

REPORT ON CRUEL AND UNUSUAL
PUNISHMENT IN THE REPUBLIC OF TURKEY

**TURKEY'S NEW
NORMAL:
TORTURE AND
ILL-TREATMENT**

PREPARED BY
THE RIGHT TO LIFE & TORTURE COMMITTEE

AN EXECUTIVE SUMMARY

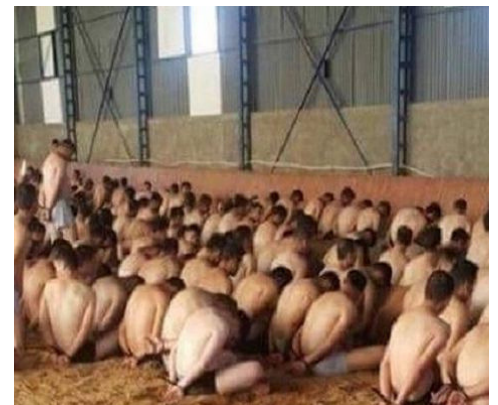
OVERVIEW OF TORTURE AND ILL-TREATMENT IN TURKEY

This pamphlet prepared by the Advocates of Silenced Turkey's Right to Life Committee provides an overview of official reports published by the Office of the United Nations High Commissioner for Human Rights, the Human Rights Watch, Amnesty International, and the US Department's State's Bureau of Democracy, Human Rights, and Labor.

Shortly after the failed coup the Turkish government declared a state of emergency which grants the government the power to investigate crimes committed during the attempted coup, including murder and causing bodily harm, and to hold those responsible to account. However, declaring a state of emergency does not give the government a carte blanche to suspend rights, and in particular there are rights and obligations from which there can be no derogation. Under the state of emergency, the government passed two emergency decrees that removed crucial safeguards that can protect detainees from ill-treatment and torture. The prohibition of torture in international law is absolute and cannot be suspended even in times of war or national emergency. And yet, the emergency decrees remove crucial safeguards that protect detainees from ill-treatment and torture.

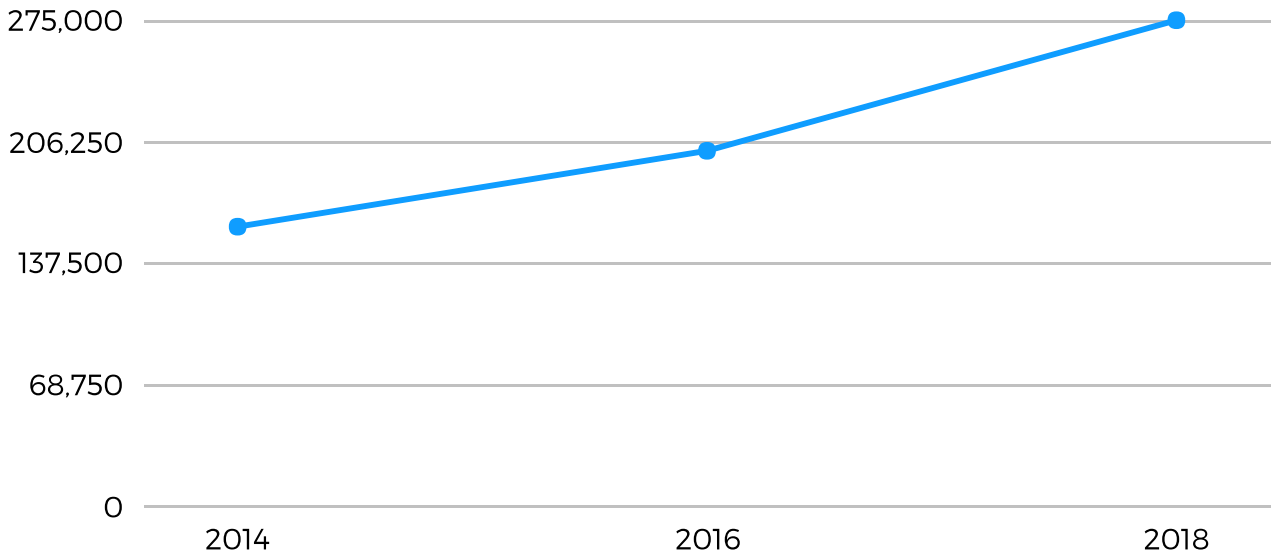
Since the failed coup attempt, the police have detained 160,000 people in Turkey. 152,000 state officials, including teachers, judges and lawyers, among whom the vast majority were arbitrarily expelled or investigated; According to government statements, most of the detainees are suspected of affiliation with the Gülen movement, a religious movement headed by the US-based cleric Fethullah Gülen.

According to the Human Rights Association, the total number of human rights violations amounted to 7,907 since 2016. 2,278 victims faced torture and maltreatment while 423 of such cases took place under police detention. The HRW reported that victims of torture have been subjected to severe beatings, threats, and insults. Those under police custody were stripped naked, and in some cases detainees were threatened sexual assaulted, or threatened with sexual assault. Additionally, Turkish security forces have performed a total of 48 extralegal killings against dissenters.



OPPRESSION IN NUMBERS

THE PRISON POPULATION



TORTURE AND KILLINGS SINCE 2016

2,278

INSTANCES OF TORTURE

423

INSTANCES OF TORTURE
UNDER DETENTION

48

INSTANCES OF
EXTRAJUDICIAL KILLINGS

In a very troubling provision, emergency decree 667 states that “individuals who make decisions and perform their duty in the context of this decree bear no legal, administrative, financial or criminal responsibility for those duties performed.” According to the Human Rights Watch's report, this sends a clear signal to police officers and other officials that they can abuse detainees and violate their rights without fear of legal or other consequences. It also is a clear breach of Turkey's non-derogable duty under international law to prevent and punish acts of torture and ill-treatment.

LEGAL FRAMEWORK

SUSPENSION OF SAFEGUARDS AGAINST TORTURE AND ILL-TREATMENT

Summary of HRW's "A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture"

Prolonged Detention without Legal Review

Emergency decree 667 increased the maximum period of police detention for terrorism and organized crime from four to 30 days in clear violation of international law. Lawyers and former detainees told Human Rights Watch that the extended detention period allowed by the decree rendered detainees more vulnerable to abuse and that police had in some cases explicitly used the extended detention period to threaten detainees.

No Access to Medical Reports

Emergency decree 668 allows the public prosecutor to restrict the defense counsel's right to examine contents of medical examination reports. The authorities appear to have decided to make all documents related to the coup investigation secret. The lack of access to the medical reports made it impossible for detainees and lawyers to assess whether the medical examinations were conducted properly and made it difficult for detainees and lawyers to complain about torture and ill-treatment or to provide evidence to substantiate those complaints if they do.

Denial of Right to Choose Lawyer

According to emergency decree 668 the public prosecutor can deny a detainee the right to see a lawyer for up to five days. In addition to the denial of access to a lawyer for up to five days, authorities have imposed severe restrictions on the right to choose a lawyer during police detention. It is unclear whether there was any judicial approval of the near-complete ban on private lawyers acting for detainees in police detention.

No monitoring of places of detention

The government dissolved all the current prison monitoring boards whose members are appointed by justice commissions operating in provincial courthouses. The dissolution of the boards in the present circumstances sends a message that the government is seeking to prevent the monitoring of places of detention rather than to promote it in the face of serious allegations of abuse. The fact that there is neither an official body nor an independent body in Turkey able to conduct regular rather than ad hoc monitoring of any place of detention in Turkey in the present circumstances is a matter of serious concern.



PHYSICAL AND PSYCHOLOGICAL PUNISHMENT METHODS OF TORTURE

Summary of OHCHR's "Report on the Impact of the State of Emergency on Human Rights in Turkey"



Nils Melzer
UN Special Rapporteur

The UN Special Rapporteur on torture, Nils Melzer, expressed serious concerns about the rising allegations of torture and other ill-treatment in Turkish police custody since the end of his official visit to the country after the coup attempt in 2016.

Melzer said he was alarmed by allegations that large numbers of individuals suspected of links to the Gülenist Movement were exposed to brutal interrogation techniques aimed at extracting forced confessions or coercing detainees to incriminate others.

Reported abuse included severe beatings, electrical shocks, exposure to icy water, sleep deprivation, threats, insults and sexual assault.

The Special Rapporteur said no serious measures appeared to have been taken by the authorities to investigate these allegations or to hold perpetrators accountable.

Instead, complaints asserting torture were allegedly dismissed by the prosecutor citing a 'state of emergency decree (Article 9 of Decree no. 667)' which reportedly exempts public officials from criminal responsibility for acts undertaken in the context of the state of emergency.

**"Reported abuse
included severe
beatings, electrical
shocks, exposure to icy
water, sleep deprivation,
threats, insults and
sexual assault"**

COUNTLESS INSTANCES OF MALTREATMENT

RELENTLESS TORTURE



A report by the Human Rights Foundation of Turkey profiled the suspicious death of Hamza Kacmaz, a prisoner in Antalya who allegedly committed suicide on August 19 by hanging himself in his prison cell. The autopsy report showed no signs of strangulation and noted signs of handcuffing. Other inmates testified that Kacmaz sustained beatings and torture prior to his death.

According to the Stockholm Center for Freedom, Alaaddin Duman, a teacher in Malaysia who was abducted by Turkish intelligence agency over his links to the Gulen movement in 2016, has been subjected to beating, torture and death threats during pre-trial custody in Ankara to reveal names of his colleagues who are involved with the Movement. Allegations of torture by his cellmate have been ignored by the courts.



According to an Op-Ed published by the Globe Post, Asli S., a newly-married housewife, was detained with her husband and tortured in front of her partner. Her clothes were taken off by officers and she was beaten until she was unconscious. She was threatened with rape and sexual assault in front of her husband if she didn't confess. She was tortured for three consecutive weeks while her husband was forced to watch.

According to the US Department of State, a group of former police officers accused of ties to the Gulen movement were tortured while in police custody in April. Officers were kept in small cells and when most of the police station staff had departed for the evening, on-duty police took these detainees one-by-one into an interrogation room, stripped them, hooded them with plastic bags, and threatened them with sexual assault.



A TRAGIC CASE OF TORTURE

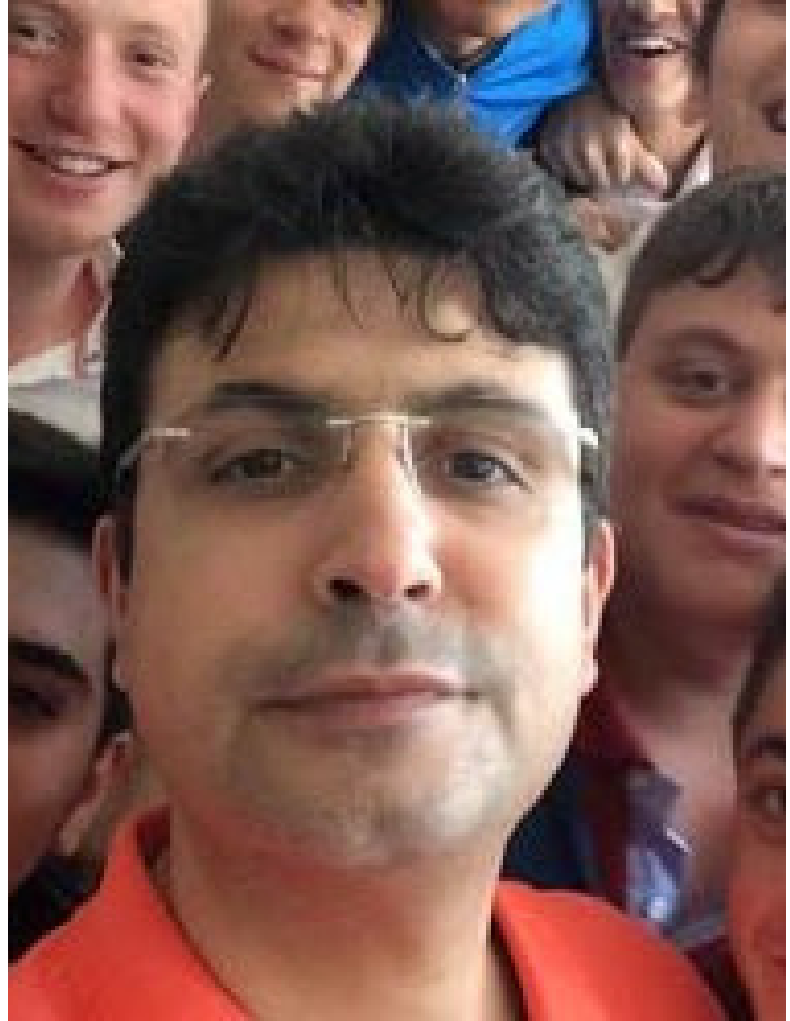
TEACHER AÇIKKOLLU BEATEN TO DEATH

Summary of SCF's "Report on Turkish Teacher G.A's Death"

Açikkollu was detained on July 24, 2016 on trumped-up charges of coup plotting and terrorism and remained in police custody for 13 days, during which he was subjected to both physical and psychological torture. He was never officially interrogated, and the police did not even take a statement from him. Instead, he was taken from his detention cell every day to face torture and rushed to the hospital when his condition deteriorated, only to be shipped back to detention. He told doctors about the abuse and torture; yet, in some cases his statements were not even registered in the medical reports, and evidence of physical abuse was covered up under pressure from the police.

Açikkollu was beaten, slapped in the face, kicked in the rib cage, kneed in the back and his head banged against the wall. His medical check-up before he was put in detention showed no signs of any heart troubles; yet, he was pronounced dead due to heart failure. When he collapsed in his cell, emergency services were belatedly called and he died in detention, although official records were doctored to reflect the false fact that he died at the hospital.

Prof. Dr. Şebnem Korur Fincancı, president of the Human Rights Foundation of Turkey (TİHV), emphasised in a report that Açikkollu died of a heart attack due to the torture he was exposed to in detention.



"Açikkollu was beaten, slapped in the face, kicked in the rib cage, kneed in the back and his head banged against the wall"

COLLECTION OF RESOURCES

REPORTS ON TORTURE AND MALTREATMENT IN THE REPUBLIC OF TURKEY

