

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Turkey: Police officer convicted of causing 'negligent death' of asylum seeker in 2007**

Four years after it began, and following proceedings marred by investigative flaws and long delays, on 13 December a court in Istanbul handed down a prison term to a police officer convicted for the 'negligent killing' of a Nigerian asylum-seeker in 2007.

Festus Okey, a Nigerian asylum-seeker, died of his injuries after being shot in a police station in Istanbul in August 2007. The police officer was charged with 'causing death through negligence' and sentenced to five years in prison for the offence, reduced to four years and two months, after the court took into account his 'regret' for the incident, his behaviour during the trial and the impact of the sentence on the officer. It is expected that the judgment will now be appealed.

Since Festus Okey's death in custody, Amnesty International joined other NGOs in Turkey in expressing concern: firstly over the flaws in the investigation into the circumstances of his death, and then because the trial stalled over the identity of Festus Okey which the court argued could not be established.

Flaws in the investigation included the loss of Festus Okey's shirt, a vital piece of evidence, and the absence of video recordings despite the presence of cameras in the police station.

During the trial, the court process became crippled by disputes over Festus Okey's identity, with the court ruling to seek confirmation of his name and nationality from Nigerian authorities. However, it was not until 4 November 2010, over three years after his death, that an approach was made to the Ministry of Foreign Affairs to seek this information from Nigeria.

Concerned at the delays in the case, several migrants' rights NGOs and over 100 individuals attempted to intervene in the trial as a third party in order to represent the interests of Festus Okey, but these requests were systematically rejected by the court. A large number of individuals saw proceedings started against them following their attempts to intervene in the trial on charges of 'attempting to influence the fairness of the trial' and 'insult'.

A local NGO's attempts to contact Festus Okey's family in Nigeria finally bore fruit in November 2011, but at the last hearing on 13 December 2011, the request by the representatives of the family to be recognised as a third party in the trial was also turned down. According to the UN's Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law, victims including their families have a right to a remedy and reparation, and access to relevant information concerning violations and reparation mechanisms.

Amnesty International has highlighted many instances of impunity in Turkey where human rights violations by state officials often go unpunished, and victims of such violations see counter charges issued against them. Sentences for such human rights violations are often suspended, creating a climate of impunity. State officials accused of ill-treatment, torture and even death are seldom suspended pending the outcome of prosecutions against them as in this case.

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