

EXTERNAL

AI Index: EUR 44/134/91
Distrib: PG/SC

Date: 8 October 1991

MEDICAL CONCERN

@Muharrem Erya_ar
£TURKEY

Muharrem Erya_ar is a 36-year-old political prisoner who is suffering from inoperable naso-pharyngeal cancer and Behçet's disease. Despite a very unfavourable prognosis, his lawyers have thus far been unsuccessful in appealing for his release on health grounds. The Turkish Criminal Procedure Code does, however, allow for suspension of sentence where a prisoner's life is endangered which hospital doctors have certified to be the case. At present he is being held in Buca prison in Izmir. He has recently been receiving a course of radiotherapy and doctors have begun chemotherapy. He has not, however, been admitted to hospital; he is transported handcuffed on a daily basis between Buca prison and the cancer unit of a local hospital where he is kept shackled to his bed. His eyesight has been affected by Behçet's disease (an ideopathic inflammatory disease) and recent reports indicate that his cancer has reached a stage which prevents him from eating normally. The conditions in which he is held in Buca prison are poor.

Background

Muharrem Erya_ar was sentenced to eight years, three months' imprisonment in September 1989 on charges of robbery, the proceeds of which were alleged to have been intended for the organization *Devrimci Yol*. He was initially serving his sentence in Nazilli Special Type Prison, but was moved to Buca Closed Prison in Izmir in May 1991 in order to allow him to receive medical treatment. It is not known when Muharrem Erya_ar's cancer or the Behçet's disease were diagnosed. There are fears that his life expectancy may be very short.

He began receiving a course of radiotherapy at the Oncology Unit of Ege University Hospital in Izmir in mid-September 1991 and on 30 September 1991 is reported to have begun a course of chemotherapy. Although doctors at the oncology unit recommended that he be treated as an in-patient, this was refused on the grounds that there was no secure ward where he could be held. He has therefore been transferred between the prison and hospital every day handcuffed to the police van during transit and chained to his bed while in the hospital. This is relatively common in Turkey where, if a hospital does not have a secure ward, prisoners may be refused admission to hospital locally, may experience long delays before transfer to an area where hospital treatment can be arranged, or, failing this, will be transported daily between prison and hospital where they are often chained to their hospital bed under guard.

Muharrem Erya_ar has naso-pharyngeal cancer involving the sinuses, throat and ears. Information recently received indicates that he is being artificially fed as he is unable to swallow. He is also reported to have suffered a loss of vision, probably as a result of Behçet's disease; he is blind in the left eye and has reduced vision in the right.

The conditions in Buca prison are known to be poor and insanitary. There are reported to be mice in the cells and all washing is done with cold water. Muharrem Erya_ar, who is married with five children, is reported to have recently been refused family visits after having made a complaint about the conditions of confinement. In addition, he and five cellmates were injured and taken to hospital on 3 July 1991 following a raid by guards on their prison cell while they were engaged in a farewell celebration for a prisoner who was being transferred to another prison. Muharrem Erya_ar received cuts and bruises during the raid and these injuries were recorded in medical certificates. His lawyers made a formal complaint about the incident.

Article 399 of the Turkish Criminal Procedure Code allows for release on medical grounds, in the event of a prisoner having "illness which will constitute a great danger to the health of the convict in the event of a judgement restricting liberty". In September his lawyers appealed for his release on grounds of serious ill-health, but this appeal has not been granted. Amnesty International believes that the conditions in which Muharrem Erya_ar is held and the current refusal to accede to medical advice to permit his transfer to hospital constitutes negligent treatment.

Amnesty International has in the past registered numerous concerns with the Turkish authorities regarding medical treatment, both with regard to procedures for hospitalization and to the delays which can occur in providing detainees with proper care and diagnosis. It is appealing urgently to the Turkish authorities to take account of Muharrem Erya_ar's situation and likely prognosis and to allow his transfer to more suitable surroundings.

EXTERNAL

AI Index: EUR 44/134/91
Distrib: PG/SC

To: Medical professionals
From: Medical Office / Research Department - Europe
Date: 8 October 1991

MEDICAL LETTER WRITING ACTION

**Muharrem ERYASAR
TURKEY**

Keywords

Theme: ill-health/medical care

Summary

Amnesty International is seriously concerned by the refusal of the Turkish authorities to allow adequate care and attention for Muharrem Erya_ar, a political prisoner who is suffering from naso-pharyngeal cancer and Behçet's disease. Although his prognosis is very poor, an appeal from his lawyers for release has been refused although there are provisions under the Turkish Criminal Procedure Code for release where a prisoner's life is endangered. He is now in a very poor state. His cancer is inoperable, he has become unable to swallow and thus to feed normally and, furthermore, suffers considerable reduction of vision as a result of Behçet's disease.

Recommended Actions

Letters and telegrams are requested from medical professionals to the addresses given below:

- expressing extreme concern about Muharrem Erya_ar who is reported to be seriously ill
- noting that he has been refused remission of sentence although such a provision exists in Turkish law where a prisoner's life is endangered
- stressing that he suffers from an inoperable naso-pharyngeal cancer and that his prognosis is extremely poor and urging that he be allowed to receive medical attention in surroundings best conducive to his proper care
- seeking information on his current state

Letters could also make inquiries about the medical care and attention he was receiving prior to the commencement of treatment at Ege University Hospital and about the reasons why he has not been granted remission of sentence

Addresses

- 1) Adli Tip Kurumu Ba_kanli_i
Forensic Medical Institute Directorate
Ministry of Justice
Adalet Bakanligi
06659 Ankara
Turkey

Fax: (+90) (4) 125.40.66
- 2) Professor Suat Bilge
Minister of Justice
Adalet Bakanligi
06659 Ankara
Turkey
- 3) Cezaevi ve Tevkifhane M¼d¼rl¼¼
Directorate for Prisons and places of detention
Adalet Bakanligi
06659 Ankara
Turkey

Copies should be sent to Turkish diplomatic representatives in your own country.