

# TURKEY

## Systematic torture continues in early 2002

During visits, carried out in 2002, to 13 provinces in different regions of Turkey, Amnesty International delegates found that all the factors that contribute to the persistence of systematic torture and impunity for perpetrators, and which we documented in October 2001, are unfortunately still in place. In October 2001 Amnesty International had published a comprehensive report on torture and impunity in Turkey entitled *Turkey: An end to torture and impunity is overdue!* (AI Index: EUR 44/026/2002) which assessed the legal background as well as reports on individual cases collected on missions to Turkey. It demonstrated how insufficient law and bad practices contributed to the persistence of torture and a climate of impunity for torturers. Amnesty International concluded that torture was still widespread and practised systematically in the sense that it was a pervasive technique of law enforcement agencies for the purpose of investigation, securing confessions and intimidation - regardless of approval or disapproval at the higher levels of the public service or by the government's political leadership. Amnesty International also concluded that the Turkish authorities needed to take effective steps against torture immediately in order to dispel the belief that they tolerate the persistence of torture.

Following the constitutional amendment in October 2001 (see report *Turkey: Constitutional amendments - Still a long way to go*, AI Index: EUR 44/007/2002), on 6 February 2002 the Turkish parliament adopted Law No. 4744, which reduced the maximum length of police and gendarmerie detention before detainees are brought before a judge to four days. This period may be extended to seven days in the Region under State of Emergency. Law No. 4744 also reduced the length of incommunicado detention for detainees suspected of crimes under the jurisdiction of State Security Courts from four days to 48 hours. Amnesty International considers that these amendments failed to end the widespread and systematic use of torture and ill-treatment. Since, in the majority of reported cases, torture apparently occurs within the first 24 hours of police or gendarmerie detention, the amendments are clearly an insufficient step to effectively combat torture. Amnesty International has also repeatedly documented that, in practice, incommunicado detention is often longer than legally permitted (see AI Index: EUR 44/026/2002), and that detainees suspected of ordinary offences are often denied their legal right to immediate contact with the outside world. In the Region under State of Emergency authorities continue to apply Decree No. 430, thus holding detainees in prolonged police and gendarmerie custody for dozens of days during which they are at an increased risk of torture (see AI Index: EUR 44/010/2002).

In 2002, Amnesty International has observed an increasing use throughout the country of more sophisticated torture methods that do not leave visible marks. However, people who are believed to have little access to legal and medical aid continue to be exposed to torture methods such as electric shocks, hanging by the arms and *falaka* (beating of the soles of the feet). Detainees are routinely blindfolded during interrogation. Other methods of torture and ill-treatment regularly reported include severe beating, spraying with cold pressurized water, being stripped naked, sexual abuse, death and rape threats, other psychological torture, and restriction

of sleep, food, drink and use of the toilet. Women and girls taken into custody are reportedly regularly sexually abused and threatened with rape.

The torture victims included people who filed petitions for Kurdish education or were suspected of pro-Kurdish, Islamist or leftist activities. Others were detained for suspected criminal offences or solely because they did not obey the orders of security officers. People suspected of theft and burglary - among them many children - are still regularly beaten in detention.

Amnesty International continues to receive reports about new torture cases on a regular basis. This report contains summaries of some of the case histories researched by Amnesty International. They concern torture and ill-treatment of more than 60 persons in Turkey between January and early June 2002. The cases illustrate the systematic torture and ill-treatment of detainees from different societal and political groups and from various part of the country and include men, women and children.<sup>1</sup>

From all the information available, Amnesty International concludes that in spite of the legal change torture is still widespread and practised systematically in Turkey.

**Sıraç Budancir** (15 years old) and **Orhan Armutçi**, detained in Bingöl, January 2002.

Both were detained in connection with the armed opposition Kurdistan Workers' Party (PKK) in Bingöl, January 2002. Fifteen-year-old Sıraç Budancir was detained together with four men in Bingöl on 9 January 2002 and released on 11 January 2002. He reported that during his detention, he was blindfolded, forced to lie in deep snow, given electric shocks and sprayed with pressurized water. He also reported that he saw Orhan Armutçi, who works for the pro-Kurdish newspaper *Özgür Halk*, being subjected to the same treatment and that he later heard him crying out in pain.

**Yüksel Azak**, detained in Bingöl, January 2002.

Yüksel Azak, a distributor for the pro-Kurdish newspaper "Yedinci Gündem" and member of the Human Rights Association (IHD) and the legal pro-Kurdish political party HADEP in Bingöl, was arrested on 11 January 2002. He was held at the Anti-Terror Branch of Police Headquarters in Bingöl until he was released by a prosecutor on 14 January 2002. After his release he said that he had been given electric shocks to his toes and genitalia and that he was hooded with a plastic bag. He was also reportedly put on a hanger. He was questioned by numerous people which made him confused. When he was brought to the hospital the police stayed in the room. The doctor only looked for visible wounds, which he did not have. When he was brought before the prosecutor he reportedly had a dry throat, muscle pain, vomited blood

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<sup>1</sup> Some of the victims' names have been withheld on request by the victims themselves - the full names are known to Amnesty International.

and felt unwell. His formal complaint about the alleged torture was reportedly not accepted because he did not obtain a medical report.

**L.N. and other pupils** detained in Diyarbakir in connection with the campaign for -Kurdish education, January 2002.

Since November 2001 hundreds of students, parents and teachers have been detained in relation to petitions for Kurdish classes or Kurdish education. Dozens of them complained of torture or ill-treatment. On 23 January 2002, five students were detained on suspicion of having distributed leaflets calling for Kurdish education at their school in Diyarbakir. They were first questioned by their school administration, then interrogated at Diyarbakir Police Headquarters. Seventeen-year-old L.N. gave the following account of her treatment. She said she was strip-searched by a female police officer, then blindfolded and brought to a room with loud music where she was told to "confess". After a brief period in a cell she was again blindfolded and brought to a room with five or six police officers who threatened to rape her. During a third interrogation session she was stripped to her underwear, hosed with pressurized water and given electric shocks to her toes, knees and belly for some 15 minutes. She was not given food for two days and rarely allowed to use the toilet. Police reportedly forced her to sign many documents, the contents of which she did not know. After three days she was medically examined in the presence of police and subsequently released by a prosecutor. After she filed a formal complaint about her treatment, police repeatedly came to her home and two weeks later detained her again. In addition to this pressure L.N. has been dismissed from school.

**R.D.**, detained on suspicion of theft in Izmir, January 2002.

R.D. was detained in Izmir on 28 January 2002 on suspicion of theft and brought to the Office of Public Security, Department for Theft and Fraud. His family was not apparently notified even though he was less than 18 years old. While in detention he was reportedly beaten severely, given electric shocks to his penis and toes, beaten on his head, strangled, squeezed by the testicles and penis, and deprived of food, drink and use of the toilet. When he was brought before the prosecutor prior to his release, his lawyer noticed that he seemed exhausted and that he had problems moving his arms and legs.

On 1 February 2002, he was detained again by police officers from the same team that originally detained him. He had been trying to obtain an alternative medical report of the injuries that he had allegedly received while in police custody. During this second detention, he was reportedly beaten and punched in the stomach and his hair was pulled in order to make him withdraw the formal complaint. A decision not to open a case against the alleged perpetrators was issued by the office of the prosecutor - the Izmir Bar has appealed against this decision.

**Orhan Kop**, deported from Romania and detained in Istanbul, February 2002.

On 5 February 2002 Orhan Kop was reportedly arrested by a group of 50 masked Romanian police on his way to work in Romania, where he had applied for asylum. He reported that he

fainted when the police sprayed gas into his face. He was subsequently deported to Turkey as the alleged “representative of the [armed opposition group] Kurdistan Workers’ Party (PKK) for Romania”. He regained consciousness at the Anti-Terror Branch of Police Headquarters in Istanbul. He reported that, although he was still unable to stand on his feet as a result of the shock of the deportation and the effect of the gas, that he was insulted, kicked and slapped, had his hair torn out, put into cold water, had his testicles squeezed, and was given electric shocks in order to make him “confess” links with PKK. When he was brought before a prosecutor and a judge, he had to sit as his statement was taken because he was reportedly still unable to stand on his feet. He was remanded to Bayrampasa Prison.

On 12 February 2002, Orhan Kop told his lawyer that his feet were numb (which he believes to be a result of the electric shocks) and that he had pain and bruising on his legs, back and arms from the beatings.

**Z.K.** and **V.Ö.** (15 years old), detained on suspicion of criminal offences in Izmir, February 2002.

Z.K. was reportedly detained on 18 February 2002 in relation to a fight with a bus driver in Buca Kuruçesme in the province of Izmir. He says that he was sworn at and insulted by police when he asked to inform his family about his detention. He subsequently cut his wrist with a razor blade and was treated in a health centre. Afterwards he was taken back to the police station, where he was reportedly forced to strip, hosed with cold water, beaten and made to wait naked and wet for a long period even though he was shivering.

Fifteen-year old V.Ö. was arrested together with Z.K. on allegations of theft. He said his head was hit against the wall, that he was beaten and kicked, stripped naked, hosed with cold water and made to stand in the cold and threatened with electric shocks.

**Yener Aslan** and **Ipek Avci**, detained in Ankara, February 2002.

On 25 February 2002, police from the Segmenler Police Station under the Altindag District Police Headquarters reportedly came to the scrap metal depot run by Ipek Avci asking the whereabouts of her former husband. When she said she did not know, police officers reportedly started to beat her. When her client, Yener Aslan, interfered he was also reportedly beaten in front of seven or eight other clients and both he and Ipek Avci were detained. In detention Yener Aslan was reportedly beaten for an hour. When he was released his detention was only registered after he insisted upon it. He received a medical report certifying that he should not work for five days because of his injuries. Ipek Avci reportedly had her hair pulled and was sexually insulted and threatened with rape by truncheon.

**Er.E.** (16 years old), allegedly shot by police officers while handcuffed in Izmir, February 2002. Er.E. was reportedly apprehended by two police officers while returning home in Menemen, near Izmir on 27 February 2002. The police officers allegedly forced him to lie on the ground, handcuffed him and then one of the police officers shot him in his foot. He was then taken by

police minibus to Menemen State Hospital during which journey the second police officer apparently punched him in the back. When Er.E. attempted to lodge a complaint about the incident, the prosecutor reportedly threatened him with imprisonment. A trial has been opened against the police officer who allegedly shot Er.E. while a decision not to prosecute the other officer was issued.

**Hamdiye Aslan**, allegedly raped in custody in Mardin, March 2002.

Hamdiye Aslan, a 37-year-old Kurdish woman and wife of a political prisoner and mother of five, was detained in Kiziltepe on 5 March 2002. She was held at the Anti-Terror Branch of Mardin Police Headquarters until 7 March 2002. During detention she was reportedly blindfolded and threatened. Police officers poured cold water over her while an air conditioner was blowing on her. She was stripped naked and reportedly anally raped with a truncheon by a female police officer. The local Medical Chamber has opened a case against two doctors who wrote reports stating that she had not experienced torture. Another doctor who stated that she had injuries consistent with ill-treatment was subsequently transferred to Diyarbakir. Hamdiye Aslan was remanded to Mardin Closed Prison until she was released by a court on 23 May 2002. Following her formal complaint about her treatment she had further medical reports which recorded injuries consistent with her allegations of torture. The Mardin prosecutor has opened an investigation into five police officers alleged to have tortured her.

**H.T.**, detained in Istanbul, March 2002.

23-year-old H.T. was held in detention between 8 and 11 March 2002 at the Anti-Terror Branch of Istanbul Police Headquarters on suspicion of membership of an illegal organization. During the detention she was allegedly tortured and raped with pressurized water, stripped naked, spat at, and forced to sit in excreta. An official complaint about her treatment to the public prosecutor in Fatih, Istanbul, has been filed, and her lawyers have asked that she be sent from prison for psychological treatment.

**C.T.**, detained in Ankara, March 2002.

C.T. was detained on 20 March from the Workers' Culture House in the Mamak area of Ankara when he refused to sign the minutes of a search. He was taken to the Anti-Terror Branch of Police Headquarters. He reported that he was constantly threatened with imprisonment, beaten with a thin chain on his head, slapped, and thrown against the wall. One police officer reportedly told him that, should he be arrested again, he would be taken to the interrogation room downstairs and "raped by the rapist police at Anti-Terror Branch".

**Excessive force during Newroz celebrations, March 2002: Saadet Erdem, Ömer Aydin and Mehmet Sen.**

During celebrations of the Kurdish New Year, *Newroz*, on 21 March 2002 dozens of protesters were wounded across the country when police used truncheons, tear gas, water cannons and plastic bullets to disperse celebrators. Saadet Erdem, a member of the Ankara branch of the IHD, was allegedly beaten on her head with a truncheon while observing *Newroz* celebrations

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in Ankara and had to be treated in hospital. In the Mediterranean town of Mersin, where policed clashed with demonstrators, two protesters died: Ömer Aydın was reportedly crushed by a police tank and Mehmet Sen apparently died when parts of a wall knocked down by a tank fell on him.

**Mahir Kankal and C.K.**, detained in Ankara, March 2002.

Mahir Kankal was arrested at 7pm on 21 March 2002 in his neighbourhood of Altındag, Ankara, in relation to an unsanctioned Newroz celebration. He was handcuffed and reportedly beaten and brought to Altındag Central Police Station where his relative C.K. was also detained. Mahir Kankal alleged that both were sprayed with cold water, beaten, thrown against the wall, beaten on their backs and feet with a piece of wood, punched, slapped, kicked, insulted and threatened - at one point he was reportedly threatened with being shot in the head. After one or two hours it is reported that nine police officers believed to be from the Anti-Terror Branch came and assaulted and verbally abused them for half an hour.

Mahir Kankal and C.K. were released the following day without having their statements taken. They were not given forensic medical examinations although they requested it. After he filed a formal complaint on 25 March, Mahir Kankal received a medical report certifying that he should not work for five days because of his injuries.

**M.A.T. and Ö.S.**, detained in Ankara, March 2002.

22-year-old M.A.T. and 18-year old Ö.S. were held at the Anti-Terror Branch of Ankara Police Headquarters from the night of 22 March 2002 to the afternoon of 23 March 2002. They were held in incommunicado detention and the police repeatedly denied that they were detained. M.A.T. was reportedly insulted, threatened, beaten, blindfolded during interrogation and stripped naked. Ö.S. was reportedly beaten, insulted and threatened with imprisonment or being presented as an informer to his friends.

**A.K. and seven other juveniles** detained in Hacilar village, Urfa, March 2002.

On 25 March 2002 eight juveniles - three of them under the age of 15 - from poor families who are members of HADEP were arrested after a statue of Atatürk in the school garden in Hacilar village, Urfa was broken. Only five of the detainees, those aged between 15 and 18, had their detentions registered and their statements taken by a prosecutor. They were reportedly beaten, slapped, insulted, threatened, and blindfolded during interrogation at the gendarmerie in Yaylak.

A.K. allegedly had a gun pointed at his temple and a knife held at his leg to make him testify against his elder brother. The group were reportedly made to stand outside in the rain the whole night through and were not allowed to communicate with each other. None of the eight had visible marks of ill-treatment and therefore they did not obtain a medical report. Three of them contacted the IHD and have subsequently filed formal complaints.

**Tekin Demir**, detained in Ankara, April 2002.

Tekin Demir was detained together with his son from his home at 3 am on 3 April 2002 on suspicion of aiding and abetting an illegal organization. They were held at the Anti-Terror Branch of Police Headquarters in Ankara for two days. While in custody, Tekin Demir was reportedly blindfolded, stripped naked, beaten, insulted, threatened, had his hair and moustache torn out and his fingers burned with hot water, and was given electric shocks and hosed with cold water. Police officers also reportedly stamped on his hands while he was lying on the floor. The doctor did not record any of his injuries when he was medically examined at the end of his custody. However, a forensic examination on 13 May 2002, carried out after Tekin Demir filed a formal complaint from the prison to which he had been remanded, recorded numerous lesions on his body and other medical complaints consistent with his allegations of torture.

**S.A.**

22-year-old S.A. was detained from his home at the same time as Tekin Demir (above). While in detention at the Anti-Terror Branch of Ankara Police Headquarters, he was reportedly insulted, beaten, sexually harassed verbally and threatened with rape and death.

**Jale Kirman and B.G.**

Jale Kirman was also detained from home on 3 April 2002. At the Anti-Terror Branch of Ankara Police Headquarters she was reportedly insulted, beaten, sexually harassed, and threatened with rape and that photographs of the rape would be taken and displayed in a public place. B.G. was also detained there during the same period, and she was reportedly insulted and beaten, and sexually harassed.

**Ethem Akdogan and Hatice Allahverdi**, detained in Ankara, April 2002.

Ethem Akdogan and Hatice Allahverdi were arrested on 8 April 2002 at 6pm in Kizilay in the centre of Ankara and held for two days at the Anti-Terror Branch of Ankara Police Headquarters. Ethem Akdogan reported that he was exposed to degrading treatment, insulted, beaten, slapped, thrown against wall and had his testicles squeezed. Hatice Allahverdi reported that she was threatened with rape and death, and was beaten, including on the breast, thrown against the wall, slapped, spat at in the face and insulted.

**Ahmet Yildiz, Izzet Ensen and Zeki Kalavuz**, detained by gendarmerie in Izmir, April 2002.

When Ahmet Yildiz, Izzet Ensen and Zeki Kalavuz were detained on 18 April 2002 they were told that they would be “confronted with a PKK member”. They were held between 18 and 22 April 2002 in Kapikaya gendarmerie in the district of Torbalı, Izmir. On the first day they were reportedly forced to remain standing, stripped naked, beaten on the soles of their feet (*falaka*), severely beaten elsewhere on their bodies, sexually abused, threatened, insulted and given little food and water and limited access to the toilet. On the following days they were allegedly beaten, sprayed with water, threatened and insulted.

**E.E.**, allegedly attacked by police officers, Izmir, April 2002.



E.E. had reportedly been threatened and harassed repeatedly by police officers since an incident at a police station on 19 November 2001. On 30 April 2002, he was reportedly threatened with arrest and rape with a truncheon by two police officers while sitting in a park in Izmir. Later he was apparently again harassed by the same police officers while at a market. As a result of the pressure he apparently attempted to set himself on fire in front of the police station in Narlidere, Izmir. Police officers reportedly restrained him and took him inside the police station, where he was beaten. He reportedly fainted when a commissioner kicked him in the eye and was taken to the State Hospital. After E.E. spoke to two lawyers there, police reportedly threatened him again. He reports that he was not properly examined at that time at the hospital. A medical report issued the following day certified injuries consistent with his torture allegations.

**Yüksel Bulut, Eylem Çolak and Hatice Aydemir** detained in Gaziantep, April 2002.

Journalist Yüksel Bulut was detained on 7 April 2002 in Gaziantep and reportedly immediately blindfolded at the police station and beaten when she complained about this. Her detention was apparently not registered. During her interrogation, she was reportedly stripped naked, insulted, threatened with death, beaten and had her hair pulled, and was sprayed with cold pressurized water, sexually assaulted and filmed while naked.

At one point Yüksel Bulut was confronted with Eylem Çolak, a female member of the trade union for education workers *Eğitim-Sen*, who had reportedly been exposed to "Palestinian hanging" and was forced to "confess" that she knew Yüksel Bulut. When Yüksel Bulut was taken to the state hospital she insisted that the police officers leave the room during her meeting with the doctor. However, the doctor apparently did not write a report even after she had told him what had happened.

On 8 April, Yüksel Bulut, Eylem Çolak and a third woman, Hatice Aydemir, were brought to court. Hatice Aydemir reportedly could not move her arms and her hands were purple as a result of "Palestinian hanging". All three women have filed formal complaints from prison about the torture, but these were rejected by the prosecutor.

**Mehmet Çetin** detained in Ankara, May 2002.

Mehmet Çetin was detained from his home in Ankara in the morning of 7 May 2002 and held at the Anti-Terror Branch of Ankara Police Headquarters. While in detention he was reportedly blindfolded, held in incommunicado detention, beaten, hit against wall when he refused to strip naked, insulted, and threatened with death.

**C.Ç.**, reportedly beaten by gendarmerie in Menderes, Izmir, May 2002.

C.Ç., a 23-year-old Kurd, was forced onto a gendarmerie vehicle at the entrance to his workplace on 9 May 2002 and taken to a remote place where he was reportedly beaten on the head with rifle butts by four gendarmes from Ahmetbeyli gendarmerie. He had reportedly been threatened by one of the group, a sergeant, after he had refused to address him in a conversation



as “my commander”. After fainting he was later brought by friends to hospital where he received a medical report certifying that he should not work for three days. He has filed a formal complaint about the incident.

**12 members of Egitim-Sen**, detained in Mardin, May 2002.

12 members of Egitim-Sen in Kiziltepe, Mardin, were detained during a raid by security forces on 7 May 2002. They were taken to the Anti-Terror Branch of Mardin Police Headquarters where they were reportedly stripped naked, beaten and sprayed with cold pressurized water. The male members of the group also reportedly had their testicles squeezed. They were allegedly forced to stand in the corridor with their faces turned to the wall and their heads covered in cloth bags without sleep for three days. They were made to listen to loud music throughout this period and were only given a piece of bread to eat.

**Salih Yilar**, detained in Diyarbakir, May 2002.

Salih Yilar, a 20-year-old member of HADEP was taken into custody from his home on 14 May 2002. While in detention at the Anti-Terror Branch of Diyarbakir police Headquarters he was reportedly blindfolded, given electric shocks, made to lie on the ground as police officers sat on his shoulders and had cigarettes put out on his cheeks and knee. At the hospital, doctors treated him for injuries including deep cuts to his left arm, where it appeared he had been cut with a razor blade - allegedly inflicted to make it look as if he had attempted suicide, and to disguise the fact that they had tortured him. Razor cuts were also visible on his chest and abdominal region, and he had a swelling at the back of his head. His lawyers noticed that he had ink on his fingers indicating that his finger prints had been taken. He has reportedly been repeatedly threatened by police officers warning him against lodging a complaint about the incident. Meanwhile, a disciplinary investigation into the alleged torture has been opened. A medical examination has reportedly corroborated the allegation of electroshock torture.

**M.S.**, detained in Izmir, May 2002.

M.S. was detained on 15 May 2002 by plainclothes police officers in Izmir apparently on suspicion of theft and brought to Hayal police station. He was reportedly immediately blindfolded and handcuffed, then stripped to his underwear. Two police officers then reportedly slapped him, hit him against the wall and knocked him to the ground where he was kicked in the stomach. He was allegedly threatened that he would be exposed to electric shocks, *falaka* and torture in front of his children if he did not “confess”. They then reportedly poured water over him and gave him electric shocks until he lost consciousness. Subsequently one of the police officers allegedly hit M.S. on the jaw causing him a broken tooth. He was given little food and was not allowed to use the toilet; he, therefore, had to defecate in his cell. When he was released, the doctor did not reportedly examine him even though he had mentioned the incident.

**Ibrahim Karabagli**, detained in Ankara, May 2002.

Twenty-three-year old Ibrahim Karabagli was detained together with 16 others in Ankara on 23 May 2002 in connection with a protest that was held five days previously. He was held at the Anti-Terror Branch of Ankara Police Headquarters and reportedly beaten, insulted, kicked and punched on the head, and thrown against the wall.

**M.A., E.A. and K.B.**, threatened after torture complaint in Izmir, May 2002.

M.A., her husband Abbas and their female relative K.B. have been threatened and harassed after the women complained about torture and ill-treatment. K.B. and M.A. had gone to Police Headquarters in the Bozyaka district of Izmir with five-year-old E.A. on 30 May 2002 at 7pm, to hand over the identity cards of two relatives who had been detained on suspicion of theft. A group of police officers reportedly punched and kicked them and beat them with truncheons. They reportedly beat E.A. on her legs until she fell to the ground. The Chief of the Department of Theft and Fraud reportedly dragged K.B. and M.A. across the ground, made them kiss his shoes, pulled their hair and hit their heads against the wall. He reportedly warned them, "...if you complain to the prosecutor, I'll do the same things again". The two women and the young girl were held at the police station for 12 hours without being formally detained. They were not allowed to go to the toilet, and were given nothing to eat or drink. After they filed a complaint police repeatedly threatened them with the result that Abbas A. gave up his work as a street vendor and the women were afraid to stay at home because of the threats.

**F.T.**, detained in Basmane, Izmir, June 2002

F.T. was reportedly detained on 5 June 2002 by police officers who were searching for another individual in Basmane, Izmir. While in detention he was reportedly severely beaten, resulting in both his arms being broken. He subsequently received a medical report certifying that he should not work for 25 days because of his injuries.

### **Amnesty International's recommendations**

Amnesty International notes the initiatives designed to combat torture and impunity already taken by the Turkish government. However, taking into consideration the persistence of torture in violation of Turkey's obligations under international law, comprehensive reforms are required urgently. In view of the lack of effective change in Turkey, Amnesty International repeats its recommendations to end torture and impunity and urges the Turkish authorities to implement them in a form compatible with international human rights standards and the recommendations of international human rights bodies such as the European Committee for the Prevention of Torture, the UN Committee against Torture and the UN Special Rapporteur on torture. Some of the recommendations are very simple and could be implemented immediately.

- **Incommunicado detention:** Incommunicado detention should be abolished and clear guidelines should be introduced to ensure that in practice all detainees have immediate access to legal counsel.

- **Effective control of interrogations by prosecutors** : Prosecutors and judges should only extend the custody period after having seen the detainees in person and making sure that they are not being tortured or ill-treated.
- **Shorten periods of custody in the Region under State of Emergency**: All people deprived of their liberty should be brought promptly before a judge. Steps should be taken to ensure that detainees are not brought back to police and gendarmerie custody after having been remanded in prison. Authorities should stop implementing - or abolish - Article 3/c of Legal Decree No. 430.
- **Condemn torture** : The highest Turkish authorities should demonstrate their total opposition to torture. They should condemn torture unreservedly whenever it occurs. They should make clear to all members of the police, military and other security forces that torture will never be tolerated.
- **Opening detention records for scrutiny by families of detainees and by lawyers** : Relatives and lawyers should be able to find out immediately where a detainee is held and under which authority. Scrupulous record-keeping of all detentions is important, not only to establish responsibility for any violations committed during custody but, more urgently, in order to prevent “disappearances”. A standardized pattern of registration form provided for in the Regulation on Apprehension, Police Custody and Interrogation, issued jointly by the Justice and Interior Ministries on 1 October 1998, would be an important innovation if presented in the form of a bound ledger with numbered pages, but this is not mentioned in the regulation.
- **No secret or unofficial detention**: As Article 10(1) of the UN Declaration on the Protection of All Persons from Enforced Disappearance states: “Any person deprived of liberty shall be held in an officially recognized place of detention”.
- **Outlaw blindfolding**: Steps to promote accountability by police and to end torture should include ending the practice of blindfolding in police custody. Blindfolding is a form of ill-treatment in itself, and makes the reliable identification of officers responsible for abuses more difficult.
- **Videotape interrogations**: In accordance with the recommendation made to the Turkish government by the UN Special Rapporteur on torture in 1999, the authorities should seriously consider the introduction of video-recording of interrogations, as a means of protecting both detainees held incommunicado and law enforcement officers who may be falsely accused of acts of torture or ill-treatment.
- **Define torture in line with international standards**: The definition of torture in Turkish law should at a minimum incorporate the definition in the Convention against Torture.
- **Define rape and sexual abuse in line with international standards** : All officials involved in the custody, interrogation and medical care of detainees and prisoners should be informed that **rape and sexual abuse** are acts of torture or ill-treatment. Rape

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should be defined in line with international standards.<sup>2</sup> Forcibly subjecting female detainees to so-called “virginity tests” is a form of gender-based violence constituting torture or cruel, inhuman or degrading treatment.<sup>3</sup> Mechanisms to ensure that such practices will not be tolerated should be put in place.

- **End isolation regimes in prisons:** Regimes of small-group isolation and solitary confinement in “F-Type” and other prisons should end immediately and prisoners should be allowed to spend at least eight hours of the day taking part in communal activities outside their living units, as called for by the CPT.<sup>4</sup>
- **Investigation of complaints:** Turkish authorities should ensure that complaints and reports of torture or ill-treatment, “disappearance” and extrajudicial execution are promptly and effectively investigated. Even in the absence of an express complaint, an investigation should be undertaken whenever there is reasonable ground to believe that torture or ill-treatment might have occurred. The investigators should be competent, impartial and independent of the suspected perpetrators and the agency they serve. They should have access to, or be empowered to commission investigations by impartial and independent medical or other experts. The methods used to carry out such investigations should meet the highest professional standards, and the findings should be made public.
- **Medical reports:** Detainees should have immediate access to independent, impartial and competent medical experts. Independent medical or psychiatric reports should be admissible to the investigation. Appropriate equipment for the medical investigation of different forms of torture and ill-treatment should be provided. Medical examinations should be conducted in private under the control of the medical expert and outside the presence of security or other government officials. In the case of rape and other forms of sexual abuse, the examining health personnel should be of the same sex as the victim unless otherwise requested by the victim.
- **Witness protection:** Alleged victims, witnesses, those conducting the investigation and their families should be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in human rights violations should be removed from any

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<sup>2</sup> There is no single definition of rape in international law. The International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) concluded that rape is a form of aggression and that the central elements of the crime of rape cannot be captured in a mechanical description of objects and body parts. They have defined rape as a “**physical invasion of a sexual nature, committed on a person under circumstances which are coercive. Sexual violence, which includes rape, is considered to be any act of a sexual nature which is committed under circumstances which are coercive.**”

<sup>3</sup> For “virginity tests” see AI Index: EUR 44/026/2002, pp. 16-17.

<sup>4</sup> For isolation in F-Type prisons see AI Index: EUR 44/025/2001 and update EUR 44/024/2002.

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position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.

- **Prosecution:** Those responsible for human rights violations, including those who order it, should be brought to justice. As recommended by the UN Special Rapporteur on torture after his visit to Turkey, “prosecutors and judiciary should speed up the trials and appeals of public officials indicted for torture and ill-treatment. Sentences should be commensurate with the gravity of the crime.”
- **Suspension of officers suspected of torture:** Police officers or gendarmes under investigation or trial for ill-treatment, torture, “disappearance” or extrajudicial executions should be suspended from active duty and if convicted they should be dismissed from the force.
- **Independent decisions on whether to prosecute:** The **Law on Prosecution of Civil Servants** and similar laws should be amended in order to ensure that any decision as to whether or not to prosecute a government officer for ill-treatment, torture, “disappearance” or extrajudicial execution, or for abuses of authority which might lead to such human rights violations, is taken exclusively by prosecutors and judges.
- **Statements elicited under torture :** Article 15 of the UN Convention against Torture obliges states parties to “ensure that any statement which is established to have been made as a result of torture should not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made”. A body should be established to review previous convictions based on evidence alleged to have been extracted under torture and, where appropriate, to arrange for prompt retrial.
- **Documentation of torture cases:** The Ministry of Justice should compile a **list of complaints, prosecutions, convictions and sentences** relating to torture and other human rights violations.
- **Compensation and rehabilitation:** Under Article 14 of the UN Convention against Torture, victims of torture and their dependants are entitled to fair and adequate redress from the state. This should include appropriate medical and psychological care, financial compensation and rehabilitation.
- **Training:** It should be made clear during the training of all officials involved in the custody, interrogation and medical care of detainees and prisoners that torture is a criminal act. They should be instructed that they have the right and duty to refuse to obey any order to torture.