mechanism, leading to the perception of impunity in the event of police abuse of power. The laws regulating police duties and organization and the use of force were criticized for being “old-fashioned”¹⁹ and in several respects would not meet the standard of legal certainty required by international law.

It is worth mentioning that the recent **Report of the Commissioner for Human Rights of the Council of Europe²⁰, M. Nils Muižnieks, following his visit to Turkey** from 1 to 5 July 2013, outlined the problem of the effectiveness and implementation of the regulations and circulars above mentioned. The Commissioner “*considers that the recurrence of the problems, which have given rise to these circulars and which are amply reflected in the case-law of the ECtHR, clearly points to a structural problem in the policing of demonstrations in Turkey. In a judgment delivered on 23 July 2013, the ECtHR itself recognised the systemic nature of these problems, on the basis of over forty judgments against Turkey and 130 pending applications²¹. It noted that the common feature of these cases was “the authorities’ failure to show a certain degree of tolerance towards peaceful gatherings and, in some cases, the precipitate use of physical force, including tear gas”.*²²

4. Judicial remedies

Besides recourse to ordinary administrative and criminal justice remedies, a new mechanism was created in 2012 in the context of wider judicial reform:

- **Individual complaints may be presented to the Constitutional Court,²³** based on alleged violations with regard to their fundamental rights and freedoms arising from the Constitution and the European Convention on Human Rights. A complaint is admissible only if the plaintiff has exhausted all administrative and judicial remedies provided by the law relating to the proceeding, act or negligence which is alleged to have caused violation before applying to the Constitutional Court²⁴.

¹⁸ Consideration of reports submitted by States parties under article 40 of the Covenant, Turkey*, Addendum, Replies from the Government of Turkey to the list of issues (CCPR/C/TUR/Q/1) to be taken up in connection with the consideration of its initial report (CCPR/C/TUR/1), Question no. 11.

¹⁹ Meeting with spokesperson of Emniyet Sen (Istanbul) on 3 July 2013.

²⁰ <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2395759&SecMode=1&DocId=2079692&Usage=2>

²¹ See *Izci v. Turkey*, judgment of 23 July 2013

²² *Report of the Commissioner for Human Rights of the Council of Europe*, M. Nils Muižnieks, following his visit to Turkey from 1 to 5 July 2013, Para. 43

²³ [Law on the Establishment and Rules of Procedure of the Constitutional Court of Turkey](#) (Law No. 6216, 2011). The legal basis for this law is the amendments to the 1982 Constitution adopted in May 7, 2010, particularly new article 148 allowing individual applications to the Constitutional Court

²⁴ See [http://www.codices.coe.int/NXT/gateway.dll/CODICES/laws/eng/eur/tur?fn=document-frame.htm&f=templates\\$3.0](http://www.codices.coe.int/NXT/gateway.dll/CODICES/laws/eng/eur/tur?fn=document-frame.htm&f=templates$3.0))

As a result, no Turkish citizen will be able to go to ECtHR unless the Constitutional Court refuses his or her individual application, or rules that his or her rights have not been breached, leaving aside the possibility that the ECtHR declares a case admissible applying the exception to the rule of the exhaustion of domestic remedies, that is, when the ECtHR concludes that remedies are not effective or when they have been unreasonably prolonged. The ECtHR will decide whether the Turkish Constitutional Court is an effective domestic remedy after a trial period of two years²⁵. It is noteworthy that relatives of Gezi Park victims have already initiated an appeal to the European Court of Human Rights (11 October 2013), arguing that the available domestic remedies cannot be regarded as effective.²⁶

5. Human Rights national mechanisms

A national Ombudsman institution²⁷ was established in 2012, the purpose of which is "to establish an independent and efficient complaints mechanism regarding the delivery of public services and analyse, research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviours of the administration with law and fairness"²⁸. The delegation has met with the Ombudsman in charge with human rights who had investigated into the Gezi events in Istanbul and received several allegations from citizens (see below).

A National Institute for Human Rights was also created in 2012 to review and give advice on legislations, investigate into human rights issues and publish an annual report on the situation.

6. Relevant judgments of the European Court of Human Rights against Turkey

With 57 violations of the article 11 (freedom of assembly and association) found by the European Court of Human Rights between 1959 and 2012, Turkey has the highest number of violations of freedom of assembly in Europe²⁹. 130 applications against Turkey concerning the right to freedom of assembly and/or use of force by law enforcement officials during demonstrations are still pending before the Court.

Among the 57 cases mentioned, 40 underline that excessive use of force by law enforcement officers and criminal proceedings against applicants for taking part in peaceful demonstrations was in breach of Article 3 (prohibition of torture) and/or Article 11 (freedom of assembly and association) of the Convention³⁰.

²⁵ See http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403364_text

²⁶ See, 'Relatives of Gezi Park victims appeal to ECHR' (Hurriyet Daily News, 11 October 2013). Available at: <http://www.hurriyetdailynews.com/relatives-of-gezi-park-victims-appeal-to-echr.aspx?pageID=238&nID=56118&NewsCatID=339> . See also, 'Amnesty International report highlights Gezi abuses' (Erisa Dautaj Senerdem, for SES Türkiye, 8 October 2013). See: http://turkey.setimes.com/en_GB/articles/ses/articles/features/departments/national/2013/10/08/feature-01

²⁷ Law n° 6328 of 14 June 2012.

²⁸ http://global.tbmm.gov.tr/index.php/EN/yd/haber_detay/79

²⁹ ECHR Statistics information, "[Violations by article and by respondent state](#)" (1959-2012)

³⁰ *Izci v. Turkey*, 07/23/2013, §95

The Court has stated 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 guaranteed by Article 11 of the Convention is not to be deprived of all substance”.³¹ In particular, the Court has found that the Turkish authorities did not meet the standards of article 11 ECHR due to the premature, disproportionate and unnecessary intervention of the police in the context of demonstrations and marches.³²

In this context, the Court has emphasized that police operations – including the use of tear gas – must not only have a legal basis but must also be effectively regulated by the law³³. Therefore, in order to prevent similar violations in future, the Court has urged Turkey to adopt general measures and a clearer set of rules concerning the implementation of the directive regulating the use of tear gas³⁴.

The United Nations Committee against Torture (CAT) has also expressed concerns regarding “reports indicating an increase in the excessive use of force and ill-treatment of demonstrators by police outside official detention places”³⁵ and has called on Turkey to “ensure that domestic laws, rules of engagement and standard operating procedures relating to public order and crowd control are fully in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in particular the provision that lethal use of firearms may only be made when strictly unavoidable in order to protect life (Principles, para. 9)”.

III. FINDINGS

1. Unjustified interference with freedom of assembly

It is worth highlighting that Taksim Square constitutes a traditional gathering point for rallies and protests, and hence bears an important symbolic value for protesters and political/ labour organisations. However, during long periods, Turkish authorities have banned any political-motivated assembly in Taksim. In particular, trade unionists were refused permission to hold demonstrations on May Day in Taksim during three decades since 1977, when 37 people died in the square during May Day celebrations after shots were fired by snipers on 500,000 people gathered. In 2009, the government decided to declare May Day an official holiday and opened the square up for celebrations. After that, for three consecutive years (2010, 2011 and the largest in 2012) Labour Day celebrations were held in Taksim. In May 2013 the government of Recep Tayyip Erdoğan did not allow trade unions to hold demonstrations the first of May “due to the construction project”.³⁶ Challenging the ban, tens of thousands of demonstrators tried to enter into Taksim Square, to which the police reacted by firing large quantities of tear gas canisters, with the result that several dozen individuals were injured, including six

³¹ See ECtHR, *Oya Otaman v Turkey*, 5 December 2006, para. 42, *Izci v Turkey*, paras. 67 and 89. In *Oya Ataman v Turkey*, the European Court of Human Rights noted that it was ‘particularly struck by the authorities’ impatience in seeking to end the demonstration.’

³² See *Disk and Kesk v Turkey*, 27 November 2012, para. 37, *Izci v Turkey*, para. 67.

³³ *Abdullah Yasa v. Turkey*, 07/16/2013, §43

³⁴ ECtHR, *Izci v. Turkey*, para. 98-99

³⁵ UN Committee against Torture, Forty-fifth session, 1–19 November 2010, Consideration of reports submitted by States parties under article 19 of the Convention, paragraph 13 of the Concluding observations of the Committee against Torture, Turkey, CAT/C/TUR/CO/3, 20 January 2011

³⁶ See <http://www.bianet.org/english/english/146259-governor-shuts-down-istanbul-on-may-1>

who suffered serious head injuries.³⁷ After that, a general ban on assemblies in Taksim Square was declared.

In late May 2013, a protest started as a gathering of a small group of environmentalists from Taksim Solidarity, who set up a few tents in a corner of the Gezi Park, without causing disturbance to traffic. The violent dispersal of the few protesters camping on the grass in the night of the 28th of May, taking into account the peaceful and non-disruptive nature of the protest, and bearing in mind its small size, amounts to an arbitrary interference with freedom of assembly, involving disproportionate-use of force. Municipal police (Zabita) and riot police forces came at dawn, gave warning but did not leave time to people to gather their belongings and disperse, before using batons, tear gas and setting fire to the tents.

Many subsequent protests were handled similarly, police repeated the same tactics, prompting widespread anger and large scale demonstrations to show both support for the protesters and opposition towards the response of the authorities.

According to the information received, police officers did not engage in direct dialogue with the environmentalists gathered in Gezi Park in order to reach an agreement on how their peaceful protest might be facilitated, or what alternative possibilities might be accommodated. Moreover, several witnesses observed that **adequate prior warnings were not issued**, as prescribed by both Turkish law and international standards, during the dispersal of protests in both Istanbul and Ankara, and most notably the eviction of Gezi Park on 31 May and before the police entered Taksim Square on 15 June.

Although the gatherings were not notified to the authorities according to the procedure set out in the Assembly law, international human rights bodies and ECtHR case law insist on the **need to show tolerance towards peaceful assemblies even when procedural requirements are not respected**³⁸, and in any case to apply the **principles of necessity and proportionality** for police intervention and the dispersal of protesters.

Instead, Turkish authorities declared that protests should be suppressed and ordered the police to act accordingly, hence denying their citizens the right to peacefully protest and express criticism. One tactic implemented was the systematic discrediting of protesters by calling them “looters”³⁹ and accusing the crowds of membership or collaboration with so-called “marginal” or illegal groups. As reported in the course of the mission, authorities and law enforcement officers regarded their role in relation to the protests as one of combatting the “enemy”. A clear example illustrating this attitude was the text message received by riot police in Istanbul from the Istanbul Riot Police Provincial Directorate Chief, Mohammed Fatih Sariyildiz, encouraging the officers by saying “you are now saving your country”.

- ❖ Other striking **examples of interference with freedom of expression and assembly were the treatment of the “standing man” protesters and arrest of lawyers acting for the Gezi park protesters.**

On 12 June, 44 lawyers were detained, and some of them beaten, by police forces inside the Istanbul courthouse while they were making a press statement denouncing the police crack-down on protesters.

³⁷ Information gathered in a meeting held on 4 July 2013 with HR Association, HR Foundation, Progressive Lawyers Association and Lawyers for Freedom in Istanbul.

³⁸ See, for example, [Resolution 1947 of the Parliamentary Assembly of the Council of Europe](#) on 27 June 2013, para.

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³⁹ 2 June 2013: <http://www.independent.co.uk/news/world/europe/just-a-few-looters-turkish-pm-erdogan-dismisses-protests-as-thousands-occupy-istanbul-taksim-square-8641336.html>

This action against lawyers is a clear breach of Principle 18 of the *Basic Principles on the Role of Lawyers* which provides that: 'lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions'.⁴⁰ Indeed, such interference with the work of lawyers is a direct attack on their legitimate work in promoting and protecting human rights.

On the other hand, several sources indicated that at least 31 persons standing still in Taksim square or in the streets of Istanbul (as part of what became known as the "standing man protest") were detained for their silent protest, including two lawyers who were observing the scene. 20 were brought to police stations and later released, while 11 face legal procedures for "showing resistance to the police".

❖ **Stopping people from joining in peaceful protest**

On 31 May, people were prevented from accessing the Taksim area and join the protest. All public transportation means were interrupted (metro, tramway, ferries joining the European and Asian sides of the city) as well as the Galata motorway bridge over the Bosphorus. People and vehicles were stopped around Taksim by police checkpoints.

After 15 June access to the Gezi Park was totally blocked, and any gathering in Taksim square or on public roads in Istanbul was prevented or immediately dispersed. As a "bypassing" strategy, protesters started night assemblies in parks in several neighbourhoods, without being dispersed.

- ❖ It appears from testimonies and news gathered that some attempts were made at talks between protesters and authorities, but that the **authorities did not engage in a genuine good faith negotiation** which might have included a solution considering the accommodation of peaceful protest :

According to testimonies received, various attempts were made by Trade Union representatives to contact the Governor of Istanbul, and some meetings did reportedly take place between Union representatives and the Deputy Prime Minister, and between other civil society actors and representatives of both the Ministry of Justice and the Istanbul Governorate. The Istanbul Governor, Hüseyin Avni Mutlu, also received a number of young people for an "informal chat" on 13 June⁴¹. Finally the Prime Minister received, in the early hours of Friday 14 June, a delegation from the Taksim Solidarity Platform and artists who proposed themselves as mediators. According to testimonies, participants in the meeting included the Prime Minister and his Chief Counsellor/Under-Secretary, the Minister of the Interior, the Minister of Urban Organization and the Environment, the Minister of Culture and Tourism, and 6 members of Taksim Solidarity Platform.

The protest movement was reported to have had broadly four demands:

- 1) Gezi park should remain as a park;
- 2) Police violence should end, and those responsible for the violence be removed from duty;
- 3) Detainees should be released;
- 4) All squares should be open freely.

However, the PM merely stated that he would respect the Istanbul Court decision suspending the construction works in Gezi but that the protesters had 24 hours to clear the camp or it would be evacuated by force. It is worth noting that the day before the talks took place, the PM had stated in the media that *"We have arrived at the end of our patience. I am giving you my final warning"*. He left the

⁴⁰ See further, <http://www.unrol.org/files/UNBasicPrinciplesontheRoleofLawyers.pdf>

⁴¹ See <http://www.hurriyetdailynews.com/istanbul-governor-holds-midnight-meeting-with-gezi-park-protesters-.aspx?PageID=238&NID=48797&NewsCatID=341>

meeting before its end, and the meeting concluded with the government Ministers stating that they would protect the Park, and TSP then stating that they would take the message back to those gathered in Gezi Park.

It appears that, on the one hand the Prime Minister genuinely believed that his engagement with the Taksim Solidarity Platform *ought to* have led to an immediate end to the protests. This itself suggests that the ‘negotiations’ were not about - and did not even begin to consider - ways of accommodating any continuing peaceful protest. In other words, **the negotiations were not premised on a genuine willingness to reach a resolution which might have included the facilitation of peaceful protest.**

In addition, **the timescale for the negotiations was unnecessarily pressurized**, especially given that TSP was a loose coalition representing approximately 120 different groups, and thus the members who participated in the talks could not be expected to speak on behalf of, or to represent, *all* the protesters. Allowing more time to allow for genuine consultation would have shown greater willingness on the government's part to truly de-escalate the situation and to avoid the use of force.

- ❖ The authorities also disregarded international standards concerning freedom of assembly failing to **guarantee the safety of both peaceful demonstrators and bystanders** during the Gezi protests.

Testimonies and video evidence show that some protesters did resort to violence by throwing Molotov cocktails, stones or throwing back tear gas canisters. However, the great majority remained indeed peaceful. Four members of the police union Emniyet-Sen who had been on duty in Istanbul and Ankara during the protests, acknowledged that the police did target all protesters without discriminating between peaceful and violent demonstrators.

The great number of protesters, bystanders, doctors and journalists injured, as well as all testimonies gathered tend to confirm that police forces have **failed in their duty to distinguish between peaceful and non-peaceful protesters and between participants and non-participants**. This suggests a worrisome intolerance towards people voicing dissent in the context of assemblies.

In addition, on several occasions, particularly on May 31, during the forceful evacuation of the protest camp, **demonstrators and bystanders in the proximity of Taksim Square were not able to evacuate** the area because the police had blocked all access routes and public transports in the city centre was interrupted. The failure to ensure adequate exit passages was particularly grave bearing in mind the high amount of tear gas used. As will be seen further below, this contravenes norms regulating the use of tear gas.

- ❖ Although not a direct interference with freedom of assembly, another worrisome aspect of the authorities’ response to the protest was the **hampering of media coverage**.

The media coverage of demonstrations is essential for the purpose of bringing concerns raised in the course of the event to public attention. In addition, media footage performs a key function in terms of ensuring effective monitoring and enabling accountability.⁴² In the context of the Gezi Park protests, journalists’ coverage, together with that of social media users, reached out to people all over the world and provided valuable camera records of the human rights violations perpetrated.

⁴² See OSCE Guidelines and UN Special Rapporteur on Freedom of Peaceful Assembly and Association, Human Rights Council, 23rd session (24 April 2013), A/HRC/23/39, paras. 72-76.

However, journalists reported serious difficulties in disseminating information on the events. Journalists unions and associations announced that they were exposed to police violence, detained and, thus, prevented from doing their job. According to the Turkish Journalists Union (TGS), during the first weeks of the protests, 24 journalists were injured and 8 were arrested.⁴³ Human rights organizations claim that journalists were targeted in order to prevent them from imparting information, particularly those working for alternative media.

In addition, journalist unions point to the existence of censorship policies followed by some media agencies. According to the TGS, as of 22 July 2013, 22 journalists had been fired and 37 had to resign because their reporting of the Gezi protests ran afoul of these censorship policies.⁴⁴ It was also reported that journalists without the “yellow card” (press-card of accreditation) were halted from performing their duties and even detained. Foreign newspapers also faced persecution for the coverage of Gezi park events.⁴⁵

The safety of journalists should be guaranteed in order to ensure that they are not in jeopardy while providing coverage of demonstrations. It is cause for concern that, according to the accounts received, during the coverage of protests in Turkey, some journalists chose not to wear fluorescent bibs because they feared attack.⁴⁶ Reporters without Borders (RSF) released a statement on 17 June 2013 where the “mounting police violence against journalists covering Gezi protests” was condemned and several testimonies of police violence were reproduced.⁴⁷

Freedom of expression and of the press should be guaranteed and law enforcement officials have a responsibility not to prevent or obstruct the work of journalists during public demonstrations.

2. Policing assemblies and use of force

During EMHRN’s meetings with members of the police union Emniyet-Sen, concerns were raised about the working conditions of police officers in general and, in particular, the harsh situation faced by law enforcement personnel during the Gezi Park protests. According to the information received, law enforcement officials were on duty for 48 and even 72 hours in a row. The deprivation of sleep, the heavy equipment they were carrying (10-15 kg), the lack of sanitary facilities the lack of adequate communication equipment (which led officers to rely on their cell phones, whose batteries quickly expired), coupled with the scarcity and vagueness of orders received from their superiors placed many of them in a critical situation. It was claimed that these working conditions led officers to lose “*any form of empathy with the protestors; to no longer think logically; and to “act irrationally” releasing their frustration against demonstrators*”.⁴⁸

⁴³ Several journalists detained, including Ankara representative of the Kanal D TV channel. More information at <http://everywheretaksim.net/bianet-journalists-protest-police-violence/>.

⁴⁴ <http://www.todayszaman.com/news-321554-at-least-22-journalists-fired-in-connection-with-gezi-protests.html> and <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nid=51241>

⁴⁵ “Erdogan threatens to sue Times, critical open letter by celebrities published accusing Erdogan of undermining the principles of a press by jailing dozens of journalists in recent years”, available at: <http://uk.reuters.com/article/2013/07/26/uk-turkey-letter-idUKBRE96P13120130726>

⁴⁶ Interview with Nadire Mater, chief editor of the independent media *Bianet*, on 4 July 2013.

⁴⁷ <http://en.rsf.org/turquie-mounting-police-violence-against-17-06-2013,44808.html>

⁴⁸ For more information on police working conditions and allegations of violations of their right to freedom of association, see the Guardian, June 14, 2013, available at: <http://www.theguardian.com/world/2013/jun/14/turkish-police-inhuman-work-conditions>

Regarding the responsibility for the excessive use of force, police officers on duty during the events declared that unclear or even contradictory orders were given. Officers were reminded that they should not directly target protesters with gas canisters, however they were also told to “*do whatever necessary to end the protests*”. Representatives of the Police trade union Emniyet-Sen denounced the broad discretion left to officers on the ground, and noted the lack of training of many young riot police officers brought from all parts of the country to Istanbul to counter the protests.

Messages by the Istanbul governor, the Istanbul Riot Police Provincial Directorate Chief and the Prime Minister himself, praising police forces as “heroes” fighting for their country against “enemies” also paved the way for abuse. While this background information does not in any way excuse the authorities’ actions, it does at least offer a partial explanation for the police response, and points to clear failures (in both training and resourcing) which must be further investigated, and remedied so as to prevent their future recurrence. In particular, the law must be reformed so as to provide greater clarity in relation to police command structures, to the use of riot-control weapons and to officers’ liability in case of abuse.

Police trade union representatives admitted intervening without prior warning and firing gas canisters directly at people. They also explained that the heavy-handed intervention was justified by the presence of known leftist and pro-Kurds organizations (“*marginals*” and “*terrorists*”) and a perception that the protests were unlawful. In this regard, international human rights law emphasizes that law enforcement officials ought to be guided, first and foremost, by whether or not participants in an assembly are peaceful (rather than by questions concerning their lawfulness).

Weapons used by police forces

- Different types of tear gas (see below)
- Water cannon, including with water adulterated with liquid “pepper” (OC) gas.⁴⁹
- Rubber bullets and batons.

All testimonies, video footage, medical statistics and applications for assistance received by human rights organizations point to an appalling level of violence in police interventions against protesters and to the indiscriminate and widespread use of so called non-lethal weapons, in particular of tear gas canisters, which caused grave injuries having been used not only as a means of dispersing tear gas but also as projectiles intentionally shot at individuals (see below).

Grave consequences of the excessive use of force

According to figures provided by the Turkish Medical Association (TTB) from data collected between May 31 and July 10:

- 8121 requested medical assistance;
- People were wounded in 13 cities,
- 104 people suffered head trauma,
- 61 people had severe injuries (requiring intensive care and/or surgery),
- And 11 people lost an eye, on most verified occasions due to the impact of tear gas canisters.⁵⁰

⁴⁹ See <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nid=49009>

⁵⁰ Detailed data, global and for each province, available in English at the following link of the IHD: http://en.ihd.org.tr/index.php?option=com_content&view=article&id=739:report-on-incidents-during-the-gezi-park-resistance-27-may-2013-10-july-2013&catid=17:special-reports&Itemid=37

It also needs to be highlighted that the exposure to tear gas is being investigated as cause for several deadly heart attacks. At least 150 people notified skin burns in Istanbul after having been exposed to water cannons, indicating the use of chemical agents mixed in the water.

Deaths in connection with Gezi Park protests:

- 1- Mehmet Ayvalıtaş (21) lost his life on 2 June 2013 as a result of being hit by a car which was crashed into the crowd in highway E-5, Ümraniye, İstanbul.
- 2- Abdullah Cömert (22) died during the demonstration held in Hatay on 3 June 2013. According to the Turkish Medical Association, the autopsy revealed that his death was caused by two blows received in the head.
- 3- Mehmet Sarı, police officer, on 5 June 2013, fell down from a bridge under construction in Adana while running after protesters; severely injured, he died in the hospital.
- 4- Ethem Sarısülük was killed during the demonstration held in Ankara on 1 June 2013. In a coma for 12 days, he was declared dead on 12 June, according to the autopsy report due to the impact of a gunshot in the head fired by a police officer [named Ahmet Şahbaz].
- 5- Ali İsmail Korkmaz (19) was beaten with sticks by unidentified civilians and police officers on 3 June during the demonstrations held in Eskişehir. He died at the hospital on 10 July 2013.

Life-threatening injuries (in process of recovery):

- 1- Berkin Elvan (14). He was a bystander, he was attacked after stepping out to buy bread during a police intervention in İstanbul's Okmeydanı neighborhood on June 16.
- 2- Mustafa Ali Tonbul (17), injured by a police tear gas canister in the head in İstanbul (although he is from İzmir) on July 8, 2013. Now returned to his home, after having survived 2 surgeries.
- 3- Lavna Allani (Lobna Al-Lamii), a student, entered a coma after receiving head and skull injuries.⁵¹

Excessive use of tear gas

- ❖ **Circular n°19 (02/15/2008) on the use of tear gas** sets out the main conditions of 1/ prior warnings; 2/ no firing directly at the human body; 3/ progressivity and proportionality; 4/ no use in any case against persons who have stopped their resistance or aggression; and 5/ ways of evacuation must be clear for people affected by gas to disperse. Clearly, however, this regulation has been insufficient to avoid abuse, as repeatedly demonstrated in practice.

The two new circulars were issued on 26 June and on 22 July 2013 by the Interior Ministry on procedures for use of force by law enforcement authorities against unauthorized demonstrations. According to the text, police should warn demonstrators before using tear gas, which should be fired after water cannons are used. Police should avoid using tear gas unless there is an actual aggression or resistance against them, and should stop using gas when such resistance ends. Moreover, police shouldn't target enclosed spaces with gas. If these restrictions are an improvement, the circulars don't mention the close range shooting, forbidden by the former circular n°19, which is was major cause of injuries during the protest⁵².

⁵¹ Information compiled from HRFT <http://www.fidh.org/fact-sheet-on-gezi-park-protests-13704> [updated on 19 July 2013], and during the inquiry (meetings with members of IHD and the Turkish Medical Association, Ankara branches.

⁵² <http://www.hrw.org/news/2013/07/16/turkey-end-incorrect-unlawful-use-teargas>

- ❖ According to information received from several sources, police used **130,000 tear gas cartridges during the first 20 days** of the demonstrations.⁵³
- ❖ **The types of gas used by the Turkish security forces are:**
 - *dibenzoxazepine* (CR) gas
 - *chlorobenzalmalononitrile* (CS) gas
 - *Phenacyl Chloride* (CN)
 - *Oleoresin Capsicum* (OC or “pepper” gas)⁵⁴

In June 2013, the Turkish Medical Association (TTB) published a report on the assessment of health problems in persons exposed to chemical agents after it surveyed 11 115 persons affected by gasses. 68.5% of respondents were “very heavily” affected by gasses. In total, TTB affirmed that respondents showed 147,284 different symptoms due to tear gas. Most commonly, these symptoms included problems related to the eyes, nose, throat, and respiratory tract. Symptoms also included, asthma and hypertension attacks, difficulties in breathing, and other neurological and psychological problems. Furthermore, skin burns, head injuries, eye losses, and injuries to the muscular-skeleton system and internal organs were also reported.

As for long term effects, even though general information is lacking, physicians argue that intensive and prolonged exposure increases the risk of toxicity and may lead to death. Indeed, at least three heart attacks occurred during the Gezi events were allegedly caused by prolonged exposure to tear gas (several days or weeks):

- 1- Kerem Can Karakas (22), died of a heart attack on 31 May 2013 while being exposed to tear gas during the police crackdown in Taksim Square.
- 2- İrfan Tuna (47), a cleaning worker in a private school nearby Kızılay, died of a heart attack in the hospital on 5 June 2013, after being exposed to intense tear gas used in the area of Kızılay Square for several days during his night shift. Before the heart attack, he said to be feeling sick as a result of the exposure to viscous tear gas. The prosecution office has reportedly launched an investigation into Tuna's death and demanded an autopsy considering the allegations that the heart attack was triggered by tear gas.
- 3- Zeynep Eryaşar (50) who attended the protests and had been exposed to tear gas, died of a heart attack in Avcılar, İstanbul, on June 15, 2013.

According to the reports and surveys of the Turkish Medical Association and to testimonies of wounded people, many injuries of head, face, thorax, eyes and abdomen, together with open sores and fractures, were caused by the **direct impact of tear gas canisters**, usually fired at too close range.⁵⁵

That indicates that police officers deployed **these weapons by targeting them directly at the crowds**, as evidenced by the Turkish Medical Association and acknowledged by members of the police union

⁵³ <http://www.amnesty.org/en/news/turkey-fresh-protest-death-underlines-urgent-need-halt-tear-gas-shipments-2013-09-10>

⁵⁴ Tear gas canisters made by [two US-based companies](#), Nonlethal Technologies, based in Homer City, Pennsylvania and Defense Technology, based in Casper, Wyoming, have been found littering the ground in Gezi Park. According to different testimonies, tear gas may also be supplied by Brazil, South Korea, India and Spain.

⁵⁵ Meeting with Emma Sinclair Webb, senior researcher for Human Rights Watch (HRW) who established that some of the canisters were shot at a 7 m. distance.

Emniyet-Sen. This constitutes a flagrant contravention of the domestic guidance on the use of such weapons⁵⁶ and, in turn, of international norms on the use of riot control weapons.

The use of tear gas canisters must be exceptional, cannot be aimed at human bodies, cannot be fired from close-distance and users must respect the 45° angle (as the ECtHR has recalled in several judgments on Turkey)

Tear gas was also fired in confined spaces, such as metro stations, mosques, hotels and hospitals reception halls.⁵⁷ Besides, gas canisters were also reported to have entered into the buildings through the windows. Subsequently, the massive use of gas left large areas of Istanbul covered in gas.

Human rights organizations alleged that the exposure to gas, bearing in mind their physical effects and the anguish it creates, subjected to torture all the inhabitants of such areas.

In this regard, the **European Court of Human Rights** has recently stated in a case against Turkey that: *“The Court (...) recognised that the use of “pepper spray” can produce effects such as respiratory problems, nausea, vomiting, irritation of the respiratory tract, irritation of the tear ducts and eyes, spasms, chest pain, dermatitis and allergies. In strong doses it may cause necrosis of the tissue in the respiratory or digestive tract, pulmonary oedema or internal haemorrhaging (haemorrhaging of the suprarenal gland)⁵⁸”*.

In another case, the Court considered that *“unwarranted use of tear gas by law enforcement officers is not compatible with the prohibition of ill-treatment within the meaning of Article 3 of the Convention”⁵⁹*.

It is noteworthy that, while the **Chemical Weapons Convention (CWC)**⁶⁰ permits the use of ‘riot control agents’ and ‘toxic chemicals’⁶¹ for the purposes of ‘law enforcement including domestic riot control purposes’,⁶² toxic chemicals must only be used in ‘types and quantities’ consistent with such purposes.⁶³ While the CWC does not offer any further guidance on suitable quantification, and while ‘tear gas’ remains controversially outside the scope of the Convention,⁶⁴ the documented and grossly

⁵⁶ According to Circular no. 19 (*E.G.M. Genelge No:19*) sent by the Director of General Security (*Emniyet Genel Müdüğü*) to all security services on February 15, 2008, setting out the conditions on the use of tear gas. The circular referred to a directive on the use of tear gas weapons (*Gas Göz Yaşartıcı Silahları ve Mühimmatları Kullanım Talimatı*). The content of Circular no.19 was copied in the judgment of the case *Abdullah Yasa and others v. Turkey* (App. no. 44827/08, judgment of 16 July 2013) at para.28.

⁵⁷ See for example, camera records available on Internet of the use of tear gas and water cannon on the Divan hotel, where Claudia Roth, co-president of the Green Party in Germany was one of the victim of tear gas.

⁵⁸ *Oya Ataman v. Turkey*, no. 74552/01, §§ 17-18, ECHR 2006-XIII

⁵⁹ *Ali Güneş v Turkey*, 10 April 2012, para. 37 and 43. It is also noteworthy that in finding a violation of Article 3 ECHR in the case of *İzci v. Turkey* (App. no. 42606/05, judgment of 23 July 2013), the European Court of Human Rights noted ‘*the excessive and unjustifiable use of tear gas*’ towards demonstrators (at para.66).

⁶⁰ The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Available at: http://www.opcw.org/index.php?elD=dam_frontend_push&docID=6357. This was signed by Turkey on 14 January 1993, and entered into force on 11 June 1997. See, ‘Status of Participation in the Chemical Weapons Convention as at 14 October 2013’, available at: http://www.opcw.org/index.php?elD=dam_frontend_push&docID=16815

⁶¹ Defined in Article II(2) CWC as ‘[a]ny chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals.’ ‘Riot Control Agents’ are defined separately in Article II(7) CWC as ‘[a]ny chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.’

⁶² Article II(9)(d) CWC.

⁶³ Article II(1)(a) CWC.

⁶⁴ Physicians for Human Rights have urged that further consideration be given to issue of whether ‘the application and toxicity of certain lachrymatory agents’ necessitates their re-classification under the CRC. See, ‘Weaponizing Tear Gas: Bahrain’s

excessive deployment of tear gas in relation to the Gezi protests (and the cumulative impact of its repeated use, often in confined spaces) strongly suggests that the quantities deployed could not be regarded as being consistent with the purpose of law enforcement or domestic riot control.

The widely publicized case involving the spraying of the ‘**woman in red**’⁶⁵ with pepper spray itself underscores the need for precise guidance (and for the training of law enforcement officers) to limit their use of such sprays to an initial 1-second ‘burst’ or ‘dose’, whereupon the officer should then reassess the risk posed by the target, and decide whether a second ‘burst’ is necessary and proportionate.

3. Failure to protect and facilitate medical access

As explained above, the extensive use of tear gas, water cannon, rubber bullets and police violence resulted in scores of injured all across the country. Human rights organizations and medical associations during the mission were concerned about the misconduct of authorities and law enforcement officials in relation to their protection duties vis-à-vis peaceful participants in the protests and neutral actors such as medical staff and journalists.

As prescribed by international standards, when anti-riot equipment is used to stop or disperse demonstrators, medical assistance needs to be provided to any injured person at the earliest moment.⁶⁶ In relation to the use of gas, the Committee against Torture has observed that “persons exposed to pepper spray should be granted immediate access to a medical doctor and be offered an antidote”.⁶⁷

On May 31, 2013, the extremely heavy-handed police intervention to evacuate and block the entrance to the Park triggered the set-up of makeshift infirmaries, some of which remained open over three weeks. In Ankara, since the beginning of the protests, in the areas with more conflict, doctors, students and citizens set up 11 first aid infirmaries to treat people on the spot given the blockage of health assistance to the injured people and the preclusion of the functioning of health services by the police attacks as described by the Turkish Medical Association. No medical services were specifically mobilized by authorities to handle all the injured, streets blocked by the police would not allow for the quick circulation of ambulances, and “the chance to get an ambulance was not higher than on a normal day”⁶⁸.

According to reliable sources including reports from Istanbul and Ankara-based doctors associations and human rights organizations, **many infirmaries were themselves targeted with tear gas and water cannons**. Against this backdrop, in Ankara, from 11 infirmaries, 4 were undercover for fear of police

Unprecedented Use of Toxic Chemical Agents Against Civilians’ (August 2012) at p.4. Available at: https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small.pdf.

⁶⁵ See, for example, <http://www.reuters.com/news/pictures/slideshow?articleId=USRTX10BDX#a=1>

⁶⁶ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), para. 5.

⁶⁷ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT/Inf (2009), 25. Such a finding is especially relevant given that the chemical substance added to water canon was reportedly Jenix OC gas solution (see <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nid=49009>).

⁶⁸ Interview with the Turkish Medical Association central committee, Ankara, 9/7/2013.

attacks since “gas was knowingly shot in medical centres”.⁶⁹ It is worth noting that Turkey had been condemned by the ECtHR on a past similar occasion⁷⁰.

Doctors were also directly targeted, beaten and detained to prevent them from assisting injured into the makeshift medical centres.⁷¹ Such cases include 13 doctors and medical students who were detained on 2 June in a makeshift infirmary in Kizilay mall in Ankara, one of whom was severely beaten in detention, and 2 doctors detained in Istanbul on 8 June. Dr Ali Çerkezoğlu, Secretary General of the Istanbul Chamber of Medicine, who was among 35 people detained in Istanbul on Monday 8 July; his home was searched without a warrant and he was detained for more than 3 days. Concerned about their physical integrity, physicians took off their distinctive white coats after a few days attending protesters.⁷²

It needs to be pointed out that due to the wave of detentions and police attacks on hospital premises,⁷³ injured individuals were afraid of going to hospitals. Moreover, all hospitals, including private hospitals, as reported, were requested to notify all personal information of injured coming from the demonstrations to the police.

Moreover, those doctors and medical students who took care of persons injured on the streets or in the makeshift medical premises are being subjected to an administrative investigation by the Ministry of Health on account of having given medical care to “persons injured in illegal demonstrations” at “volunteer infirmaries” without seeking the permission of the Ministry of Health. In several circulars and letters sent by the ministry of health and the General directorate of Security to the Medical Association, the names of doctors as well as the names of patients examined and treated in the infirmaries were asked (See *Annexes*).⁷⁴ Coupled with that, the Ankara Chamber of Doctors, appeared in a document that the police sent to the prosecutor in connection with a preliminary criminal investigation presenting them as “provocateurs” and inciting to illegal protests. Arrest warrants were also issued against several defendants, some of them doctors, based on their carrying medical supplies such as bandages, plasters and compress-tissues⁷⁵.

Finally, the Ministry of health submitted a health bill to the Parliament, which, if passed, would criminalize the provision of emergency medical care, not only to demonstrators, but to anyone in need. This draft bill has not been heard of since July, however, it clearly constitutes an attempt to intimidate doctors and dissuade them from carrying out their duty in the context of anti-governmental protests.

The facts as described point to a very **serious two-fold violation of international law: on one side, breach of the duty of care and assistance, on the other, obstruction of the delivery of medical assistance** by medical personnel to those in need, even jeopardizing the health of both physicians and wounded.

⁶⁹ Ankara Branch, Turkish Medical Association. No exact figures were available regarding Istanbul make-shift clinics but similar attacks against several of them were reported.

⁷⁰ *DISK and KESK v Turkey*, para. 34.

⁷¹ Turkish Medical Association; according to the same source, 5 doctors were allegedly detained near the entrance to infirmaries. See also https://s3.amazonaws.com/PHR_other/Letter-to-PM-Erdogan-July2013.pdf joint letter.

⁷² Ankara Branch, Turkish Medical Association.

⁷³ See, e.g., camera footage available on Internet of police firing water cannon from an equipped vehicle (TOMA) at the front and on the yard of the German hospital, located in Taksim square, on 15 June 2013.

⁷⁴ Investigation carried out under the order no. 2013-01-071/2256, dated 10 June 2013 by Ministry of Health, Department of Inspection Services, Chief Inspector B. İzzet Taşçı. Information extracted from the website of the Turkish Medical Association (TTB): <http://www.ttb.org.tr/en/index.php/tuem-haberler-blog/179-ttb/1215-physicians-wait-neither-for-permission-nor-order-to-serve-humanity>; <http://www.ttb.org.tr/en/index.php/tuem-haberler-blog/179-ttb/1220-ba>

⁷⁵ See for example <http://www.bianet.org/english/crisis/147974-arrest-order-of-doctors-for-tourniquets-plasters>

According to Physicians for Human Rights, the principle of medical neutrality states that “Doctors, nurses, and other medical professionals are trained to treat those in need – regardless of politics, race, or religion. Attacks on health professionals violate the principle of medical neutrality and are grave breaches of international law.”⁷⁶ Any hindrance of medical care to people in need of emergency assistance would actually also violate the Turkish penal code which articles 97 and 98 make it a crime for medical personnel to neglect their duty of providing emergency care to those who need it.

4. Detentions and ill treatments

Massive detentions

According to data collected by the Human Rights Foundation Turkey, almost 5,000 persons were detained across Turkey during and after the protests.⁷⁷ As of July 2013, over 100 people had been arrested, most of them under Anti-Terror Law. Some were released on bail, but at the time of this publication, 94 people remain in detention.

On separate occasions, a significant number of people were arbitrarily detained. On 31 May, around 50 people were held in “hot and overcrowded” police buses all night, “without access to food, water or toilet facilities”⁷⁸. Some testimonies add that they were kept handcuffed while being targeted by water cannons or even gassed. These protesters were taken into custody without any formal registration or official record, and without being afforded prompt access to lawyers.⁷⁹ On another occasion more than 500 people were held in a sports hall in Istanbul, and while only part of them were presented to a judge, all of them were later released⁸⁰.

According to the IHD, 425 minors were detained, some of them were not taken to juvenile centres and some of the detentions were not communicated to the relatives properly.

As mentioned before, several doctors and dozens of lawyers were also detained while exercising their duty or making public statements about the ongoing event.

The mass apprehension of protesters, bearing in mind that the great majority of them were released in the first 24 hours without charges, entails a discretionary and abusive resort to liberty depriving measures on people enjoying their right to freedom of peaceful assembly. Detentions not officially recorded fall short of international standards and, thus, are considered an unlawful and arbitrary interference with the right to liberty. Furthermore, individuals should only be held in premises officially recognized as detention places. The delay in allowing detainees to have access to lawyers also contravenes international standards.⁸¹

⁷⁶ See, for example, <http://everywheretaksim.net/physicians-for-human-rights-phr-documents-improper-use-of-tear-gas-and-unnecessary-force-on-demonstrators-in-turkey/>. See also, Physicians for Human Rights, *Contempt for Freedom: State Use of Tear Gas as a Weapon and Attacks on Medical Personnel in Turkey* (September 2013). Available at: https://s3.amazonaws.com/PHR_Reports/Turkey-Protests-Report-September-2013.pdf.

⁷⁷ See <http://www.tihv.org.tr/index.php?hrft-and-tma-face-pressure-from-turkish-authorities-following-crackdown-on-gezi-demonstrators>

⁷⁸ <http://www.amnesty.org/en/news/turkey-disgraceful-use-excessive-police-force-istanbul-2013-06-01>

⁷⁹ Progressive Lawyers Association, Ankara Branch; other reports by Amnesty International, Human Rights Association, Human Rights Foundation.

⁸⁰ Interview with IHD, Ankara branch.

⁸¹ States parties should permit immediate access to counsel for detainees in criminal cases, from the outset of their detention

As stated by the UN Human Rights Committee, “the notion of “arbitrariness” is not to be equated with “against the law”, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability, and due process of law”.⁸² Moreover, any restriction on the right to liberty must be “necessary in a democratic society” and applied as a last resort, as foreseen in the International Covenant on Civil and Political Rights.

Ultimately, the deprivation of liberty of protesters constitutes an unlawful restriction of their right to freedom of assembly and may act as a powerful deterrent against the exercise of this freedom. Human rights organizations noted that detention was not used for crime prevention and investigation purposes, but as punishment against peaceful protesters, which would be backed by the scarce number of criminal procedures initiated in relation to the amount of detentions. It must be recalled that arrest or detention as punishment for exercising the rights or freedoms guaranteed by the International Covenant on Civil and Political Rights (such as freedom of assembly and expression), amounts to an arbitrary deprivation of liberty⁸³.

Torture and ill-treatment

Figures from the HRFT indicate that **297 people have applied to five of their rehabilitation centres for treatment and documentation of torture and/or ill-treatment** inflicted during and after the Gezi Park demonstrations in Istanbul⁸⁴. On 31 May, Amnesty International received 49 complaints from individuals alleging ill-treatment while in detention⁸⁵.

The most common illegal conduct on the part of law enforcement officials was imposing lengthy detention without access to water, food or sanitation; discriminatory attitudes and insults to the detainees; beatings, often severe; sexual harassment; and threats of being subjected to arrest, anti-terrorist procedures, and rape.

Sexual harassment against women protesters

Lawyers and human rights organizations⁸⁶ received complaints of women claiming to have been sexually abused during police searches or while being detained in police buses or in police premises. The most common sexual abuse was police officers touching intimate parts of women’s bodies and in occasion having them strip; intimate searches; insults and rape threats. The EMHRN gathered several testimonies of such acts:

- On 31 May, dozens of people were detained around Taksim Square. Seven women described that while being detained at the police station they were taken to another room by women officers, they were stripped to their underwear and the officers proceeded to conduct an intimate search, feeling their breasts and genitals. A young woman was traumatized and filed a complaint.
- On 18 June 2013 during a police raid on the independent news agency Etkin Haber, the staff

⁸² Human Rights Committee, Communication No. 1134/2002, Gorji-Dinka v. Cameroon, para. 5.1; Human Rights Committee, draft General Comment no. 35 on article 9, para. 5.1.

⁸³ See, for example, Human Rights Council, para. 17 draft General Comment on article 9 and para. 20 Concluding Observations Canada (2006). The HRC recommends that “*The State party should ensure that the right of persons to peacefully participate in social protests is respected, and ensure that only those committing criminal offences during demonstrations are arrested*”.

⁸⁴ See <http://www.tihv.org.tr/index.php?hrft-and-tma-face-pressure-from-turkish-authorities-following-crackdown-on-gezi-demonstrators> .

⁸⁵ <http://www.amnesty.org/en/news/turkey-disgraceful-use-excessive-police-force-istanbul-2013-06-01>

⁸⁶ In particular, Human Rights Watch, IHD and HRFT

was detained several hours and (only) women were body searched, which they denounced as humiliating and degrading treatment.

- On 26 June, during the dispersal of a demonstration in Ankara, a young woman and a boy were detained at a near-by café. The girl was abused in front of the boy in the bus taking them to custody, her breasts and genitals being repeatedly touched by several officers while she was handcuffed from behind. The young woman denounced the sexual abuse, but no action was taken by the police officers who filed her declaration. On 1 July the Police directorate published her name accusing her of “false accusations”. On 2 July she filed a new complaint with the help of a lawyer and asked for protection, yet no action was taken.

Lawyers denounced systematic sexual harassment of women protesters in detention. Touching women’s bodies while they were handcuffed, or making sexual gestures with their batons was described as a recurrent behaviour of police officers. Many women do not dare denouncing sexual abuse and ill-treatment, because of the trauma and of police impunity. Lawyers reported that several complaints similar to the one described above were dismissed by the police.

5. Aftermath of the events: investigations and sanctions

Retaliation against protesters

Charges pressed against the dozens that were indicted, include: membership or support to illegal organizations (Anti-Terror Law), sedition, attempt to change the constitutional order, resistance to authority, destroying public property, carrying gun or invading a mosque. Provisions of the Demonstrations Law were also used against demonstrators, namely articles 23 and 28, for holding assemblies without notification, for attending an illegal demonstration, and for bearing any kind of harmful instrument, symbols of illegal organizations, chanting illegal slogans or covering faces to prevent identification. Indeed, lawyers met said that to back some of the accusations protective helmets, gas masks or other protective equipment (including basic medical supplies) were used as crime evidence. On this basis, arrest warrants were issued, and people wearing or carrying these items were detained in the streets⁸⁷.

At the date of this publication, there are 94 people in prison and possible prosecution may take up to 6 years. Indeed, people detained as well as people still prosecuted although they were released are accused of being members of illegal organisations, a crime under Anti-Terror Law.

During the mission, allegations were received of arrests of members of (lawful) socialist and leftist parties and groups, as well as members of human rights organizations, on account of accusations of membership to terrorist or illegal organizations (mainly to the Marxist Leninist Communist Party – MLKP). It was also reported that there were people arrested on grounds of attending demonstrations of “illegal parties”. Article 7 of the Anti-Terror Law (Law No. 3713 published on 12 April 1991) was applied in these cases, undermining the procedural rights of detainees. According to testimonies collected⁸⁸,

⁸⁷ Istanbul Bar Association Chairperson Ümit Kocasakal said → <http://bianet.org/english/crisis/147819-882-detained-6-arrested-in-istanbul>. See also: <http://www.bianet.org/english/crisis/147974-arrest-order-of-doctors-for-tourniquets-plasters>

⁸⁸ IHD and Progressive Lawyers association asked the Prosecutor what element founded the difference in considering people as “protesters” or “terrorists” and were answered: “*the flags they held*”.

detainees were subjected to Anti-Terror Law provisions if they were “known to police services”, i.e. if they were members of leftist parties or held flags of such parties during the demonstrations, whereas other protesters detained at the same time were referred to civil courts.

Therefore, there are solid reasons to support the allegations of judicial harassment against leftist and pro-Kurdish groups, human rights defenders, lawyers and journalists in the context of Gezi Park protests.

Accountability of security forces

Since 2009, identity numbers are displayed on the helmets of all police officers, including riot police, in order to ensure the identification of officers and discourage them from arbitrary use of force.⁸⁹ However, during the Gezi Park protests, serious allegations were received of police officers hiding their identification. Police officers acknowledged that many “exchanged their helmets” during the operations, for no clear reason⁹⁰.

Law-enforcement officials are accountable for excessive use of force and human rights violations pursuant to the Turkish Penal Code, in particular article 94, in which the definition of torture could encompass a number of the allegations of violent assault by the police described in this report.

However, according to Article 129 of the Constitution⁹¹, a prior authorization is required to initiate investigations of public officials. The Law on the Prosecution of Civil Servants and Other Public Officials (Law No. 4483 of 1999) reiterates the need for an administrative permission to prosecute a civil servant. An important amendment to the law was introduced in January 2003 by Law n° 4778 stating that no permission to prosecute is required if there is an allegation that a civil servant was responsible for torture or ill-treatment. Furthermore, the 2005 Criminal Procedure Code gives public prosecutors the authority to conduct direct investigations against anyone apart from governors and judges (Article 161/5).

Nevertheless permission is still routinely invoked to prevent investigations into police abuse, perpetuating the problem of impunity⁹², as is the investigation into the death of protestor Ethem Sarısülük.

The case of Ethem Sarısülük’s death

Policeman Ahmet Şahbaz fired live ammunition at Ethem Sarısülük, causing his death. The Sarısülük family lodged a complaint, but the family’s lawyer, as well as relatives and Human rights defenders met during the mission, reported on several irregularities and hindrances that raise serious doubts on the diligence of authorities to institute effective criminal proceedings against police officers involved in grave human rights violations during the protests.

⁸⁹ Replies from the Government of Turkey to the list of issues (CCPR/C/TUR/Q/1) to be taken up in connection with the consideration of its initial report (CCPR/C/TUR/1), Human Rights Committee 106th session, 15 October – 2 November 2012, issue 11.

⁹⁰ Emniyet Sen, meeting on 3 July 2013; Amnesty International, meeting on 4 July 2013.

⁹¹ Article 129(6) of the Constitution: “Prosecution of public servants and other public employees for alleged offences shall be subject, except in cases prescribed by law, to the permission of the administrative authority designated by law”

[http://www.hri.org/docs/turkey/part_iii_2.html]

⁹² See for example the case on the murder of Hrant Dink and its investigation phase. Cases against 40 public officials (army and police officers) were obstructed with authorisation procedures. ECtHR *Dink v Turkey*, 14 September 2010.

See also Human Rights Watch, *Closing ranks against accountability*, 2008 <http://www.hrw.org/reports/2008/12/05/closing-ranks-against-accountability>

The Prosecutor's office took the main suspect's testimony more than 10 days after the facts; the results of the autopsy, video footage of the events, several independent experts' reports and the testimonies of eyewitnesses were not taken into account and the court released the suspected policeman on the possibility that 'he might have defended himself'; on 16 July, the Ankara 6th High Criminal Court transferred the case back to the Prosecutor's Office on the basis that it was opened "without necessary permissions to prosecute" a state official; the case was finally opened on 23 September, but immediately suspended until 28 October.⁹³ The third hearing was held on 2 December 2013 before the 6th Heavy Penal Court of Ankara. Lawyers claimed that the Panel of Judges was not impartial. As a result, the Panel of Judges decided to withdraw from the case and submitted its application form to the 7th Heavy Penal Court which is its superior.⁹⁴ The police officer is still on his duty and is now working in Şanlıurfa.

It is of concern that three eyewitnesses of Sarisülük's killing were detained after the events and are being investigated for *inter alia* being member of an illegal organization, inciting rebellion, and destroying public properties; one of the elements of accusation is their attendance at the funeral of Ethem Sarisülük.

Finally, Sarisülük's relatives and friends complained that during the funeral, that drew many supporters, police harassed them in a very aggressive manner, preventing the procession from leaving the religious mourning building, and then from getting back into it.

In the case of Ali Ismail Korkmaz, who died of his injuries on 9 July after having been beaten up by police and civilians in the city of Eskişehir on 2 June, prosecutors have completed their indictment, with 5 individuals charged for "premeditated murder", including one police officer.⁹⁵

In the case of Abdullah Cömert who was killed in the southern city of Hatay on 3 June, the forensic medical expert issued an official report on 5 October 2013 confirming that Cömert was shot by gas canisters. The Minister of Justice stated that the investigation was being conducted in a careful manner.

In addition, according to information released by police authorities, 31 active-duty policemen are facing disciplinary investigations over the excessive use of force, but none was dismissed, yet 3 of them were suspended temporarily in İzmir.⁹⁶

However, in the course of the mission, concerns were raised by human rights organizations over the effectiveness of inquiries underway given the shortcomings detected in past and present investigations carried out by judicial and law enforcement authorities. Identification of police officers is made difficult by the fact that many hid their identification numbers and were wearing gas masks during interventions

⁹³http://www.bianet.org/english/people/148549-ethem-sarisuluk-case-suspended?bia_source=facebook&utm_source=dlvr.it&utm_medium=facebook; also <http://www.bianet.org/english/youth/150110-tensions-rise-in-sarisuluk-trial-hearing-postponed>

⁹⁴http://www.bianet.org/english/people/148549-ethem-sarisuluk-case-suspended?bia_source=facebook&utm_source=dlvr.it&utm_medium=facebook; also <http://www.bianet.org/english/youth/150110-tensions-rise-in-sarisuluk-trial-hearing-postponed>

⁹⁵ <http://bianet.org/english/youth/149681-ali-ismail-korkmaz-murder-suspects-charged-with-life-sentence>

⁹⁶<http://www.focus-fen.net/index.php?id=n308609>; and <http://bianet.org/english/politics/150070-did-policemen-face-investigation>

against Gezi protestors. This increases the likelihood of impunity, as the European Court of Human Rights has already highlighted in relation to previous crackdowns on protestors in Turkey.⁹⁷

A number of protestors who alleged their rights had been violated sent applications to the Ombudsman, an institution created in 2012, and which mandate includes the investigation of human rights abuses. However, as of 9 July only 22 applications had been received, which can be interpreted as citizens not knowing or not trusting this institution as an effective remedy. Furthermore, during an interview with the EMHRN delegation, the Ombudsman declared that protests were no longer legitimate as soon as the Gezi Park construction project was officially stopped in early June; and that the movement was “not innocent” due to the presence of “terrorist organisations” among the protestors⁹⁸.

IV. CONCLUSIONS AND RECOMMENDATIONS

In spite of the early apologies of Deputy Prime Minister Bulent Arinc on account of the “police aggression” against citizens who protested for environmental reasons,⁹⁹ the EMHRN delegation verified repeated and grievous misconducts in the policing of the protests that spread in connection with the initial intervention against the environmentalists gathered in Gezi Park during the last week of May 2013.

The first cause of concern to the EMHRN delegation is the massive **arbitrary interference with the right to freedom of assembly** of thousands of individuals caused by the inability or unwillingness of Turkish authorities to respect and guarantee the peaceful expression of grievances and dissenting opinions. The stigmatization of demonstrators as if they were all looters, terrorists or State enemies has triggered the suppression of their right to peacefully assemble by resorting to an excessive use of force and, in various cases, lethal means.

This intolerant and violent reaction of the authorities and security forces to the wave of spontaneous protests across the country evidences **legislative shortcomings and a gap between law and practice**. On the one hand, certain legal provisions give room to the arbitrary and excessive use of force against peaceful demonstrators; on the other hand, even if some norms exist that guarantee the right to freedom of assembly and frame the use of non-lethal and lethal weapons, they are not implemented by law enforcement personnel. These gaps are even more problematic due to **long-standing impunity granted to law enforcement officers** that incur in excessive and arbitrary use of force against peaceful demonstrators.

On 30 September 2013, the Turkish government announced a new judicial reform (in view of the EU adhesion process), by which the Law 2911 on Meetings and Demonstrations is slightly modified, extending the authorized time for demonstrations from sunrise to sunset, and abolishing the government commissariat that used to monitor public meetings and terminate them if deemed necessary¹⁰⁰. This is a positive yet very shy step in reforming the assembly law, and a deeper reform should be implemented especially in terms of protection of the right to peacefully assemble, police intervention and the use of force.

⁹⁷ See recent ECtHR judgment, *Izci v Turkey*, paras. 68-75.

⁹⁸ Meeting with the Ombudsman responsible for Human Rights, Mehmet Elkatmiş, 9 July 2013.

⁹⁹ <http://edition.cnn.com/2013/06/05/world/europe/turkey-protests/index.html>

¹⁰⁰ Article 13 of Law 2911 on Meetings and Demonstrations.

The EMHRN delegation identified other serious human rights violations such as the **infringement of the prohibition of torture and other cruel, inhuman or degrading treatment – among which sexual harassment of women – and massive cases of arbitrary deprivation of liberty**. Numerous cases of harassment were also reported against professionals who provided assistance to protesters (doctors and lawyers) and against journalists and citizen-journalists for covering and imparting information on the brutality of police interventions.

A test of Turkey's will to progress in the protection of freedom of assembly and to respect international human rights law will be the developments of the criminal and disciplinary investigations into the deaths of four demonstrators and into the multiple allegations of torture and ill-treatments, sexual abuse and arbitrary detention against protesters. At the time of writing this report, there are **concerns over the thoroughness, independence and impartiality of inquiries initiated and over the accountability of perpetrators of human rights violations**. Besides, not only police officers that directly participated in the police intervention, but also superior officials and authorities who gave orders and were involved in the planning of police operations should be held accountable for interferences to freedom of assembly, for arbitrary detentions and judicial harassment, and the excessive use of force and consequent injuries, deaths and ill treatment.

Turkish authorities have a critical opportunity to fight impunity and address the situation recently portrayed by the European Court of Human Rights in the case *Izci versus Turkey*, when it concluded that *“the criminal-law system has proved to be far from rigorous and to be lacking in the dissuasive effect capable of ensuring the effective prevention of unlawful acts such as those complained of by the applicant”*.¹⁰¹ This means that the State should guarantee remedies for victims, including adequate reparation, as well as guarantees of non-repetition of what happened on occasion of the Gezi Park protests should be in place. To this aim, legal adjustments amending or repealing certain provisions should be carried out, along with a transformation of protest policing methods and approaches, in order to uphold freedom of assembly and avoid more tragic outcomes in the context of protests.

**In light of the findings and concerns raised in this report,
the Euro-Mediterranean Human Rights Network urges the Turkish authorities to:**

- Guarantee the right to freedom of assembly, as well as freedom of expression to everyone without discrimination of any kind;
- Release all peaceful protesters currently detained and drop charges related to their participation in peaceful demonstrations;
- Stop administrative and judicial harassment against peaceful protesters, against those who facilitate access to health care, against lawyers defending protesters, against journalists as well as against protesters' relatives;
- Stop applying provisions of the Anti-Terror Law to peaceful demonstrators;
- conduct a thorough investigation into the conduct of those who were in a position to give orders and make sure they are held liable for giving orders resulting in illegal or abusive conducts by law-enforcement officers;

¹⁰¹ ECtHR, *Izci v Turkey*, 23 July 2013, para. 72. The applicant was severely beaten and sprayed with tear gas during a peaceful gathering for Women's Day in Istanbul on 6 March 2005.

- Conduct prompt, independent, impartial and effective investigations into all allegations of misconduct by law enforcement personnel, including allegations of arbitrary detentions, torture, ill-treatment and sexual violence in connection with Gezi Park protests in accordance with international human rights law, and punish those responsible; the absence of identification tags on law-enforcement officers' equipment should not be held as an obstacle to investigations;
- Ensure that police officers are at all times identifiable by wearing their identification tags as foreseen by the law;
- Remove legal obstacle to investigation and prosecution of law enforcement officers, in particular by reforming Article 129(6) of the Constitution and Law No. 4483 of 1999;
- Put an immediate end to all acts of excessive use of force against those who peacefully exercise their right to freedom of assembly.
- Reform the Law 2911 on Meetings and Demonstrations to make it conform to international standards and European Court of Human Rights' judgments regarding freedom of assembly; in particular, the law establish the presumption in favour of the right to peaceful assembly and should guarantee that forceful dispersion is a last resort, even in the context of undeclared or spontaneous assemblies;
- Adopt clear, detailed and binding regulations on the use of force and anti-riot weapons in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and following the European Court of Human Rights' judgments; these regulations should be prescribed by law and should in no case be circumvented by political or administrative orders. Such instructions should also specifically limit the types and quantities of chemical irritants that may permissibly be used for riot control purposes;
- Guarantee access to medical care to those in need without regard to the circumstances, and without discrimination on any ground.

ANNEXES

- 1. Turkish Medical Association's press releases (June – July)**
- 2. Circular of the Ministry of Health and response of the Turkish Medical Association**
- 3. Letter of the World Medical Association and others to PM Erdoğan**
- 4. Letter from the Directorate of Security to the Turkish Medical Association**
- 5. Response of the Turkish Medical Association to the Directorate of Security**

2 June 2013

DISPROPORTIONATE USE OF FORCE CANNOT BE ACCEPTED!

**RESULT OF POLICE TERROR: THOUSANDS OF PEOPLE ARE INJURED
INCLUDING 20 SERIOUS CASES**

There is support throughout Turkey to protest demonstrations that started in İstanbul against the intention of the ruling government to build a shopping mall to replace a public park in city's Taksim Square.

The intervention by security forces to hundreds of thousands of demonstrators gathering to support the protest action in Taksim and to stand against the oppressive policies of the Government took extremely harsh forms.

The police responded to demonstrators using their democratic right by intensive use of pepper gas and gas capsules and plastic bullets hitting people's heads and eyes.

According to information extracted by the Medical Chamber of Istanbul from the Provincial Directorate of Health, now there are 26 persons under urgent care in various hospitals in the city, 2 of them under the risk of death and 5 under intensive care. Including those receiving outpatient care for some minor injuries, 1500 persons applied to health facilities in the course of events.

In Ankara, our colleagues in hospitals informed the Ankara Medical Chamber there are at least 1000 persons injured and the state of 15 of these persons is serious. A young person in Ankara Numune Hospital seriously injured on his head after a police assaults is now struggling for life.

According to information provided by the İzmir Medical Chamber there were 800 persons with injuries applying to hospitals, 60 of whom being transferred by ambulances.

It is known that there are many injuries in other provinces as well.

Injuries are mostly caused by disproportionate and targeted use of pressure water, shooting pepper gas capsules directly at people and shooting of plastic bullets from short distances. There are many citizens losing their eyes as a result of these acts by the police. Also there are many cases of skull fracture and cerebral hemorrhage.

It has become a serious public health problem that pepper gas known to be harmful to human health and may trigger fatal consequences in case of some already existing diseases is used in an uncontrolled manner in many public demonstrations. Still, there are claims that some other gasses whose composition is yet unknown are also used. As the issue is so closely related to human health, the Ministry of Interior has to make a statement urgently and share with the public information about the chemical component of gases used by the police.

The skill of a ruling government that claims to be in its period of "mastery" should not take the form of attacking its people. Uncontrolled police violence should be stopped immediately.

Information about the health status of citizens injured during events will be shared with the public as they come in.

**Turkish Medical Association
Central Council**

3 June 2013

URGENT

Stop this violence!

Hundreds of citizens were injured including some fatal cases as a result of brutal police intervention to an action of environmental sensitivity that started peacefully in Gezi Public Park in Taksim Square-İstanbul. The intervention of the police went much beyond the term “disproportionate” assuming the form of totally unlawful punishment/revenge operation.

There are hundreds of cases of injury and detention following police attack to protestors in Ankara as well as in some other provinces including Adana, Eskişehir and Gaziantep. People in neighbourhoods rushed out to streets to express their protest and reaction.

The attitude of the police causes serious concerns in terms of citizens’ well-being and health.

This is our urgent call to authorities and the police: Stop this violence now and avoid causing new injuries and deaths!

**Turkish Medical Association
Central Council**

ANNEX 1

2 June 2013 12:09:44

ANKARA MEDICAL CHAMBER

PRESS RELEASE

1 June 2013

A balance sheet of demonstrations in Güvenpark-Kızılay Square on Saturday, June 1st.

Supporting demonstrations in İstanbul protesting against the steps taken for building a shopping mall in the place of a public park in Taksim, the people of Ankara rushed to Güven Park in Kızılay Square starting from the early hours of the day. The Turkish Medical Association, Ankara Medical Chamber and students of medicine started their march from Demirtepe to Kızılay at 15.30.

Thousands of people marched on various routes leading to Kızılay Square Kızılay with their protesting claps and slogans demanding the resignation of the Government and Prime Minister, calling for solidarity against fascism and "all places are Taksim and there is resistance in all places".

The police resorted to intensive use of gas against demonstrators. There are many injuries, including serious ones as a result of police attack. Some injuries are fatal.

According to information reaching the crisis desk of the Ankara Medical Chamber, details related to injuries caused by disproportionate use of force by security forces starting from early in the morning are as follows:

- Dışkapı Yıldırım Beyazıt Hospital: 12 injured; one **case of head trauma**.
- Numune Hospital: 30 injured; one **heavy head trauma** (Ethem Sarısülük)
- İbni Sina Hospital: 25 injured; two **cases of cerebral hemorrhage, one subdural hematoma (hemorrhage in brain membranes) and one with a capsule on head**.
- Ankara Hospital: 7 injured
- Hacettepe Hospital: 25 injured; one **frontal fracture and subdural hematoma, one maxilla (upper chin) fracture, one case of eye loss**; one policeman hit by a toma vehicle is lightly injured.
- Bayındır Kavaklıdere Hospital: 2 injured; one having **head trauma**.
- Bayındır Söğütözü Hospital: **pelvic fracture** caused by gas capsule.
- Çağ Hospital: 70 injured; mostly burns caused by capsules and tissue damage, 4 cases of fracture in various parts; **4 cases of skull fracture**, one being open (Dilan Ece, student of medicine in Ankara University)
- Medicana Hospital: 30 injured policeman, 1 injured demonstrator

- Akay Hospital: 105 injured
- Over 100 injured people were brought to urgent care infirmaries set up by various mass organizations and political parties. A military officer in Presidential Guard was referred to the Military Hospital GATA while unconscious with 2 fractures.
- Ankara Medical Chamber infirmary: 7 injured persons, **one having a heavy head trauma.**

With the exception of last night's figures the total account in Ankara is at least 414 injuries, 15 of them being serious.

All injuries are in forms of direct trauma and burns caused by capsules shot by the police, having been run over by TOMA vehicles, injuries caused by **stones thrown by the police** and falls while running away from gas.

Today, a democratic protest action fully peaceful and involving no violence at all was targeted by the heavy assault and armed intervention of the police.

Witnesses report that the police used gas capsules as bullets by aiming at heads and eyes of protestors.

Today, Ankara experienced the terror of security forces, Ministry of Interior and Government.

Shooting gas capsules by aiming at head is full attempt to murder. It is a crime. Then who gave the order? Somebody must be held accountable for this.

Gas made Kızılay square and its vicinity unbreathable; houses, work places were filled with gas. There are people with asthma and heart problems living in these houses and. Lives of thousands of citizens were risked on purpose. This is a crime. Then who gave the order? Somebody must be held accountable for this.

Today, the streets of Ankara were dominated by police terror. Somebody must be held accountable for this.

Correction: The press release by the Ankara Medical Chamber on 1 June 2013 included information that "police was trying to detain injured protestors applying to Ankara Güven Hospital. The Hospital sent an explanation to our Chamber on June 2 that there was no such case and appropriate medical care is given to all persons applying to the hospital without any distinction.

ANNEX 2

MINISTRY OF HEALTH

Inspection Services

TO THE CHAMBER OF MEDICINES

İSTANBUL, 13 June 2013

Within the framework investigation carried out under the order no. 2013-01-071/2256, dated 10 June 2013 by Ministry of Health, Department of Inspection Services;

There are news in the national media concerning the establishment of “volunteer infirmaries” to extend medical care to persons injured during illegal demonstrations in Taksim Gezi Park that started in June 2013 and still continuing.

News and statements in the website of Istanbul Chamber of Medicines include various information and statistical data concerning medical care given to persons injured in illegal demonstrations in some spaces called as “infirmaries” operated “on the basis of volunteer participation.”

Given this information and in-situ observations by İstanbul Provincial Directorate of Health:

1. Why didn't you ask the permission of the Ministry of Health for medical intervention and “volunteer infirmary” operations that your Chamber is coordinating in Taksim Gezi Park?
2. While medical teams and ambulances of the Ministry are present in the Taksim square since the beginning of demonstrations why did you feel the need of mobilizing additional teams?
3. Who assumed duty in volunteer infirmaries? What were their duties, authority and titles? How did you check whether these persons are authorized and professionally competent to deliver medical care?
4. What kind of medical records are kept by these “health volunteers” intervening to cases of sickness and injury and what is the legal basis of these records? There is mention of “Judicial Case Preliminary Assessment and Documentation” in your website. What is the legal basis of such actions?
5. Was there any surgical operation in injuries and other problems? Is there any medical report of such intervention if there was?
6. How many persons were examined and treated in volunteer infirmaries? Were medical records of these persons kept? Is there a list of patients and is this list shared with the Ministry of Health?

We urgently request answers to these questions with relevant supporting documents

B. İzzet Taşçı
Chief Inspector
Ministry of Health

RESPONSE FROM THE TURKISH MEDICAL ASSOCIATION, TUESDAY, 18 JUNE 2013

The Ministry of “Health” launched an “URGENT” investigation/inquiry targeting the İstanbul Chamber of Medicine.

In its official writing, the Ministry coins Gezi Park actions as “illegal”, people injured as a result of police violence as “persons injured in illegal actions” and urgent medical intervention as well as organizing environments and volunteers for such interventions as “crime”.

The Ministry then goes on asking the organizers of volunteer health services “why they didn’t take permission” for such interventions, together with the names and records of health volunteers and patients who were given care.

The Ministry also wants to know the “justification” and “basis” of medical reports issued for persons who were injured and suffered adverse health conditions as a result of police violence.

We want to share with our people that as physicians:

“We solemnly pledge to consecrate our lives to the service of humanity,

The health of our patients will be our first consideration,

We shall respect the secrets that are confided in us even after the death of our patients,

Our colleagues will be our sisters and brothers,

We shall not permit considerations of creed, nation, ethnicity, party politics or social standing to intervene between our duty and our patients,

We make these promises solemnly, freely and upon our honour”

(Declaration of Geneva- Professional Oath, 1948)

We remind these to the esteemed “Minister of Health”

Turkish Medical Association Central Council

ANNEX 3



July 12, 2013

Prime Minister, Mr. Recep Tayyip Erdoğan
Office of the Prime Minister, Vekaletler Caddesi
Başbakanlık Merkez Bina 06573 Kızılay / Ankara
Phone: +90 312 422 10 00
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Dear Prime Minister Erdoğan,

As physicians, we express our grave concerns that the Turkish government has used unnecessary and excessive force to repress peaceful protests and has deliberately attacked independent medical personnel who have courageously provided care to the injured in accordance with international medical ethical standards and Turkish law.

We support everyone's right to peaceful assembly, freedom of expression, the right to health, and freedom from torture and other cruel, inhuman, and degrading treatment or punishment. Unfortunately, the unnecessary use of violence against peaceful protestors in Gezi Park has ignited widespread protests throughout Turkey. The subsequent and continued use of excessive force by police and the treatment of protestors and medical first responders as criminals have only served to escalate the scale of the protests and violent police actions.

The Turkish Medical Association, the Human Rights Foundation of Turkey and Physicians for Human Rights (PHR) have gathered medical evidence indicating that:

- Police have systematically used tear gas as a weapon on hundreds of thousands of demonstrators, firing tear gas canisters and capsules directly at protestors at close range and in closed spaces or other areas with no outlet for escape. Some 130,000 canisters have reportedly been used against protestors.
- The police have fired rubber bullets and live ammunition directly at protestors at close range, used water cannons spiked with tear gas, and beaten and illegally detained hundreds of protestors.
- As of July 2, 2013, the Turkish Medical Association collected medical information on more than 8,000 injuries due to tear gas, rubber bullets, water cannons, beatings, and live ammunition. Fifty-nine protestors have been seriously wounded and 11 others have lost their eyes. There have been five civilian deaths, caused by unnecessary and/or excessive use of force against protestors and other demonstration-related injuries.
- As of July 10, 2013, the Human Rights Foundation of Turkey had conducted approximately 200 medical evaluations of injured protestors in accordance with the Istanbul Protocol standards. The physical and psychological evidence in each case is consistent with torture and/or ill treatment.
- In addition, the police and other law enforcement officials have deliberately attacked clearly identifiable, independent medical personal and medical facilities with tear gas, water cannons, and rubber bullets. Police

have beaten and illegally detained dozens of physicians and other medical personnel for providing emergency medical care to those injured by police.

- We are deeply concerned that the Ministry of Health not only has failed to provide adequate medical care to injured demonstrators—as it does in earthquakes and other medical emergencies—but it has also required medical personnel to report the names of injured demonstrators and medical personnel providing care to the injured.
- As you know, in the absence of adequate emergency services by the Ministry of Health, thousands of independent physicians and other medical personnel have provided emergency care as individuals and through the organization of the Turkish Medical Association.
- The Ministry of Health submitted a health bill that remains on the agenda in parliament, which—if passed—would criminalize the provision of emergency medical care, not only to demonstrators, but anyone in need of emergency medical assistance in Turkey. Such legislation would be in direct conflict with Articles 97 and 98 of the Turkish Penal Code, which makes it a crime for medical personnel to neglect their duty of providing emergency care to those in need.¹
- In addition, on July 8th, 2013, Dr. Ali Çerkezoğlu the secretary general of Istanbul Chamber of Medicine was detained with 35 other Taksim Solidarity Platform members while on their way to Gezi Park. His home was searched without a warrant and he was detained for more than three days.

We call upon you, Prime Minister Erdoğan, and the Turkish government to:

- End policies of contempt and criminalization of basic rights and freedoms, including peaceful assembly and freedom of speech.
- Immediately end *all* use of tear gas in Turkey, as it has been systematically used as a weapon on a massive scale with devastating health consequences.
- Prohibit all forms of violence against peaceful protestors and respect United Nations standards for the use of force, which must always be based on the principles of necessity, proportionality (minimum level of force), legality, and accountability.²
- Immediately release and cease further detention of those who are simply exercising their right to peaceful protests.
- Respect articles 97 and 98 of the Turkish Penal Code, which makes it a crime for medical personnel to neglect their duty of providing emergency medical care to those in need, and immediately suspend recent legislation that criminalizes the provision of emergency medical care by independent medical personnel.
- Prohibit all attacks on medical personnel who provide emergency assistance to injured protestors.
- Repeal the recent Ministry of Health circular requiring medical personnel to report the names of injured protestors and medical providers to authorities.
- Support the independence and autonomy of the Turkish Medical Association and the Human Rights Foundation of Turkey for their critical contributions to the health and human rights of Turkish citizens. These organizations are highly respected by the international medical community for their integrity and the quality of their work.
- Ensure comprehensive training on the proper use of force and adherence to international law for all current and future members of law enforcement.
- Ensure accountability mechanisms for all those responsible for excessive use of force, and other human rights violations.

¹ Turkish Penal Code, Article 97 and 98. See: <http://legislationline.org/documents/action/popup/id/6872/preview>

² SEE: Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, U.N. Doc. A/CONF.144/28/Rev.1 (18 Dec.1990), and Code of Conduct for Law Enforcement Officials, U.N. Doc. A/34/46 (17 Dec. 1979).

We also call upon the international community to:

- Immediately ban the sale of tear gas to Turkey.
- Ensure that policy decisions regarding Turkey support basic human rights protections and respect for medical neutrality.

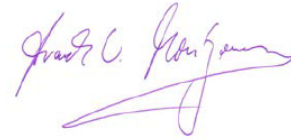
Yours Sincerely,



Donna McKay, Executive Director, Physicians for Human Rights



Dr. Otmar Kloiber, Secretary General, World Medical Association (WMA)



Prof. Dr. Frank Ulrich Montgomery, President, German Medical Association (Bundesärztekammer, GMA)



Dr. Katrin Fjeldsted, President, Standing Committee of European Doctors (CPME)

CC:

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ANNEX 4

REPUBLIC OF TURKEY

MINISTRY OF INTERIOR

General Directorate of Security

26 July 2013

According to news recently appearing in the media with reference to a report prepared by your organization, there are 12 persons losing their eyes during Gezi Park demonstrations as a result of police intervention.

Our investigations led to the conclusion that 3 persons unfortunately lost their eyes during these events. As to the remaining 9 persons that you claim to have lost their eyes during the same events, we could not reach any information after investigations we conducted as and organizations and our appeals to other relevant organizations.

We would appreciate it very much if you could cooperate in identifying the remainigng 9 persons mentioned in your report for purposes of identifying those who are responsible for this outcome and informing the public correctly.

Have a good work,

Dr. Cihangir Baycan

Public Relations Director

3rd Class Security Officer

ANNEX 5

TURKISH MEDICAL ASSOCIATION

CENTRAL COUNCIL

22 August 2013

To

MINISTRY OF INTERIOR

General Directorate of Security

In your reference writing, it is said there are media news, referring to our Association's report that there are 12 persons losing their eyes as a result of police intervention to Gezi Park demonstrations, that your General Directorate could identify 3 of these persons and our association is asked to supply information on the remaining 9 persons for finding perpetrators and informing the public correctly.

As Turkish Medical Association, we tried to make an account of health problems emerging during Gezi Park demonstrations which were almost totally caused by police violence on the basis of information supplied by our member chambers and individual physicians. Information thus collected was updated as of 16:00 hours on 1 August 2013 and can be found at <http://www.ttb.org.tr/index.php/Haberler/veri-3944.html> According to information obtained, 6 persons in Istanbul, 4 persons in Ankara and 1 person in Antalya lost their eyes during these events.

It is well known that health problems emerging as a result of police intervention are not confined to sight loss. According to information updated the latest on 1 August 2013 by the Turkish Medical Association, 8,163 wounded persons applied to public hospitals, private hospitals and clinics and infirmaries set up in areas where clashes occurred. 5 persons lost their lives, 106 persons suffered head trauma, and 63 persons received serious wounds of which one is in critical condition.

According to the "Gezi Report" prepared by the Ministry of Interior which was covered by the media on 23 June 2013, 2, 5 million people in 79 provinces of the country took part in "Gezi Park" demonstrations, 4,900 persons were detained and about 4,000 persons were wounded.

The Turkish Medical Association conducted a survey covering 11,155 respondents titled "Evaluation Report on Health Problems Faced by Persons Exposed to Chemical Riot Control Agents." According to responses to and findings of the survey, people affected by chemical gasses are distributed to 41 different provinces and 94.8% of these people are in three largest metropolitan centres of the country. Istanbul is at the top of the list with 64.5% of all affected persons. Almost 7 out of 10 persons were heavily affected by chemical agents used. Symptoms include asthma and hypertension attacks, shortness of breath as well as some neurological and psychological symptoms. Yet, 92% of affected people received no professional health care or received some from volunteers around. The rate of hospital application or referral is around 5%. This suggests that there is a significant group who avoid applying to health facilities for concerns about being "blacklisted", prosecuted, etc.

For its individual and public health related activities conducted in line with domestic and international legislation, more importantly with ethical principles related to human/patient rights, our Association is “classified” by Ankara Security Directorate which astonished us. As known by the public over some case files, Ankara Security Directorate, a part of your General Directorate, declared in its report TMA and Ankara Chamber of Medicine as “civil society organizations in opposition to the Government” together with many other professional organizations and trade unions.

It is only normal that people worried about being “listed” while applying for professional health care will have the same concerns while thinking about bringing complaints against security forces harming them. It is unfortunately a reality that the working of governmental and judicial mechanisms in the country has created such an environment of fear and concern. It is considered that your General Directorate’s failure in gathering information about persons losing their eyes might be another outcome of such fears and concerns.

Health information conveyed to our Association by individual physicians and Medical Chambers is largely anonymous and devoid of personal information. Further, even if information about the identity of patients was available in our records, it would still be impossible to provide such information given the right to health care without discrimination, obligation to keep patient information confidential and universal and national arrangements on the privacy of health data.

We want to declare that we are open to any ready for any cooperation given that it is in line with medical ethics and norms enshrined in binding national and international instruments, for purposes of protecting individual and public health and identifying and applying sanctions to those violating the right to health. Considering that it may contribute to your work, we are annexing the Turkish Medical Association’s “Evaluation Report on Health Problems Faced by Persons Exposed to Chemical Riot Control Agents” and “Health Status of Demonstrators – 1 August 2013.”

To your information with our regards,

Dr. Bayazit İlhan

Secretary General

TMA Central Council

Annexes:

- 1- Turkish Medical Association, “Evaluation Report on Health Problems Faced by Persons Exposed to Chemical Riot Control Agents”
- 2- Turkish Medical Association, “Health Status of Demonstrators – 1 August 2013.”