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13 September 1991

**£TURKEY: @ALLEGED TORTURE OF THREE LAWYERS**

In an ongoing police operation against suspected members of the illegal armed organization Devrimci Sol (Revolutionary Left), the lawyers Murat Demir and Bedii Yaray\_c\_, and a woman journalist, Deniz Teztel, were detained in Istanbul on 13 and 14 June 1991, respectively, and taken to the First [Political] Branch of the Police Headquarters in Ankara. On 3 July the woman lawyer Fethiye Pek\_en was also detained in Istanbul and sent to Ankara. Police sources stated that the operation was in connection with the assassination on 23 May 1991 of General Ismail Selen in Ankara. Devrimci Sol has claimed responsibility for a number of political assassinations in recent months involving high-ranking military and police officers. Murat Demir, Bedii Yaray\_c\_ and Fethiye Pek\_en have often represented in court alleged members of Devrimci Sol. Deniz Teztel is a journalist who has for many years reported on trials of political prisoners in Istanbul Military Courts, including the Devrimci Sol trials.

On 19 June, some of the detainees were brought before press and television cameras. It was alleged that they were members of Devrimci Sol and suspected of involvement in the organization's armed activities. Journalists present at the conference reported that Murat Demir shouted that he had been tortured and as a result could not move his hands.

All applications by lawyers to see their clients in Ankara Police Headquarters were refused by the Chief Prosecutor at Ankara State Security Court. The President of the Istanbul Bar Association, Turgut Kazan, applied for access to Deniz Teztel, Murat Demir and Bedii Yaray\_c\_, but this was also refused by the Ankara Chief Prosecutor. On 22 June, the newspaper Cumhuriyet published a report of a press conference which Turgut Kazan had held the previous day. According to this account he stated that he had telephoned the Justice Minister and the Interior Minister on 20 June and asked to be granted access to the three detainees. Turgut Kazan said that Mahmut Oltan Sungurlu, then Justice Minister, replied: *"You are asking me to do something very difficult. Demiral [Nusret Demiral, the Chief Prosecutor at the Ankara State Security Court] does not listen to me. I will try again, but I am not very hopeful."* Later that day Nusret Demiral confirmed that he had heard from the Justice Minister, but went on to say that detainees had no right to consult their legal counsel.

Article 136 of the Turkish Criminal Procedure Code states that defendants have a right to legal counsel at all stages of the investigation. This right, which offers a vital protection against torture, has been emphasized in a number of circulars issued by the Justice Ministry and the Office of the Prime Minister.

Turgut Kazan later received a written refusal from the Chief Prosecutor's Office at Ankara State Security Court stating that detainees had no right to consult their lawyers and, therefore, his request for access was denied.

In the same press conference on 21 June 1991, according to Cumhuriyet, Turgut Kazan said that in September 1989 he had received a circular issued by the Ministry of Justice which clearly stated a detainee's right to legal counsel, and that the issue of this circular had been publicized worldwide: *"Mr Özal, who put his signature to this circular, is now President. Now a public prosecutor of the Republic of Turkey, in Ankara, has the audacity to say that there is no such right in the laws of the Republic of Turkey."* He went on to say that since the circular had *"no practical value"*, he had returned it to the Ministry of Justice. Turgut Kazan was later permitted to visit the lawyers after they had been transferred from police custody to prison.

According to Cumhuriyet of 28 June, the new Justice Minister, \_akir\_eker, responded to the question: *"Shouldn't the lawyers and the journalist Deniz Teztel be permitted access to their lawyers?"*, saying: *"Even if you are the Justice Minister, you cannot apply pressure on this issue. That would just create other problems. Such a question depends on the judgement of the public servant. If he wanted, he could have given permission. Was it better to give permission or to withhold it? It depends on the judgement of the public servant. We cannot intervene on this question. In my opinion it should have been given. But if it was not given, there is nothing we can do about it."*

On 28 June 1991, Deniz Teztel, Murat Demir and Bedii Yaray\_c\_ were formally arrested by Ankara State Security Court and committed to prison. The arrest order stated that Deniz Teztel and the two lawyers acted as couriers for Devrimci Sol. They are currently awaiting trial at Ankara Closed Prison on charges under the "Anti-Terror Law" and Article 168 of the Turkish Penal Code. On the same day, 28 June, they were taken to the Forensic Medicine Institute for a medical examination. Its preliminary medical report, which certifies traces of torture on Murat Demir and Bedii Yaray\_c\_, is appended.

On 15 July, the lawyer Fethiye Pek\_en was charged with membership of an armed organization, under Article 168 of the Turkish Penal Code and Articles 4 and 5 of the "Anti-Terror Law", and provisionally released by Ankara State Security Court. She obtained a medical certificate from the Forensic Medicine Institute that she would be unfit for work for one day. She stated that while in custody at Ankara Police Headquarters she was subjected to electric shocks, cold water under pressure, hanging by the arms, and beating. She and the other two lawyers submitted formal complaints to the State Prosecutor's Office concerning the treatment they received in detention.

Bedii Yaray\_c\_ and Murat Demir reported that they were severely tortured in police custody in order to obtain statements and an undertaking that they would cease their lawyers' practice. They said that although the police claimed that they had been detained in connection with the murder of General Selen, their interrogators did not question them about this incident.

In a statement given later by Bedii Yaray\_c\_, he alleged that he was tortured for six days. The methods included beating, being suspended by his wrists with his arms tied behind his back, electric shocks to his fingers and his penis. The interrogators forced their fingers and the end of a hose into his anus. He informed the interrogators that he suffered from a heart condition,

but was nevertheless punched and kicked in the chest. After he had fainted, he was examined by someone he assumed to be a doctor.

Murat Demir reported that he was stripped naked, after which he was placed on a foam mattress and cold water from a hose was turned at high pressure onto his head and his testicles for approximately one hour. His wrists were then bound with wet cloths and he was suspended from a pole in a position as if crucified, for about 30 minutes. His testicles were squeezed while he was hanging. Murat Demir stated that this happened on two successive days after which he was taken to his home which was being searched. He saw a State Security Court Prosecutor in his home and showed him the lesions on his wrists and said that he was being tortured. He was later subjected to further torture sessions, and alleged that he was hung by his arms or legs in three different ways, but that each time his wrists or ankles were bound with wet cloths or sponges. [This is a common practice to reduce the possibility of lesions being caused to the victim.] He was also given electric shocks through his right thumb and his penis while suspended, and stated that attempts were made to force objects into his anus. He alleged that he was tortured on all but two of the 14 days of police detention, and that he was blindfolded before being tortured. However, he claimed that on one occasion he was beaten when his eyes were not bound and was, therefore, able to identify one of the perpetrators, a police superintendent, by name.

A group of members of the Turkish Parliamentary Human Rights Commission interviewed Murat Demir and Bedii Yaray\_c\_ in Ankara Closed Prison on 5 July 1991. According to their preliminary report they also examined them physically and found red marks and bruises on Murat Demir's feet, bruising and reddish areas in the pubic area, as well as marks on Bedii Yaray\_c\_'s wrists.

The two lawyers stated that during their interrogation they were told to stop their activities on behalf of Halk n Hukuk Bürosu (the law firm for which they work and which has taken up the cases of many members of Devrimci Sol) and Deniz Teztel said that she was told to stop writing about human rights issues.

Amnesty International is appealing for a thorough and impartial investigation into the three lawyers' torture allegations and is urging that detainees in police custody are granted access to legal counsel as provided for in Turkish law.

Appendix

[Translation of a certificate issued by the Forensic Medicine Institute on the arrest of Murat Demir, Bedii Yaray\_c\_, Deniz Teztel and others]

Republic of Turkey  
MINISTRY OF JUSTICE  
Ankara Branch Directorate  
(Forensic Medicine)

Report No: 20214.15.16.17.18.19

Date of Examination: 28.6.91

REPORT

To the Chief Prosecutor's Office  
Ankara

Time of Examination: 18.45

Issued after examination of the persons accompanied by gendarmerie and sent with order No. 1991/524, dated 28 June 1991, issued by Ankara Central Closed Prison:

1 - MURAT DEMIR An area of bruising 3 x 3 cm on the left side of the neck towards the bottom of the ear - probably dating from a few days previously; a similar area of bruising behind the ear measuring 2 x 2 cm; two congealed wounds measuring 05 cm x 05 cm within an area of 2x2 cm on the back of the right hand; old hyperaemic wounds with congealed surface of the same kind measuring 0.5 x 5.cm on the back of the feet, widespread bruising on the penis, pubic and inguinal areas. The patient also complained of numbness in both arms and right foot, muscle inefficiency, and burning and pain on urination.

This is a preliminary report. A final report will be presented after final consultation reports are submitted to this institute by Ankara Numune Neurology and Urology Departments.

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5 - DENIZ TEZTEL This is a conclusive report that no external pathological signs were found.

6 - BED YARAYICI Congealed grazes on both knees; old bruises, possibly arising from an injury of 3 to 5 days previously; light bruising in the anal region. This is a preliminary report.

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