

E57 Evaluating Medicolegal Examinations of Turkish Detainees During the Recent State of Emergency in Turkey Within the Scope of the Istanbul Protocol

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Learning Overview: After attending this presentation, attendees will have a greater understanding of the recent human rights violations in Turkey and the importance of the Istanbul Protocol for detecting torture.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by drawing attention to the importance of the Istanbul Protocol for protecting human rights in the recent State of Emergency.

Maltreatment and torture during detention continues to be a serious problem in many countries. For this reason, medical evaluations of maltreatment and torture should be performed appropriately. The Istanbul Protocol is a United Nations document guiding doctors and legal experts in terms of investigating and reporting torture. The protocol provides minimum standards for investigating torture claims, examining potential torture victims, and documenting physical and psychological evidence for torture. After a failed coup d'état in Turkey on July 15, 2016, a state of emergency was declared; 150,348 people were dismissed from their professions, while 500,650 people were detained. To date, 30,947 people are still jailed. This present study will evaluate the reported medical examination procedures in Turkish detention facilities of Turkish detainees finding asylum in Germany after their detention in Turkey, the present process of medicolegal reporting, will evaluate the compliance to the Istanbul Protocol, and discuss the issue in the light of literature.

Adult Turkish citizens who sought asylum in Germany after the 2016 coup attempt in Turkey were eligible to participate in this study. Participants were recruited via announcement in a mobile messaging support group for Turkish citizens in Germany. The study participants were asked questions regarding the examination steps stated in the Istanbul Protocol. The questionnaires were created with Google® Forms and were sent to the participants via mobile messaging applications. Descriptive statistics were used to describe the data.

Fifty-one people participated in the study. Forty-five (88.2%) participants were male, while 6 (11.8%) participants were female. Considering the educational background of the participants, 29 (56.9%) participants had a bachelor's degree, 13 (25.5%) had a master's degree, and 9 (17.6%) had a PhD. Most participants were in the age range of 36–45 ($n=24$, 47.1%), while 19 participants were under the age of 36. Twenty-five (49%) participants were not asked for their personal information before examination. Forty-five (88.2%) participants stated that police officers were present during medical examinations. The examinations lasted between ten seconds and ten minutes and 29 participants (56.8%) were examined in less than five minutes. The statements of 36 (70.6%) cases related to the detainment were not requested. A detailed examination regarding maltreatment or torture has not been performed on any participant. Considering the location of the medical examination, 6 participants (11.8%) were examined in a hall, 1 (2%) was examined in a police car, and 24 (47%) were examined in jail or a police station. While 7 participants (13.7%) stated that they had not been exposed to any kind of physical maltreatment, the other 42 participants (82.3%) had been exposed to maltreatment, such as beating, handcuffing, extended periods of standing, sleeping on bare concrete floors, imprisonment in confined spaces without fresh air, or psychological torture and maltreatment.

The practice of torture and maltreatment seems to continue despite all international attempts of prevention. When one considers the fact that thousands of people were detained for similar reasons during the recent state of emergency in Turkey, the impact of this event is evident. The most significant points to prevent torture are the medical examinations made during detention. The responses given by the participants revealed that not all medical examinations during detention were performed in accordance with the Istanbul Protocol. For this reason, it is believed that proper physical examinations would have been legally problematic for involved officials. In this respect, practicing the appropriate medicolegal examination in accordance with the Istanbul Protocol and sharing those reports are of great significance. Because this study only included a small number of participants, further studies are needed to draw definite conclusions and to avoid sampling bias.

Istanbul Protocol, Torture, Detention