

ernment further stated that adequate legal means existed at the federal and cantonal levels, through which the representatives of the Church of Scientology had been able to secure enforcement of the rights they were claiming.

Torture, Special Rapporteur on: (E/CN.4/1998/38, paras. 183–184; E/CN.4/1998/38/Add.1, paras. 413–416)

The reports refer to the case of the lawyer from Nigeria who was arrested and subjected to ill treatment by the police (see the section on the independence of judges and lawyers).

A second case transmitted to the government concerned a Gambian national who was deported from Switzerland in September 1995, and had reportedly been ill-treated both while in detention prior to deportation and by the two Swiss police officers during his accompanied flight to the Gambia. The government replied that attempts had been made on three occasions to deport the person named, he had resisted, and authorities had been unable to put him on the plane. The government stated: on the third occasion, his resistance had resulted in injuries both to himself and to a police officer, injuries for which the person received treatment and which were not caused by torture as alleged; as a result of this incident, it was thought necessary to use proportionate means of restraint to carry out the deportation successfully; immediately following take-off, the restraints were removed and he was not restrained during the entire journey or deprived of food and water, as claimed; neither did he fall unconscious on the plane. According to the information received from the government, the reported statements to the contrary by the two Swiss police officers involved, were obtained by compulsion following their harassment and detention upon arrival in Banjul, an incident over which the government later made a formal complaint to the Gambian government.

A third case related to two Turkish Kurds who had been granted political refugee status in Switzerland and were reportedly arrested by the police in Ticino on 6 April 1995, severely beaten and tied to a very hot radiator. The government replied that the two men had been detained for carrying illegal persons in their car, and had been brought to the Chiasso police station for charges, but had been released on bail an hour later. The men filed a complaint of ill treatment to the Public Prosecutor of Tessin through the intermediary of the Oeuvre suisse d'entraide ouvrière (OSEO), enclosing medical reports, but the complaint was discontinued when the OSEO failed to comply with the prosecutor's request for a power of attorney. The decision not to proceed was confirmed by the Swiss Federal Tribunal, noting that the delays of four and five days between the arrest and medical examinations meant that it was impossible to establish cause, and referring to a statement by the translator who had been present during the interrogation that nothing abnormal had happened.

The Special Rapporteur noted the concern of the Human Rights Committee over numerous allegations of ill treat-

ment in the course of arrests or police custody, particularly with regard to foreign nationals or Swiss citizens of foreign origin, and reports on the failure of the authorities to follow up complaints against the police and the disproportionate nature, if not absence, of penalties (A/52/40, para. 98). The SR also noted similar concerns expressed by the Committee against Torture (CAT/C/308).



TURKEY

Date of admission to UN: 24 October 1945.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: Turkey has not submitted a core document for use by the treaty bodies.

Racial Discrimination

Signed: 13 October 1972.

Discrimination against Women

Acceded: 20 December 1985.

Turkey's fourth periodic report is due 19 January 1999.

Reservations and Declarations: Paragraphs 2 and 4 of article 15; paragraphs 1 (c) (d) (f) and (g) of article 16; paragraph 1, article 29; paragraph 1 of article 9.

Torture

Signed: 25 January 1988; ratified: 2 August 1988.

Turkey's second periodic report was due 31 August 1993; the third periodic report was due 31 August 1997.

Reservations and Declarations: Declarations under articles 21 and articles 22.

Rights of the Child

Signed: 14 September 1990; ratified: 4 April 1995.

Turkey's initial report was due 3 May 1997.

Reservations and Declarations: Articles 17, 29 and 30.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on:

(E/CN.4/1998/44, para. 19)

The report notes that an urgent appeal was sent to the government on behalf of one person but no details of the case were provided.

Disappearances, Working Group on enforced or involuntary:

(E/CN.4/1998/43, paras. 3, 9, 13, 24, 25, 35, 37, 42, 55, 366–378)

On the issue of compensation, the report refers to information provided by the government indicating: compen-