

PUBLIC

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UA 256/03

Fear for safety / torture and ill-treatment / death threats

28 August 2003

TURKEY

N.B. (f) (Anonymity requested, full name known to Amnesty International)

A 29-year-old woman, known as N.B. to preserve her anonymity, has allegedly received death threats after she lodged complaints that she had twice been abducted and ill-treated by police officers in western Turkey.

On 5 November 2002, N.B. was reportedly grabbed from behind and shoved into a car containing a group of five men, whilst out walking in the Alsancak area of Izmir. She was forced to lie face down on the floor near the car's back seat and taken to an unlit area about 45 minutes away. She was then reportedly blindfolded, pushed around and threatened with death.

Although N.B. was unable to see the men's faces, they carried walkie-talkies and mentioned the names of some acquaintances that the police had reportedly been looking for. N.B. believes that the men were members of the Anti-Terror Branch of the local police force and lodged a complaint about the incident with the Izmir state prosecutor on 22 November 2002. An investigation was then launched.

On 22 November 2002, N.B. was reportedly threatened by an individual in civilian clothes in the Yamanlar area of Izmir who told her: "...you haven't learnt your lesson...Such things could happen to you that nobody would be able to find your body".

On 17 December 2002, N.B. was reportedly grabbed again by two men while going to work and shoved in the back of a cream-coloured car, in which the driver was waiting. She was blindfolded and one of the men sat on her to prevent her from escaping. When she asked where they were taking her, she was apparently told: "...we've warned you so far but you did not listen, you deserve everything that will happen to you". The men were carrying walkie-talkies and reportedly took her to an empty building where she was asked the whereabouts of an acquaintance. She was told that she would suffer no harm if she agreed to help them. She was then allegedly thrown on the ground, stripped naked, sexually assaulted and threatened with death. Afterwards, she was returned to a place close to where she had been abducted.

N.B. received forensic medical reports from hospital in Izmir, documenting injuries that supported her allegations of ill-treatment. On the basis of a complaint that N.B. lodged about the 17 December incident, a case has been opened by the Izmir state prosecutor against two police officers from the Anti-Terror Branch of the Izmir police force. They have been charged with torture and the first hearing of their trial is due to take place on 16 October 2003.

Since December 2002, N.B. has been receiving periodic treatment as an in-patient at a hospital. She was discharged from hospital on 25 April 2003 and was reportedly followed by individuals in civilian clothes as soon as she left the hospital. She was reportedly called at home on the same day and told "We'll break your head. Did we make a mistake by not killing you?"

BACKGROUND INFORMATION

There have been several recent legal reforms in Turkey which, if implemented, could be important measures against torture and impunity. Among these are changes in detention procedures, which include a reduction in detention length and which uphold the right of *all* detainees to have immediate access to legal counsel.

Nevertheless, Amnesty International continues to receive numerous complaints of torture and ill-treatment in police and gendarmerie stations as well as allegations that these new regulations are not being respected. A worrying practice, demonstrating the way in which some law enforcement officers are ready to by-pass new regulations that may prevent torture or ill-treatment, is that of unrecorded detention, whereby the abducted

person is not registered as being in detention and is generally not taken to the police station but to another place, or is driven around in a marked or unmarked police car.

Amnesty International has also received numerous reports in which individuals, or even their families, who have lodged complaints that they have been tortured or ill-treated by police officers, have been threatened or beaten in order to force them to withdraw their complaints. For example, a Kurdish woman, known as K.O., has reportedly been intimidated and threatened many times - including with death - by police officers in Adana. The aim of this intimidation has reportedly been to get her to withdraw her case at the European Court of Human Rights, in which she alleges that she was raped and tortured by police at her home in 1999 (see UA 186/00, EUR 44/32/00, 29 June 2000, and follow-up, EUR 44/60/00, 22 November 2000, and UA 134/03, EUR 44/015/2003, 15 May 2003).

A large number of cases have been reported from Izmir. For example, a woman known as S.O. and her children, who were allegedly repeatedly threatened, harassed and even beaten by police officers after she lodged a complaint that she was raped and otherwise tortured by police officers in Diyarbakir in February 1999 (see UA 19/01, EUR 44/005/2001, 25 January 2001 and follow up EUR 44/082/2001, 12 November 2001). Abbas A. and members of his family in Izmir were reportedly threatened with death by police officers after they lodged a complaint that they had been ill-treated in police custody in May 2002. A police chief allegedly told them "...you'll take back the complaint otherwise I'll have you taken away and you'll be killed" (see UA 178/02, EUR 44/029/2002, 12 June 2002).

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

- expressing concern at the reported abduction and torture of N.B.;
- calling for immediate steps be taken to guarantee her safety in accordance with her wishes;
- urging the authorities to conduct a full and impartial investigation into the threats, for the results to be made public and for those responsible to be brought to justice;
- expressing concern that the threats appear to be related to the forthcoming case on 16 October 2003 against the two police officers from the Izmir Police Anti-Terror Branch accused of torturing N.B.;
- reminding the authorities that they ratified the UN Convention against Torture in 1988, and are obliged to bring alleged torturers to justice (Articles 4 and 5), and to protect victims, plaintiffs and witnesses in torture trials (Article 13).

APPEALS TO:

Minister of the Interior

Mr Abdulkadir Aksu
Ministry of Interior
İçişleri Bakanlığı
06644 Ankara, Turkey

Telegram: Interior Minister, Ankara, Turkey
Fax: + 90 312 418 17 95
Salutation: Dear Minister

Izmir Chief of Police:

Izmir Emniyet Müdürü
Izmir, Turkey

Telegrams: Emniyet Müdürü, Izmir, Turkey
Salutation: Dear Chief of Police

Minister of Justice

Mr Cemil Çiçek
Ministry of Justice
Adalet Bakanlığı
06659 Ankara, Turkey

Telegram: Justice Minister, Ankara, Turkey
Fax: + 90 312 418 5667
Salutation: Dear Minister

COPIES TO:

Deputy Prime Minister and State Minister with responsibility for Human Rights

Mr Abdullah Gül,

Office of the Prime Minister,

Basbakanlik,

06573 Ankara, Turkey

Fax: + 90 312 417 0476

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 9 October 2003.