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delegation led by Irene Khan, Amnesty
International's Secretary General,
February 2004**



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FROM PAPER TO PRACTICE: MAKING CHANGE REAL

The past two and a half years, and particularly 2003, has witnessed an unprecedented period of legislative reform in Turkey. Constitutional amendments followed by legislative reform packages (known as the 'Harmonization Laws') have been passed in order to bring Turkish law into line with international standards, with the aim of satisfying the terms of the Copenhagen Political Criteria which provide the benchmark for countries aiming at accession to the European Union (EU). Much of this legislative reform of the pre-accession period pertains to the protection of human rights and for this reason Amnesty International views the pre-accession process as in itself a positive development for Turkey, for its citizens and for all those living under its jurisdiction. Being a candidate for EU accession means that for Turkey the question is more one of when rather than if it will be given a date for the start of accession negotiations. Pre-accession and, when it happens, accession negotiations provide a timetable and criteria for change.

For an organization concerned with strengthening human rights protection in countries throughout the world, implementation of legislative reform in this area and the will of governments to combat human rights violations are issues of the utmost priority, regardless of their political linkage to outcomes such as the attainment of EU membership. Amnesty International does not make recommendations intended either to promote or block a country's membership of one political bloc or another. People all over the world deserve the best possible standards of human rights protection. In Turkey civil society organizations, trade unionists, political activists, students and intellectuals have long struggled at great cost for better rights for all. Commitment by the Turkish government to the EU accession process builds on their work of many years.

Amnesty International recognizes that real, on-the-ground progress in ensuring the protection of human rights in Turkey requires the current drive for reform to be fully internalized by all state actors and all sections of society; it must become much more than an exercise in satisfying externally-imposed criteria. The reforms to date have been encouraging, but genuine change will only come with their full and sustained implementation.

Gross violations of human rights have occurred at various times in Turkey's very recent past. Reports of grave violations persist in the present. Too often in Turkey the issue of national security has been invoked and emphasized by the authorities at the expense of human

rights, and actions purported to be in defence of national interests have entailed disregard for the rights of people living under Turkish jurisdiction.

On 15 and 20 November 2003, Turkey faced a new and terrifying threat in the form of the bombing of two synagogues, the British consulate and the HSBC bank headquarters in Istanbul. Amnesty International expressed its deep condolences and condemned these attacks, which resulted in the loss of 62 lives and hundreds injured, in the strongest possible terms. For any country in the world attacks on this scale represent a deep and formidable challenge, the extent of which cannot be underestimated. But it is for this reason that Amnesty International also considers that it is in times like these that the need for adherence to international human rights standards, requiring scrupulous investigation, transparency and accountability in the effort to bring to justice those responsible for such brutal acts, is greater than ever. Amnesty International believes that the respect for and protection of human rights is the only basis upon which long-term security and justice for all may be achieved.

Positive steps: new legislation and ratification of international human rights treaties

To date seven reform packages (known as the 'Harmonization Laws') encompassing a large number of amendments to different laws have passed into law. Some of these laws are addressed later in this memorandum, together with the regulations and circulars which have been issued to law enforcement officials and the judiciary in order to further the process of implementation. It is to be hoped that the coming months will see positive steps towards full implementation and continuing efforts by the government to ensure that law enforcement officials and members of the judiciary are fully versed in new laws and regulations. The spirit of reform must also begin to be reflected in prosecutorial and judicial decisions, particularly for example in relation to the non-violent expression of dissenting opinion and acts of non-violent protest.

Amnesty International also welcomes news of Turkey's ratification on 23 September 2003 of two important agreements, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). On 1 December 2003 the Turkish Parliament ratified Protocol no. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty during peacetime; on 9 January 2004 Turkey signed up to protocol no. 13 of the European Convention concerning abolition of the death penalty during wartime and Amnesty International expresses the hope that ratification of this protocol will also follow promptly.

Amnesty International welcomes the recent announcement that gender-discriminatory articles of the Turkish Penal Code are to be amended.

Recognizing that the International Criminal Court is a vital tool in the struggle to combat impunity for international crimes including war crimes and crimes against humanity, Amnesty International calls upon Prime Minister Erdoğan to ensure that Turkey joins other

Council of Europe member states in ratifying the Rome Statute of the International Criminal Court.

Amnesty International is particularly supportive of moves to strengthen official complaint mechanisms and monitoring bodies as a key means of combating impunity for human rights abuses. Such mechanisms must be able to inspire the confidence of the public in Turkey in being able to lodge complaints and have those complaints dealt with impartially, without fear of reprisal or further harassment from law enforcement officials.

One positive step towards reactivating an official state body charged with investigating claims of human rights violations comes with the recent decision to restructure the 930 Provincial Human Rights Boards under the Human Rights Presidency of the Prime Ministry, by removing the local heads of the police and gendarmerie from the boards. The incorporation of independent non-state officials may contribute towards reactivating these boards and making them more effective and transparent in their functioning.

Another achievement has been the work of the present Parliamentary Human Rights Commission which, within its limited means, is committed to investigating complaints of human rights violations.

Amnesty International's key areas of concern about human rights violations in Turkey:

Amnesty International would like to take the opportunity here to outline a number of continuing concerns about human rights protection in Turkey and to offer a number of recommendations aimed at remedying those areas where violations continue to be reported. The violations we discuss here do not represent the complete range of human rights abuses in Turkey, but are those that Amnesty International considers to be among the most severe. They are grouped into four main areas: continuing allegations of torture and ill-treatment by law enforcement officials; impunity of law enforcement officials for such crimes and the need to address the legacy of violations; continuing restrictions on freedom of expression and the criminalization of peaceful expression of dissenting opinion; and violence against women.

1) Continuing allegations of torture and ill-treatment of detainees and demonstrators by law enforcement officials:

Torture and ill-treatment in detention

Although the Justice and Development Party (AKP) government has professed on numerous occasions a policy of 'zero tolerance of torture', Amnesty International considers that there has to be a stronger drive to convey this uncompromising message to every police and gendarmerie station in the country and also to public prosecutors and judges.

Torture and ill-treatment by police of persons who have been detained remain a matter of grave concern. Although it was significant that there were far fewer reports to Amnesty International during 2003 of methods such as electric shocks, *falaka*, and hanging by the arms, there were regular reports of detainees being beaten, stripped naked, sexually harassed, subjected to repeated verbal intimidation, including death threats, sometimes accompanied by mock executions, and being subjected to restriction of sleep, food, drink and use of the toilet.

Some law enforcement officials continue to believe that assaulting suspects will not lead to sanctions and that therefore violence towards detainees and prison inmates is permissible. Some judges still choose to treat police brutality lightly when they admit as evidence in court statements reportedly extracted under torture or ill-treatment. We will examine the persisting practices and factors that contribute to these and other violations committed by law enforcement officials going unpunished in the next section.

Reports of unofficial (that is unregistered and therefore illegal) detention in which people alleged that they were abducted by plainclothes law enforcement officials and taken in unmarked cars to places other than ascribed detention centres and threatened, intimidated and sometimes tortured and ill-treated, constituted a particularly disturbing trend. There were also reports of some detentions not being recorded in spite of the detainee being held in a police station. Unofficial detention is illegal and senior law enforcement authorities have an obligation to prevent it and to ensure that those responsible for such breaches are punished. The principle of chain-of-command control is set out in the United Nations (UN) Declaration on the Protection of all Persons from Enforced Disappearance: "Each state shall ... ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehension, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms" (Article 12/2). It is in fact difficult to imagine that, given the hierarchical structure of law enforcement services, senior members of the police force and gendarmerie in Turkey would not have the authority to prevent this practice.

Amnesty International considers that one reason for the persistence of torture and ill-treatment in police and gendarmerie stations is linked to the failure of law enforcement officials to follow the legally prescribed detention procedures, and in the correct sequence. These include the duty to immediately inform detainees of their rights, including the right to remain silent, right to immediate access to legal counsel and right to have next of kin or other person of their choice informed of their detention. While it is encouraging to note that detention periods are now reportedly being kept within the legal limit, the fact is that the most basic rights of the suspect continue to be disregarded in most detention situations. Reports from lawyers suggest that in some cases, on arriving at the police station after hearing from a third party that a person has been detained, they are informed by police officers that the detainee is not available or does not wish to meet with them, though no evidence is produced to support this. Former detainees reported to Amnesty International in 2003 that they were neither informed of their rights in detention nor granted access to legal counsel, even when they requested it. Some lawyers, who regularly act as duty officers on call for the local Bar associations and are available to be summoned to police stations, reported that their clients

have later explained to them that while in custody they were too afraid to ask for a lawyer because they feared such requests might prompt ill-treatment and intimidation by police.

It is hoped that recent further amendments to the regulation on Apprehension, Detention and Interrogation [note for translator: Yakalama, Gözaltına Alma ve İfade Alma Yönetmeliği] (Law No. 23480), which provide for recording of additional details, such as the time when a person's relatives or chosen individual were informed of their detention and the officer who made the telephone call, will provide further guarantees against abuse of duty.

Amnesty International believes that regular periodic and unannounced *ad hoc* visiting of police and gendarmerie stations by representatives of independent monitoring bodies in order to scrutinize practices within the station, their functioning, chain of command, record keeping, detention procedures and officers' knowledge of those procedures, would all contribute to preventing torture and ill-treatment.

Further, Amnesty International highlights the clear need for continuing training of law enforcement authorities, especially during a period of rapid legal reform. The issuing of circulars and regulations which attempt to put law into practice on the ground is insufficient in and of itself. Beyond the training of law enforcement officials, there is also a clear need for a public information campaign, linked to a public drive against torture and ill-treatment, to inform the population of their basic rights in custodial situations.

Excessive use of force by law enforcement officials in the policing of demonstrations

Law enforcement officials habitually and unthinkingly rely on the use of force and demonstrate few of the skills required to police demonstrations and public meetings, many of which are unauthorized but peaceful.

Demonstrations in Turkey and televised images of them in news broadcasts continue to provide witness to the brutality and inadequacy of policing practices. The year 2003 was no exception in this respect and from video-footage of demonstrations it was difficult to imagine that Turkey was living through an era of reform. Police regularly used disproportionate force against demonstrators, singling them out, chasing them and severely beating them and continuing to kick and beat them even as they lay on the ground or after apprehension. The published image, during the demonstration of students in Ankara against the Council of Higher Education (YÖK) in early November 2003, of a police cameraman filming a demonstrator while kicking him as he lay on the ground was a particularly chilling reminder of the failures of public order policing in Turkey.

Groups particularly targeted during their demonstrations include supporters of the political party DEHAP, leftist parties, trade unionists, students, and anti-war demonstrators.

Amnesty International has been concerned at the failure of the authorities to investigate acts of police brutality against demonstrators, although demonstrators reportedly injured by police officers have often been prosecuted for 'resisting arrest'.

Although Amnesty International recognizes that crowd control is a complex matter, particularly when demonstrators on occasion resort to violence, the organization is concerned about the use of force by the police which has regularly been disproportionate and well exceeds the limits necessary to crowd control. Amnesty International recommends further training for police in the area of policing of demonstrations and urges the authorities to ensure independent, thorough and prompt investigations into allegations of police brutality.

Amnesty International reminds the Turkish government of its responsibilities under international law, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which states in Principles 7 and 8: "Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law", and "Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles."

2) Impunity for torture and ill-treatment and other violations committed by law enforcement and security forces

There has been a notable failure to address the legacy of human rights violations from the past – including torture, 'disappearances', extrajudicial executions, unfair trials, destruction of property and forcible evacuation from villages in the southeast of the country – as the number of cases against Turkey in the European Court of Human Rights bears out. Focus on Turkey entering a new era in the protection of human rights should not mean that this legacy remains unaddressed and forgotten by the Turkish authorities. The introduction of a draft bill in January 2004 intended to offer the possibility of compensation for those who lost property and livelihoods as a result of the forcible emptying of villages during the conflict in southeast and eastern provinces of Turkey in the late 1980s and 1990s is one step, but the authorities should not ignore their responsibility to bring the perpetrators of such violations to justice.

Laws recently adopted have aimed to combat some aspects of impunity by removing some of the obstacles to the investigation of claims of torture and ill-treatment, by requiring that trials of those charged with such crimes are given priority and that hearings take place at no more than 30-day intervals, and by stipulating that prison sentences for such crimes cannot be converted to fines, suspended or postponed.

Amnesty International notes one recent decision to expel a senior police official from the police force on the grounds that he had wilfully ignored the crimes of torture and ill-treatment committed by officers in units under his command. The dismissal from the police force in September 2003 of Adil Serdar Saçan, former Head of the Organized Crime Branch of Istanbul Police Headquarters, represents one of the few instances of a senior official being disciplined in this way in connection with the crimes of torture and ill-treatment.

At the present time, however, the ratio of reports of torture and ill-treatment to investigation and prosecution of alleged perpetrators remains extremely low. While this state of affairs continues, it is unlikely that law enforcement officials will really internalize the sense that brutality against detainees is unacceptable.

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international standards, which Turkey has ratified, emphasize that investigations into the crimes of torture and ill-treatment should be conducted in a prompt, thorough and independent way. Few such investigations or trials for these crimes in Turkey meet any of these criteria.

Too often inquiries conducted by prosecutors into allegations of crimes committed by law enforcement officials are closed on the basis of "insufficient evidence". The process of gathering evidence and interviewing relevant witnesses during such inquiries, however, tends not to be conducted in a systematic or timely way. Amnesty International considers that the authorities must address the different issues which together currently result in inadequate and ineffective investigation of human rights violations.

In cases where inquiries do result in a decision to initiate legal proceedings and members of the security services do stand trial, the factors that contribute to impunity can be traced in a range of practices regularly observable in such trials. The authorities do not always act swiftly to locate the accused and serve them with written summons to court. There have been several instances reported to Amnesty International where it emerges that years into a trial the accused have not been summoned to give statements or to appear in court even though their names appear as defendants in the indictment and their whereabouts are reportedly known. The repeated failure to bring all the accused to court in the two ongoing trials of 10 police officers accused of torturing to death the student Birtan Altunbaş in the Police Headquarters in Ankara on 10 January 1991 is a case in point. Failings like these contribute to trials being drawn out for extended periods, sometimes so prolonged that they collapse because the statute of limitations has been exceeded. For this reason, Amnesty International considers that the statute of limitations for the crimes of torture and severe ill-treatment should be repealed.

It is very often reported to Amnesty International that law enforcement officials under investigation or indicted and on trial for torture or ill-treatment remain on active duty; in some cases it is reported that officers may not attend trial hearings because they are "on duty". Their removal from active duty pending the outcome of an investigation and their suspension from duty during are essential measures to demonstrate that the crimes for which they are being investigated or charged are regarded and treated with appropriate gravity.

There is also a need to expedite trials by introducing regulatory time frames for the provision of evidence – such as medical reports from the Forensic Institute – by improving the mechanisms for ensuring more thorough pre-trial preparation of cases by the relevant authorities and by introducing the practice of conducting trial hearings on consecutive days until a verdict is reached, or at least at closer intervals than is the current practice. The maximum interval of 30 days between hearings recently introduced may be an improvement on the past, but will not solve the problem of excessively drawn out trial proceedings.

The range of sentences for torture and ill-treatment (respectively Articles 243 and 245 of the Turkish Penal Code) is very great. In those rare instances where law enforcement officials are convicted of these crimes, judges regularly opt for minimum or low sentences.

Amnesty International considers that judges must receive further training to impress upon them that, in accordance with Article 4 of the Convention against Torture, sentences must be commensurate with the gravity of the crime. In a report in 1999 on the subject of impunity ("Turkey: The Duty to Investigate, Supervise and Prosecute" AI Index: EUR 44/24/99), Amnesty International noted that on 31 August 1998, the Court of Appeal had confirmed sentences of nine years' imprisonment for four juveniles convicted of breaking into a shop in Gaziantep to steal two kilograms of *baklava*. Few law enforcement officials, with the notable exception of the notorious case of the 10 police officers convicted of torturing 16 young people in Manisa in 1995, have been handed down sentences of similar gravity for the crimes of torture, even in cases where the torture has resulted in the death of the victim.

3) Restrictions on freedom of expression and the criminalization of non-violent dissent

Amnesty International is disturbed by the continuing practice in Turkey of investigating, prosecuting and convicting people who express non-violent dissenting opinions and make statements which ought to be regarded as contributions to lively and critical public debate befitting a democratic society. The right to freedom of expression is enshrined in Article 10 of the European Convention and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

Amnesty International notes that there have been certain reforms to laws pertaining to freedom of expression. For example, the organization welcomes the repeal of Article 8 of the Anti-Terror Law concerning 'separatist propaganda', but considers that, despite their recent amendment under the Harmonization Law reforms, other articles of the Turkish Penal Code continue to conflict with the right to freedom of expression and are in practice still being used too harshly.

One such provision is Article 159 of the Penal Code which, in its amended form, criminalizes statements deemed to be made with the 'intention' to 'insult or deride Turkishness, the Republic, the Grand National Assembly or the moral personage of the government or state's armed forces or security forces or the moral personage of the judiciary'. The Organization for Security and Cooperation in Europe has expressed the view that libel should not be criminalized and that libel laws should form part of civil law. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information state in Principle 7a(ii) that: "Expression which shall not constitute a threat to national security includes ... expression that ... constitutes criticism of, or insult to, the nation, the state or its symbols, the government, its agencies, or public officials ...", and states in Principle 7b that, 'No one may be punished for criticizing or insulting' any of the above.

Two recent prosecutions under Article 159 demonstrate that the article continues to be used in a way that violates the right to freedom of expression guaranteed in Article 19 of the ICCPR. Sabri Ejder Öziç, the former head of Radyo Dünya, a local radio station in Adana, was sentenced on 30 December 2003 for expressing views, on 23 February 2003, against the deployment of foreign troops on Turkish soil and for claiming that were the Turkish

parliament to authorize deployment, it would be committing an act of terrorism. For this non-violent expression of opinion Sabri Ejder Öziç was convicted and sentenced to a one-year term in prison. He is currently at liberty and is appealing against the verdict.

Another disturbing case was that of Hasan Basri Aydın, sentenced by the Sixth Ankara Penal Court of First Instance for violating Article 159 to five month's imprisonment. The Court of Appeal upheld the verdict in November 2003, on condition of receiving a medical report confirming his fitness for prison. Hasan Basri Aydın is a 75-year-old retired teacher in poor physical health, whose crime was to have written a letter, on 29 July 2000, to the Head of the Directorate of Prisons and Detention Centres criticizing him for describing the new F-type prisons as resembling hotels and ironically suggesting that the Director and his wife spend 10 days in an F-type prison cell.

Amnesty International is concerned that, even after their amendment in various reform packages over the past two years, other provisions of the law are still being used to criminalize people for the legitimate exercise of their right to non-violent expressions of critical opinion. These include Article 312/2 ('incitement to enmity based on class, race, religion, sect or regional difference') and Article 169 ('aiding and abetting an illegal organization') of the Turkish Penal Code, and Article 7 ('propaganda for an illegal organization') of the Anti-Terror Law. Prime Minister Recep Tayyip Erdoğan will remember his own experience of falling foul of the all-encompassing Article 312/2 when he was sentenced to prison for publicly reading out a poem on a visit to Siirt in 1997.

Amnesty International is particularly concerned about restrictions placed on the right to freedom of expression, and the related issue of restrictions on freedom of association and assembly. The organization has fully documented and discussed these three interrelated issues in relation to human rights defenders in Turkey in a report entitled 'Turkey: Restrictive Laws, Arbitrary Applications: The Pressure on Human Rights Defenders' (AI Index EUR 44/002/2004). The report argues that despite recent legal and constitutional reforms, human rights defenders in Turkey are targeted for harassment and intimidation by state officials and their public activities are restricted through a huge number of laws and regulations, including provisions in the Anti-Terror Law, public order legislation, the Law on Associations and Law of Foundations, the Press Law and many others. While trials usually end in acquittal or a sentence which is suspended or commuted to a fine, Amnesty International considers that such prosecutions constitute a form of judicial harassment designed to intimidate human rights defenders and hinder their activities.

Amnesty International calls on the Turkish authorities to undertake an urgent review of all outstanding criminal prosecutions of people for expressing dissenting or critical opinion or staging public protests, with a view to ensuring that no one remains under prosecution for non-violent acts which are protected under international law or standards. The organization considers that further reform is also needed to strengthen the constitutional and legislative protection of the right to freedom of expression, association and assembly, so that they are compatible with the requirements of Articles 19, 21 and 22 of the ICCPR and Articles 10 and 11 of the ECHR.

4) Violence against Women

Amnesty International welcomes the recent announcement that gender-discriminatory articles of the Turkish Penal Code are to be amended.

The extent of violence perpetrated by men against family members is a serious concern. Estimates range from an approximate 30 to 58 per cent of women who experience physical violence, to 70-97 per cent of women experiencing a wider range of abuse. This epidemic of violence which affects all women and children who live with violent men – resulting in some cases in permanent disability and even death – appears to be condoned by the authorities and society in many situations. Family violence often occurs in public. The perpetrators are rarely brought to justice.

In the case of so-called “honour killings”, the authorities must take firm measures to address the problem by conducting thorough investigations and bringing the responsible parties, such as the heads of “family councils”, to justice. There are many cases where murders or apparent suicides of women, which may constitute “honour killings”, are not adequately investigated.

Amnesty International is also concerned that Turkey is a country to which women are trafficked, and reports indicate that public officials may be involved either directly in trafficking or in the protection of perpetrators of trafficking of women.

Amnesty International calls for the comprehensive monitoring and documentation of violence against women, additional measures aimed at preventing violence, such as the provision of shelters, improved access to judicial mechanisms and appropriate health care, and measures to ensure that police, judiciary and public officials act promptly and effectively when allegations of violence are brought to them.

There are also entrenched obstacles to preventing and protecting women from violence. In situations where the security services have lost the confidence of the population, it is difficult for women experiencing violence in the home to turn to the law enforcement agencies or to have confidence in justice. Women in these contexts may fear the consequences to their husbands or families if they report violence. Impunity for public officials who commit violence, combined with insufficient implementation of the Law for the Protection of the Family, mean that vulnerable members of the community, such as women and children, have insufficient trust that action will be taken against any perpetrators of violence. These concerns make it even more important that effective, independent mechanisms exist for women to access protection, support and shelter, and that specialist services exist within the justice system at all levels and in all branches to work with victims of family violence in every region of the country.

Conclusion: Implementing law and reforming the criminal justice system

In conclusion, Amnesty International expresses its support for recent legislative reform aimed at strengthening protection of human rights, and calls on the government to maintain the pace of reform, to examine areas where further legislative change is necessary, and above all to ensure full implementation of the letter and the spirit of new laws.

Continuing restrictions on the three interrelated areas of freedom of expression, association and assembly remain a matter of concern. Legislative reform to strengthen these fundamental rights is essential and the government must take further steps to ensure that those who exercise these rights in a peaceful way are not subjected to prosecution.

The failure to ensure protection of human rights is never merely attributable to the failure of certain police officers or prosecutors. As such, Amnesty International considers that institutional failures in the Turkish criminal justice system are key contributors to continuing human rights violations. The positive effect of legislative reform aimed at guaranteeing respect and protection of human rights will not be fully effective without an accompanying drive for institutional reform.

Amnesty International believes that for legal reforms to be effective the Turkish government must make serious moves in the coming period to address the failings of two key institutions within the criminal justice system: law enforcement services (police and gendarmerie) and the judiciary.

One possible way to proceed in an overhaul of these institutions would be to examine the option of establishing independent commissions composed of legal and law enforcement professionals, competent individuals and members of civil society organizations. The task of such commissions would be to address a broad range of issues through a consultative and investigatory process and to offer recommendations for institutional reform. The remit of such commissions could include: examining investigative and criminal evidence-gathering procedures, including the current over-reliance on obtaining confessions; examining mechanisms for ensuring the independence of public prosecutors; addressing procedures in the State Security Courts which fail to meet international fair trial standards, and looking at the length of trial proceedings which are excessive in almost all courts.

Fair trial concerns in the State Security Courts remain a matter of serious concern, as amply demonstrated in the case of the current retrial of the four former Democracy Party (DEP) members of parliament, Leyla Zana, Selim Sadak, Hatip Dicle and Orhan Doğan. The retrial came about as a result of an amendment in one of the Harmonization Laws, but there is little indication that the 10 trial hearings to date have been an improvement on the earlier ones, which were found by the European Court to be in violation of Article 6 (concerning the right to a fair trial) of the European Convention on Human Rights.

Amnesty International considers that a commission on policing and law enforcement could be particularly beneficial in the Turkish context. Reform of policing requires a constructive and holistic approach and the remit of such a commission could include much needed reform of policing practices, public order policing techniques, better training of police

and identification of failures of accountability. Amnesty International would recommend scrutiny of comparable commissions in other countries which have produced reports and made constructive recommendations for change. Notable among these was the Patten Report on Policing in Northern Ireland which provided a model for reform of policing in a context in which existing patterns of policing had been widely criticized for their reliance on disproportionate force and discriminatory practices.