M. A. Akşit Koleksiyonundan

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Göçte de en güçlü şahit insanın kendisidir

*The best witness is ourselves even at migration**

M Arif AKŞİT**

***Oluşan olay ve durumda, bizzat şahit kendimiz oluruz, iyi not etmeliyiz.**
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Bir konuyu algılaması gereken kendisi ise, çünkü yaptığı davranışın niyeti, yapılış biçimi ve elde edilenin sonucunu kendisi daha iyi değerlendirebilir. Bu gerçek olmadığı farkında oluruz.

Sevdiğimizin yaptığı kabahatler ve suçlar bile algılanmayabilir. Buna karşın tersi olana içinde pireyi deve yapabiliriz.

Bilim ve ölçek birçok boyutu ortaya koysa da bakkalın fakir olana daha fazla koyduğu, tartıyı onun lehine bozduğu görülünce, bizde adet budur, zekât, sadakadan sayılır demiştir. Tersi söylenir dedim. Biz de onları görünce niye tam ztttı olanı yapmıyoruz diye aklımıza geldi dedi.

Aynı şekilde fırıncıda da ekmeği tartarken, 10-20 gram fazla olduğunu görünce, bu kazancın sadakasıdır demiştir. Kötü örnek ibret olur, bizde tam farklı boyut olarak yaklaşırız, tümü bize derstir demiştir. Askıda ekmek için 100 adet/ay parası yerine bunun iki, üç katı dağıtmaları ile bu 100 adedi, 100 kişi olarak algıladık, bizden de katkı olsun istedik demiştir.

Göç her bireyin kendi algısına göre farklı olacaktır. Memnun olan ile nefret eden çıkabilir. Bakış açısı farklı olmaktadır. Göç algısı bu açıdan her bireye göre değişik yorumlanmaktadır. Zorunlu olanda, sağ olmak, yaşamını sağlamak yeterli görülürken, bunlara neden olandan da hesap sormak, sorulmasını talep etmek ve şahit olmak da bir görev olmaktadır.

Sevgi olan bir durumda, başkasının hata olarak gördüğü, tersi olarak yorumlanabilir.

Bakış açısı sevgi ve insanlıkta olması ile tüm Evrenin başka olduğu, farklı bir yere göç ettiğinizi fark edeceksiniz.

Kendimiz eğitimimiz, bize bir şeyler katıyorsa, bunu paylaşmamız gerekir. Öğretmen sadece sınıfta değil, tüm her bireye eğitim yaklaşımı içinde olmalı, bunu doğal yoldan yapmalıdır.

Göç, bir olgu olup, insan kendisinin şahit olduğu bir durumu yaşamaktadır. Duruma göre rol almak, hiç yapmadıklarını yapmak durumunda kalabilir. Esnek ama kişilik olarak dik durmalı, gördüklerinin bilimsel ve gerçeklik üzere olmasını sağlamalı, bu yolda durmalıdır. Yoksa hayali durumlar, realist boyuttan sapar ve başarısızlığı getirecektir.

Özet

Göçte de en güçlü şahit insanın kendisidir

Amaç: Bir olayda en güçlü şahit bizzat olayın içinde olan biz olmaktayız. Kişisel faktörler olarak yorum farklı olmaktadır. Bu konu Makalede her bir göç durumunda bireyin bakışı, şahitliği irdelenmektedir.
Dayanaklar/Kaynaklar: Şahit konusunda irdelenmesinde ele alınan kaynaklar, doğrudan İngilizce olarak ele alınmış, tercüme değil ana verisinden ele alınmıştır. Bir doğrudan okunma imkânı da sağlanmış olmaktadır.
Giriş: Şahit, bilgi sahibi olan, göz şahitliğin ve zamanla değişmesi ile bu olayları izleyenlerin ters olarak ajan provokatör olmaları konusu irdelenmektedir. Bir farklı ortamda bizim gerçek olarak bakışımız ne olmaktadır?
Genel Yaklaşım; İnsan kendi üzerine olanda subjektif olması doğaldır, bu açıdan kanıta dayalı olması beklenir. Şahitlikte veri bilimsel olmalı, tartışmaya dayanmamalıdır.
Başlıca boyutlar: Depremde elde edilen veriler ortada iken, toplanan döküntüler bir arada olması ile, şüphe ile sonuca varılmayacağı için ceza verilememiştir. Bu tecrübe nedeniyle Savcılar delilleri bizzat izlemişlerdir. Hukuk bizzat kanıta dayalı olan şahitliği kabul eder.
Yaklaşım: Hekimlerin şahitlik boyutu öne çıkmaktadır, olayı ve konuları doğrudan iletmesi, subjektif boyuta sapmadan sunması beklenir.
Sonuç ve Yorum: Veri analizinde şahitlik önemlidir.
Anahtar Kelimeler: Göçte oluşan bireyin şahitliği, algısı öne çıkar

Outline

The best witness is ourselves even at migration

AIM: If a happening is with us, directly related to us, we are also the witness of this act. May be different evaluation confirmed, thus, we were in it.
Grounding Aspects: The references given in English, so direct confrontation can be done.
Introduction: The witness factors are directly you are in it, thus as true and exact infraction given capacity, such eye witness can be differentiated even by time limit, as agent provocatory person can be also noted, so, what about our evidence-based reality?
General Considerations: Everyone is noted as subjective on facts, for reality confrontation the witness be in consideration.
Proceeding: The evidence being on exact related on the condition, even at earthquake, if not taken directly form which holes, not given any punishment. So, witness be taken under legitimate conditions.
Notions and Conclusion: Physicians witness is precious, the evidence-based reality is upon their profession. Analysing of the evidence is important at witness.
Key Words: At migration personal witness and evolution is important

Giriş

Yolda bir taş görünce, bunu kenara almak bir görevdir, birisinin taşa takılmasına şahit olmamak için yapılmalıdır.

Tatil köyünde, evin günlük ve ayrıca gruplara göre; plastik, kâğıt, metal gibi çöpleri oluyor. Bunları belirli yere gidip atıyoruz. Bu doğal günlük bir iş olarak yapılıyor. Siteden birisi büyük tezahürat ile geldi, beni tebrik değil, sanki büyük insan olarak karşıladı.

Sebebi: basket sahasında kenara atılan şişeleri, yere atılan çöp torbalarını alıyor, temizliyor ve çöp kutusuna atıyor muşum. Bu doğal değil mi dedim. Bana bir profesör bunları nasıl yapar dedi. Bende her insan gibi yapar dedim. Yapmıyorlar değince, ben kendimin şahidiyim, bu açıdan yaptıklarım insanların doğal davranışı ve bir bana üstünlük getirmez dedim. Sonuç, benimle selamı kesti.

Şahit

Kanımca önce şahit konusu irdelenmelidir.
Bu açıdan ansiklopedik olarak irdelenmeli ve sonra yorumlar yapılmalıdır.
Kaynak olduğu gibi verilecek, herhangi bir etki değil, yorum sonradan verilecektir.
İngilizce olması, diğerleri tercüme niteliğinde olduğu açısından, kaynak vurguları önemlidir.

Witness, Wikipedia[1]

In law, a **witness** is someone who, either voluntarily or under compulsion, provides testimonial evidence, either oral or written, of what they know or claim to know.
A witness might be compelled to provide testimony in court, before a grand jury, before an administrative tribunal, before a deposition officer, or in a variety of other legal proceedings. A subpoena is a legal document that commands a person to appear at a proceeding. It is used to compel the testimony of a witness in a trial. Usually, it can be issued by a judge or by the lawyer representing the plaintiff or the defendant in a civil trial or by the prosecutor or the defense attorney in a criminal proceeding, or by a government agency. In many jurisdictions, it is compulsory to comply with the subpoena and either take an oath or solemnly affirm to testify truthfully under penalty of perjury.
Although informally a witness includes whoever perceived the event, in law, a witness is different from an informant. A *confidential informant* is someone who claimed to have witnessed an event or have hearsay information, but whose identity is being withheld from at least one party (typically the criminal defendant). The information from the confidential informant may have been used by a police officer or other official acting as a hearsay witness to obtain a search warrant.

Types[...]

A percipient witness (or **eyewitness**) is one with knowledge obtained through their own senses (e.g., visual perception, hearing, smell, touch). That perception might be either with the unaided human sense or with the aid of an instrument, such as microscope or stethoscope.
A *hearsay* witness is one who testifies about what someone else said or wrote. In most court proceedings there are many limitations on when hearsay evidence is admissible. Such limitations do not apply to grand jury investigations, many administrative proceedings, and may not apply to declarations used in support of an arrest or search warrant. Also, some types of statements are not deemed to be hearsay and are not subject to such limitations.
An *expert witness* is one who allegedly has specialized knowledge relevant to the matter of interest, which knowledge purportedly helps to either make sense of other evidence,[1] including other testimony, documentary evidence or physical evidence (e.g., a fingerprint). An expert witness may or may not also be a percipient witness, as in a doctor or may or may not have treated the victim of an accident or crime.
A *character witness* testifies about the personality of a defendant if it helps to solve the crime in question.[1]
A *crown witness* is one who incriminates former accomplices in a crime who following receive either a lower sentence, immunity or also a protection of themselves or/and their family by the court. After they have provided the court with their testimony, they often enter into a witness protection program.[2]
A *secret witness* or *anonymous witness* is one whose identity is kept secret by the court.[3]

Calling a witness[...]

In a court proceeding, a witness may be *called* (requested to testify) by either the prosecution or the defense. The side that calls the witness first asks questions in what is called direct examination. The opposing side then may ask their own questions in what is called cross-examination. In some cases, redirect examination may be used by the side that called the witness but usually only to contradict specific testimony from the cross-examination.

Recalling a witness means calling a witness, who has already given testimony in a proceeding, to give further testimony. A court may give leave to a party to recall a witness only to give evidence about a matter adduced by another party if the second party's testimony contradicts evidence given by the original witness on direct examination.

Testimony[...]

Witnesses are usually permitted to testify only what they experienced first-hand. In most cases, they may not testify about something they were told (hearsay). That restriction does not apply to expert witnesses, but they may testify only in the area of their expertise.

Reliability[...]

Although eyewitness testimony is often assumed to be more reliable than circumstantial evidence, studies have established that individual, separate witness testimony is often flawed.[4] Mistaken eyewitness identification may result from such factors as faulty observation and recollection, or bias, or may involve a witness's knowingly giving false testimony. If several people witness a crime, it is possible to look for commonalities in their testimony, which are more likely to represent events as they occurred, although differences are to be expected and do not of themselves indicate dishonesty. Witness identification will help investigators get an idea of what a criminal suspect looks like, but eyewitness recollection includes mistaken or misleading elements.[5]

One study involved an experiment, in which subjects acted as jurors in a criminal case. Jurors heard a description of a robbery-murder, a prosecution argument, and then an argument for the defense. Some jurors heard only circumstantial evidence; others heard from a clerk who claimed to identify the defendant. In the former case, 18% percent found the defendant guilty, but in the latter case, 72% found the defendant guilty (Loftus 1988).[6]

Police lineups in which the eyewitness picks out a suspect from a group of people in the police station are often grossly suggestive, and they give the false impression that the witness remembered the suspect. In another study, students watched a staged crime. An hour later they looked through photos. A week later they were asked to pick the suspect out of lineups. 8% of the people in the lineups were mistakenly identified as criminals. 20% of the innocent people whose photographs were included were mistakenly identified.[7]

Weapon focus effects in which the presence of a weapon impairs memory for surrounding details is also an issue. Another study looked at 65 cases of "erroneous criminal convictions of innocent people." In 45% of the cases, eyewitness mistakes were responsible.[8]

The formal study of eyewitness memory is usually undertaken within the broader category of cognitive processes, the different ways in which we make sense of the world around us. That is done by employing the mental skills at one's disposal like thinking, perception, memory, awareness, reasoning, and judgment. Although cognitive processes can be only inferred and cannot be seen directly, they all have very important practical implications within a legal context.

If one were to accept that the way people think, perceive, reason, and judge is not always perfect, it becomes easier to understand why cognitive processes and the factors influencing the processes are studied by psychologists in matters of law, one being the grave implications that this imperfection can have within the criminal justice system.

The study of witness memory has dominated the realm of investigation. As Huff and Rattner[9] note, the single most important factor contributing to wrongful conviction is eyewitness misidentification.[10]

Credibility[...]

A **credible witness** is a person who acts as a witness, including through giving testimony in court, whose testimony is perceived as truthful and believable.[11][12] Other witnesses may be perceived as less credible, or to have no credibility.[13] Assessment of credibility is made of each witness, and is not affected by the number of witnesses who testify.[14] Several factors affect witnesses' credibility. Generally, witnesses are perceived as more credible when they are perceived as more accurate and less suggestible.[15][16]

At common law, the term could be used in relation to the giving of testimony, or for the witnessing of documents.[17] In modern English law, a credible witness is one who is *not* "speaking from hearsay."[18] In Scottish law, a credible witness is one "whose credibility commends itself to the presiding magistrate ... the trustworthiness" of whom is good.[18]

Witnessing of wills and documents[...]

Credible witnesses must be used to give meaning or existence to certain types of legal documents. For example, in most common law jurisdictions, at least two witnesses must sign their names to a will in order to verify that it was executed by the testator. In Canadian law, a credible witness to a Will means a witness who is not incapacitated by mental deficiency, conflict of interest, or crime.[18]

Yorum

Bir olayı, kişiyi gören ve duruma vakıf olan kişi, veri olarak kanıt yerinde ve anlamlıdır. Ancak, yorum ve kıyas gibi durumlara değil, doğrudan bizzat gördüğünü tanımlamalıdır.

İstekle, zorlama ile, ifadesini yemin altında yapması, yazılı, sözlü veya görüntülü olarak çekmesi ile gerçekleşmektedir.
Örnek olarak; bir gemide Rodos'a gidiyorduk. Yanımızdaki masada bir aile ve 7 yaşında erkek çocuklarına pek iyi davranmıyorlar devamlı hırpalıyorlardı. Bu sırada gemi dolaşmasına ailem çıktı, ben kaldım. Gelince kızım, ortada mobbing var, bir harekette bulunmuyorsun, Çocuk Doktorusun dedi. Ben de şahit olarak kim ne dedi, kime dedi diye soracaklar, algıya göre bir hareket olmaz dedim. Onun için gemi gezisine çıkmadım bekledim, aynı zamanda öğüt gibi yaklaşımlarda ters olacak dedim. Yandaki masadakiler dinliyorlardı, birden tutum değiştirdiler, onun iyiliği için kızdıklarını belirttiler.
Kim, kime ne dedi ne yaptı, ortam ve durum ne idi sorusuna somut olanları belirtmeye şahit denilir.

Öncelikle göz şahitliği belirtilir, ama bu kısa sürede farklı olarak algılanır. Amerika'da hırsız mutlaka zenci, Afrika Amerikalı denilmesi gibi olur.
Duyduklarım ise, telefon oyununda olan gibi, söylenen ile hatırlanan çok farklı olacaktır.
Uzman görüşü, bilir kişilerin raporları da belirli bir yaklaşım içinde oldukları için sıklıkla hatalıdır. İtiraz gerekir, birey hakkı temelinde bakılmalıdır.
Karakter analizinde, bir kişi yararlıya yardım etmiş, delilleri mi karartıyor acaba derken, hekim ise tüm iddia düşer.
Anne ve babanın çocuklarını korumak için şahit olmaları, geçersizdir, çünkü çocuklarını koruyucu davranırlar veya davranma olasılığı vardır.
Sıklıkla casus gibi gizli tanıklarda olmaktadır, bu bir kişinin aleyhinde kullanmak için, büro yapısında beklenen davranışlardan olmaktadır.

Şahitlerin en önemli özelliği güvenilir ve gerçeğe dayanmasıdır.
Bu durum veri analizi ila sağlanabilir.

Şahit olana ödül veriliyorsa hatalı ve kasıtlı olması ekarte edilmelidir. Bunun için şüphelenmek ve kanıta dayanmak öne alınmalıdır.

Informant, Wikipedia[2]

An **informant** (also called an **informer** or, as a slang term, a "**snitch**", "**rat**", "**stool pigeon**", "**stoolie**" or "**grass**", among other terms)[1] is a person who provides privileged information, or (usually damaging) information intended to be intimate, concealed, or secret, about a person or organization to an agency, often a government or law enforcement agency. The term is usually used within the law-enforcement world, where informants are officially known as **confidential human sources** (**CHS**), or **criminal informants** (**CI**). It can also refer pejoratively to someone who supplies information without the consent of the involved parties.[2] The term is commonly used in politics, industry, entertainment, and academia.[3][4]
In the United States, a confidential informant or "CI" is "any individual who provides useful and credible information to a law enforcement agency regarding felonious criminal activities and from whom the agency expects or intends to obtain additional useful and credible information regarding such activities in the future".[5]
Criminal informants[...]
Informants are extremely common in every-day police work, including homicide and narcotics investigations. Any citizen who provides crime related information to law enforcement by definition is an informant.[6]

Law enforcement and intelligence agencies may face criticism regarding their conduct towards informants. Informants may be shown leniency for their own crimes in exchange for information, or simply turn out to be dishonest in their information, resulting in the time and money spent acquiring them being wasted.

Informants are often regarded as traitors by their former criminal associates. Whatever the nature of a group, it is likely to feel strong hostility toward any known informers, regard them as threats and inflict punishments ranging from social ostracism through physical abuse and/or death. Informers are therefore generally protected, either by being segregated while in prison or, if they are not incarcerated, relocated under a new identity.

Informant motivation[...]

Informants, and especially criminal informants, can be motivated by many reasons. Many informants are not themselves aware of all of their reasons for providing information, but nonetheless do so. Many informants provide information while under stress, duress, emotion and other life factors that can affect the accuracy or veracity of information provided.

Law enforcement officers, prosecutors, defense lawyers, judges and others should be aware of possible motivations so that they can properly approach, assess and verify informants' information.

Generally, informants' motivations can be broken down into self-interest, self-preservation and conscience.

A list of possible motivations includes:

Self-Interest:

- Financial reward.[7]
- Pre-trial release from custody.
- Withdrawal or dismissal of criminal charges.
- Reduction of sentence.
- Choice of location to serve sentence.
- Elimination of rivals or unwanted criminal associates.
- Elimination of competitors engaged in criminal activities.
- Diversion of suspicion from their own criminal activities.
- Revenge.[7]
- Desire to become a spy.

Self-Preservation:

- Fear of harm from others.
- Threat of arrest or charges.
- Threat of incarceration.
- Desire for witness protection program.

Conscience:

- Desire to leave criminal past.
- Guilty conscience.
- Redemption.
- Mutual respect.
- Genuine desire to assist law enforcement and society.[8]

Labor and social movements[...]

Corporations and the detective agencies that sometimes represent them have historically hired labor spies to monitor or control labor organizations and their activities.[9] Such individuals may be professionals or recruits from the workforce. They may be willing accomplices, or may be tricked into informing on their co-workers' unionization efforts.[10]

Paid informants have often been used by authorities within politically and socially oriented movements to weaken, destabilize and ultimately break them.[11]

Politics[...]

Informers alert authorities regarding government officials that are corrupt. Officials may be taking bribes or be participants in a money loop also called a kickback. Informers in some countries receive a percentage of all money recovered by their government.[*citation needed*]

The ancient Roman historian Lactantius described a judiciary case which involved the prosecution of a woman suspected to have advised another woman not to marry Maximinus II: "Neither indeed was there any accuser, until a certain Jew, one charged with other offences, was induced, through hope of pardon, to give false evidence against the innocent. The equitable and vigilant magistrate conducted him out of the city under a guard, lest the populace should have stoned him... The Jew was ordered to the torture till he should speak as he had been

instructed... The innocent was condemned to die.... Nor was the promise of pardon made good to the feigned adulterer, for he was fixed to a gibbet, and then he disclosed the whole secret contrivance; and with his last breath he protested to all the beholders that the women died innocent."[12]
Criminal informant schemes have been used as cover for politically motivated intelligence offensives.[13]

Jailhouse informants[...]

Jailhouse informants, who report hearsay (admissions against penal interest) which they claim to have heard while the accused is in pretrial detention, usually in exchange for sentence reductions or other inducements, have been the focus of particular controversy.[14] Some examples of their use are in connection with Stanley Williams,[15] Cameron Todd Willingham,[16] Thomas Silverstein,[17] Marshall "Eddie" Conway,[18] and a suspect in the disappearance of Etan Patz.[19] The Innocence Project has stated that 15% of all wrongful convictions later exonerated because of DNA results were accompanied by false testimony by jailhouse informants. 50% of murder convictions exonerated by DNA were accompanied by false testimony by jailhouse informants.[20]

Terminology and slang[...]

"Narc (Narcotics)" redirects here. For another usage of the phrase "narc", see Drug addict.

Slang terms for informants include:

- blabbermouth[21]
- cheese eater[22]
- canary – derives from the fact that canaries sing, and "singing" is underworld or street slang for providing information or talking to the police.[23]
- dog – Australian term. May also refer to police forces who specialize in surveillance, or police generally.
- ear – someone who overhears something and tells the authorities.
- fink – this may refer to the Pinkertons who were used as plain-clothes detectives and strike-breakers.[24]
- grass[25] or supergrass[26] – rhyming slang for "grasshopper", meaning "copper" or "shopper",[27] having additional associations with the popular song *Whispering Grass* and the phrase "snake in the grass".[28]
- narc – a member of a specialist anti-narcotic law enforcement agency or police intelligence force.[29]
- nark – this may have come from the Romani term *nak* for "nose" or the French term *narquois*, which means "cunning", "deceitful", and/or "criminal".[30][31]
- nose[32]
- pentito – Italian term meaning "one who repents". Originally and most frequently used in reference to Mafia informants,[33] it has also been used to refer to informants for Italian paramilitary and terrorist organizations[34] (such as the Red Brigades[35][36] and Front Line),[35] and people who delivered confidential information to the authorities during the "Maxi Trial" and "Mani pulite" nationwide judiciary investigations.[33]
- pursuivant *(archaic)*[37]
- rat[22][38] – informing is commonly referred to as "ratting" in American English.
- snitch[39] – informing is commonly referred to as "snitching", term originally used within the African-American community and more recently associated with hip hop music, hardcore rap, and trap, alongside their derivative subgenres and subcultures.[40]
- snout[41]
- spotter[42]
- squealer[39]
- stikker – Danish term meaning "stabber", mainly used in relation to World War II. During and after the Nazi occupation of Denmark (1940–1945), the word has been used specifically to indicate the Danish whistleblowers, agents, and spies which informed the German secret police, the Gestapo, in order to undermine the Danish resistance movement.
- stool pigeon or stoolie[43]
- tell-tale or tell-tale[44][45]
- tattle-tale
- tittle-tattle[43]
- tout – Northern Irish term for an informant, often one who informed on the activities of Irish paramilitary organizations during "the Troubles".[46][47]
- trick[48]
- turncoat[21]

- weasel[21]
- X9 - A slang term in Brazil, possibly inspired by the comic strip Secret Agent X-9.[49]

The term "stool pigeon" originates from the antiquated practice of tying a passenger pigeon to a stool. The bird would flap its wings in a futile attempt to escape. The sound of the wings flapping would attract other pigeons to the stool where a large number of birds could be easily killed or captured.[50]

List of notable individuals[...]

- Nicky Barnes, head of The Council, which he would later testify against
- Whitey Bulger, Boston Irish mob boss
- Nicholas Calabrese, the first made man to testify against the Chicago Outfit
- James Carey, Irish terrorist
- Steve Flemmi, Whitey Bulger's partner-in-crime
- Flores twins Pedro and Margarito
- Nicola Gobbo, former Australian barrister who provided information on her own clients[51]
- Sammy Gravano, former underboss of the Gambino crime family
- Daniel Hernandez a.k.a. Tekashi 6ix9ine, American rapper, who testified against Nine Trey Gangsters
- Henry Hill, Lucchese crime family associate
- Frank Lucas, New York City drug dealer turned informant
- Joseph Massino, the first boss of one of the Five Families in New York City to turn state's evidence
- George Orwell, author of Orwell's list[52]
- Abe Reles, Murder, Inc. hit man
- Freddie Scappaticci, member of the Provisional IRA
- Joseph Valachi, soldier of the Genovese crime family
- Salvatore Vitale, former underboss of the Bonanno crime family
- Richard Wershe Jr. (commonly known as "White Boy Rick"), the youngest FBI informant ever at age 14

By country[...]
Russia and Soviet Union[...]
Germany[...]
Poland[...]
So on (Not indicated at this Article)

Yorum

Şahit olmasa da bir konuda bilgi sunması istenir. Bu bir nevi bilir kişidir.

Konusunda uzman olmalı ama konu ile ilgisi olmamalıdır.
Birçok sosyal olayda bu kişiler çıkabilir, olayı saptırma yapmaya çalışırlar. Kişisel ilgisi olup olmadığı önemlidir ve belirtilenler ile olgu ve durum ilintili olmalı, aynı zamanda söylenen veya yazılan anlaşılır olmalıdır. Çökmüş denilmesinin bilimsel açıklaması bulunmalıdır.

Politik görüşler etkilememeli, bir kazanç beklentisi de olmamalıdır. Sadece masraf yaparsa onları almalıdır.

Eyewitness identification, Wikipedia[3]

In **eyewitness identification**, in criminal law, evidence is received from a witness "who has actually seen an event and can so testify in court".[1]

The Innocence Project states that "Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in more than 75% of convictions overturned through DNA testing."[2] This non-profit organization uses DNA evidence to reopen criminal convictions that were made before DNA testing was available as a tool in criminal investigations.

Even before DNA testing revealed wrongful convictions based on eyewitness identifications, courts recognized and discussed the limits of eyewitness testimony. The late U.S. Supreme Court Justice William J. Brennan, Jr. observed in 1980 that "At least since *United States v. Wade*, 388 U.S. 218 (1967), the Court has recognized

the inherently suspect qualities of eyewitness identification evidence, and described the evidence as "notoriously unreliable", while noting that juries were highly receptive to it.[3] Similarly, in the United Kingdom, the Criminal Law Review Committee, writing in 1971, stated that cases of mistaken identification "constitute by far the greatest cause of actual or possible wrong convictions".[4]

Historically, Brennan said that "All the evidence points rather strikingly to the conclusion that there is almost nothing more, convincing [to a jury] than a live human being who takes the stand, points a finger at the defendant, and says 'That's the one!'"[5] Another commentator observed that the eyewitness identification of a person as a perpetrator was persuasive to jurors even when "far outweighed by evidence of innocence."[6]

Known cases of eyewitness error[...]

The Innocence Project has facilitated the exoneration of 214 men who were wrongfully convicted of crimes as a result of faulty eyewitness evidence.[7] A number of these cases have received substantial attention from the media.

- Jennifer Thompson was a college student in North Carolina in 1984, when a man broke into her apartment, put a knife to her throat, and raped her. According to her own account, she studied her rapist throughout the incident with great determination to memorize his face. "I studied every single detail on the rapist's face. I looked at his hairline; I looked for scars, for tattoos, for anything that would help me identify him. When and if I survived the attack, I was going to make sure that he was put in prison and he was going to rot."[8]

Ms. Thompson went to the police station later that same day to work up a [composite sketch] of her attacker, relying on what she believed was her detailed memory. Several days later, the police constructed a photographic lineup, and she selected Ronald Junior Cotton from the lineup. She later testified against him at trial. She was positive it was him, without any doubt in her mind. "I was sure. I knew it. I had picked the right guy, and he was going to go to jail. If there was the possibility of a death sentence, I wanted him to die. I wanted to flip the switch."[8]

But she was wrong, as DNA results eventually showed. She was presented with her actual attacker during a second trial a year after the attack, but at the time she said that she had never seen that man before in her life. She remained convinced that Ronald Cotton had attacked her. It was not until much later, after Cotton had served 11 years in prison and was exonerated, by DNA testing, for wrongful conviction, that Thompson realized she was mistaken. Her memory had been mistaken. Cases such as hers have resulted in the emergence of a field within cognitive science dedicated to the study of eyewitness memory and the causes underlying its frequently recurring failures.

Causes of eyewitness error[...]

"System variables" (police procedures)[...]

The police procedures used to collect eyewitness evidence have been found to have strong effects on the conclusions of witnesses. Studies have identified various factors that can affect the reliability of police identification procedures as a test of eyewitness memory. These procedural mechanisms have been termed "system variables" by social scientists researching this systemic problem.[9] "System variables are those that affect the accuracy of eyewitness identifications and over which the criminal justice system has (or can have) control."[9] Acknowledging the importance of such procedural precautions as recommended by leading eyewitness researchers, in 1999 the Department of Justice published a set of best practices for conducting police lineups.[10]

Culprit-present versus culprit-absent lineups[...]

One cause of inaccurate identifications results from police lineups that do not include the perpetrator of the crime. In other words, police may suspect one person of having committed a crime, although in fact it was committed by another, still unknown person, who thus is excluded from the lineup. When the actual perpetrator is not included in the lineup, research has shown that the police suspect faces a significantly heightened risk of being incorrectly identified as the culprit.[11]

According to eyewitness researchers, the most likely cause of this misidentification is what is termed the "relative judgment" process. That is, when viewing a group of photos or individuals, a witness tends to select the person who looks "most like" the perpetrator. When the actual perpetrator is not present in the lineup, the police suspect is often the person who best fits the description, hence his or her selection for the lineup.

Given the common, good faith occurrence of police lineups that do not include the actual perpetrator of a crime, other procedural measures must be undertaken to minimize the likelihood of an inaccurate identification.

Pre-lineup instructions[...]

Researchers hypothesized that instructing the witness prior to the lineup might serve to mitigate the occurrence of error. Studies have shown that instructing a witness that the perpetrator "may or may not be present" in the lineup can dramatically reduce the likelihood that a witness will identify an innocent person.[12]

"Blind" lineup administration[...]

Eyewitness researchers know that the police lineup is, at center, a psychological experiment designed to test the ability of a witness to recall the identity of the perpetrator of a crime. As such, it is recommended that police lineups be conducted in double-blind fashion, like any scientific experiment, in order to avert the possibility that inadvertent cues from the lineup administrator will suggest the "correct" answer and thereby subvert the independent memory of the witness.[13] The occurrence of "experimenter bias" is well documented across the sciences. Researchers recommend that police lineups be conducted by someone who is not connected to the case and is unaware of the identity of the suspect.

Confidence judgement[...]

Asking an eyewitness their confidence in their selection with a double-blind process can improve the accuracy of eyewitness selection.[14][15]

Lineup structure and content[...]

"Known innocent" fillers[...]

Once police have identified a suspect, they will typically place that individual into either a live or photo lineup, along with a set of "fillers." Researchers and the DOJ guidelines recommend, as a preliminary matter, that the fillers be "known innocent" non-suspects. This way, if a witness selects someone other than the suspect, the unreliability of that witness's memory is revealed. The lineup procedure can serve as a test of the witness's memory, with clear "wrong" answers. If more than one suspect is included in the lineup – as in the 2006 Duke University lacrosse case, for example – then the lineup becomes tantamount to a multiple choice test with no wrong answer.

Filler characteristics[...]

"Known innocent" fillers should be selected to match the original description provided by the witness.

If a neutral observer is able to select the suspect from the lineup based on the recorded description by the witness – that is, if the suspect is the only one present who clearly fits the description – then the procedure cannot be relied upon as a test of the witness's memory of the actual perpetrator. Researchers have noted that this rule is particularly important when the witness's description includes unique features, such as tattoos, scars, unusual hairstyles, etc.[16]

Simultaneous versus sequential presentation[...]

Researchers have also suggested that the manner in which photos or individuals chosen for a lineup are presented can be key to the reliability of an identification. Specifically, lineups should be conducted sequentially, rather than simultaneously. In other words, each member of a given lineup should be presented to a witness by himself, rather than showing a group of photos or individuals to a witness together. According to social scientists, use of this procedure will minimize the effects of the "relative judgment" process discussed above. It encourages witnesses to compare each person individually to his or her independent memory of the perpetrator.

According to researchers, use of a simultaneous procedure makes it more likely that witnesses will pick the person in the group who looks the most like their memory of the perpetrator. This introduces a high risk of misidentification when the actual perpetrator is not present in the lineup.[17] In 2006, a pilot study was conducted in Minnesota on this hypothesis. Results showed that the sequential procedure was superior as a means of improving identification accuracy and reducing the occurrence of false identifications.[18]

"Illinois Report" controversy[...]

In 2005, the Illinois state legislature commissioned a pilot project to test recommended reform measures intended to increase the accuracy and reliability of police identification procedures. The Chicago police department conducted the study. Its initial report purported to show that the status quo was superior to the procedures recommended by researchers to reduce false identifications.[19] The mainstream media spotlighted the report, suggesting that three decades' worth of otherwise uncontroverted social science had been called into question.[20]

Criticism of the report and its underlying methodology soon emerged. One critic said that

"the design of the [Illinois pilot] project contained so many fundamental flaws that it is fair to wonder whether its sole purpose was to inject confusion into the debate about the efficacy of sequential double-blind procedures and to thereby prevent adoption of the reforms."[21]

Seeking information on the data and methodology underlying the report, the National Association of Criminal Defense Lawyers (NACDL) filed a lawsuit under the Freedom of Information Act to gain access to the unreleased information.[22] That suit remains pending.

In July 2007, a "blue ribbon" panel of eminent psychologists, including one Nobel Laureate, released a report examining the methodology and claims of the Illinois Report. Their conclusions appeared to have confirmed concerns of the early critics. Researchers reported that the study had a basic flaw that adversely affected its scientific merit, and "guaranteed that most outcomes would be difficult or impossible to interpret."[23] Their

primary critique was that variables had been "confounded", making it impossible to draw meaningful comparisons among the methods tested.[23]

The critics found the following: The Illinois study compared the traditional simultaneous method of lineup presentation with the sequential double-blind method recommended by recognized researchers in the field. The traditional method is not conducted double-blind (meaning that the person presenting the lineup does not know which person or photo is the suspect). The critics claim that the results cannot be compared because one method was not double-blind while the other was double-blind.

But This criticism ignores the fact that the mandate of the Illinois legislature was to compare the traditional method with the academic method. More significantly, as an experiment to determine whether or not sequential double-blind administration would be superior to the simultaneous methods used by most police departments, the Illinois study provides an abundance of useful data which, at this point, seems to show that neither of the methods used *in that experiment* is superior to the other. What it does not provide is a clear reason why, because the effect of "double-blind" was not tested for the simultaneous lineups.[24]

The Innocence Project Lineup studies mentioned here previously were never funded, largely because the expected grant funds were withdrawn in connection with economic difficulties.[*citation needed*] A separate grant was submitted to the Department of Justice in March 2009 by the independent Urban Institute to study simultaneous/sequential lineups in police departments in Connecticut and Washington, D.C. That study had been solicited by DOJ, but was unexpectedly cancelled in August 2009 due to "a low likelihood of success."[*citation needed*] The Urban Institute is seeking other funding.

Post-lineup feedback and confidence statements[...]

Any feedback from the lineup administrator following a witness's identification can have a dramatic effect on a witness's sense of their accuracy. A highly tentative "maybe" can be artificially transformed into "100% confident" with a simple comment such as "Good, you identified the actual suspect." Preparation for cross-examination, including a witness thinking about how to answer questions regarding the identification, has also been shown to artificially inflate an eyewitness's sense of certainty about it. The same is true if a witness learns that another witness identified the same person. This malleability of eyewitness confidence has been shown to be far more pronounced in cases where the witness turns out to be wrong.[25]

When there is a positive correlation between eyewitness confidence and accuracy, it tends to occur when a witness's confidence is measured immediately following the identification, and prior to any confirming feedback. As a result, researchers suggest that a statement of a witness's confidence, in their own words, be taken immediately following an identification. Any future statement of confidence or certainty is widely regarded as unreliable, as many intervening factors can distort it as time passes.[26]

"Estimator variables" (circumstantial factors)[...]

"Estimator variables" – that is, factors connected to the witness or to the circumstances surrounding their observation of an individual in an effort at identification can affect the reliability of identification.

Cross-racial identifications[...]

Researchers have studied issues related to cross-racial identification, namely, when the witness and the perpetrator are of different races. A meta-analysis of 25 years of research published in 2001 showed that there is a definitive, statistically significant "cross-race impairment;" that is members of any one race are demonstrably deficient in accurately identifying members of another race. The effect appears to be true regardless of the races in question. Various hypotheses have been tested, including racial animosity on the part of the viewer, and exposure level by the viewer to the other race in question. The cross-race impairment has been observed to substantially overshadow all other variables for witnesses, even when the persons tested have been surrounded by members of the other race for their entire lives.[27]

Stress[...]

The effect of stress on eyewitness recall is widely misunderstood in its effects by the general public, and therefore, by most jurors.[28] Studies have consistently shown that stress has a dramatically negative impact on the accuracy of eyewitness memory, a phenomenon that witnesses themselves often do not take into account.

In a seminal study on this topic, Yale psychiatrist Charles Morgan and a team of researchers tested the ability of trained, military survival school students to identify their interrogators following low- and high-stress scenarios. In each condition, subjects were face-to-face with an interrogator for 40 minutes in a well-lit room. The following day, each participant was asked to select his or her interrogator out of either a live or photo lineup. In the case of the photo spread – the most common form of police lineup in the U.S. – those subjected to the high-stress scenario falsely identified someone other than the interrogator in 68% of cases, compared to 12% of misidentifications by persons in the low-stress scenario.[29]

Presence of a weapon[...]

The known presence of a weapon has also been shown to reduce the accuracy of eyewitness recall, often referred to as the "weapon-focus effect". This phenomenon has been studied at length by eyewitness researchers. They have consistently found that eyewitnesses recall the identity of a perpetrator less accurately when a weapon was known to be present during the incident.[30] Psychologist Elizabeth Loftus used eye-tracking technology to monitor this effect. She found that the presence of a weapon draws a witness's visual focus away from other subjects, such as the perpetrator's face.[31]

Rapid decline of eyewitness memory[...]

Eyewitness Memory

Some researchers state that the rate at which eyewitness memory declines is swift, and the drop-off is sharp, in contrast to the more common view that memory degrades slowly and consistently as time passes. The "forgetting curve" of eyewitness memory has been shown to be "Ebbinghausian" in nature: it begins to drop off sharply within 20 minutes following the initial encoding, and continues to do so exponentially until it begins to level off around the second day at a dramatically reduced level of accuracy.[32] As noted above, eyewitness memory is increasingly susceptible to contamination as time passes.[33]

A study unrelated to eyewitness identification in criminal cases reports that individuals have a much better memory for faces than for numbers.[34] This would indicate that not all eyewitness identifications are equal. An identification where the eyewitness clearly saw the face of the perpetrator would be expected to be more reliable than one based on a combination of factors, such as ethnicity, estimated age, estimated height, estimated weight, general body type, hair color, dress, etc.

Other circumstantial factors[...]

A variety of other factors affect the reliability of eyewitness identification. The elderly and young children tend to recall faces less accurately, as compared to young adults. Intelligence, education, gender, and race, on the other hand, appear to have no effect (with the exception of the cross-race effect, as above).[35]

The opportunity that a witness has to view the perpetrator and the level of attention paid have also been shown to affect the reliability of an identification. Attention paid, however, appears to play a more substantial role than other factors like lighting, distance, or duration. For example, when witnesses observe the theft of an item known to be of high value, studies have shown that their higher degree of attention can result in a higher level of identification accuracy (assuming the absence of contravening factors, such as the presence of a weapon, stress, etc.).[36]

The law of eyewitness identification evidence in criminal trials[...]

U.S.[...]

The legal standards addressing the treatment of eyewitness testimony as evidence in criminal trials vary widely across the United States on issues ranging from the admissibility of eyewitness testimony as evidence, the admissibility and scope of expert testimony on the factors affecting its reliability, and the propriety of jury instructions on the same factors. In New Jersey, generally considered a leading court with respect to criminal law, a report was prepared by a special master during a remand proceeding in the case of *New Jersey v. Henderson* which comprehensively researched published literature and heard expert testimony with respect to eyewitness identification.[37] Based on the master's report the New Jersey court issued a decision on August 22, 2011 which requires closer examination of the reliability of eyewitness testimony by trial courts in New Jersey. *Perry v. New Hampshire*, a case which raised similar issues, was decided January 11, 2012 by the U.S. Supreme Court.[38] which in an 8–1 decision decided that judicial examination of eye-witness testimony was required only in the case of police misconduct.

Held: The Due Process Clause does not require a preliminary judicial inquiry into the reliability of an eyewitness identification when the identification was not procured under unnecessarily suggestive circumstances arranged by law enforcement.[39]

The preeminent role of the jury in evaluating questionable evidence was cited by the court.[40]

Detectives interrogating children in the court perhaps lack the necessary training to make them effective perhaps " more work needs to be done in finding effective ways of helping appropriate members of the legal profession to develop skills and understanding in child development and in talking with children"

Admissibility[...]

The federal due process standard governing the admissibility of eyewitness evidence is set forth in the U.S. Supreme Court case of *Manson v. Brathwaite*. Under the federal standard, if an identification procedure is shown to be unnecessarily suggestive, the court must consider whether certain independent indicia of reliability are present, and if so, weigh those factors against the corrupting effect of the flawed police procedure. Within that framework, the court should determine whether, under the totality of the circumstances, the identification appears to be reliable. If not, the identification evidence must be excluded from evidence under controlling federal precedent.[41]

Certain criticisms have been waged against the *Manson* standard, however. According to legal scholars, "the rule of decision set out in *Manson* has failed to meet the Court's objective of furthering fairness and reliability."[42] For example, the Court requires that the confidence of the witness be considered as an indicator of the reliability of the identification evidence. As noted above, however, extensive studies in the social sciences have shown that confidence is unreliable as a predictor of accuracy. Social scientists and legal scholars have also expressed concern that "the [*Manson*] list as a whole is substantially incomplete," thereby opening the courthouse doors to the admission of unreliable evidence.[43]

Expert testimony[...]

Expert testimony on the factors affecting the reliability of eyewitness evidence is allowed in some U.S. jurisdictions, and not in others. In most states, it is left to the discretion of the trial court judge. States generally allowing it include California, Arizona, Colorado, Hawaii, Tennessee (by a 2007 state Supreme Court decision), Ohio, and Kentucky. States generally prohibiting it include Pennsylvania and Missouri. Many states have fewer clear guidelines under appellate court precedent, such as Mississippi, New York, New Hampshire, and New Jersey. It is often difficult to tell whether expert testimony has been allowed in a given state, since if the trial court lets the expert testify, there is generally no record created. On the other hand, if the expert is not allowed, that becomes a ground of appeal if the defendant is convicted. That means that most cases that generate appellate records are cases only in which the expert was disallowed (and the defendant was convicted).

In those states where expert testimony on eyewitness reliability is not allowed, it is typically on grounds that the various factors are within the common sense of the average juror, and thus not the proper topic of expert testimony. To further expand jurors are " likely to put faith in the expert's testimony or even to overestimate the significance of results that the expert reports"[44]

Polling data and other surveys of juror knowledge appear to contradict this proposition, however, revealing substantial misconceptions on a number of discrete topics that have been the subject of significant study by social scientists.[45]

Jury instructions[...]

Criminal defense lawyers often propose detailed jury instructions as a mechanism to offset undue reliance on eyewitness testimony, when factors shown to undermine its reliability are present in a given case. Many state courts prohibit instructions detailing specific eyewitness reliability factors but will allow a generic instruction, while others find detailed instructions on specific factors to be critical to a fair trial. California allows instructions when police procedures are in conflict with established best practices, for example, and New Jersey mandates an instruction on the cross-race effect when the identification is central to the case and uncorroborated by other evidence.[46]

Although instructions informing jurors of certain eyewitness identification mistakes are a plausible solution, recent discoveries in research have shown that this gives a neutral effect, "studies suggest that general jury instructions informing jurors of the unreliability of eyewitness identifications are not effective in helping jurors to evaluate the reliability of the identification before them"[47]

Demonstratives[...]

Demonstratives about eyewitness accuracy and reliability can be used as illustrative aids in opening statements and closing arguments, and with expert testimony and eyewitness testimony. A repository of video illustrative aids exists offering tests and demonstrations to prove or show during trial that eyewitnesses can be unaware of people and objects, make incorrect judgments, misremember and invent memories, and differently perceive and misperceive objects and events,

England and Wales[...]

PACE Code D[...]

Most identification procedures are regulated by Police and Criminal Evidence Act 1984 Code D.

Where there is a particular suspect[...]

In any cases where identification may be an issue, a record must be made of the description of the suspect first given by a witness. This should be disclosed to the suspect or his solicitor. If the ability of a witness to make a positive visual identification is likely to be an issue, one of the formal identification procedures in Pace Code D, para 3.5–3.10 should be used, unless it would serve no useful purpose (e.g., because the suspect was known to the witnesses or if there was no reasonable possibility that a witness could make an identification at all).

The formal identification procedures are:

1. **Video identification**
2. **Identification parade** If it is more practicable and suitable than video identification, an identification parade may be used.
3. **Group identification** If it is more suitable than video identification or an identification parade, the witness may be asked to pick a person out after observing a group.
4. **Confrontation** If the other methods are unsuitable, the witness may be asked whether a certain person is the person they saw.

Where there is no particular suspect[...]

If there is no particular suspect, a witness may be shown photographs or be taken to a neighborhood in the hope that he recognises the perpetrator. Photographs should be shown to potential witnesses individually (to prevent collusion) and once a positive identification has been made, no other witnesses should be shown the photograph of the suspect.

Breaches of PACE Code D[...]

Under s. 78 of the Police and Criminal Evidence Act 1984, the trial judge may exclude evidence if it would have an adverse effect on the fairness of the proceedings if it were admitted. Breach of Code D does *not* automatically mean that the evidence will be excluded, but the judge should consider whether a breach has occurred and what the effect of the breach was on the defendant. If a judge decides to admit evidence where there has been a breach, he should give reasons,[48] and in a jury trial, the jury should normally be told "that an identification procedure enables suspects to put the reliability of an eye-witness's identification to the test, that the suspect has lost the benefit of that safeguard, and that they should take account of that fact in their assessment of the whole case, giving it such weight as they think fit".[49] Informal identifications made through social media such as Facebook (often in breach of Code D), pose particular problems for the criminal courts.[50][51]

***Turnbull* directions**[...]

Where the identification of the defendant is in issue (not merely the honesty of the identifier or the fact that the defendant matched a particular description), and the prosecution rely substantially or wholly on the correctness of one or more identifications of the defendant, the judge should give a direction[52] to the jury:[53]

1. The judge should warn the jury of the special need for caution before convicting the accused in reliance on the correctness of the identification or identifications. In addition, he should instruct them as to the reason for the need for such a warning and should make some reference to the possibility that a mistaken witness can be a convincing one and that a number of such witnesses can all be mistaken.
2. The judge should direct the jury to examine closely the circumstances in which the identification by each witness came to be made and remind the jury of any specific weaknesses in the identification evidence. If the witnesses recognised a known defendant, the judge should remind the jury that mistakes even in the recognition of relatives or close friends are sometimes made.
3. When, in the judgment of the trial judge, the quality of the identifying evidence is poor, as for example when it depends solely on a fleeting glance or on a longer observation made in difficult conditions, the judge should withdraw the case from the jury and direct an acquittal unless there is other evidence which goes to support the correctness of the identification.
4. The trial judge should identify to the jury the evidence which he adjudges is capable of supporting the evidence of identification. If there is any evidence or circumstances which the jury might think was supporting when it did not have this quality, the judge should say so...

Reform efforts[...]

U.S.[...]

Largely in response to the mounting list of wrongful convictions discovered to have resulted from faulty eyewitness evidence, an effort is gaining momentum in the United States to reform police procedures and the various legal rules addressing the treatment of eyewitness evidence in criminal trials. Social scientists are committing more resources to studying and understanding the mechanisms of human memory in the eyewitness

context, and lawyers, scholars, and legislators are devoting increasing attention to the fact that faulty eyewitness evidence remains the leading cause of wrongful conviction in the United States.
Reform measures mandating that police use established best practices when collecting eyewitness evidence have been implemented in New Jersey, North Carolina, Wisconsin, West Virginia, and Minnesota. Bills on the same topic have been proposed in Georgia, New Mexico, California, Maine, Maryland, Massachusetts, New York, Vermont, and others.[54]

- Department of Justice Guidelines for Conducting Lineup Procedures
- NLADA resource on Eyewitness ID Issues
- Website of eyewitness researcher Dr. Gary Wells
- Dr. Steven Penrod's website, with links to substantial eyewitness ID research
- Dr. Nancy Steblay's website, with links to substantial eyewitness ID research
- NACDL's Eyewitness ID Resource page
- Dr. Roy Malpass's Eyewitness ID Research Laboratory Website
- Dr. Solomon Fulero's website, with links to relevant documents
- American Psychology-Law Society's page on eyewitness ID publications

Yorum

Görme ile olan şahitliğin geçerliliği kabul edilmez görünse bile birçok Ülkede hukuk yapısına öre etkin olmaktadır. Ülkemizde kanıta dayalı olmak zorundadır.

Amerika'da polis Afrika Amerikalı bir zenciyi öldürünce elinde silah var demektedir. Başparmak ileride olması elini silah sandım demesine yeterlidir. Eli havada olan kişinin elinde silah olsa kullanılamaz denilmemektedir.
Sosyal ve toplumsal algı ile etkilemekte ve beyaz, Kafkas orijinli polis mahkûm olmamaktadır.

Bu konuda daha geniş bilgi sunulmayacak, metnin okunması öğütlenir.

Witness protection, Wikipedia[4]

Witness protection is security provided to a threatened person providing testimonial evidence to the justice system, including defendants and other clients, before, during, and after a trial, usually by police. While a witness may only require protection until the conclusion of a trial, some witnesses are provided with a new identity and may live out the rest of their lives under government protection.
Witness protection is usually required in trials against organized crime, where law enforcement sees a risk for witnesses to be intimidated by colleagues of defendants. It is also used at war crime, espionage and national security issues trials.

Witness protection by country[...]

Not all countries have formal witness protection programs; instead, local police may implement informal protection as the need arises in specific cases.

Australia[...]

The Australian Federal Police administers the National Witness Protection Program under The National Witness Protection Act 1994, which delivers protection and assistance to witnesses and others identified as being at risk.[1] Not all witnesses are eligible for the Witness Protection Program. The decision to admit a witness into the program is made on a case-by-case basis and involves a rigorous assessment process.[2]

Canada[...]

Canada's Witness Protection Program Act received royal assent on June 20, 1996.[3] The program is run by the Royal Canadian Mounted Police (RCMP), with support by all levels of government and police forces.[4]

Hong Kong[...]

Several departments of the Security Bureau of Hong Kong have specialized units to provide protection for witnesses and their families who face threats to their life. Notable units include the Witness Protection Unit (WPU) of the Hong Kong Police Force, the Witness Protection and Firearms Section (R4) of the ICAC, and the WPU of the Hong Kong Customs.

The members of these units undergo training in protection, firearms, self-defense, physical and tactical training. They are mostly trained in the use of, and issued, the Glock 19 compact handgun as sidearm. The standard Glock 17 or the long arms such as the Heckler & Koch MP5 sub-machine gun or the Remington Model 870 shotgun may be issued if the witness faces bigger threats. A new identity could be given to a witness, and the government may relocate them far from Hong Kong if the witness is still being threatened after the end of the trial.

Indonesia[...]

In 2006, Indonesia enacted the Law n. 13 on Witness and Victim Protection, which introduced for the first time the legal qualifications of witness, (crimes) victim, complainant and justice collaborator within the Indonesian Criminal Procedure Code (KUHAP). In Indonesia, justice collaborators play an important role especially for the activities of the Corruption Eradication Commission, since "corruption in Indonesia is committed collectively".[5]

Ireland[...]

Further information: Witness Security Programme (Ireland)

The Witness Security Programme in the Republic of Ireland is administered by the Attorney General of Ireland, and is operated by the elite Special Detective Unit (SDU) of the *Garda Síochána*, the national police force. The programme was officially established in 1997, following the assassination of journalist Veronica Guerin by a drugs gang she was reporting on. Witnesses in the program are given a new identity, address and armed police protection either in Ireland or abroad (generally in Anglophone countries). They are usually provided with financial assistance, as witnesses regularly must leave their previous employment. Witness protection is used in cases of serious, organised crime and terrorism. The Irish Government will only grant protection to those who cooperate with investigations conducted by the *Garda Síochána*. Court appearances by witnesses in protection are carried out under the security of the Emergency Response Unit (ERU), the highest-tier special weapons and tactical operations group in Irish law enforcement. There has never been a reported breach of security in which a protectee was harmed.[6]

Israel[...]

The Israeli Witness Protection Authority, a unit within the Ministry of Public Security is in charge of witness protection in Israel. The unit was created by law with the passing of the Witness Protection Law, 2008.[7]

Italy[...]

The witness protection program in Italy was officially established in 1991, managed by the Central Protection Department (*Servizio centrale di protezione*) of the Polizia di Stato. Previously, witnesses were usually protected in exceptional cases by the police, but this often proved insufficient. In particular the witness protection program was focused on protecting the so-called *pentiti*, former members of criminal or terrorist organizations who, breaking the code of silence, decided to cooperate with the authorities.

During the 1980s, at the Maxi Trial against Cosa Nostra, informants Tommaso Buscetta and Salvatore Contorno were protected by the FBI due to the lack of a witness protection program in Italy. Although *pentiti* (usually from politically motivated terrorist organizations) had come forward since the 1970s during the so-called Years of Lead, it was not until the early 1990s that the program was officially established to efficiently manage the stream of *pentiti* which had defected from the major criminal organizations in Italy at the time, such as Cosa Nostra, the Camorra, the 'Ndrangheta, the Sacra Corona Unita, the Banda della Magliana and several others. Most of the witnesses are given new identities and live under government protection for several years, or sometimes their entire life.

The witness protection program in Italy has sometimes come under criticism for failing to properly protect certain witnesses, as was the case with the murders of high-profile *pentiti* Claudio Sicilia and Luigi Ilardo.[*citation needed*]

New Zealand[...]

The New Zealand Police provide protection for witnesses against members of criminal gangs and serious criminals who feel threatened or intimidated. They run a Witness Protection Programme that monitors the welfare of witnesses and if necessary, helps create new identities.[8] There is an agreement between the police and the Department of Corrections to ensure that protected witnesses receive appropriate protection from that department.[9] In 2007 the programme became the subject of public controversy when a protected witness's previous conviction for drunk driving was withheld from police and he continued driving, eventually killing another motorist in a road accident while drunk.[10]

Switzerland[...]

Swiss law provides for a witness protection program coordinated by the witness protection unit of the Federal Office of Police.[11]

Taiwan[...]

The Republic of China promulgated the Witness Protection Act on February 9, 2000,[12] in Taiwan.

Thailand[...]
Thailand maintains a witness protection office under the jurisdiction of the country's Ministry of Justice. Between 1996 and 1997 provisions were drafted for inclusion of a section covering witness protection in the kingdom's 16th constitution, and finally, the witness protection provision was included in the constitution and took effect in the middle of 2003. Thailand's Office of Witness Protection maintains a website.[13]
Ukraine[...]
In Ukraine, depending on the nature of the case and the location of the trial, the safety of witnesses is the responsibility of different agencies, such as the special judicial police unit Gryphon (part of the Ministry of Internal Affairs), the Security Service of Ukraine and, formerly, the special police unit Berkut.[14][15]
United Kingdom[...]
Main article: UK Protected Persons Service
The UK has a nationwide witness protection system managed by the UK Protected Persons Service (UKPPS), responsible for the safety of around 3,000 people.[16] The UKPPS is part of the National Crime Agency.[17] The service is delivered regionally by local police forces. Prior to the formation of the UKPPS in 2013, witness protection was solely the responsibility of local police forces.[18] One does not need to be a witness to be granted the protection of UKPPS (for example, targets of "honour-based violence").[19]
United States[...]
The United States established a formal program of witness protection, run by the U.S. Marshals Service, under the Organized Crime Control Act of 1970. Before that, witness protection had been instituted under the Ku Klux Klan Act of 1871 to protect people testifying against members of the Ku Klux Klan. Earlier in the 20th century, the Federal Bureau of Investigation also occasionally crafted new identities to protect witnesses.[20]
Many states, including California, Connecticut, Illinois, New York and Texas, as well as Washington, D.C., have their own witness protection programs for crimes not covered by the federal program. The state-run programs provide less extensive protections than the federal program. They also cannot hold or have as many people involved as the federal program.[21][22][23]
Before witness protection funds can be sought, law enforcement must conduct an assessment of the threat or potential for danger. This assessment includes an analysis of the extent the person or persons making the threats appear to have the resources, intent, and motivation to carry out the threats and how credible and serious the threats appear to be. When threats are deemed credible and witnesses request law enforcement assistance, witness protection funds can be used to provide assistance to witnesses which helps law enforcement keep witnesses safe and help ensure witnesses appear in court and provide testimony.[24]
Special arrangements, known as S-5 and S-6 visas, also exist to bring key alien witnesses into the US from overseas.[25] T visas may be used to admit into the United States victims of human trafficking willing to assist in prosecuting the traffickers.[26]

Yorum

Şahitlerin korunması gündeme gelmektedir. Veri analizi açısından önemlidir.

Birçok ülke bunu sağlarken, bazı ülkelerde bulunmamaktadır.
Verilerin korunması da gündeme gelmektedir. Sakarya Depreminde molozlar tek bir yerde üst, üste toplandığı için veri olarak suçlanamamışlar ve ceza alamamışlardır. Şüphe ile ceza verilemez, kanıt olmalıdır.
Güneyimizde olan deprem için, veri toplanması Savcılık kanalı ile yapılmıştır, cezalar verilmeye başlanmıştır.

Agent provocateur, Wikipedia[5]

An ***agent provocateur*** (French for 'inciting agent') is a person who commits, or who acts to entice another person to commit, an illegal or rash act or falsely implicates them in partaking in an illegal act, so as to ruin the reputation of, or entice legal action against, the target, or a group they belong to or are perceived to belong to. They may target any group, such as a peaceful protest or demonstration, a union, a political party or a company.

In jurisdictions in which conspiracy is a serious crime in itself, it can be sufficient for the agent provocateur to entrap the target into discussing and planning an illegal act. It is not necessary for the illegal act to be carried out or even prepared.

Prevention of infiltration by agents provocateurs is part of the duty of demonstration marshals, also called stewards, deployed by organizers of large or controversial assemblies.[1][2][3]

History and etymology[...]

While the practice was worldwide in antiquity, modern undercover operations were scaled up in France by Eugène François Vidocq in the early 19th century, and included the use of unlawful tactics against opponents. Later in the same century, police targets included union activists who came to fear plain-clothed policemen (*agent de police* in French). The French term *agent provocateur* was then borrowed as-is into English and German. In accordance with French grammar, the correct plural form of the term is *agents provocateurs*.

Common usage[...]

An agent provocateur may be a police officer or a secret agent of police who encourages suspects to carry out a crime under conditions where evidence can be obtained; or who suggests the commission of a crime to another, in hopes they will go along with the suggestion and be convicted of the crime.

A political organization or government may use agents provocateurs against political opponents. The provocateurs try to incite the opponent to do counter-productive or ineffective acts to foster public disdain or provide a pretext for the final assault against the opponent.

Historically, labor spies, hired to infiltrate, monitor, disrupt, or subvert union activities, have used agent provocateur tactics.

Agent provocateur activities raise ethical and legal issues. In common law jurisdictions, the legal concept of entrapment may apply if the main impetus for the crime was the provocateur.

By region[...]

Canada[...]

On August 20, 2007, during meetings of the Security and Prosperity Partnership of North America in Montebello, three police officers were revealed among the protesters by Dave Coles, president of the Communications, Energy and Paper workers Union of Canada, and alleged to be provocateurs. The police posing as protestors wore masks and all black clothes; one was notably armed with a large rock. They were asked to leave by protest organizers.

After the three officers had been revealed, their fellow officers in riot gear handcuffed and removed them. The evidence that revealed these three men as "police provocateurs" was initially circumstantial-they were imposing in stature, similarly dressed, and wearing police boots.[4][5] According to veteran activist Harsha Walia, it was other participants in the black bloc who identified and exposed the undercover police.[6]

After the protest, the police force initially denied, then later admitted that three of their officers disguised themselves as demonstrators; they then denied that the officers were provoking the crowd and instigating violence.[7] The police released a news release in French where they stated "At no time did the police of the Sûreté du Québec act as instigators or commit criminal acts" and "At all times, they responded within their mandate to keep order and security."[8]

During the 2010 G20 Toronto summit, the Royal Canadian Mounted Police (RCMP) arrested five people, two of whom were members of the Toronto Police Service.[9] City and provincial police, including the TPS, went on to arrest 900 people in the largest mass arrest in Canadian history.[10] The RCMP watchdog commission saw no indication that RCMP undercover agents or event monitors acted inappropriately.[*dubious* – *discuss*]

Europe[...]

In February 1817, after the Prince Regent was attacked, the British government employed agents provocateurs to obtain evidence against the agitators.[11]

Sir John Retcliffe was an agent provocateur for the Prussian secret police.

Francesco Cossiga, former head of secret services and Head of state of Italy, advised the 2008 minister in charge of the police, on how to deal with the protests from teachers and students:[12]

He should do what I did when I was Minister of the Interior. [...] infiltrate the movement with agents provocateurs inclined to do anything [...] And after that, with the momentum gained from acquired popular consent, [...] beat them for blood and beat for blood also those teachers that incite them. Especially the teachers. Not the elderly, of course, but the girl teachers, yes.

Another example occurred in France in 2010 where police disguised as members of the CGT (a leftist trade union) interacted with people during a demonstration.[13]

Russia[...]

The activities of agents provocateurs against revolutionaries in Imperial Russia were notorious. Jacob Zhitomirsky, Yevno Azef, Roman Malinovsky, and Dmitry Bogrov, all members of Okhrana, were notable provocateurs.
In the "Trust Operation" (1921–1926), the Soviet State Political Directorate (OGPU) set up a fake anti-Bolshevik underground organization, "Monarchist Union of Central Russia". The main success of this operation was luring Boris Savinkov and Sidney Reilly into the Soviet Union, where they were arrested and executed.
United States[...]
In the United States, the COINTELPRO program of the Federal Bureau of Investigation included FBI agents posing as political activists to disrupt the activities of political groups in the U.S., such as the Student Nonviolent Coordinating Committee, the American Indian Movement, and the Ku Klux Klan.[14]
New York City police officers were accused of acting as agents provocateurs during protests against the 2004 Republican National Convention in New York City.[15]
Denver police officers were also alleged to have used undercover detectives to instigate violence against police during the 2008 Democratic National Convention.[16]
Also in New York City, an undercover motorcycle police officer was convicted of and sentenced to two years in prison in 2015 for second-degree assault, coercion, riot and criminal mischief after an incident at a motorcycle rally. In 2013, the officer, Wojciech Braszczok, was investigating motorcyclists by blending in with a crowd during the rally; at some point another motorcyclist was hit by a motorist, Alexian Lien. Braszczok is later seen on video breaking a window to Lien's car and assaulting him with others in the crowd. His actions were investigated by the NYPD and he ended up facing charges along with other members of the rally. Braszczok was eventually convicted on some of the charges laid, and received two years in prison.[17]
Internet[...]
The internet has been a perfect tool for information warfare, with many internet trolls acting as agents provocateurs by disseminating certain propaganda. Such tactics are used to further the interests of countries,[18][19][20] corporations,[21][22][23][24] and political movements.[25][26][27]

Yorum

Bazı kişiler, masum bireyleri uyararak, onları zorlama, yanlış bilgi ile suç işlemesine neden olurlar. Bunu bilmeden yapan az kişidir, sıklıkla profesyonel ve politikacı olduğu görülmektedir.

Olaylar çıkar, evler yakılır, kişi yapanları suçlar, yapanları olaya iten ise kendisidir. Bunu açıkça, basın ve yayın yolu ile yapmıştır.

Politika bu nedenle bu kişiler gündelik olaylarda vardır ama oylamalarda %10 zor oy alırlar.

Kanıta Dayalı olunmalı: Veri/Şahit

Göç bir yaşam hakkı olduğuna göre, bunun yönetimi öne çıkmaktadır. Neden göç edildiği öne çıkmalıdır.

Hayat, yaşam şartı önemlidir. Bu olmadan yapılanlarda gerekçeler önemlidir.

Zamanımızda büyük kütlesel oynamalar olmaktadır. Bunlardan bir boyutu da ölmekten kaçma kadar, daha rahat ortamda olmakta sayılmalıdır.
İnsanların daha iyi ortama girmesi engellenemez, ama düzeni bozmamak zorundadırlar.
1960 yıllarında Almanya'ya işçi olarak gidenler, orada bir değişim sağlamış, kalkınmaya katkıları olmuş, kendileri de o yerlerde yerleşim bulmuşlardır.

Sonuç

Göç bir yaşam hakkı olduğuna göre, bunun yönetimi öne çıkmaktadır.

Söylenenler kolay, yapılması zordur. Kovun onları şeklinde yaklaşım ile ortamı düzeltin demek, ne kadar oluşur?

İmkansızı söylerseniz ideal kişi olursunuz, ama gerçekte değil.

Önce onların insan olduğu hatırlanmalıdır. Peygamberlerin göç ettiğine, olgu ve gerekçelerine bir bakılması yerinde olacaktır.

Kaynaklar

1) Witness, Wikipedia
2) Informant, Wikipedia
3) Eyewitness identification, Wikipedia
4) Witness protection, Wikipedia
5) Agent provocateur, Wikipedia