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£TURKEY: @STILL WAITING FOR CHANGE

Since Amnesty International's report on Turkey in June 1990, the principal positive development has been the removal in December of the death sentence from 16 articles of the Turkish Penal Code (TPC), leading to the commutation of 63 death sentences. Also in December, a Permanent Parliamentary Human Rights Commission was founded to investigate allegations of human rights abuses and to propose changes in law to remedy such abuses, but it has not yet begun to consider cases.

Under a draft law presented to the Judicial Committee of the Grand National Assembly (TBMM) on 7 February 1991 which would repeal Law No 2932 (passed in 1983, prohibiting the use of "languages which are not official languages of other nations" - principally Kurdish), the Kurdish minority will be permitted to speak their language at home and in the street, as in practice they do today, and they will be permitted to record, purchase and play cassettes and videos in Kurdish. However, publication, education or correspondence with branches of the state in Kurdish will remain illegal, punishable by imprisonment and/or fines.

These changes are welcome, but do not in the opinion of Amnesty International reflect any fundamental improvement in the human rights situation in Turkey: during 1990 and the first part of 1991 there have been hundreds of prisoners of conscience, and torture remains widespread. There are still 255 prisoners under sentence of death who have exhausted all judicial appeals, and if their sentences are ratified by the TBMM they could be executed at any time.

Amnesty International is also concerned about proposals, reported to be under discussion in a commission within the Interior Ministry, for an "Anti-Terror Law" planned to come into force if Articles 141, 142 and 163 of the TPC are repealed. An article in the daily newspaper Güne on 15 February 1991 states that "sources close to the Interior Ministry" report a package of proposals for inclusion in the new law which will cover interrogation and prosecution for those suspected of terrorist offences. They are said to include: Public Prosecutors instead of judges being given the right to formal arrest and committal to prison of suspects; liability of police officers and gendarmes to prosecution for torture becoming subject to authorization by Public Prosecutors; and the increase of the maximum permissible police detention period to 45 days. Amnesty International believes that such proposals, if accepted, would increase the already serious risk of torture facing people detained for political offences in Turkey.

Prisoners of conscience:

People who have in no way advocated violence continue to be arrested or imprisoned in Turkey for exercising their rights to freedom of expression, association and religious belief under Article 141 of the Turkish Penal Code (leading or being a member of an organization intending to establish the domination of one class over another, or overturning the established social order), Article 142 (dissemination of communist or separatist propaganda) and Article 163 (leading or being a member of an organization intending to overthrow the secular nature of the state, or dissemination of propaganda to that end), as well as Articles 159 (insulting the State authorities) and 312 (incitement to commit a crime). Throughout 1990

and early 1991 the Turkish Government stated its intention to revise or abolish Articles 141, 142 and 163, but at the time of writing, no changes had been made.

In May 1990 Mehmet Fehim I__k, Diyarbak_r correspondent of the political magazine Deng (Kurdish: Voice), was sentenced to four years and two months imprisonment for separatist propaganda under Article 142 for reading out a joint press statement signed by several political magazines on 21 February 1990.

In October 1990 Ali Özler was sentenced to six years and eight months imprisonment for his activities as the chairperson of the Tunceli branch of the Turkish Human Rights Association. He is serving his sentence in Erzincan Special Type Prison.

In October 1990, during the Human Rights Association's annual meeting, Vedat Ayd_n, a member from Diyarbak_r, gave a speech in Kurdish, which was translated by Ahmet Zeki Okçuo_lu, a lawyer. Although the speech had not advocated violence, both men were immediately detained, and remained in custody for seven weeks until they appeared in Ankara State Security Court on charges of "making separatist propaganda", with a possible sentence of 10 years. Both were conditionally released at the first hearing of the trial on 18 December 1990. The trial continues.

In November 1990, 10 people attending a memorial service for the founder of the Nurcu religious sect, including the owner and eight staff members of the fundamentalist magazine Yeni Asya, New Asia, were detained for 14 days and investigated for "acting against the secular nature of the state".

On 23 January 1991 three Socialist Party members were detained for 24 hours after attempting to post a US flag to the President as a protest against his support for the coalition in the Gulf War.

Turkey's derogation of 7 August 1990 from a number of provisions of the European Convention on Human Rights includes derogation from Article 10 concerning freedom of expression and Article 11 concerning freedom of peaceful assembly and freedom of association. (The derogation was made following the promulgation of the "Censorship and Exile" decrees during 1990, which further extended the already extraordinary powers of the Emergency Legislation Governor, who is in charge of 13 provinces in the southeast, 10 of which are under a State of Emergency. They permit among other things the closure of printing presses, the banning of publications and the forcible resettlement from within the Emergency Powers region of individuals engaged in activities "harmful to the maintenance of general security and public order".)

Torture

The same derogation also covers Articles 5 and 6 of the European Convention which contain important safeguards against torture for those in police custody - in particular the right to be brought promptly before a judge and the right of access for other family members.

Throughout 1990 and to date Amnesty International has continued to receive many well-documented reports of torture of persons in pre-trial detention.

Kaz_m Y_ld_r_m, who is reported to have undergone severe torture under military rule in the early 1980s and was subsequently convicted in 1985 by a military court for alleged membership of the Turkish Union of Revolutionary Communists (T_KB), was detained in Ankara on or about 2 May 1990 and held incommunicado at Ankara Police Headquarters. Kaz_m Y_ld_r_m has stated that while in detention for 15 days he was beaten, hosed with cold water under pressure, warmed by a stove and then once again exposed to cold water, subjected to electric shocks, kept hungry and thirsty and without sleep, suspended by the wrists tied behind the back, beaten on the penis and subjected to squeezing of the testicles. He describes the effects of "the wheel", a technique which he had not previously encountered and which he alleges was used by his interrogators: "The wheel was something new for me. This mechanism

emits a deafening and maddening high frequency sound. When the wheel is in operation the torturers leave the room". He compares his experiences in detention during the early 1980s with his treatment in 1990: "It is possible to see a new technical and psychological dimension as compared with the practice in the days following 12 September [the date of the 1980 military coup]. The torturers have definitely made technical 'advances'. They really know what they are doing, and take care to give the proper dosage. Their aim is to keep their victim under torture for the whole time while as far as possible leaving no traces."

On 19 April 1990 Günay Kaptan, a fifth-year medical student at Gazi University in Ankara, arrived home and went to bed. At about 12.30am she awoke to find five or six men in her room. They told her to get ready to go.

"I asked them where they came from and why I was to go with them. They said 'You know better than we do'. My mother was crying. They said, 'Don't worry, we'll look after your daughter'. Then they turned to me and said, 'Let's go - we are going to hang you up by your feet.' Then they took me to the police station. I was thrown into a cold dark cell. I noticed that there were a few people around me. They started to ask me all sorts of things. When they did not get an answer they started to get angry. They started to beat me and throw me one to the other like a parcel, or against the wall. They touched my hand with a stick and asked 'Do you want this?' Then they laid me down on the ground, took off my socks, put my legs through a chair and began to beat my feet. They kept beating my feet, occasionally putting some water on. Then they would stand me up and make me bounce on my feet. Then they would lay me down and begin beating my feet again... Some time later they put me on a table and then on a chair. They tied me by the wrists with my arms stretched out in a crucifixion position. Then they took away the table and chair. I felt my whole weight on my wrists. I started to scream. They told me to scream as loud as I liked. One of them pulled my feet down. Later on they took off my clothes. There was a crowd around me. They swore at me and insulted me. During the whole time I was in the police station I was also subjected to psychological threats, and insults as a woman.

"The day I was to leave the police station I was taken to the Forensic Medicine Institute. The marks of the *falaka* [beating the soles of the feet] had not yet disappeared and the doctor gave me a three-day medical report [certifying that the patient would be unfit for work for three days]. The police got very angry at this. I had to wait another day in the Police Station and then I was sent back to the Forensic Institute and this time I was given a certificate of good health."

Günay Kaptan was charged with membership of the illegal Turkish Workers' and Peasants' Liberation Army (TIKKO). She made a complaint to the State Prosecutor against 11 members of the Ankara Police Force for the treatment she received in custody. When asked to identify her torturers, she explained that although she had been blindfolded during torture and was therefore unable to identify their faces, she would recognize the voices. However, the State Prosecutor ruled that the case should not be taken up due to lack of proper identification.

On 24 February 1990 the Izmir offices of the magazine Yeni Çözüm were raided and 50 to 60 persons were taken into detention.

Doruk Aydo_mu_, a representative of Yeni Çözüm was detained on 25 February 1990 and was formally arrested on 8 March 1990 for "membership and activities on behalf of the illegal organization Revolutionary Youth (Dev-Genç)". In a written report he states that during 12 days of incommunicado detention at Izmir Police Headquarters he was subjected to threats, torture and demands that he should sign prepared statements:

"My eyes were bound with black cloth. My most basic needs were neglected. I was subjected to such tortures as beating, squeezing of the testicles, being hosed with cold water at high pressure and being made to lie completely naked on bare concrete. But the worst torture was having to listen to other people being tortured."

TAYAD (Association for the Support of Prisoners' Families) documented 37 incidents of severe torture during operations carried out in Ankara from September to November 1990 against members of various political and other organizations, including TAYAD itself, which was closed down on 13 December 1990 for alleged infringements of the Law on Associations. On 6 September 1990 Dalga Yüce_an, a student at Gazi University in Ankara, was taken into custody from the street on suspicion of having taken part in an illegal demonstration protesting the activities of right-wing students at the university. "When I arrived at Police Headquarters, one of the interrogators poured insults out at me, then grabbed me by the hair and dragged me into a room where he kicked me in the stomach and repeatedly struck my head against the wall. The uniformed police seemed even more surprised than me at this immediate and violent start to the interrogation, and tried to get me away from him, but when they too were threatened they were forced to draw back.

"After this beating had gone on for a while, they made me pull my sweater over my head and dragged me, again by the hair, into a white van and told me to keep my head down. When the van stopped they got me out, blindfolded me and began searching my body in a most shameful way. Then I was taken to the torture room where they tried to make me admit things I knew nothing of and denounce people who were unknown to me. During this time they continually punched me and knocked my head against the wall. When I refused to do what they said, they threatened me with torture - as if what I had already undergone was not torture! First they tied my hands behind my back and hung me up by the wrists. While I was suspended I was sexually harassed, physically and verbally. After this my body was covered in sweat and my legs were kicking involuntarily. They took me down, laid me on the ground and began to beat the soles of my feet. Then they stood me up and walked me up and down on the wet floor before again laying me down and subjecting me to *falaka*. They did this four times, and three times hung me up by my wrists which were tied together behind my back - each time, they were more free with their hands. I felt someone trying to spit in my mouth. The blindfold was slipping a bit and I could see that it was the interrogator who had first dragged me by the hair. Then he urinated in my face. After the *falaka* I was made to stand against a wall, but because of the pain in my feet I fell to the floor, where they kicked me. I was told to take my clothes off. When I refused, they beat me and took my clothes off by force, leaving just my underwear. They then sprayed me with cold water at high pressure and I was left to stand for a long time. When they came again they smelt badly of alcohol. They suspended me by the wrists - not tied behind my back this time - and gave me electric shocks through my little finger and little toe. They also touched a bare wire here and there: to my thighs, neck, lips and temples. I was made to stand naked for a while and again hung up by my wrists which were tied behind my back. This time they passed the current through my breasts, thighs and pubic area. Then they said they would stop the torture if I signed a false statement they had prepared. I refused. After more electric shocks, they tried to rape me with a truncheon and I finally agreed to sign, after which they stopped the "technical" torture. At the end of the detention period, I was taken to the Forensic Medical Foundation, but although I had bruises and cuts, these were not noted and I was given a clean report." Dalga Yüce_an was brought before Ankara State Security Court on 20 September 1990 and committed to Ankara Central Closed Prison. She was treated at the prison hospital for numbness of the fingers and inability to move her arms. She has made a complaint against the police on account of her treatment while in custody, but as yet no legal inquiry has been initiated.

Most reported incidents of torture have occurred during the initial period of detention when detainees are denied access to relatives or a lawyer. Although Article 128 of the Turkish Criminal Procedure Code (TCPC) states that the maximum period permitted before a detainee is formally charged or released is 24 hours, this period may be extended to 15 days by the prosecutor without the approval of a judge in cases involving three or more suspects, or due to the "nature of the crime". In the 10 provinces currently under emergency rule the maximum detention period may be doubled to 30 days. Amnesty International has received reports of detainees being held for even longer periods, thereby increasing the risk of torture and ill-treatment. A further matter of concern is a provision in the revised "Censorship and Exile" Decree Number 430 which was promulgated in December 1990, which permits detainees to be brought back from prison for further interrogation and possible torture in gendarmeries and police stations, even though this practice had been abolished as unconstitutional in 1988.

Torture and ill-treatment in southeast Turkey

On 24/25 June 1990, 34 persons were detained in Diyarbakır and Silvan in southeast Turkey, three of whom were later charged with membership of the illegal Kurdistan Avantgarde Workers Party (KÖP), while a further four were charged separately under civil law for possession of unlicensed firearms.

The detainees were held in cramped cells measuring approximately 75 cm x 75 cm in the Headquarters of the Rapid Force in Diyarbakır.

One of them, Kutbettin Yıldız had been imprisoned from 1980 to 1989 for membership of the Progressive Democratic Cultural Association - Kurdish Workers Party (DDKD-KIP), and illegal possession of arms. Of the 12 months following his release, he spent a further six months in police custody during the course of a number of detentions, releases and immediate rearrests. Most recently, on 25 June 1990, he was detained on the street, and taken to the Rapid Force Headquarters where interrogation with beatings started immediately.

"There were one or two interrogation sessions nearly every day, particularly during the hours of darkness between 8pm and 5am. I was naked during the interrogations. My hair and moustache were pulled, and twice someone spat into my mouth. I was not given enough to drink, and on one occasion I remember having a hallucination and seeing water and melons on the ground.

"They would ask me about my political views, and hit me when they did not approve of my answers. Eventually I grew tired of this fruitless discussion and decided to exercise my right of silence, saying nothing for the final three days.

"At the medical examination a doctor saw bruises on my back but did not write anything down. A doctor I consulted after my release was too afraid to write a medical report.

"In court I complained to the prosecutor about my treatment in detention, but he did not take any notice."

Kutbettin Yıldız now suffers from lack of memory, pain on the left side of the body, in particular the head, kidney problems, and difficulty and pain in urinating.

In the southeast of Turkey there are almost daily clashes between security forces and Kurdish guerrillas. In order to counter the activities of armed Kurdish groups, principally the Kurdish Workers' Party (PKK), the government has established a system of some 20,000 "village protectors", armed civilians who are paid by the authorities to fight the guerrillas and to deny them access to logistical support from the villages in the area. Although villagers are reluctant to serve as village protectors for fear of inviting reprisals from the guerrillas, they also fear reprisals from the security forces should they refuse.

The practice of the local gendarmerie is to empty villages where they believe guerrillas may receive shelter and food, and any village which refuses to provide village protectors is the object of particular suspicion. Due to the remoteness of the region and press restrictions in force there, it is difficult to establish the exact number, but it seems likely that over a hundred settlements have been evacuated in the last year. Villagers are usually unwilling to leave, and the prelude to evacuation has been alleged to include threats, destruction of property or foodstuffs and large scale detentions. An example of this is an incident in the village of Sağlarca (Kurdish name Biloris), 15 km from Siirt, which was required by the authorities to be evacuated by 15 January 1991 on the grounds that the inhabitants may have been providing food and shelter to guerrillas of the Kurdish Workers' Party. Amnesty International received a report that during the first week of January 1991, in response to their refusal to quit the village, nomads of the Dideran tribe who were wintering in Sağlarca were forced by the officer in charge of the gendarmerie to stand outside the security post in the village for three successive nights in freezing winter conditions till dawn. Nursing infants were permitted to remain under shelter, but their mothers and all other children were reportedly subjected

to remain outside, and a number subsequently became ill. The officer involved allegedly told the nomads that if they did not quit the village he would have them all shot.

Amnesty International has received numerous accounts of ill-treatment of the local population by security forces stationed in the southeast. One example concerns villagers of Gökçeba_ (Kurdish name: Cuanika) which had refused to supply village protectors. On 11 October 1990 twelve men were returning with firewood when they were stopped by an officer and soldiers from the security post at a nearby village. Ten of the villagers ran off, leaving Kas_m T_rpan and Üveys Elma behind. After loading the fuel and tools onto their own vehicle, the soldiers allegedly beat 70-year-old Kas_m T_rpan and then Üveys Elma with a piece of firewood. The officer then allegedly drew a pistol, loaded it and threatened to shoot Üveys Elma.

After the soldiers departed, those who had run away returned to pick up the two men who had been beaten and took them to Siirt State Hospital, where both were treated and Üveys Elma received a medical report certifying injuries which would prevent him from working for ten days.

Since the beginning of 1990 there appears to have been an increase in the number of arrests of villagers who have no history of political activity, on suspicion of having sheltered Kurdish guerrillas. Amnesty International has received detailed torture testimony given by _ahin Y_ld_z, one of a number of villagers from Çizmeli in the mountainous area east of Diyarbak_r who claim to have undergone serious torture while in detention: "I was detained in September 1990 and taken to Eruh gendarmerie. For the first six days I was constantly beaten. I was given electric shocks on four occasions. My hands were tied behind my back and hoisted up towards the ceiling. My mother, wife and my religion were insulted again and again. The officer interrogating me opened my mouth and put the muzzle of the pistol into it, threatening to kill me. I was made to stand day and night without food or water; they kept on demanding that I should denounce other people. I did not willingly sign the statements which were presented to the prosecutor and to the court. Although I told the court that I had been subjected to torture, no investigation was opened. I remained in detention for 19 days after signing the statements. During this time, the traces of torture went away and I was then brought before the State Prosecutor. I was in detention for 25 days."

Ill-treatment in prison

On the night of 7 October 1990, while carrying out the forcible dispersal of 95 prisoners held at Diyarbak_r E-type Prison to prisons in Amasya, Aydin, Bursa, Bartin, Ceyhan, Çanakkale, Malatya and Nazilli, prison staff accompanied by soldiers entered 14 wards and beat with sticks and truncheons any prisoner who resisted the transfer. It is alleged that between 20 and 30 prisoners were beaten until they lost consciousness. Another prisoner, Abdulvahap Ak_n reportedly suffered spinal injuries and was confined to the prison hospital ward. Medical reports certifying injuries of Nurettin Yild_r_m, Tacettin Dolu, Ahmet Demir, Macit Dölek and Zübeyir _im_ek, who were transferred to Bartin E-type Prison, were sent to the office of the Chief Prosecutor in Diyarbak_r, but legal action has not yet been brought against those responsible.

Durmaz Bilen, who was in Diyarbak_r Prison on 7 October while awaiting trial, reported in a complaint to the State Prosecutor in Siirt that on the night in question 73 prisoners were severely beaten by prison staff and soldiers, that 15 of these were beaten into a state of unconsciousness, and that one of them, Mahmut Zeyrek, was still in a coma five days after the event. Durmaz Bilen, who stated that he himself was beaten in the incident, was acquitted of the charges against him and released on 10 October 1990.

Death in custody

Amnesty International continues to be concerned about reports of deaths in custody as a result of torture. A report published by Amnesty International in April 1989 - Turkey - Torture and Deaths in Custody (AI INDEX: EUR 44/38/89) listed 193 names, dates and places of deaths in custody reported between 12 September 1980 and 6 March 1989. In response to information received from the Turkish authorities since the publication of this document, Amnesty International has revised its provisional list of cases of deaths in

custody. This now numbers 192 cases of which 34 have been confirmed as deaths caused by torture. The organization continues to seek further information on the other cases.

During the past three months there have been reports of eight deaths in custody which have allegedly occurred as a result of torture. Amnesty International believes that if these deaths were caused by torture, they would be directly attributable to the failure of the authorities to implement safeguards against torture required by the UN Convention against Torture, the UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, and other internationally recognized standards.

On 25 November the body of 24-year-old Yakup Akta_ from Derik, a small town in the Mardin area, was returned to his family by the Mardin Gendarmerie who had detained him a week previously. The autopsy report stated that he had died of a heart attack. However, those who washed the body in preparation for burial stated that there were wounds which suggested that he may have died under torture. The body was buried under military supervision, but the family's request for a second autopsy was finally granted. The second autopsy was carried out by two doctors and two prosecutors from Mardin, and tissue samples were sent to the Forensic Medical Institute. In a letter of 19 February 1991 to Amnesty International the government stated that the tissue samples indicated that there were no abrasions on the wrists, back or arms, crushing of the back of the skull, or cuts on the temples or eyebrows, as had been stated in earlier claims. However, the report of the doctors carrying out the second autopsy in December stated that: "The head of the corpse, including the ears and an area 15 cms below the chin towards the thorax, is covered by a wide, mask-like ecchymosis (bruising). There is an abrasion between the eyebrows, and an eight cm crescent-shaped lesion on the back of the body. The left upper extremity, including the hand and the fingers, is covered with wide ecchymotic areas."

dris Can, aged 18, was taken into police custody with a friend, Hasan Acar, in Istanbul on 16 December 1990 on suspicion of stealing some building materials from a garden and was detained at Anadoluhisar Police Station. _dris Can and Hasan Acar were brought before an interrogating judge in Beykoz and sent to Pa_ akap_s_ Prison on 17 December 1990. Two hours after his arrival _dris Can began to vomit, and was sent to Haydarpa_a Numune Hospital where he died of a brain haemorrhage three days later. His father was shown the body at the hospital and subsequently said: "When I saw my son I could not believe my eyes. Blood was coming from the face and ears of my son, who had been strong as a lion. He had not been ill." It is understood that _dris Can's father made an official complaint against the police.

Tevfik Timur was detained in Cizre on 4 January 1991. At the time he was taken into custody he is said to have been in good health. He was sent on from Cizre Police Station to __rnak Police Headquarters where his interrogation continued until he died in custody on 14 January 1991. The family were told that he had died "as a result of a fall down the stairs". It is alleged that the family were "encouraged" not to make a formal complaint about the episode, though they claim that his death was the result of torture.

Birtan Altunba_, a medical student at Hacettepe University in Ankara, was taken into custody on 9 January 1991 and detained at the Political Branch of Ankara Police Headquarters. He died on 16 January shortly after being transferred to Gülhane Military Hospital. On the same day an autopsy was performed, but by 7 February 1991 the results had not been disclosed to the family or to lawyers acting on their behalf, in spite of their strenuous efforts. Murat Böbrek, who was detained at the same time, has alleged that for four days and nights he heard Birtan Altunba_'s cries and shouts, and that he saw Birtan Altunba_, naked, being made to run up and down between two policemen in the corridor outside the cells, known as a method of diminishing the traces left by beating on the soles of the feet. At one moment Birtan Altunba_ was reportedly able to tell Murat Böbrek that the police were attempting to force him to confess to the recent assassination of a doctor. Murat Böbrek said that he himself was taken to the inner part of the building and beaten, because he had gone on hunger strike.

_hsan Ba_bu_u was taken into custody on 30 January 1991 in Ankara allegedly for having stolen two packs of cigarettes, and was taken to Anafartalar Police Station, where he died on 31 January. The

police authorities declared that the cause of death was suicide by hanging, but the father of the youth stated that when he saw the body, it bore signs which indicated that he had been beaten. There was bruising under the armpits, inside the lips, and on the soles of the feet. The prosecutor has opened an inquiry into the circumstances of the death.

Haydar Arman was detained in Istanbul, possibly for desertion, on 19 January 1991. He was then transferred to Etlik Police Station in Ankara and then to prison where he died on 24 January. His wife _ükran Arman said that when she received his body on 26 January: "One side of his head was purple. The men who collected the body said that his testicles were severely bruised, that there was severe bruising on his arms and thighs, and that the flesh was torn from his toes and fingers." It is understood that the autopsy report supports the allegations that he died under torture, and that Haydar Arman's wife has made a formal complaint to the public prosecutor.

The Ministry of the Interior has initiated an investigation of the circumstances surrounding the death of Kas_m Aras, aged 40, a farmer and father of six, who was detained on 30 December 1990, reportedly after straying into the prohibited zone on the Russian frontier close to Gödekli village, near Kars, in pursuit of stray livestock. He is alleged to have offered some resistance to one of the gendarmes, and was later brought before a court and sentenced to one month's imprisonment for this. Kas_m Aras was held at Aral_k local prison. Kas_m Aras told his family that he had been beaten all night at the gendarmerie post in the town of Aral_k and that he was also beaten in prison. He identified the people he claimed were responsible for the beatings. On 18 January 1991 and again on 24 January he was referred to hospital. One day after his release he became very ill with headaches and lapsed into a coma. Kas_m Aras died on 31 January. A doctor at Erzurum Research Hospital Brain Surgery Department said that he died as a result of chronic brain haemorrhage, probably arising from "a fall or blow, approximately one month before his death".

Ali R_za Aydo_an, a 19-year-old, was taken into custody on 13 February in the Beyo_lu area of Istanbul while distributing leaflets calling for a boycott in protest at the Turkish government's policy towards the war in the Gulf. That same night, Ali R_za Aydo_an fell from a window on the fourth floor of Beyo_lu Police Headquarters, and was taken unconscious to the intensive care unit at Taksim Hospital suffering from brain damage. A police spokesman stated that he had attempted to commit suicide, but his father said, "My son had no reason to commit suicide. He was about to be married and travel abroad." On 16 February Ali R_za Aydo_an died of his injuries. A preliminary autopsy report stated that his body bore injuries consistent with torture. There was serious bruising on the soles of his feet, marks on the fingers and toes, and bruising under the armpits, possibly as a result of being hung by the wrists with the arms tied behind.

Safeguards against torture

The right of access to a lawyer has been widely recognized as affording important protection against torture. The right of a detainee to confer with legal counsel at any stage of the investigation is laid down in Article 136 of the TCPC. This right has, in the past, been routinely ignored by police and prosecutors. On 26 September 1989 and 3 April 1990 circulars issued by the Office of the Prime Minister to the Ministry of Justice required that detainees should be allowed to secure the assistance of one or more lawyers, and to confer with them upon demand. Although these directions concerning access to lawyers could, if implemented, contribute to improvements in protection for detainees, they have not been applied to any significant extent and throughout 1990 (with a limited number of exceptions, mainly in Istanbul) lawyers in all parts of the country were routinely denied access to clients.

Although Turkey's representatives at the hearings of the United Nations Committee against Torture stated that "any accused person has the right to have legal counsel at any and every stage of the proceedings" and referred to the circulars issued by the Office of the Prime Minister, Amnesty International has received many examples of formal written rejections by the Office of the Chief Prosecutor to the Ankara State Security Court of lawyer's applications to see their clients. In response to one lawyer's application to see his client, a Prosecutor attached to the Ankara State Security Court wrote on 26 December 1989: "The

interrogation is concerned with membership of an illegal organization, and in view of the principle of security involved, your request [for access] has been rejected." A written refusal, also from the Ankara State Security Court Prosecutor's Office, to an application for access to detainees made by their families, dated 10 October 1990, states, again in contradiction of the circulars mentioned above, that "no person whatsoever may be permitted access to Sevil Erbasan, Nuriye Akbaba, Gülsüm Aslan, Serpil Erseven and Tülay Gençay, on the grounds that any contact with other persons may interfere with the investigation". Lawyers who went to the Prosecutor's Office were told that they would be permitted to see only those prisoners for whom they held power of attorney, and then only for 10 minutes "if this does not interfere with the investigation." However, when they went to see their clients, they were insulted and turned away by police officers. When they returned to the Prosecutor's Office, they were told that nothing else could be done to secure the right of access. All five women detainees later reported that, among other forms of torture, they had been suspended by the arms and subjected to electric shocks.

One of Turkey's representatives also asserted at the Committee against Torture hearings that "all detainees must be subjected to medical examination before and after detention and interrogation. This has become a binding rule. I should add that forensic doctors are fully independent in the discharge of their functions. Upon the request of the detainee or the Public Prosecutor, any other doctor may be chosen for medical examination." Amnesty International knows of no case in which a prisoner was permitted medical examination immediately after being taken into custody, or in which a prisoner was informed of the right to choose their own doctor, or in which they were examined by any other authority than the doctors employed by the authorities, whose examinations are frequently alleged to be perfunctory. Prisoners are usually interviewed with police officers present, and the examinations often consist of no more than the fully dressed prisoner turning round in front of the doctor.

Other safeguards have also been proposed but remain in draft form many months after they were originally announced. For example, on 13 September 1989 draft amendments to the TCPC providing for limited reductions to the length of pre-trial detention, and prompt access to lawyers were announced by the government.

On 10 May 1990 the Turkish newspaper Güne reported that the Judicial Committee of the TBMM had appointed a sub-committee to deal with the government's proposed amendments to the TCPC and to draft legislation concerning the practice of interrogation, including a proposal submitted by a deputy of the ruling Motherland Party (ANAP) which would ensure that statements to the police which were not taken in the presence of a lawyer would not be admissible as evidence. By February 1991 no further progress had been made in enacting any of the proposals described above, all of which remain in draft form.

Extrajudicial executions

When the inhabitants of Sosuntarla village near Siirt refused to become village protectors, the armed forces and neighbouring bands of village protectors demanded that the village, which consisted of more than 100 households, should be evacuated. The villagers refused to leave. Eye witnesses report that on the evening of 9 October 1990, village protectors from the nearby village of Palamut opened fire on Sait Bayhan and killed him as he emerged from the Sosuntarla mosque. For fear of further action against them, the villagers left Sosuntarla in the following days. No official action has yet been taken to apprehend those responsible.

On 28 September 1990 soldiers and "special team" members arrived at Kayadeler (Uzkundos) village, near Bitlis. They stated that they were looking for the imam _brahim Döner, a member of a family with a history of political activity, and entered the mosque where the men of the village were at Friday prayers. All those present, with the exception of _brahim Döner, were told to go home and stay inside until further notice. Ömer Döner, one of the villagers and a brother of _brahim, stated that a short time later shots were heard, and after two hours a vehicle (which he later learned was carrying an autopsy team from the nearby town of Hizan) entered the village. He was then called back to the entrance to the mosque where he was shown his brother's body, together with a pistol and a suicide note. Ömer Döner states that his

brother neither owned nor carried a gun, and that there were marks of blows on his brother's neck and back.

Death penalty

During 1990 at least eight people were sentenced to death by military and civilian courts. The number of files of prisoners under sentence of death waiting for final approval by the TBMM now stands at 255. Approval by the TBMM is required before an execution may take place.

In a speech in Konya on 13 October 1990 the Minister of State Mehmet Keçeciler stated that the government had resolved to carry out a number of the death sentences in response to the recent spate of assassinations of prominent members of the security and state intelligence organizations. Following expressions of grave concern from inside and outside Turkey, the Minister partially retracted his statement and Amnesty International was assured by the Turkish Government that there were no current plans for a resumption of executions.

In December 1990 a number of reforms to the penal code were made, abolishing the death sentence for 16 offences, as a result of which the death sentences of 63 prisoners were converted to life imprisonment. However, the mandatory death penalty has been retained for 13 crimes including murder and a number of political offences.

Death sentence after unfair trial

Many of those under sentence of death were tried by military tribunals in the years following the military coup of 1980, many after trials that would be considered unsatisfactory by international standards, and often on the basis of statements which are reported to have been extracted under torture.

Ya_ar Y_ld_z has been in custody since 21 August 1979, accused of killing Halim Karadeniz, a prominent local member of the extreme right-wing National Action Party (MHP) in Kartal, a suburb of Istanbul, on the same day. A leaflet was left by the body in which the political organization TKP/ML TIKKO claimed responsibility for the killing.

Ya_ar Y_ld_z claims that while in detention at the First (Political) Branch of Istanbul Police Headquarters immediately following his arrest, he was severely tortured to extract a confession and information as to the whereabouts of the murder weapon. He gave neither, but was charged with the killing and formally arrested on 31 August 1979.

His case was joined with the cases of some 190 alleged TIKKO members and was heard in Istanbul Military Court No. 2. On 28 May 1984, the so-called TIKKO-1 trial ended and Ya_ar Y_ld_z was one of seven defendants who were convicted under Article 146/1 of the TPC and sentenced to death. By 2 September 1990, all forms of legal appeal had been unsuccessful and the death sentence had reached the Judicial Committee of the TBMM for final ratification by the TBMM itself.

Ya_ar Y_ld_z has consistently denied membership of TKP/ML TIKKO and affirmed his membership of the Progressive Youth Association (IGD). Indeed, he had earlier been prosecuted for selling the IGD publication Sava_Yolu (Road of Struggle). During the TIKKO-1 trial the prosecution suggested that IGD was a front organization for TKP/ML TIKKO, when in fact the two organizations were highly antagonistic on a number of issues. In 1981 the murder weapon was seized in the hands of TKP/ML TIKKO members, none of whom mentioned Ya_ar Y_ld_z even in statements allegedly extracted under torture. Moreover, a report by the Istanbul Political Police Directorate to the Military Prosecutor stated that examination of their archives had revealed no evidence linking Ya_ar Y_ld_z to TKP/ML TIKKO. In the verdict, two judges voted for the death penalty, while the third called for acquittal, based on the failure to establish any link with the organization which claimed responsibility for the killing in the leaflet and in its own publications, and in whose possession the murder weapon was discovered.

Necdet Celkan, the judge who gave dissenting opinions on a number of cases of TIKKO defendants, was shortly afterwards moved from that post.

In January 1990, the Central Committee of TKP/ML published a statement confirming that Ya_ar Y_ld_z had nothing to do with the party nor with the actions for which they have claimed responsibility.

AMNESTY INTERNATIONAL

COUNTRY: TURKEY

SUBJECT TITLE: STILL WAITING FOR CHANGE: INFORMATION ON CONTINUING HUMAN RIGHTS ABUSES

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SUMMARY

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The Turkish authorities declared in 1989 their intention to make constitutional, legislative, and procedural changes which would improve safeguards against torture for detainees in police custody, and which would abolish or amend those articles of the penal code under which most prisoners of conscience are held.

In the intervening two years, there has been no legislative or practical progress in these areas of concern. Proposed amendments to the Constitution, the Turkish Penal Code and the Criminal Procedure Code remain in draft form while prisoners of conscience continue to serve long terms of imprisonment for expressing their beliefs and opinions. Detainees are still routinely held incommunicado in police stations, in some areas for up to 30 days, unprotected by even the most basic safeguards against ill-treatment. Torture persists as a widespread phenomenon, with the apparent collusion of the authorities and recent months have brought an alarming number of deaths allegedly resulting from torture.

Amnesty International welcomes the penal code amendments passed in December 1990 which resulted in the commutation of 61 death sentences.

This summarises a 14 page document, Turkey: Still Waiting for Change: Information on continuing human rights abuses (AI Index: EUR 44/26/91), issued by Amnesty International in January 1990. Anyone wanting further details or to take action on this issue should consult the full document.

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