

PUBLIC

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UA 227/04 Torture and ill-treatment

TURKEY Hamza Uzar (m), electrician
Yildiz Dundar (m)
Ali Alp (m)
Sedat Aras (m)

The four men named above were detained by police on 17 July allegedly on suspicion of "aiding and abetting an armed organization", presumed to be the illegal armed group Kongra-Gel (formerly known as the Kurdistan Workers' Party (PKK)). They are at risk of torture in police custody.

They were detained at Hamza Uzar's house in the Cizre area of Sirnak province, in the predominantly Kurdish southeast region of Turkey. They are now held in Cizre Police Headquarters.

Hamza Uzar's lawyer was able to meet with him the day after the arrests. He observed that Hamza Uzar appeared greatly distressed. He had marks on his face, throat and neck apparently caused by beating, and had great difficulty in speaking, or standing and walking unassisted.

All four men have all had their detention extended from two to four days.

BACKGROUND INFORMATION

Several recent legal reforms in Turkey, if properly applied, could be important measures against torture and impunity. Among these are changes in detention procedures, which include the introduction of the right of *all* detainees to immediate access to legal counsel.

Another important safeguard against torture and ill-treatment has been the reduction in the length of time detainees can be held without charge by police or gendarmerie. According to new regulations, the maximum length of detention is 24 hours, or 48 for offences allegedly committed by groups of three or more people (which includes all illegal armed groups such as Kongra-Gel). However, the 48-hour period can be extended to four days on the decision of a prosecutor, without interviewing or meeting the detainee to ascertain whether they may have been tortured or ill-treated, as has happened in this case. Describing this practice, the European Committee for the Prevention of Torture (ECPT) has stated that it "...considers that in the interests of the prevention of ill-treatment, it would be preferable for persons in respect of whom an extension of custody is sought to be always physically brought before the prosecutor responsible for deciding the question of extension." (ECPT report on its September 2003 visit to Turkey.)

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of Hamza Uzar, Yildiz Dundar, Ali Alp and Sedat Aras, who are in detention at the Police Headquarters in Cizre;
- expressing concern at reports that Hamza Uzar may have been tortured or ill-treated while in police custody, and reminding the government of its stated policy of "zero tolerance for torture and ill-treatment";
- calling for a full and impartial investigation into any allegations of ill-treatment - including a prompt medical examination - with the results made public and those responsible brought to justice;

- drawing attention to the ECPT's recommendation that "it would be preferable for persons in respect of whom an extension of custody is sought to be always physically brought before the prosecutor responsible for deciding the question of extension, and for them to be able to be assisted by a lawyer at this hearing."

APPEALS TO:

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Salutation: Dear Minister

Minister of the Interior

Mr Abdulkadir Aksu

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Salutation: Dear Minister

COPIES TO:

Foreign Minister and State Minister for Human Rights

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and to diplomatic representatives of Turkey accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 August 2004.