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Turkey must stop unfair prosecutions of children under anti-terrorism laws

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

Convention on the Rights of the Child, Article 37(a)

Amnesty International is calling on the Turkish authorities to end the flawed prosecutions of children as young as 12 under draconian anti-terrorism legislation.

In a report published today, [*Turkey: All children have rights: End unfair prosecutions of children under anti-terrorism legislation*](#), the organization focuses on the systematic violations of the rights of the children committed during their arrest, detention and trial.

Thousands of children in Turkey, some as young as 12, have been prosecuted under anti-terrorism legislation, solely for their alleged participation in demonstrations considered by the government to be in support of terrorism. The demonstrations are focused on issues of concern to members of the Kurdish community, and often involve clashes with the police.

The report gives the children's first-hand accounts of being ill-treated on arrest and while being held in police custody. Despite widespread accounts of excessive use of force and other ill-treatment, no police officer has been brought to justice.

In many cases legal protections for children in pre-charge detention were not followed.

"Children accused of participation in demonstrations are detained in adult police custody in the Anti-Terror branch rather than the Children's branch of police stations. There, they are often subjected to unofficial interrogation in the absence of lawyers or social workers. Records of these statements are often later used as evidence in the children's prosecutions," said Andrew Gardner, Amnesty International's expert on Turkey.

A child told Amnesty International how he was detained by police at the scene of a demonstration in Diyarbakir:

"A police officer caught me by the arm and beat me with a baton. I tried to escape but another officer caught me and beat me too. After that four or five officers beat me with batons and punched and kicked me."

Once charged, children are frequently remanded in custody for months before the trial verdict. During this period, children are held under the same conditions as adults and no provision is made for them to continue their education.

Prosecutions are often based on insubstantive evidence or statements taken from the children under pressure. Children as young as 12 have been tried in adult courts in violation of law. Most cases end in convictions with prison sentences, some for many years.

The anti-terrorism legislation that the children are prosecuted under is vague and overly broad in its wording and unfair in its application by judges and prosecutors. Long due amendments to the Anti-Terrorism Law would not alter the broad and vague definition of terrorist crimes under which children are prosecuted.

“The Turkish authorities are obliged under international and domestic law to protect the rights of children, during their arrest, detention and trial. However, these rights are systematically violated. The arrests and prosecutions continue,” Andrew Gardner said.

“The Turkish authorities have to reform anti-terrorism legislation so that it is in line with international standards as a matter of urgency. They must also implement a series of measures to ensure that the rights of children are not violated.”