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International Centre for Trade Union Rights

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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

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CC:

Jülide Sarıeroğlu, Minister of Labour and Social Security
Office of the United Nations Special Rapporteur on the rights to freedom
of peaceful assembly and of association

November 2018

Dear President,

The International Centre for Trade Union Rights is writing to express grave concerns the murder of a trade unionist, the conviction and sentencing of trade unionists following a demonstration over workplace representation, and the mass arrest of striking airport workers.

ICTUR understands that Abdullah Karacan, general president of the DISK affiliated Lastik-İş union (Rubber and Chemical Workers' Union) was shot and killed on 13 November, while visiting union members at a Goodyear factory in Adapazarı. The union's regional president, Mustafa Sipahi, and a workplace representative, Osman Bayraktar, were also reportedly injured in the shooting and hospitalised; Bayraktar remains in a critical condition.

We are further concerned that on 2 November 2018 35 trade unionists were convicted under the criminal law for their part in a 2016 protest at Renault Oyak in Bursa. That protest, held following a series of dismissals during a union representation campaign by members of the DISK-affiliated Birleşik Metal-İş union, was repressed and violently dispersed by police. We are informed that four of the trade unionists were given suspended sentences of five months imprisonment, while sentencing was postponed for the others. We are also informed that two people who supported the workers' protest on social media were sentenced to prison terms of 3 years and four months for incitement, pending appeal.

It is also reported that over forty workers are facing trial, following a mass arrest of construction workers at Istanbul's new airport. ICTUR understands that the workers went on strike on 14 September to protest poor working and living conditions, in particular health and safety issues at the site. The workers' protest grew and reports estimate that some 10,000 workers participated; police and military dispersed them with teargas. It is understood that on 16-17 September, police raided and searched dormitories and conducted mass arrests and detained workers arriving at the site to work. Some 401 workers were taken into custody, 275 of whom were released. On 19 September, 43 of the workers appeared before court; 24 were placed in pretrial detention and 19 were released under judicial controls. Further arrests were carried out and it is understood that in total 31 workers are being held in pretrial detention in Silivri prison. Among them are Özgür Karabulut - President of the union Dev Yapı-İş - arrested on 5 October for a speech he made to the workers on 14 September, and three trade union representatives from the construction workers' union İnşaat-İş. They are accused of disrupting freedom to work, violating the law on demonstrations and public assemblies, damaging public property, resisting police, and possessing weapons. It is understood that even the CEO of the airport operator IGA - Kadri Samsunlu - has publicly acknowledged that the workers' grievances are legitimate. Human Rights Watch researchers have confirmed at least 38 confirmed workplace fatalities at the airport site over the past three years. The Ministry of Family, Labour and Social Policies acknowledged in February 2018 that 27 workers had died at the site. The actual figure is suspected to be much higher due to underreporting and ineffective investigations.

These incidents constitute serious violations of workers' freedom of association – enshrined in the ILO's fundamental Conventions, all eight of which Turkey has ratified. The ILO's Committee on Freedom of Association has called for the institution of independent judicial inquiries to investigate incidents of murder or violence against trade unionists, 'in order to shed full light, at the earliest date, on the facts and the circumstances in which such actions occurred and in this way, to the extent possible, determine where responsibilities lie, punish the guilty parties and prevent the repetition of similar events'. (*Freedom of Association: Compilation of decisions of the Committee on Freedom of Association*, ILO. 6th Edition, 2018. paras. 81-89, 94). Failure to protect against such acts or hold guilty parties to account creates a culture of impunity, 'which can only reinforce a climate of fear and uncertainty highly detrimental to the exercise of trade union rights' (*Freedom of Association*, paras. 90, 96-99, 102, 106).

The Committee has also declared that 'no one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike'; the arrest and detention of trade unionists 'for reasons connected with their activities in defence of the interests of workers constitutes a serious interference with civil liberties in general and with trade union rights in particular' (*Freedom of Association*, paras. 120-6, 970-4). In particular, the arrests of strikers 'on a large scale involve a serious risk of abuse and place freedom of association in grave jeopardy' (*Freedom of Association*, para. 975). In all such cases, it is 'incumbent upon the government' to show that

such measures are ‘in no way occasioned by the trade union activities of the individual concerned’ (*Freedom of Association*, para. 158). Further, the Committee has pointed out ‘the danger for the free exercise of trade union rights of sentences imposed on representatives of workers for activities related to the defence of the interests of those they represent’ (*Freedom of Association*, para. 154).

ICTUR urges the Turkish authorities to launch an investigation into the murder of Abdullah Karacan and to unconditionally release all those who have been detained for activities carried out in their capacities as trade unionists. ICTUR further calls on the government to undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests.

ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director