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Turkey: No justice for victims of torture and killings by law enforcement officials

Torture, ill-treatment and killings continue to be met with persistent impunity for the security forces in Turkey, Amnesty International said in a report published today. The investigation and prosecution of serious human rights violations committed by officers of the police and gendarmerie are flawed and compounded by inconsistent decisions by prosecutors and judges. As a result, justice for the victims of human rights violations is delayed or denied.

"The criminal justice system needs reform. It needs to firmly put the protection of the human rights of citizens above that of the perceived interests of state institutions and officials," said Nicola Duckworth, Europe and Central Asia Programme Director at Amnesty International.

Amnesty International's report, *Turkey: The entrenched culture of impunity must end*, looks into the factors contributing to the impunity for law enforcement officials, including administrative delays, failings in court procedures and intimidation of human rights defenders and journalists. The report highlights the absence of an independent body which can impartially and effectively investigate human rights violations by state officials and the lack of centralized data collection of human rights violations committed by the security forces.

The report's main findings include:

- Torture and ill-treatment, including during unofficial detention, during and after demonstrations, in prisons and during prisoner transfer;
- Cases of ongoing trials in Turkey where statements allegedly extracted under torture constitute a central part of the evidence but where the court has ruled such evidence admissible.
- The refusal of courts to recognize independent medical evidence in torture or other ill-treatment cases. The courts usually only accept evidence provided by the Forensic Medical Institute, which is institutionally bound to the Ministry of Justice.
- The re-introduction of a controversial provision in the revised Law to Fight Terrorism which fails to make explicit that the use of force should be strictly necessary and proportionate and that the use of lethal force is only permissible when "strictly unavoidable to protect life".
- The lack of progress in investigating fatal shootings by security forces which were not part of an armed clash and which may amount to extrajudicial killings.

In March 2006, anti-government demonstrations in Diyarbakir in eastern Turkey were followed by mass arrests. There were widespread allegations of torture or other ill-treatment in police custody -- on the basis of reports of the legal aid service of the Bar Association it was estimated that 95% of the detainees, some of them children, were tortured or otherwise ill-treated. Thirty-four investigations into allegations of torture or other ill-treatment were reportedly initiated. Over one year later not a single prosecution against any member of the security forces has been opened.

Amnesty International welcomes the Turkish government's declared commitment to a "zero tolerance for torture" policy and to the protection of human rights. The organization has noted that there are fewer reports of torture and ill-treatment in police custody and that the safeguards in the protection of suspects against ill-treatment during their apprehension, detention and interrogation have been improved.

"The government's commitment to a 'zero tolerance for torture' can never be regarded as a sincere and fully effective policy until real steps are taken to ensure that officials who violate the absolute prohibition on torture and other ill-treatment are brought to justice. Zero tolerance for torture and other grave violations must mean that those responsible are thoroughly and independently investigated, prosecuted and convicted," Nicola Duckworth said.

"Nothing short of a fully-implemented policy of 'zero tolerance for impunity' will end the spectre of torture, other ill-treatment, killings and enforced disappearances which still blights Turkey's human rights record."

Background

Torture was systematically practised in police and gendarmerie detention throughout Turkey until recently. The 1980 coup was accompanied by the detention of one million people many of whom were tortured and died in police custody, were forcibly disappeared or tried in unfair proceedings. The mass violations of human rights in the mainly Kurdish-populated southeast and eastern regions of Turkey in the 1990s took the form of enforced disappearances and killings by unknown perpetrators which the state authorities showed no willingness to solve, and the forcible eviction of around one million villagers when villages were evacuated and destroyed by the security forces during the conflict with separatist armed groups. The European Court of Human Rights has repeatedly found Turkey in violation of its international obligations in cases concerning the right to life; freedom from torture and ill-treatment; and the rights to a fair trial, liberty and security, freedom of expression, an effective remedy, and protection of property.

After the embargo, you can access the report, *Turkey: The entrenched Culture of impunity must end*, at <http://web.amnesty.org/library/index/engeur440082007>

See also: *Justice Delayed and Denied: The persistence of protracted and unfair trials for those charged under anti-terrorism legislation*, <http://web.amnesty.org/library/index/engeur440132006>

***Turkey: Briefing on the wide-ranging, arbitrary and restrictive draft revisions to the Law to Fight Terrorism*, <http://web.amnesty.org/library/index/engeur440092006>**

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