

## HUMAN RIGHTS WATCH

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Mr Muammer Güler  
Minister of the Interior  
Ministry of the Interior  
Bakanlıklar  
Ankara  
Turkey

July 26, 2013

Dear Minister Güler,

On July 17, Human Rights Watch released the results of its research on teargas canister injuries sustained by individuals in the course of the Taksim Gezi park protests. With this letter we are sending you our statement and victim testimonies. We documented ten cases in detail, although it is clear from the Turkish Medical Association that there are dozens of similar cases and a pattern of excessive and systematic misuse of teargas. Our research and investigations by other organizations indicate that police repeatedly fired canisters directly at protesters and at close range. It was also used in confined spaces.

After closely examining the circular issued to 81 governorates in your name on June 26, 2013 (İçişleri Bak. Gnl. No.: 2013.28; EGM Genelge no.: 55), we concluded that there was an urgent need to revise or supplement the circular by prohibiting the practice of firing teargas canisters from launchers directly at crowds either at close or long range. Moreover, we urged you to introduce a provision stating that officers who misuse teargas in this way and commanders authorizing such a practice or failing to take steps to prevent it, would be held accountable with disciplinary measures and criminal investigation for endangering lives.

We understand from media reports that a second circular was issued on July 22 further clarifying the correct use of teargas, notably by instructing police not to fire teargas directly at crowds or from a distance of less than 40 meters.

While we have not seen the actual text of the circular, we welcome your effort to address the issue of direct firing and close range use of teargas.

As you are aware, there have been many circulars issued over the years which have had regrettably little impact on the approach to policing demonstrations in Turkey and have failed to curb police abuse towards protesters. While it is valuable to issue clear guidelines, they are unlikely to be implemented unless accompanied by a willingness to hold officers accountable for the failure to act in accordance with them. To date, efforts to hold the police accountable for such abuses have been notably lacking.

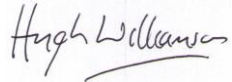
Human Rights Watch work around the world indicates that a change in the conduct of policing can only come through implementing Turkey's own laws criminalizing excessive use of force and conduct by law enforcement officials that potentially endangers life. This should also mean that commanding officers receive disciplinary investigations and criminal sanctions either for ordering or failing to curb abusive policing practices by officers under their command. There is a need for a systematic effort to investigate police abuses and to hold perpetrators to account.

As you know, the European Court of Human Rights has in more than 40 rulings identified police violence towards demonstrators. The two most recent rulings, *Abdullah Yaşa v. Turkey* and *İzci v. Turkey*, have received ample coverage in the Turkish press. In *Abdullah Yaşa v. Turkey*, the Court ruled that improper firing of tear gas by Turkish police directly at protestors violated human rights. In *İzci v. Turkey*, the European Court ruled there had been violations of the prohibition on ill-treatment, the right to freedom of assembly, and the obligation to investigate abuses and provide a remedy. Calling the problem "systemic" and noting that there are over 130 cases with similar complaints pending before it, the Court has said that the Turkish government must undertake general measures to prevent repetition of these violations and accountability for the police who commit them.

We trust that the Ministry of Interior and the General Security Directorate will take bold steps to implement the general measures the European Court has called for. This would entail comprehensively overhauling the approach to the policing of demonstrations, giving real effect to the new circulars on use of tear gas through training and the credible investigation of breaches, reviewing the policing decisions throughout the Gezi Park protests, facilitating full and effective

disciplinary investigations, and cooperating fully with efforts in the criminal justice system to secure accountability for human rights abuses by law enforcement officials.

Yours sincerely

A handwritten signature in black ink that reads "Hugh Williamson". The signature is written in a cursive style with a horizontal line underneath the name.

Hugh Williamson  
Director  
Europe and Central Asia Division  
Human Rights Watch

Cc:

Mr Beşir Atalay, Deputy Prime Minister

Mr Sadullah Ergin, Minister of Justice

Mr Egemen Bağış, Minister for EU Affairs

Mr Nihat Ömeroğlu, Chief Ombudsman

Dr Hikmet Tülen, Chair of the Human Rights Board, Human Rights Council of Turkey