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### **TURKEY - "Unacceptable" law on detention procedures unlikely to prevent torture**

Turkey's amendment to detention procedures last week is unlikely to prevent torture -- and actually differs little from an earlier draft described by the European Committee for the Prevention of Torture (ECPT) as "unacceptable", Amnesty International said today.

The amendment became law on 6 March and was announced by the Turkish Government as a measure to combat torture and ill-treatment. The new law substantially shortens the maximum terms of police detention from 30 days to 10 days in provinces under a state of emergency legislation, and from 14 days to seven days throughout the rest of the country. People detained for offences within the jurisdiction of State Security Courts will be permitted access to legal counsel after the first four days' detention

"Although we welcome the long-awaited reduction in detention periods, the provisions of this law are insufficient in scope to combat what has become an ingrained system of abuse," Amnesty International said. "We also regret that our call for an end to incommunicado detention has not been answered."

Unfortunately, there is nothing in this law to support Deputy Prime Minister and Foreign Minister Tansu Çiller's claim that "*from now on, Turkish norms conform with European norms on detention periods*". Neither European human rights law nor international human rights law, endorse four days' incommunicado detention.

The ECPT, which has repeatedly found instruments and victims of torture during its visits to Turkish police stations since 1990, was clear on this issue when discussing an earlier draft of this law: "... *access to a lawyer shall continue to be denied for four days; this is not acceptable. The possibility for persons taken into police custody to have access to a lawyer from the outset of their deprivation of liberty is a fundamental safeguard against ill-treatment*".

Currently detainees are frequently not registered for the first few days, and in this case four days of incommunicado detention becomes a week -- ample opportunity to inflict pain and hide the evidence. Rape in custody is a frequent allegation -- the new provisions will continue not only to expose detainees to such risks but also to conceal and confuse the evidence.

Amnesty International will continue to press for a comprehensive package to tackle torture. This should include access to a lawyer at an earlier stage; a clear definition of access so that the detainees have continuous and free access to a lawyer throughout custody and interrogation; practical remedies to ensure that access is respected (in the early 1990s those detained for political offences still had the right on paper to see a lawyer but this was routinely denied by police, gendarmes and prosecutors alike while courts and government looked on impassively); measures to protect children from extended incommunicado detention and torture; and as a safeguard against the newly established practice of "disappearance", explicit and

detailed instructions of how relatives are to be promptly informed of detentions and of what records (open to inspection by lawyers and families) will be kept of detentions.

The law will not come into force until it is signed by the President and published in the official gazette.

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