

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

16 December 2011
AI Index: EUR 44/018/2011

Turkey: Supreme Court of Appeals overturns historic verdict in death in custody case

The Supreme Court of Appeals' unanimous decision to overturn the convictions of 19 officials in relation to the death in custody of Engin Çeber was finally published by the Bakırköy 14th Heavy Penal Court and communicated to Engin Çeber's family on 9 December over two months after it was handed down.

Engin Çeber, who was arrested after taking part in a protest against a police shooting of another activist, died in October 2008 after being beaten in police custody and in prison.

In June 2010, the Bakırköy 14th Heavy Penal Court found four of the officials guilty of causing death through torture in a landmark case in Turkish legal history, and sentenced them to life imprisonment.

The Supreme Court of Appeals' reasoning for overturning the judgment is based on two considerations:

Firstly, an injured party intervening in the trial, Engin Çeber's sister's name did not appear in the published court verdict and the date of the verdict was wrongly entered as 3 June 2010 instead of 1 June 2010.

Secondly, some of the accused officials were represented by the same lawyer. The Supreme Court of Appeals deemed this to be in violation of the law on legal representation which states that 'a lawyer cannot agree to represent two defendants whose legal representation could put each other's defence in jeopardy'. The court referred to Article 6 of the European Convention on Human Rights on right to fair trial and argued that this situation could have jeopardized the defendants' right to defence.

Speaking to Amnesty International, the lawyer for the Çeber family argued that the first reason for overturning the verdict was based on a mistake that could have been rectified by the Appeal court itself. As to the second reason, the lawyer stated that, as the family's representatives, they had applied to the court during the trial for a ruling on the question of the defendants' legal representation and that their application was rejected by the court and opposed by the representatives of the defendants themselves..

The case will now be returned to the local court for a retrial, which is likely to be a lengthy process, prolonging the distress for the Çeber family.

Amnesty International has long standing concerns over impunity for torture and other ill-treatment in Turkey. The organization believes that effective investigations into allegations and prosecution of those responsible in fair trials are essential for the eradication of these kinds of human rights violations by state officials. Amnesty International is calling for the retrial to be conducted without unnecessary delay. The Turkish authorities must ensure that the Çeber family's right to a remedy can be realized.

Amnesty International followed the case since the death of Engin Çeber and will continue to monitor it.

For further information, see Amnesty International's press release on the initial judgment <http://www.amnesty.org/en/news-and-updates/turkish-officials-convicted-over-activists-death-2010-06-02>

End/