



Akkoc v. Turkey

Akkoc v. Turk., App. No. 22947/93, 34 Eur. H.R. Rep. 51 (2002).

Country: Turkey

Region: Europe

Year: 2000

Court: European Court of Human Rights European Court of Human Rights

Health Topics: Mental health, Prisons, Violence

Human Rights: Freedom from torture and cruel, inhuman or degrading treatment, Right to due process/fair trial, Right to life

Facts

The applicant, a former teacher and former head of the Diyarbakır branch of the Education and Science Workers Union, made comments to a local newspaper about the mistreatment of teachers by government authorities. She was disciplined according to domestic law until an administrative court ultimately overturned this penalty six years later. Following this incident, the applicant received several threats over the telephone and was harassed by the security forces. She reported the threats to the public prosecutor but her complaints were ignored. The applicant's husband, Zeynel Beyir Akkoç was of Kurdish origin and also a teacher involved in the İYİT-Sen trade union. He was shot and killed on his way to work. The applicant alleged the death was not properly investigated. The applicant was eventually apprehended and detained by police officers. During her detention, she alleges that she was subjected to torture; she was blindfolded, stripped, beaten, given electric shocks, doused in ice-cold and hot water, subjected to loud music and bright lights, and was threatened with the harm of her children.

The applicant complained of rights violations under the European Convention based on the killing of her husband for which she held the State responsible under Article 2 (right to life), the lack of an effective investigation under Articles 2 and 13 (right to an effective remedy), and the torture she was subjected to by the police during her detention under Article 3 (prohibition of torture). The applicant also claimed that the penalty she received for the statement she made to the press violated Article 10 (freedom of expression) guaranteed by the Convention.

Decision and Reasoning

The Court found that the applicant had been tortured in breach of Article 3 (prohibition of torture) and that the ill-treatment inflicted upon her involved electric shocks, hot-and-cold water treatment, and blows to the head inflicting very serious and cruel suffering.

Further, the Court concluded that authorities failed to take reasonable measures available to them to prevent a real and immediate risk to the life of the applicant's husband and then failed to carry out an effective investigation into the circumstances of the killing. As such, the court made it clear that Article 2 imposes a positive duty upon State authorities to prosecute and prevent crime.

Finally, the Court observed that the authorities failed to carry out an effective investigation into the killing of the applicant's husband. The criminal investigation was limited in scope and short in duration and was not in accordance with either Article 2 (right to life) or Article 13 (right to effective remedy) of the Convention. The Court found, therefore, that the applicant was denied an effective remedy in respect of her husband's death. The complaint under Article 10 (freedom of expression) was rejected, as the applicant could not be considered the victim of a violation any longer.

Decision Excerpts

"116. The Court accepts the findings of the Commission concerning the ill-treatment inflicted upon the applicant, which involved electric shocks, hot-and-cold water treatment, and blows to the head (see paragraphs 24-25 above). It notes the elements of psychological pressure suffered by the applicant, in particular the threats made concerning the ill-treatment of her children, which caused the applicant intense fear and apprehension. This treatment left the applicant with long-term symptoms of anxiety and insecurity, diagnosed as post-traumatic stress disorder and requiring treatment by medication."

"117. Having regard to the severity of the ill-treatment suffered by the applicant and the surrounding circumstances, the Court finds that she was a victim of very serious and cruel suffering that may be characterised as torture (see also *Selmouni v. France* [GC], no. 25803/94, Â§Â§ 96-105, ECHR 1999-V)."

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