

PUBLIC

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UAI 290/02 Fear of torture and ill-treatment/

26 September 2002

fear for safety

**TURKEY Abdullah Kaya (m), aged 26**

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Abdullah Kaya is being held in police detention in Diyarbakır, southeast Turkey, where he is at risk of torture and ill-treatment.

Abdullah Kaya was detained by police in Ankara on 18 September and held at the Anti-Terror Branch of Ankara Police Headquarters, reportedly in connection with the armed Islamist group, *Hizbullah*. On 21 September he was handed over to the custody of the Anti-Terror Branch of Diyarbakır Police Headquarters.

On 23 September, Abdullah Kaya's mother applied to the prosecutor of Diyarbakır State Security Court (DGM) for information about her son's whereabouts. She was informed that Abdullah Kaya had been remanded in prison and that she could meet him. Therefore, she went on the same day to Diyarbakır prison and was able to meet Abdullah Kaya. She related that he seemed unwell.

On 24 September, Abdullah Kaya's brother Alaeddin Kaya received a telephone call from the Diyarbakır Police Headquarters. He spoke to Abdullah Kaya, who told him that he was in detention at Diyarbakır Police Headquarters. He had apparently been returned to police detention from prison under Article 3/e of Legal Decree No. 430. At 6pm that day, Alaeddin Kaya went to the Anti-Terror Branch of Diyarbakır Police Headquarters and met his brother.

During the meeting, a man who said that he was the police chief ordered other police officers out of the room and met Alaeddin Kaya and Abdullah Kaya alone. He said that he wanted Abdullah Kaya to become an informer and wanted the Kaya family to help him. The chief promised the family any support that they wanted if they did this. However, Abdullah Kaya refused to become an informer.

Abdullah Kaya subsequently met his brother and mother at the police headquarters on 25 September. They said that he did not speak, that he seemed exhausted and that he continually stared into space. From his appearance, his family suspected that he had been ill-treated.

**BACKGROUND INFORMATION**

Amnesty International has received numerous accounts of people being illegally detained and tortured by police in Diyarbakır under Article 3/e of Legal Decree No. 430, which allows individuals in the Regions under State of Emergency (Diyarbakır and \_\_mak) to be returned from prison to police detention for an additional 10 days of questioning. The Article can be applied again after the end of the 10 day period. In this way individuals can be held in detention for long periods of time (see report *Turkey: Torture and prolonged detention in the Region under State of Emergency*, AI Index: EÜR 44/10/2002, February 2002). For example, Fesih Güler was reportedly tortured while held illegally in this way at the Anti-Terror Branch of Police Headquarters, while Fahrettin Özdemir spent a total of 59 days in police custody during which time he was reportedly severely tortured (see EXTRAI 30/00, EÜR 44/23/00, 3 April 2000).

Whereas torture is rarely reported from prisons, in police and gendarmerie stations it appears to be regularly used to extract confessions, elicit information about illegal organizations, intimidate detainees into becoming police informers or as unofficial punishment for presumed support of illegal organizations. Torture methods in Turkey documented by Amnesty International include severe beatings, being stripped naked and blindfolded, hosing with pressurized ice-cold water, suspending by the arms or wrists bound behind the victim's back, electric shocks, beating the soles of the feet, death threats and sexual assault.

The Turkish Regulation on Apprehension, Police Custody and Interrogation provides clear guidelines for the registration of people taken into custody. It also provides guidelines on an individual's right to inform their relatives "unless informing the relatives will harm the investigation". In an amendment to the Constitution on 3 October 2001, this restriction was lifted. Yet guidelines for the prompt and proper registration of detainees and for notification of their families are often ignored. This is extremely distressing for the families of detainees, who often spend days trying to establish the whereabouts of their loved ones. The failure to register detainees properly and promptly creates conditions in which there is an increased risk of torture, and "disappearance" or death in custody can occur.

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

- expressing concern for the safety of Abdullah Raza, who is in detention at the Anti-Terror Branch of Diyarbakır Police Headquarters;
- expressing concern at reports that Abdullah Raza may have been tortured or ill-treated while in police custody, and reminding the government that it is a state party to the European Convention on Human Rights, which says that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment";
- urging that he is not tortured or ill-treated while in detention and that they should be given immediate access to their lawyers and relatives;
- calling for a full and impartial investigation into the allegations of ill-treatment - including a prompt medical examination - with the results made public and those responsible brought to justice.

**APPEALS TO:**

Minister of the Interior

Mr Muzaffer Cezmi

Ministry of Interior

\_çi\_leri Bakanl\_

06644 Ankara, Turkey

**Telegram: Interior Minister, Ankara, Turkey**

**Phone: + 90 312 418 17 95**

**Salutation: Dear Minister**

and to diplomatic representatives of Turkey accredited to your country.

Minister of Justice

Prof Ayşel Çelikel

Ministry of Justice

Adalət Bakanl\_

06659 Ankara, Turkey

**Telegram: Justice Minister, Ankara, Turkey**

**Fax: + 90 312 417 3954**

**Salutation: Dear Minister**

Diyarbakır Police Headquarters

Mr Atilla Çınar

Diyarbakır Emniyet Müdürü

Diyarbakır Emniyet Müdürlüğü

Diyarbakır, Turkey

**Telegrams: Emniyet Müdürü, Diyarbakır, Turkey**

**Salutation: Dear Chief of Police**

**COPIES TO:**

State Minister with responsibility for Human Rights

Ali Doğan

Office of the Prime Minister,

Ba\_bakanlık,

06573 Ankara, Turkey

**+ 90 312 417 04 76**

**Salutation: Dear Minister**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 7 November 2002.