



Turkey

Torture in Turkey: past, present and future?

April 2017

The attempted coup in July 2016 highlighted Turkey's place in the world as a torturing state. However, the use of torture in Turkey is not new. The following research highlights that this is a method of control widely used to suppress political activity. This briefing is based on 60 medico-legal reports produced by Freedom from Torture between February 2012 and March 2017 documenting torture between 1992 to 2015.

In light of the upcoming referendum and Turkey's continued strategic importance in Europe and the Middle East, a robust response is needed from the Turkish government to end the use of torture which has continued to be used to stamp out political activity. The Turkish government must take immediate steps to publicly reinforce its "zero tolerance" policy, implement laws and policies aimed at preventing torture, and tackle a culture of impunity by investigating all allegations of torture and bringing perpetrators to justice.

Key Findings

- The majority of cases involve men under the age of 40 of Kurdish background.
- The reason for detention was invariably related to perceived or actual political activity.
- A number of torture methods are described across the 60 cases and all medico-legal reports document evidence of multiple forms of torture. All 60 people experienced blunt force trauma (usually being beaten with an object). 77% of the cases involved sexual torture, including in 23% rape; 63% experienced electric shocks and 58% were subjected to cold/high pressure water hosing.
- 87% of people reported being detained and tortured by the police on one or more occasions.
- At least 17 different police detention facilities were described, of which Istanbul Police Headquarters on Vatan Street was the most commonly mentioned.



Torture occurred in at least 17 different police detention facilities within the towns and cities marked above.

Introduction

The attempted coup in July 2016 highlighted the willingness of the Turkish authorities to use torture as a means of punishment and asserting control. News coverage of thousands of people who showed signs of torture and mistreatment meant the world could not ignore the brutal retribution the government was taking against suspected plotters and many others who were caught up in the crackdown. Yet this is not a new pattern of behaviour from the government. Survivors of torture seen at Freedom from Torture know from experience that this is a tactic which has been used to brutally control political dissent in Turkey for decades.

This briefing analyses information about detention and torture in Turkey from 60 medico-legal reports prepared by Freedom from Torture’s specialist doctors over the last five years. In the majority of cases the survivors are Kurdish, and were detained and subjected to ill-treatment due to participation or alleged participation in Kurdish political activity. All of the cases profiled document torture which took place before the attempted coup.

Turkey is seen by the European Union as a key partner in the refugee crisis, it has an important role in the Syria conflict, the fight against so-called Islamic State, and in NATO. It was also one of the first countries visited by Prime Minister May at the start of the UK’s Brexit trade agreement campaign. However, torture or tolerance of it is not legitimised by political or security threats. Turning a blind eye to Turkey’s behaviour will contribute only to instability in the country and the wider region.

Freedom from Torture is one of the largest torture treatment centres in the world. Since our establishment in 1985, more than 57,000 survivors of torture have been referred to us for rehabilitation or forensic documentation of their torture injuries. For a number of years, Turkey has been in the top ten countries of origin for those referred to us.¹

Freedom from Torture’s evidence, combined with the allegations of escalating torture in response to the unrest of the last two years as reported by other human rights organisations including Amnesty International² and Human Rights Watch³, highlight the long-standing problem of torture in Turkey and the government’s failure to take meaningful action to address the problem including through investigating allegations and bringing perpetrators to justice

The Turkish Government must be held to its national “zero tolerance” policy on torture and its international obligations to prevent, investigate and hold accountable all those accused of torture. The ban on torture is absolute and it is essential that Turkey’s allies forcefully remind President Erdoğan of the unacceptability of his actions and his government’s sanction of these abuses.

Background

Freedom from Torture first published its concerns about torture in Turkey in 1999 when it released a report detailing the torture of 78 individuals who had been referred to the organisation during 1997 and 1998.⁴ Most of the torture recorded in that publication occurred in the context of the struggle between the Turkish Government and the Kurdistan Workers’ Party (Partiya Karkerên Kurdistanê, PKK).

After committing itself to a policy of “zero tolerance” towards torture and ill-treatment in 2003, the government undertook important domestic reforms, including strengthening legislation. Turkey was

1 <https://www.freedomfromtorture.org/news-blogs/9411>

2 <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>

3 <https://www.hrw.org/news/2017/01/12/turkey-alarming-deterioration-rights>

4 See report entitled “Staying Alive By Accident”, Freedom from Torture (then known as the Medical Foundation for the Care of Victims of Torture), <https://www.freedomfromtorture.org/document/publication/5721>

already a long-standing party to the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and a member of the Council of Europe.⁵ The government ratified the International Covenant on Civil and Political Rights (ICCPR) which prohibits torture and ill-treatment in 2003. More recently in 2011, Turkey became party to the Optional Protocol to the UN Convention against Torture (OPCAT). This requires the government to designate or establish a national preventive mechanism to visit places where people may be deprived of their liberty. Under this treaty, an international body of experts is also mandated to visit places where people are detained in Turkey.

Despite these steps, torture and ill-treatment have remained persistent problems. This is reflected in Freedom from Torture's research as well as reports of independent bodies, such as the Human Rights Committee.⁶ Reviewing Turkey's implementation of the UNCAT, the UN Committee against Torture expressed serious concerns about torture and ill-treatment, particularly in the context of counter-terrorism operations in the south-east of Turkey and about the impunity enjoyed by perpetrators of such acts.⁷ The European Court of Human Rights has also found Turkey to be in violation of Article 3 (the prohibition of torture) of the European Convention on Human Rights (ECHR) on numerous occasions and over many years.⁸

Recent developments

In 2015, the peace process to end three decades of insurgency by the PKK against the government collapsed.⁹ Subsequently, the UN and non-governmental organisations, including Amnesty International and Human Rights Watch, reported an increase in human rights violations including allegations of torture and ill-treatment.¹⁰

Following the attempted coup in July 2016 President Erdoğan declared an initial three-month state of emergency, which was extended in October 2016 and then again in January 2017. In July the President also announced that Turkey would temporarily suspend parts of the ECHR¹¹ and he notified the UN of the government's intention to derogate from the ICCPR.¹²

The measures taken by the Turkish government in response to the attempted coup have resulted in an escalation in reports of mistreatment and a reduction of essential safeguards against torture and ill-treatment.¹³ Even though the prohibition of torture and ill-treatment under these treaties, and under international law more generally, is absolute and cannot be derogated from under any circumstances, emergency regulations have been continuously expanded since July 2016. The Council of Europe

5 Turkey ratified the UN Convention against Torture in 1988 and became a member of the Council of Europe in 1950.

6 The Human Rights Committee oversees implementation of the ICCPR. See Concluding Observations, UN Doc: CCPR/C/TUR/CO/1, 13 November 2012, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/TUR/CO/1&Lang=En

7 <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/TRIndex.aspx>

8 http://www.echr.coe.int/Documents/CP_Turkey_ENG.pdf

9 The PKK is a proscribed organisation in Turkey. It is listed as a "terrorist" group by several states and organisations, including the North Atlantic Treaty Organization (NATO), the United States, the United Kingdom, and the European Union.

10 See Amnesty International, "Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s", June 2016, AI Index: EUR 44/4366/2016, <https://www.amnesty.org/en/documents/eur44/4366/2016/en/>. The UN Office of the High Commissioner for Human Rights also reported that it started to receive detailed and credible allegations of serious human rights violations taking place in South-East Turkey from July 2015.

11 Relevant communications from the Turkish Government to the Council of Europe can be located at: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/declarations?p_auth=3zUJCxBu&coeconventions_WAR_coeconventionsportlet_enVigueur=false&coeconventions_WAR_coeconventionsportlet_searchBy=state&coeconventions_WAR_coeconventionsportlet_codePays=TUR&coeconventions_WAR_coeconventionsportlet_codeNature=10

12 Turkey notified the UN that it would be derogating from Articles 2, 3, 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26 and 27 of the ICCPR. Note Article 10 relates to humane treatment of detainees and Article 2 to the right to remedy. The Human Rights Committee, in general comment 29, has stated explicitly that it is not possible to derogate from Article 10.

13 Human Rights Watch, "A Blank Check - Turkey's post-coup suspension of safeguards against torture", October 2016, available at <https://www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture>

Commissioner for Human Rights has expressed his concern about the far-reaching, almost unlimited discretionary powers of the administrative authorities and the executive in many areas, as well as “consistent reports of allegations of torture and ill-treatment”.¹⁴ Further, the sacking of more than 100,000 civil servants, including the dismissal of one fifth of the judges and prosecutors, has resulted in a judiciary barely able to function and operating in an extremely hostile political environment.¹⁵

Additionally, media coverage of detainees with signs of beatings indicate that torture and ill-treatment are officially being condoned to silence and prevent dissent. This contributes to an environment in which torture is officially endorsed tacitly or overtly as a tactic to control political opponents and counter terrorism.

Following a 6-day mission to Turkey at the end of 2016, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment expressed concern about the significant disconnect between policy and reality¹⁶. He found that sweeping security measures¹⁷ create a climate conducive to torture which, combined with impunity, undermine any progress towards the prevention and eradication of torture and ill-treatment.

In addition, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) undertook an ad hoc visit to Turkey from 29 August to 6 September 2016 to examine the treatment and conditions of those detained in connection with the attempted coup. The CPT has carried out a number of visits to Turkey in the past and the reports of those missions have been authorised for publication by the government. However, as yet the government has not allowed the publication of the 2016 report.

On 25 March 2017, the UK Foreign Affairs Committee published its findings on the UK’s relations with Turkey and stressed that the UK must not be seen as disregarding - or even excusing - allegations of human rights violations in Turkey. The Committee rejected the argument that the UK needs to secure good agreements and deals before it can raise human rights concerns. Although it supported the expansion of trade and defence ties with Turkey, including because of the strong voice that these ties should give the UK in Ankara, the Foreign Affairs Committee said “It is a voice that we expect the UK to use, not least so that its human rights concerns are heard”. The Committee was clear that it expects the UK to both defend human rights and secure trade.¹⁸

Torture Evidence

This briefing analyses information contained in 60 medico-legal reports prepared by expert doctors in our forensic documentation service, in accordance with the standards set out in the UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the “Istanbul Protocol”).¹⁹ These medico-legal reports were produced between February 2012 and March

14 Council of Europe, Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey, 7 October 2016, CommDH(2016)35.

15 International Commission of Jurists, “Turkey: emergency measures have gravely damaged the rule of law”, 6 December 2016, <https://www.icj.org/turkey-emergency-measures-have-gravely-damaged-the-rule-of-law/>

16 Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey - 27 November to 2 December 2016 - See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E#sthash.KzObbpgb.MlBbmjRA.dpuf>.

17 Such measures include pre-charge detention period increased from four to 30 days now reduced to 14; preventing detainees’ access to lawyers in pre-charge detention for five days; recording conversations between client and lawyer in pre-trial detention and passing them to prosecutors; the introduction of immunity from criminal prosecution for forces conducting counter-terrorist operations in the South East. Also, medical examinations are carried out in the presence of police officers and detainees’ lawyers were denied access to the reports.

18 Foreign Affairs Committee on UK’s relations with Turkey, published 27 March 2017 and available at <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmaff/615/61502.htm>

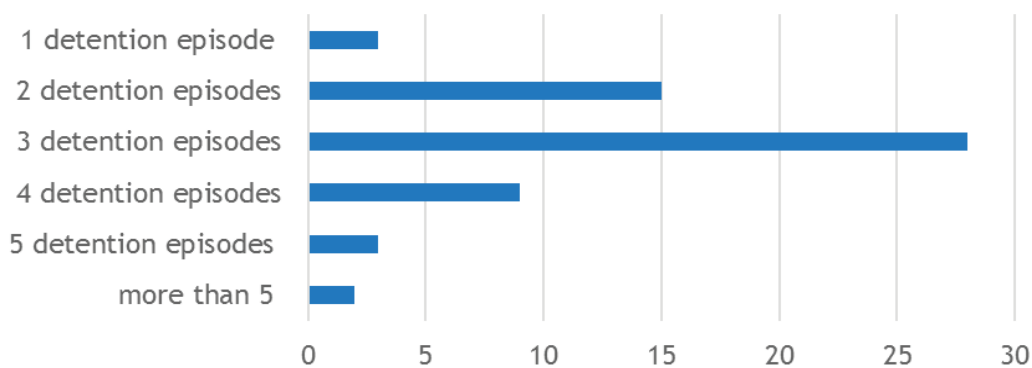
19 <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

2017 but the evidence of torture documented in them spans a broader period, between 1992 and 2015.

People tortured in the aftermath of the attempted coup have not yet reached Freedom from Torture’s services as there is typically a significant delay between the incidence of torture and the production by our specialist doctors of a forensic report. This is due to, among other things, the time it takes for a torture survivor to escape or otherwise secure release from detention, leave the country, arrive in the UK and be referred to Freedom from Torture.

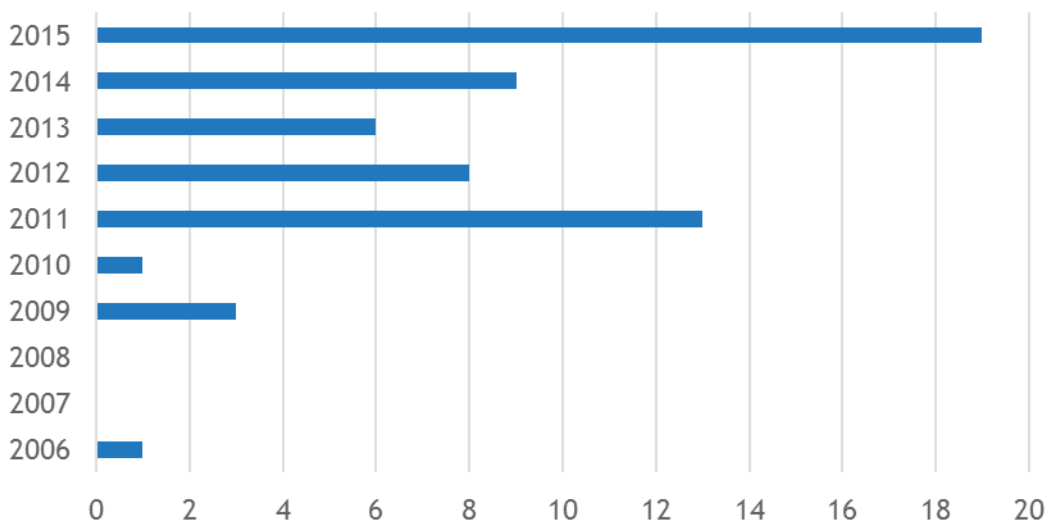
The 60 medico-legal reports document evidence of torture reported to have taken place in a total of 175 episodes of detention between 1992 and 2015, with the overwhelming majority of people reporting multiple episodes of detention (95%) (see figure 1 below).

Figure 1: Multiple episodes of detention



The most recent detention episodes reported in each case took place between the years 2006 and 2015, with the highest number in the years 2011-2015 (see figure 2 below).²⁰ Notably, in a majority of the 57 cases where there was more than one episode of detention, the most recent detention was reported to have been directly linked to earlier episodes (72%).

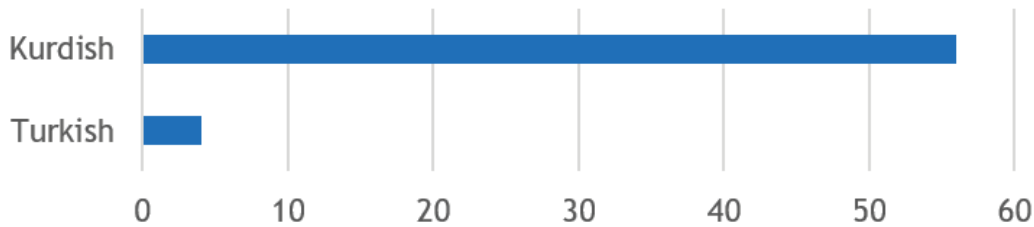
Figure 2: Year of most recent detention episode



20 This pattern reflects our data set but does not necessarily indicate that torture was more prevalent in this period.

The majority of cases involve young men (under the age of 40) (97%) of Kurdish background (93%) (see figure 3 below). There are four minors aged 16-18 in this case set; all four had experienced two detention episodes in the years 2013-2015. There were four women in the case set, who had a similar profile to the men in respect of their detention history.

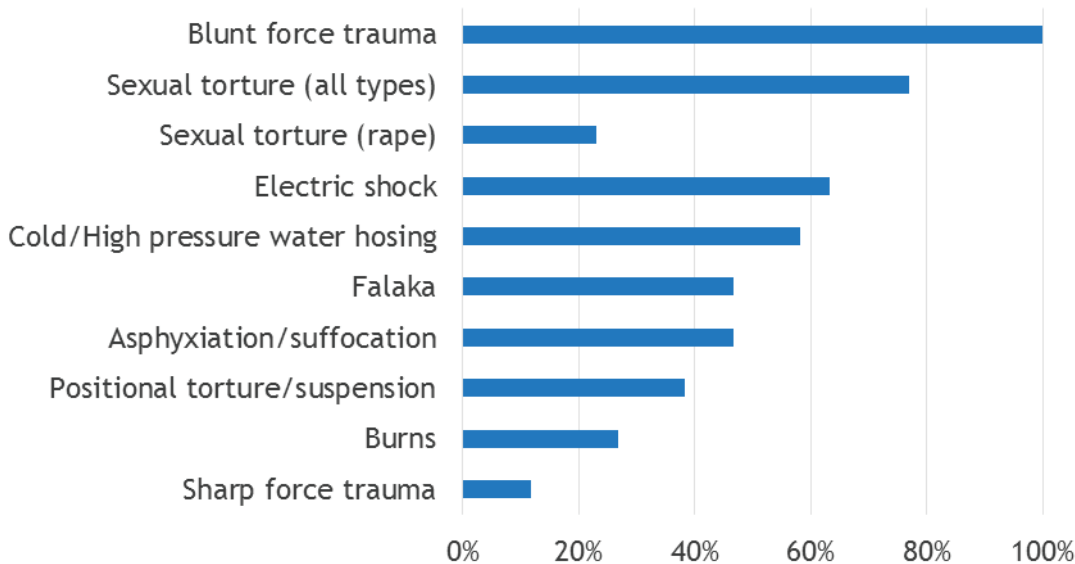
Figure 3: Ethnicity



Torture Methods

A number of torture methods are described in the 60 cases but all the people reported multiple forms of torture (see figure 4). All 60 people described blunt force trauma (usually being beaten with an object). Other highly prevalent forms of torture documented in the reports include: sexual torture (77% of all cases) including rape in some cases (23% of all cases); electric shocks (63%); and cold/high pressure water hosing (58%). Other methods of torture reported include falaka (beating the soles of the feet), asphyxiation/suffocation, burns, use of stress positions and/or suspension and mock execution, including in at least three cases people being taken to the roof of a building and threatened with being thrown to their death.

Figure 4: Type of physical torture documented and incidence in 60 cases.



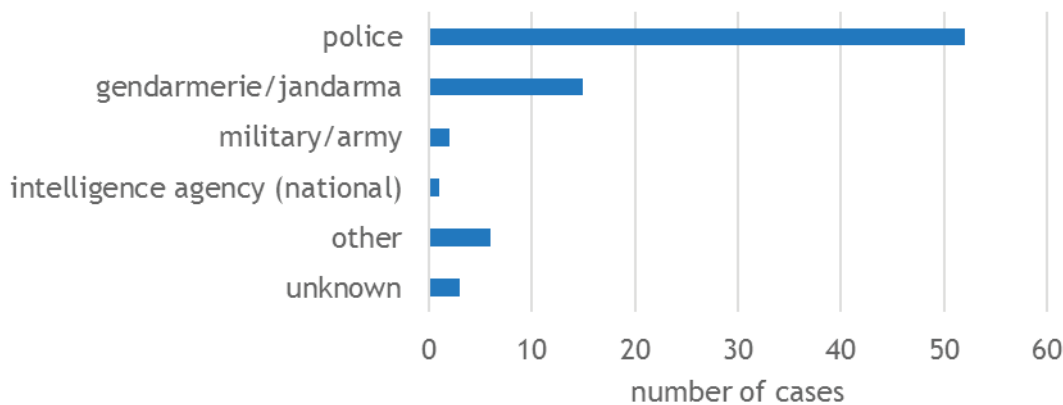
The use of sexual torture was common, including rape, of men and women. Of these, thirteen men reported anal rape and a further six men reported being threatened with this form of sexual torture. One of the four women reported rape.

Detaining authority and location

The majority of people reported being detained and tortured by the police often multiple times. Some reported detention episodes by other branches of the security forces. Thirty-six people specified that it was anti-terrorist units of the police who detained them (60% of all cases).

Fifteen people (25%) said that they were detained and tortured by the gendarmerie/ jandarma (including the Gendarmerie Intelligence and Counter-Terrorism unit known as Jitem). The army was mentioned as the detaining authority in only two cases and the National Intelligence Organisation (Millî İstihbarat Teşkilatı (MİT)) in one case (see figure 5).

Figure 5: State actor responsible for detention and torture (reported)



At least 17 different police detention facilities are described, of which the most commonly mentioned is the Istanbul Police Headquarters on Vatan Street. In these cases, the incidence of certain types of torture appears to be higher than in the case set as a whole, including the use of electric shocks, sexual torture, and falaka. At least three episodes of torture are reported to have occurred at Gaziantep Police Headquarters. Other police facilities are mentioned only once.²¹

Reason for detention

The reason for detention, as understood by the person and/or as stated by the detaining authority, was invariably related to perceived or actual political activity. This was true for not only the Kurdish survivors in the case set but also includes the four people of Turkish ethnicity. In over half the cases the reason given by the detaining authority for the most recent episode of detention was alleged affiliation with or activity in the illegal group, the Kurdistan Workers' Party (Partiya Karkerên Kurdistanê (PKK) (57%). Most of these people, and most others in the case set, reported involvement in non-violent, pro-Kurdish political activity at the time of their detention. Three people in the case set said that they were members or supporters of the PKK. Examples of political activity include supporting or being a member of the Peace and Democracy Party (Barış ve Demokrasi Partisi (BDP)) or the People's Democratic Party (Halkların Demokratik Partisi (HDP)), leafleting, attending peaceful demonstrations and rallies (including the Gezi Park protest of 2013) and celebrating Newroz, Kurdish new year.

The majority of those detained more than once reported a link between their latest period of detention and earlier incidents (72%). This often involved ongoing accusations of PKK affiliation and warnings from the authorities that the person would be detained and/or killed if they continued to participate in political activity. It was not always clear whether this threat related to alleged PKK activity or all political activity.

21 This includes police stations in: Istanbul - Vatan st, Aksaray, Hasseki, Gayrettepe; in the South East - Gaziantep, Elbistan, Kahramanmaraş, Pazarcık, Batman, Genc, Adana, Nurdagi, Malatya; in other regions of the country - Rize, Sivas, Ankara, Izmir.

Recommendations

To the Government of Turkey:

- 1) Carry out a comprehensive review of the emergency legislation and related derogations from civil and political rights to ensure that emergency measures are proportional and limited to the necessary terms of duration, geographic coverage and material scope.
- 2) Review the temporary suspension of parts of the ECHR. The government should also immediately authorise the publication the Council of Europe Committee for the Prevention of Torture's report from its August 2016 visit.
- 3) Implement without delay the concluding observations of the UNCAT, in particular recommendations to:
 - Undertake prompt, thorough and impartial investigations into all allegations of torture and ill-treatment by security forces;
 - Ensure that alleged perpetrators of and accomplices to torture are brought to justice;
 - Provide effective remedies and redress to victims, including fair and adequate compensation and as full rehabilitation as possible; and
 - Reaffirm the absolute prohibition of torture by publicly condemning practices of torture, accompanied by clear warning that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law and subject to criminal prosecution and appropriate penalties.²²
- 4) Allow free and unhindered access to any place of detention by independent monitors and human rights organisations.
- 5) Respond positively to the UN High Commissioner for Human Rights' request to deploy a team of human rights officers to south-east Turkey.
- 6) Facilitate the visit request of the UN Special Rapporteur on minority issues, outstanding since 2014; continue to cooperate with the UN Special Rapporteur on Torture.
- 7) Comply fully with its obligations under the OPCAT, by establishing a national preventive mechanism which is in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the "Paris Principles").

To the UK Government:

- 1) Publicly commit to the findings of the Foreign Affairs Committee report on the UK's relations with Turkey²³ including implementing the recommendation to designate Turkey as a Human Rights Priority Country in the Foreign and Commonwealth Office's next annual Human Rights and Democracy Report.
- 2) In its bilateral relationship with Turkey the UK government should consistently and publicly raise human rights concerns and devote specific attention to the issue of torture and ill-treatment, taking into account the other recommendations contained in this briefing.

22 CAT concluding observations, UN Doc: CAT/C/TUR/CO/4, 2 June 2016, available at: http://tbinternet.ohchr.org/_layouts/treaty-bodyexternal/Download.aspx?symbolno=CAT/C/TUR/CO/4&Lang=En

23 https://www.publications.parliament.uk/pa/cm201617/cmselect/cmfaff/615/61511.htm#_idTextAnchor134

To the European Union:

The dialogue between the High Representative/Vice-President Mogherini and the Government of Turkey, and between individual EU member states and Turkey, should maintain a focus on the human rights situation and the persistent problem of torture and ill-treatment. EU member states should insist that Turkey abide by its international obligations and publicly condemn all violations in Turkey.

To the Council of Europe:

- 1) The CPT is scheduled to undertake a periodic visit to Turkey in 2017. The CPT should encourage the Turkish Government to authorise publication of the report compiled at the end of its visit in August 2016 and to implement its findings without delay.
- 2) The Council of Europe Commissioner for Human Rights should urge Turkey to engage with the recommendations of his recent communiqués on the prevention of torture including ending impunity for alleged perpetrators.

About our Torture Accountability Programme

Freedom from Torture has one of the largest archives in the world of forensic and other clinical torture evidence and testimony from survivors. We use this information and work with survivor advocates to lobby governments and international organisations (including the UN, the EU and other relevant bodies) to call for accountability and an end to the use of torture around the world.

For further information, please contact Ann Hannah (ahannah@freedomfromtorture.org)

About Freedom from Torture

Freedom from Torture is the only UK-based human rights organisation dedicated to the treatment and rehabilitation of torture survivors. We do this by offering services across England and Scotland to around 1,000 torture survivors a year, including psychological and physical therapies, forensic documentation of torture, legal and welfare advice, and creative projects.

Since our establishment in 1985, more than 57,000 survivors of torture have been referred to us, and we are one of the world's largest torture treatment centres. Our expert clinicians prepare medico-legal advice (MLRs) that are used in connection with torture survivors' claims for international protection, and in research reports aimed at holding torturing states to account. We are the only human rights organisation in the UK that systematically uses evidence from in-house clinicians, and the torture survivors they work with, to hold torturing states accountable internationally; and to work towards a world free from torture.

