

12 November 2018

Turkey – Judicial harassment of workers and trade unionists from *Birleşik Metal-İş*

On 2 November 2018, prison sentences were handed down to 35 workers and trade unionists from *Birleşik Metal-İş* for violating the Law on Assemblies and Demonstrations during a protest that took place back in 2016 in Renault's Turkish plant Oyak, in Bursa. On 1 March 2016, the workers had peacefully protested Oyak's efforts to limit workers' freedom of association and the recent dismissal of over 60 workers who were members of the trade union *Birleşik Metal-İş*.

Birleşik Metal-İş is a trade union that has been advocating for the advancement of working conditions as well as for the social, economic and cultural rights of the workers in the metal industry in Turkey since the 1990s. The trade union also represents the overwhelming majority of the workers at the car manufacturer Renault's Turkish plant, Oyak. It is a member of IndustriALL Global Union, representing 50 million workers in 140 countries in the mining, energy and manufacturing sectors.

Following a wave of unofficial strikes that started in May 2015 in the car manufacturing sector of Turkey, Renault Group, IndustriALL Global Union and the union *Birleşik Metal İş* came to an agreement to represent the union's voice in the workplace on 4 February 2016. Accordingly, an election inside the workplace was going to be held on 29 February 2016 to choose the members of the Social Dialogue Committee. However, Renault management cancelled the election days before on the basis that it was illegal. Additionally, the company dismissed over 60 workers, including spokespersons of the union, and an additional 100 were asked to leave with severance packages. In the following months, around 400 workers were forced to resign by accepting severance packages and threatened to be dismissed without a severance package if they didn't accept the offer.

On 1 March 2016, to protest the violation of their right to freedom of association and the dismissal of their colleagues, many workers gathered in Renault's Turkish plant in Bursa. The peaceful protest was dispersed by the police, who were waiting outside the company's facilities equipped with two water cannons. During the police intervention, several protesters were injured and some were detained. Subsequently, an investigation was opened to determine whether the protesters violated the Law on Assemblies and Demonstrations. On 2 November 2018, 35 workers and trade unionists were convicted on the same charge and sentenced to five months in prison. All sentences were postponed, except for four, on the condition that they would not be convicted for any other crime within the next five years. The workers whose sentences are postponed are not able to appeal the decision. The sentences against the remaining four workers are suspended, and they are entitled to appeal the decision. Furthermore, two other individuals, who expressed their support for the demonstrations on social media, were sentenced to three years and four months in prison for "inciting people to illegal assembly and demonstration." Should their appeal be unsuccessful, the two individuals will be detained to serve their prison sentences.

In May 2015, the Turkish metal industry witnessed a massive wave of strikes that started in the Turkish plants of Renault and Tofaş (FIAT) and spread to many other car producers, suppliers and other workplaces. More than 30,000 workers joined the demonstrations and went on an unofficial strike. Workers' demands included right to choose their union freely and elect their own representatives as well as a fair living wage. The strike in the Oyak plant concluded after a series of negotiations between the spokespersons, chosen by the workers, and the company management. On 25 May 2015, the company issued a letter promising to meet the workers'

demands. Despite the previous agreement, the elections were cancelled by the management days before the scheduled date.

Front Line Defenders expresses its concern at the sentences against 35 workers and trade unionists, as it believes they are solely linked to the legitimate and peaceful work of the trade union *Birleşik Metal İş* in defence of labour rights as well as human rights.

Front Line Defenders urges the authorities in Turkey to:

1. Immediately quash the sentences against four workers, whose sentences are subject to appeal, and stop the criminalisation and judicial harassment of workers and trade unionists in Turkey,
2. Ensure that the rights to freedom of assembly and association of workers and trade unionists are respected,
3. Guarantee in all circumstances that all human rights defenders in Turkey, including labour rights defenders, are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.

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