

GEZİ PARKI OLAYLARI
İNSAN HAKLARI HUKUKU VE SİYASİ SÖYLEM IŞIĞINDA
BİR İNCELEME

GÖKÇEÇİÇEK AYATA - PINAR ÇAĞLI
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Executive Summary

This executive summary provides a brief overview of allegations of human rights violations with regard to the Gezi Park events. This report aims to analyze and assess the Gezi Park events in light of the international human rights law standards. A complete understanding of the events and allegations can only be achieved by a thorough reading of the whole report.

The demolition of the Gezi Park was planned to be carried out as a part of the heavily criticized redevelopment project which included the construction of a replica of 19th-century Ottoman barracks and a shopping mall in the area. The Gezi Park events were triggered by the actions of the police forces towards the protesters occupying the Gezi Park, in particular excessive use of pepper gas on 30 May 2013. Protests spread rapidly nationwide. According to the numbers released by the Turkish Ministry of Interior, by 23 June 2013 a total number 2,5 million people participated in demonstrations in 79 cities with Bingol and Bayburt being the only two cities where no demonstrations had been held.

Throughout the Gezi Park events, serious allegations were brought forward regarding violations of several human rights and freedoms enshrined in international treaties to which Turkey is a State party. “Right to life” is among the rights alleged to have been violated. During Gezi Park events, five individuals died. One death was the result of the use of firearms by the police. Other deaths were due to hits by tear gas canisters fired by police at close

range, excessive use of pepper gas, and being hit by a car that was driven towards the demonstrators and beatings.

As the deaths occurred as a result of the use of force by the police, it is observed that in certain cases force was used unnecessarily and in others it was used excessively. In some cases, such as the beating of Ali İsmail Korkmaz by a group of police officers and civilians, the use of force had no legitimate reason; in others targeted firing of tear gas canisters at demonstrators and extreme use of tear gas resulted in deaths: these are violations of the right to life.

Reported allegations of “ill treatment” during the Gezi park events are far from being isolated. It was frequently observed that the police engaged in excessive use of force against peaceful demonstrators, members of media and NGOs, medical personnel as well as others who were present at the area for reasons not related to demonstrations or even the individuals who were in enclosed spaces such as their homes or work places around the area. Amongst those affected by the use of force were also children, elderly and disabled persons. The media reported several footages displaying the ill-treatment against individuals who were trying to leave the area where demonstrations were taking place or people whose mobility was limited as they were injured, knocked down or affected by tear gas. There were also allegations of ill treatment against people who were already detained by the police.

In a public statement dated 1 August 2013, Turkish Medical Association stated that, between 31 May 2013 - 1 August 2013, a total of 8.163 injured sought medical care in public and private hospitals, health centers and infirmaries set up in the areas of protests. At the date of the statement, 106 people suffered from head trauma and 63 from severe injuries. Eleven people were reported as having lost an eye and one person had to have his spleen removed, as a result of injuries inflicted.

Use of force occurred through various means and forms such as the use of tear gas, water cannons, rubber bullets, beatings with truncheons, sticks, punches and kicks. There were also instances of verbal assault, threat of sexual assault, sexual abuse and groping, withholding water and the use of bathroom facilities, and refusing access to medical care for those who were in need.

The most widely used riot control tool during the Gezi Park events was tear/pepper gas. A government in a statement noted that over 130,000 gas canisters had been used in the course of police interventions during the Gezi Park events in the first 20 days alone. Accurate total number remains unknown.

Although a Circular regarding the use of tear gas at demonstrations was adopted and promulgated by the Ministry of Interior, it is not available to public. In violation of widely accepted rules on the use of tear gas and also the warnings on the canisters, tear gas had been fired targeting demonstrators at close range and in confined spaces.

Another right violated during Gezi Park events was the “the right to liberty and security”. It was alleged that on occasions, people had been detained solely for carrying gas masks and swimming goggles in their personal bags, as well as for selling these items. Other allegations included the detention of voluntary medical personnel or members of the media reporting the events. According to the statement of the Union of Turkish Journalists, 34 journalists had been deprived of liberty during the Gezi Park events.

Various instances of unofficial detention were reported where individuals had been released without any official record, after being arbitrarily detained for hours in unacknowledged or unofficial locations such as parking lots or kept in police buses with the heating on in summertime. People had also allegedly been kept for extended periods of time in small riot control vehicles called “scorpion”.

Furthermore, some who were known to have been detained could not be located in police stations for a prolonged time and were kept in *incommunicado* detention. It was also alleged that the detainees were able to obtain legal assistance only hours after they were brought to police stations, while the lawyers were denied access to these facilities and were told that legal assistance was not sought for by the detainees.

In the course of Gezi Park events where the “freedom of expression and the freedom of assembly and association” were intensively practiced, the interferences by the authorities were equally intensive. These interferences occurred in the forms of detention, imposition of administrative fines on demonstrators and certain media organizations, and threat or launch of administrative or criminal investigations.

Even the most peaceful protests were the subject of harsh police intervention. For instance, police detained several people who were standing silently on Taksim Square as a part of the “standing man” protest.

Freedom of the Media is another of key issues associated with the Gezi Park events. The Journalists Union of Turkey, while reporting on the suppression that members of the media had faced for covering the events, stated that 22 media staff were laid off and 37 were forced to resign. The Union al-

so reported that at least 22 journalists had been beaten, verbally assaulted and abused, or prevented by the police from fulfilling their assignments. Furthermore, 28 journalists were injured by gas canisters, water cannons and rubber bullets, 14 were detained while on duty at the scene of demonstrations, and 4 were detained in subsequent operations. Certain media organizations were subjected to police raids.

Another subject of discussion related to media freedoms over the course of Gezi Park events is self-censorship. For instance, NTV History, a popular history magazine was closed down by its owners as it was preparing a special issue on Gezi Park protests. Some columnists faced editorial interventions and even denial of publication.

Social media users have also become targets of restrictions to freedom expression. In Izmir, 38 twitter users were detained (and later on released) on 4 June, for provoking citizens to raise a revolt against the government.

“Academic freedoms” were also subject of interference during Gezi Park events. Investigations were launched against academics who expressed support for the protests. It was alleged that several members of the faculty in different universities were fired or forced to resign on account of supporting the Gezi Park events. Imposition of bans on statements regarding the events, raids of student dormitories and detentions of students in Istanbul are among other examples.

Allegations of the violation of “right to health” were brought forward: excessive use of tear gas, insufficiencies in emergency health care, the use of force on medical personnel, and the police interventions to infirmaries set up by voluntary medical staff in areas of demonstration to attended people that were injured or affected by tear gas. Allegedly, individuals were asked to depose to the police before being admitted to hospitals. It was also alleged that the Police Headquarters requested from managements of the hospitals in the areas the identity information of those who were admitted for treatment over the course of the demonstrations, and that the names of those who lost their eyes were requested from the Turkish Medical Association as well.

Violations of the “right to respect for home” and the “right to peaceful enjoyment of property” have also been subject of concern. Police fired tear gas canisters through windows into private homes, and on one such occasion the curtains caught fire. In Gezi Park, demonstrators’ tents were burnt and their belongings were confiscated.

During the events, trade unions called for strike in support of the anti-government demonstrations. However, the authorities responded harshly and declared that those who participated would be subjected to investigations. Media personnel, doctors, academics, teachers and other government workers encountered interferences with their “right to work”.

Restrictions on traffic and transportation in certain areas and the extent of the police interventions in general hindered “the right to free movement”. Access to Gezi Park had been completely prohibited for prolonged periods, and public transportation towards Taksim Square was repeatedly ceased by the police.

Conducting effective administrative and criminal investigations and providing for the prosecution of those responsible are integral elements of the state obligations under human rights treaties. Individuals’ pursuit of legal remedies is expected to increase in times when complaints of violations are in such high numbers. In cases of “impunity” for violations of human rights and freedoms, the right in question should be considered violated in both substantive and procedural aspects. In the context of impunity, it is specifically disturbing that police officers who were carrying out the operations – mostly wearing gas masks – had repeatedly covered the identification numbers on their helmets, rendering identification impossible. The alleged loss of camera recordings that could serve in identifying perpetrators in some instances and interference with the recordings of events are yet another source of concern.

“Foreigners” were also among the victims of Gezi Park events. Foreign media staff reporting on or participating in the events were also affected by the police interventions on many occasions, and some were even subjected to deportation on account of their participation.

A critical analysis of “the discourse of politicians and high-ranking government officers” reflects how the causes of the events, the protestors or persons otherwise involved in Gezi park events and the police interventions are evaluated by both the ruling party and the opposition, as well as how the human rights concerns and state obligations were assessed by these.