

93.3.12

Despite Turkey's being a member of the Council of Europe since its creation in 1949,

Despite Turkey's obligations to the Council of Europe's and the UN's Human Rights Conventions, which prohibit torture under all circumstances,

Despite Turkey's being ruled for many years by a democratically elected government,

Despite successive Turkish governments having clearly promised to abolish torture,

Despite the excellent efforts of three Turkish centres for the treatment of torture victims to spread information about and prevent torture in Turkey,

the Council of Europe's committee for the prevention of torture, in its report of December 1992, concluded that torture and other forms of maltreatment in police custody were continuing in Turkey, and that torture methods were used against people suspected of ordinary crimes and people arrested under the anti-terror laws.

This situation is of course very unhappy. It makes it more difficult for the Council of Europe and the member countries to argue convincingly against torture in other continents. In this way, the situation in itself adds to the use of torture. For the many of us who have met torture victims, it is gruesome awful to admit that torture is commonly used in a European democracy.

It is quite unique that the committee decided to publish the report. This has not happened before or since. The publication presupposes that the country in question, i.e. Turkey, refuses to collaborate or to improve the situation in the light of the committee's recommendations. It is thus an accusation, not only of torture, but also of a lack of will to abolish it.

If Turkey had applied for membership of the European Council today, it is my opinion that it would be refused.

The reaction from the decision-making organ of the European Council, the committee of ministers, has been muted. This is probably mainly due to the fact that all countries, including Turkey, must agree on decisions. But a mild reaction to such serious conclusions is in itself serious.

To make up for it, all of us who can put pressure on Turkey must do so; we must support the three centres that are working efficiently under difficult conditions, and we must promise each other not to stop this effort at any time.

These considerations form the serious background for the decision by the editorial board of TORTURE to publish the committee's report in its entirety.

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President, IRCT

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

PUBLIC STATEMENT ON TURKEY

Adopted on 15 December 1992

Introduction

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has to date organised three visits to Turkey. The first two visits, carried out from 9 to 21 September 1990 and 29 September to 7 October 1991, were of an ad hoc nature. They were visits which appeared to the Committee "to be required in the circumstances" (Article 7, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment). The circumstances in question were essentially the considerable number of reports received by the Committee, from a variety of sources, containing allegations of torture or other forms of ill-treatment of persons deprived of their liberty in Turkey. The reports related in particular to persons held in police custody. The third visit took place from 22 November to 3 December 1992, and formed part of the CPT's programme of periodic visits for that year.

2. Throughout 1991 and 1992 an ongoing dialogue has been maintained between the Turkish authorities and the CPT on matters of concern, based on the reports drawn up by the Committee after its first and second visits and the reports provided by the Turkish authorities in response. This dialogue culminated in a number of meetings between the Turkish authorities and a delegation of the CPT held in Ankara from 22 to 24 September 1992.

Subsequently, at its 14th meeting (28 September to 2 October 1992), the CPT reviewed the action taken by the Turkish authorities upon the recommendations made by the Committee in its visit reports. The Committee concluded that the continuing failure of the Turkish authorities to improve the situation in the light of its recommendations concerning (i) the strengthening of legal safeguards against torture and other forms of ill-treatment in police (and gendarmerie) establishments and (ii) the activities of the Anti-Terror Departments of the Ankara and Diyarbakir Police, justified resort to Article 10, paragraph 2, of the Convention.

3. The Turkish authorities were informed of the conclusion reached by the CPT and, in accordance with the Convention, invited to make known their views. Those views were received on 16 November 1992. The CPT examined the views presented by the Turkish authorities at its 15th meeting, held from 14 to 17 December 1992; on the same occasion, the Committee considered the

facts found by the delegation which carried out the periodic visit to Turkey in November/December 1992, in particular insofar as they related to matters of police and gendarmerie custody. By the required majority of two-thirds of its members, the Committee decided to make a public statement.

The ad hoc visits

a) first visit

4. In the report drawn up following its first visit to Turkey in 1990, the CPT reached the conclusion that torture and other forms of severe ill-treatment were important characteristics of police custody in that country. More specifically, in the light of all the information gathered concerning the Anti-Terror Departments of the Ankara and Diyarbakir Police, the CPT concluded that detectives in those departments frequently resorted to torture and/or other forms of severe ill-treatment, both physical and psychological, when holding and questioning suspects. A variety of elements led the Committee to those conclusions.

5. In the first place, the CPT was struck by the extremely large number of allegations of torture and other forms of ill-treatment by the police received in the course of the visit, the wide range of persons making those allegations, and their consistency as regards the particular types of torture and ill-treatment said to have been inflicted. It should be noted that the allegations emanated from persons suspected or convicted of offences under anti-terrorism provisions and from persons suspected or convicted of ordinary criminal offences. As regards the latter, the number of allegations was especially high among persons detained for drug-related offences, offences against property (burglary, robbery, theft) and sex offences. Concerning the types of ill-treatment involved, the following forms were alleged time and time again: suspension by the arms; suspension by the wrists, which were fastened behind the victim (so-called "palestinian hanging", a technique apparently employed in particular in anti-terror departments); electric shocks to sensitive parts of the body (including the genitals); squeezing of the testicles; beating of the soles of the feet ("falaka"); hosing with pressurised cold water; incarceration for lengthy periods in very small, dark and unventilated cells; threats of torture or other forms of serious ill-treatment to the person detained or against others; severe psychological humiliation.

6. The CPT's medical findings must also be

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