

URGENT ACTION

MAN RISKS TORTURE IF RETURNED TO TURKEY

Avni Er, a Turkish man detained in Italy, is at risk of being forcibly returned to Turkey where he would be at risk of torture or other ill-treatment.

Avni Er is currently held in an identification and expulsion centre (CIE) in the city of Bari, southern Italy. His lawyers are appealing against the Italian courts' rejection of his request for asylum and international protection. The European Court of Human Rights (ECtHR) had already ordered the Italian authorities not to expel Avni Er until the first instance decision on his request for asylum and international protection had been taken. His lawyers have asked the ECtHR to extend this order until the appeal decision. However, the Italian authorities may decide to expel Avni Er before his appeal is heard.

Avni Er, who left Turkey in 1982 at the age of 11 and never returned, was arrested on 1 April 2004 as part of an international police operation against people suspected of terrorism-related offences. He was convicted in December 2006 by a court in Perugia for membership of the illegal organization Revolutionary People's Salvation Party – Front (DHKP-C) and sentenced to seven years' imprisonment followed by expulsion from Italy. In April 2007 the Turkish authorities requested his extradition to Turkey in connection with membership of the DHKP-C. This request was denied by the Italian authorities on the basis that he would be at risk of being tried twice for the same offence. However, proceedings against Avni Er appear to be still open in Turkey. This means that Avni Er is likely to be arrested on his arrival in Turkey. Amnesty International considers that there is a significant risk that Avni Er could be subjected to torture or other ill-treatment and an unfair trial if forcibly returned to Turkey, as members of the DHKP-C have been tortured and ill-treated there in recent years.

Under the principle of international law known as *non-refoulement*, Italy must not return anyone to a country where they would face torture or other ill-treatment or any other serious human rights violations.

PLEASE WRITE IMMEDIATELY in English, Italian or your own language:

■ Calling on the Italian authorities not to forcibly return Avni Er to Turkey, where he would be at risk of torture and other ill-treatment, as this would violate their obligations under the principle of international law known as *non-refoulement*.

PLEASE SEND APPEALS BEFORE 13 MAY 2010 TO:

Minister of the Interior

Roberto Maroni, Ministro dell'Interno
Ministero dell'Interno
Palazzo Viminale
Piazza del Viminale, 1
00184 Roma, Italy

Fax: + 39 06 46549832

Email:

liberta.civiliimmigrazione@interno.it

Salutation: Dear Minister

Prefect

Carlo Schilardi
Prefetto della Provincia di Bari
Palazzo di Governo
Piazza Libertà', 1
Bari, Italy

Fax: + 39 080 5293198

Email: prefettura.bari@interno.it

Salutation: Dear Prefect

And copies to:

Questore (Head of Police)

Dott. Giorgio Manari
Questura di Bari
Via G. Murat Nr. 4
70100 Bari, Italy

Fax: + 39 080 5291154

Also send copies to diplomatic representatives of Italy accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Italy is obliged under international and regional law to not expel or return an individual to a country where they would be at risk of persecution or other serious human rights violations. The principle of *non-refoulement* is contained in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the European Convention on Human Rights; the International Covenant on Civil and Political Rights; and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Italy is a party to all these treaties.

Amnesty International's research has shown that torture and other ill-treatment persist in places of detention in Turkey, including police stations and prisons where Avni Er is likely to be held. Reported cases of torture and other ill-treatment have increased within the last two years. Amnesty international considers that those accused of terrorism-related offences are at a higher risk of being subjected to torture and other ill-treatment while in police detention and prison. Amnesty International has documented cases of torture and other ill-treatment while in police detention and in prison of people suspected of sympathizing with the DHKP-C, such as that of Engin Çeber, who died on 10 October 2008 as a result of torture, and of others arrested with him.

Past prosecutions of those suspected of carrying out offences on behalf of the DHKP-C also raise concerns that Avni Er's life would be at risk in prison. In the prosecution for the murder of prominent businessman Özdemir Sabancı, Mustafa Duyar, a defendant in the case and an alleged member of DHKP-C, was killed in prison in 1999 while being held in pre-trial detention, allegedly by individuals with links to state institutions.

Amnesty International has also documented a continuing pattern of unfair trials under anti-terrorism legislation leading to convictions based on insubstantial or unreliable evidence, often obtained through torture. In the 2006 Amnesty International report, *Turkey Justice Delayed and Denied: The persistence of protracted and unfair trials for those charged under anti-terrorism legislation* (Index: EUR 44/013/2006), the organization recorded widespread violations of fair trial rights including denial of access to legal counsel during interrogation, inadequate medical examinations, failure to investigate allegations of torture or other ill-treatment in police custody, use of statements allegedly extracted under torture or other ill-treatment as evidence, and violation of the right to trial within a reasonable time. Since the publication of that report, Amnesty International continues to receive information about unfair trials and the persistence of violations listed in the report. In September 2008, for example, Selahattin Ökten was sentenced to life imprisonment for taking part in armed activities for the Kurdish Workers Party (PKK) after he was convicted on the basis of an insubstantial witness statement allegedly obtained under torture (see *Amnesty International Report 2009*).

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