

AMNESTY INTERNATIONAL

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Turkey: UN Committee calls on government to act against torture and impunity

Amnesty International today called on the Turkish government to take immediate action to implement the recommendations of the (UN) Committee against Torture. The recommendations included calls to the Turkish authorities to take measures to end impunity for acts of torture, prevent excessive use of force and ill-treatment by law enforcement officials, end the endemic problem of excessive pre-trial detention and overcrowding in places of detention. The Committee also called on the authorities to provide victims of torture with fair and adequate reparation and compensation, and to ensure compliance with its obligation to not return any person facing a risk of torture.

The Committee, an independent body which examined Turkey's third periodic report on its implementation of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, expressed its particular concern about reports of "numerous, ongoing and consistent allegations concerning the use of torture, particularly outside unofficial places of detention in police vehicles, on the street and outside police stations" while noting the continuing failure of the authorities to conduct effective prompt and independent investigations into allegations of torture and ill-treatment. The Committee voiced concern at reports that prosecutors face obstacles in effectively investigating complaints against law enforcement officials and that any such investigations pursued are commonly conducted by law enforcement officers themselves.

Among other concrete recommendations in regard of these concerns, the Committee called on the authorities to:

- increase the number, authority and training of investigating prosecutors and judicial police;
- establish an independent police complaints mechanism.

The Committee also expressed concern at reports indicating an increase in the excessive use of force and ill-treatment of demonstrators and that police often resort to counter charges against individuals and family members of alleged victims complaining of police ill-treatment.

Concern was also raised by the Committee regarding reports of fatal shooting by police and members of the gendarmerie and police and the alleged arbitrary application of powers to stop any person and request identification papers leading to violent confrontations following the 2007 amendments to the Law on Powers and Duties of Police.

In this regard the Committee recommended that the authorities:

- ensure procedures relating to public order and crowd control are fully in line with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- introduce a monitoring system on the implementation of the Law on Powers and Duties of Police and to prevent its arbitrary use by police;
- ensure that state officials do not use the threat of counter-charges as a means to intimidate detained persons, or their relatives, from reporting torture and review convictions with a view to identifying any wrongly used for such purposes.

Noting its concern at reports of deportations despite a risk of torture and the administrative detention of foreign nationals with limited access to the national procedure for temporary asylum, the Committee recommended that the authorities:

- ensure effective access to the asylum procedure for apprehended foreign nationals and introduce a suspensive effect of deportation proceedings during asylum requests;
- ensure access of UNHCR personnel and lawyers to asylum-seekers and refugees in detention.

In addition to expressing concern regarding reported overcrowding in prisons to which the Turkish authorities' representative referred to as "unacceptable", the Committee raised concern at the lack of consideration of alternative measures to detention and excessively long pre-trial detention, restrictions of the association rights of prisoners and access to medical treatment. While welcoming that police interrogations could be requested by the judge as evidence in criminal cases, the Committee expressed concern that according to the admission by the authorities video surveillance cameras are only available at 30% of police stations and at allegations that such cameras fail in many instances.

The Committee recommended that the authorities:

- encourage members of the judiciary to consider and implement alternative means to deprivation of liberty as a penal sanction, including introducing necessary legislation to this effect;
- install video surveillance throughout police stations and make video recording of all persons questioned a standard procedure; limit restrictions to group activities of prisoners in solitary confinement regimes to exceptional and well defined situations only;
- address the shortage of medical personnel and ensure access to health care of ill prisoners including by deferring sentences if necessary.

Amnesty International has long been making very similar recommendations to the Turkish authorities in the context of its concerns over issues of torture and other ill-treatment.

Related documents

Concluding observations of the Committee against Torture on Turkey (CAT/C/SR.975)
<http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.TUR.CO.3.pdf>

Amnesty International: *Turkey: Briefing to the Committee against Torture*, Index: EUR 44/023/2010, 17 October 2010
<http://www.amnesty.org/en/library/info/EUR44/023/2010/en>