**Introduction**

The Association for Roma Memory Studies (also known as Romani Godi) is a Roma civil society organization that works and advocates in the fields of Roma social memory, Roma language, culture, and history, as well as rights violations, inequalities, and discrimination experienced by Roma in Türkiye. Romani Godi is a member of the Roma Rights Network and a partner of the European Roma Rights Center (ERRC) in Türkiye.

We, as Romani Godi, would like to thank the Special Rapporteur for his efforts to criminalize all acts of torture under national law, to remove obstacles to victims of torture and ill-treatment raising their complaints and to ensure that investigations and prosecutions proceed impartially.

In this submission, Romani Godi will discuss the areas in Türkiye where Roma have been subjected to ill-treatment and torture, as well as the challenges and obstacles to effective national investigations and prosecutions of acts of torture against Roma. As examples, we will try to share cases of torture and ill-treatment that we are aware of through the press or that we follow as an association. Although the Roma in Türkiye do not have official minority status, they are one of the largest minority groups in the country in terms of population. The Turkish state does not share disaggregated data, so there is no official data on the Roma population in Türkiye.

The violations suffered by Roma are not sufficiently visible as a result of the state's exclusionary policies, Roma's low visibility in the public sphere, and their limited opportunities to engage in political work. Cases of torture and ill-treatment of Roma are often closed without being brought before any judicial mechanism. For these victims, this has become normalized.

Due to the oppressive environment in Türkiye, which is aggravated by extra-legal practices, we kindly ask you not to share this opinion in public and to keep it confidential.

**General Situation of Torture in Türkiye**

The widespread use of torture, ill-treatment, and cruel, inhuman, or degrading treatment, especially in police and military detentions, in prisons, and during public demonstrations in Türkiye has been consistently reported by independent civil society organizations.

The following are the primary reasons that contribute to the widespread and normalization of torture and ill-treatment: Attitudes and statements of state officials denying allegations of torture and ill-treatment without the need for investigation; Inadequate mechanisms to combat torture and ill-treatment; Violation of procedural safeguards; Long periods of detention, including pre-trial detention, as well as intentional neglect; Failure by state authorities to fulfill commitments to investigate, prosecute and punish those responsible for torture and other forms of ill-treatment; Criminalization of victims of torture and ill-treatment through counterclaims...

Türkiye has signed several international conventions guaranteeing the prevention of torture and ill-treatment, and these international conventions are in the same hierarchy as laws under Article 90 of the Constitution. Even though some legal arrangements have been made in accordance with these international conventions, judicial mechanisms disregard international conventions unconstitutionally, and the laws cannot be effectively implemented.

The number of applicants to the Human Rights Foundation of Türkiye (HRFT) for torture and ill-treatment has reached a 30-year high, according to the HRFT's 2021 Treatment and Rehabilitation Centers Report. The HRFT received 984 applications in 2021. While 616 torture survivors applied to the HRFT because they were tortured between 2016 and 2020, 211 applied because they were tortured between 2016 and 2020.[[1]](#footnote-1) Human Rights Association (IHD) announced that 5488 cases of torture and ill-treatment were reported for 2021.[[2]](#footnote-2) According to IHD's Human Rights Violations Report 2021, the number of people claiming to have been subjected to torture and ill-treatment under custody is 531, including 12 children; the number of people claiming to have been subjected to torture and ill-treatment outside detention centers is 704, including 25 children; the number of people claiming to have been subjected to torture and ill-treatment in prisons is 1414; the number of people claiming to have been tortured and ill-treated by village guards is 4; the number of people claiming to have been subjected to beatings and ill-treatment by security forces during peaceful meetings and demonstrations is 409, and during interventions to meetings and demonstrations is 2835.

Despite this situation, according to the judicial statistics data for 2021, 2190 investigations were initiated into torture and torture crimes, of which only 866 public prosecutions were initiated, 953 decisions of non-prosecution, and 371 other decisions were made.[[3]](#footnote-3)

**General Situation of Torture and Ill-Treatment of Roma**

The Roma, who lack official minority status in Türkiye, are an ethnic minority that is increasingly vulnerable to poverty, discrimination, and exclusion.

Although the Turkish state claims that no disaggregated data is kept, practices such as "Roma wards" in prisons and "Roma classes" in public schools are known to exist, and discriminatory treatment and practices continue in Roma neighborhoods. Law enforcement officers discriminate against, ill-treat, and torture Roma in prisons, barracks, police stations, detention centers, and Roma neighborhoods. On the other hand, the Roma face significant barriers to accessing justice and seeking their rights, and they are unable to speak out about the violations they face. Violations faced by Roma are frequently not brought before judicial mechanisms or publicized. This is especially true when the perpetrators are state officials in cases involving Roma victims. Torture and ill-treatment are the most common violations that go unnoticed by judicial mechanisms.

The reasons why allegations of torture and ill-treatment of Roma result in impunity are as follows: the discourse of state authorities (as well as the media) identifying Roma with various crimes; approaches that criminalize Roma; widespread discrimination in the judicial system; the lack of trust Roma have in the justice system or fear of discrimination if they seek their rights; increasingly deepening poverty; low literacy rate due to lack of access to education; various levels of state defending violent public officials or making stigmatizing statements about Roma...

When the Roma complain of torture and ill-treatment to judicial mechanisms, they are subjected to counterclaims on various grounds or criminalized by administrators at various levels of the state.

Due to the informal intimidation of Roma civil society organizations by state bodies, as well as the associations' lack of capacity, victims are unable to receive assistance from Roma civil society organizations in their rights process.

The Human Rights and Equality Institution of Türkiye (TIHEK) is an institution responsible for operating in accordance with the prevention of discrimination, effectively combating torture and ill-treatment, and fulfilling its duty as a national prevention mechanism, according to Law No. 6701. Unfortunately, TIHEK is ineffective in preventing torture and ill-treatment because it does not act impartially in its reporting activities and ignores torture and ill-treatment crimes. On the other hand, TIHEK is not an accessible institution for Roma. Many ethnic, sexual orientation and faith-based minority groups in Türkiye are ignored by the institution; sexual orientation is not recognized as a form of discrimination in the TIHEK's basic law. While TIHEK has no discrimination decisions based on ethnicity, religion, belief, or other factors, it does have discrimination decisions for those wearing a head scarf. There are no ex-officio investigation decisions or studies on allegations of discrimination against non-Turkish-Sunni groups or allegations of torture and ill-treatment related to discrimination.

In Türkiye, the judiciary can initiate ex officio investigations into allegations of torture and ill-treatment, or the process can begin when victims file complaints with the police station or prosecutor's office. The prosecutor's office does not act ex officio in cases of torture and ill-treatment of Roma, and victims are frequently prevented from reporting their complaints to the prosecutor's office and law enforcement agencies or their complaints are received after various obstacles are erected.

**Common Situations and Prominent Cases of Torture and Ill-Treatment of Roma**

Roma victims of torture and ill-treatment are criminalized by anti-gypsy attitudes, intimidated by public officials, and forced to fight against counter-claims. The withdrawal of Türkiye from the Istanbul Convention has further increased the risk faced by victims of sexual and gender-based violence.

Victims of torture and ill-treatment, in particular, face the threat of retaliation. Victims face no security when pursuing their rights. There is no system in place to protect victims of torture in investigations and prosecutions. The Ministry of Justice claims that minorities are not discriminated against, and that torture does not exist in Türkiye.

**Cases of Torture and Ill-Treatment of Roma in Closed Institutions**

According to relevant civil society organizations, the proportion of Roma in Türkiye ranges between 2% and 6% of the general population. Estimates of the proportion of Roma prisoners and detainees in prison range between 16 and 20%[[4]](#footnote-4). This disparity is a clear indication of Roma criminalization and discrimination.

It is well known that Roma wards in prisons are used exclusively for Roma prisoners.[[5]](#footnote-5) This leads to Roma being quickly subjected to double stigmatization, facing unequal treatment, and being more vulnerable to the risk of torture and ill-treatment.

Being subjected to psychological and physical violence through practices such as Roma prisoners being humiliated and insulted by prison staff because of their Roma identity; mass beatings by correctional officers; Lack of or insufficient food for Roma prisoners; not being taken to the infirmary when they are sick; not being able to use their telephone and visitation rights; not providing hot water are common ill-treatment and torture practices.

Roma prisoners, who have low literacy [[6]](#footnote-6)rates, do not know their rights and are not sufficiently informed about them. Letters are the most basic form of communication for all prisoners, but Roma cannot use this right due to low literacy rates. They are also unable to report violations to the appropriate institutions for the same reasons.

Roma prisoners who are imprisoned in extreme poverty are transferred to areas far from the cities where their families live, limiting their access to them. Many impoverished Roma people do not receive adequate legal aid or have access to legal counsel.

Military barracks are among the most difficult areas to monitor independently by civil society. Cases of discrimination against ethnic minorities have been reported in barracks where suspicious deaths of soldiers have been reported.[[7]](#footnote-7)

Syrian Dom asylum seekers face double discrimination and are more vulnerable to torture and ill-treatment in detention centers and refugee camps.[[8]](#footnote-8)

**Suspicious Death of Caner Sarmaşık**

His family was informed that Caner Sarmaşık, a Roma soldier committed suicide on 29.04.2021 while he was on duty in Idlib, Syria. Caner Sarmaşık's family claimed that just before his death, he called them and told them that he had been subjected to racist remarks by his commanders because he was Roma, that he was constantly scolded because he was illiterate, and that he had told them about his commanders' hate speech against Roma. Following that, there were various claims that Caner Sarmaşık was killed by his commander's gun. Following calls from various civil society organizations and a parliamentary question from two MPs, the Ministry of National Defense announced that an investigation would be initiated. The Ministry stated that the findings of the investigation would be made public, but no further announcements were made[[9]](#footnote-9). The only response to parliamentary questions was, "Judicial and administrative investigations will be conducted."

**Suspicious Death of Mehmet Bozan**

Mehmet Bozan, who contracted tuberculosis in prison, stated in his letters to the Civil Society in the Penal System (CISST) and his family that he was discriminated against because he was Roma, that he was subjected to torture by officers, that he was prevented from accessing the right to health and obtaining a disability report, that he was subjected to lockdown, that he was prevented from exercising his rights, especially the right to airing, that the letters he sent were changed and that he was tortured in the cell. Roma prisoner Mehmet Bozan died suspiciously in Keskin T Type Prison on 08.08.2022. **[[10]](#footnote-10)**

Following the media coverage of the allegations that Mehmet Bozan was tortured while alive and that he died as a result of torture or negligence, the General Directorate of Prisons and Detention Houses denied the allegations of torture without initiating an effective investigation. A judicial and administrative investigation is currently ongoing. Instead of an impartial investigator, the prison administration initiated an administrative investigation, which is being conducted by the first director of the prison. This suggests that the administrative investigation was biased. Even though the prosecutor's office should have collected the evidence, the prosecutor's office has taken no action to prevent the evidence from being obscured after Bozan's death.

**Arbitrary Practices of Police Stations and Law Enforcement Agencies in Roma Neighborhoods**

Law enforcement officers in Roma neighborhoods have discriminatory attitudes and behaviors toward Roma, as well as an anti-gypsy approach. Arbitrary practices, ill-treatment, and torture of Roma by law enforcement are common.

The accusatory attitude toward Roma and their treatment as usual suspects in the absence of sufficient evidence are systematic, well-known, and widespread. Law enforcement officers frequently conduct identity checks, body searches, and vehicle searches in Roma neighborhoods and at entrances and exits. For Roma communities living in Roma neighborhoods, these practices amount to psychological violence[[11]](#footnote-11). These practices amount to psychological violence for Roma communities living in Roma neighborhoods.

Cases of ill-treatment and violence against Roma, as well as criminalizing attitudes of law enforcement toward Roma, have increased during the curfews imposed in the context of the COVID-19 pandemic. This is an example of anti-gypsy attitudes.[[12]](#footnote-12)

Dawn operations in Roma neighborhoods, affecting all residents, have become a common occurrence. During mass raids in Roma neighborhoods, all residents are treated as suspects, in violation of the crime's individuality. Large groups of police, gendarmes, and TOMAs enter neighborhoods, raiding homes other than those of suspects, and law enforcement officers are not afraid to use violence, ill-treatment, and torture.[[13]](#footnote-13) During these raids, Roma women are frequently sexually harassed. During raids or routine patrols, there have been reports of mass beatings in Roma neighborhoods. In a press release, Roma MP Özcan Purçu stated that police chiefs conduct raids in Roma neighborhoods for promotional purposes.[[14]](#footnote-14) During mass raids, arbitrary detentions also occur.

Dawn operations and police raids in Roma neighbourhoods lead to the criminalization of the Roma community and are used as a tool to legitimize the torture and ill-treatment of Roma.

The criminalization of Roma for certain crimes, widespread anti-gypsy attitudes among public officials, a lack of legal knowledge due to low literacy rates among Roma, and extreme poverty all contribute to impartial investigations and prosecutions, as well as impunity in cases of torture and ill-treatment of Roma.

Due to the obvious widespread anti-gypsy attitude among law enforcement and judicial personnel, Roma do not report violations, and Roma do not report cases of torture and ill-treatment to the relevant mechanisms.

**Bayır Family, Istanbul / Ataşehir**

Romani Bayır family was detained in May 2022 due to the arbitrary practices of the police at a wedding they attended and were subjected to torture at the Mustafa Kemal Police Station (border post) in the Ataşehir district of Istanbul. The torturing police officers claimed that the Roma invited to the wedding had quarreled among themselves and the prosecutor's office initiated proceedings against the victims. A separate investigation was initiated on the charge of defamation of H.E Mr. President and a separate investigation was initiated on the charge of resisting public officials, after which a lawsuit was filed against the victims on the charge of resisting public officials[[15]](#footnote-15). On the other hand, the prosecutor's office did not initiate prosecution proceedings based on the victims' complaints, did not conduct the investigation phase effectively, and did not consider the lawyers' requests regarding the incident. Cameras that recorded police officers torturing the Bayır family were not included in the file for "technical reasons," and the evidence was blacked out. The investigation into the torture of one of the victims, Hüseyin Bayır, ended with impunity and a non-prosecution verdict. The investigation into the case in which Resul Bayır and his father Yaşar Bayır are parties as victims is still ongoing six months after the incident.

**Korkutan Family, Izmir / Selcuk**

Strangers attacked musician Roma brothers Gökhan Korkutan and Doğan Korkutan in April 2016. Doğan Korkutan was subjected to violence and ill-treatment following the incident, as his family members waited in front of the police station while he filed a complaint. Korkutan was also assaulted inside the police station. In the middle of the night after the incident, Emrah Korkutan, the Korkutan brothers' cousin, was taken to the police station and stated that the police chief held a gun to his head and threatened him. The hospital first refused to give Doğan Korkutan an assault report, and then the victim was able to get an assault report in the presence of the gendarme. Prosecutors refused to examine CCTV cameras in the area that recorded the violence against Roma.

The police officers at the police station filed a complaint against the Roma victims, claiming that they had resisted them.

The Selçuk District Governor issued a statement about the incident, claiming that the incidents were mutual, that Roma had beaten a police officer, that Roma had not been tortured or ill-treated, that no Roma had complained, and that there was no discrimination[[16]](#footnote-16).

**Yenidogan Neighborhood Police Raid, Kocaeli / Izmit**

The watchmen who intervened in a fight that broke out at a military farewell party on Vadi Street in Izmit Yenidoğan Neighborhood in February 2019 reported the group to the Izmit District Security Directorate on the grounds that the Roma had attacked them after they intervened disproportionately against the fighting Roma. The police then used pepper gas on the group in the neighborhood indiscriminately. When the district police chief arrived, he declared that those who threw stones at the police were terrorists and attempted to justify the intervention, which amounted to ill-treatment, by saying things like "I will not forgive those who attack the police."[[17]](#footnote-17)

**Şehitler Mahallesi Police Raid, Manisa / Salihli**

In July 2018, police officers intervened in a fight that broke out during a street wedding in Manisa's Sehitler neighborhood of Salihli, where Roma live, and beat eight members of the Güzel and Kandaş families, who were sitting in front of their homes and had nothing to do with the incident. The family members stated that they were sitting in front of their homes that night and were pepper-sprayed, beaten in the police vehicle, and shot in the air behind them when they went to state the Public Prosecutor's Office, even though they had nothing to do with the incident[[18]](#footnote-18). Following the incident, no public authority issued a statement.

**Victim was subjected to torture in custody because he was "compared to a Gypsy", Istanbul / Bakırköy**

In May 2010, a teacher named Deniz E. was arrested on suspicion of shoplifting in a marketplace in Istanbul's Bakırköy district and taken to the police headquarters, where she was subjected to police violence and torture. The victim was later informed by the police that she had been wrongfully detained and released, saying, "We thought you looked like Roma, we thought you were a thief, sorry." The victim, who was tortured because she resembled a Roma, sought treatment at Bakırköy Dr. Sadi Konuk Training and Research Hospital and received a medical report stating that she had been tortured. It is worth noting that the police officers attempted to justify the allegations of ill-treatment and torture by claiming that the victim "resembled a Gypsy."

The court decided that the torturer police officer's crime did not constitute torture and cruelty, and the officer was sentenced to 12 months in prison for intentional injury and 6 months in prison for chain insult because he had exceeded his authority to use force. However, the sentence was suspended.[[19]](#footnote-19) The fact that the police officer in question received a high score on the performance-score application was cited as one of the reasons for the suspension.

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19. [https://t24.com.tr/haber/kadin-polis-karakolda-kadin-dovdu,199030](https://t24.com.tr/haber/kadin-polis-karakolda-kadin-dovdu%2C199030) [↑](#footnote-ref-19)