

3 January 2002

Further information on UA 280/01 (EUR 44/079/2001, 5 November 2001) and follow-up (EUR 44/085/2001, 20 November 2001) - Risk of "disappearance", fear of torture and ill-treatment

TURKEYEmrullah Karagöz, (m) student, aged 23
Mustafa Ya_ar, (m) welder, aged 29
 Remziye Da_ (f) housewife, aged 51
Hatip Alay, (m) tradesman, aged 41
Fehmi Ak, (m) crane-operator, aged 26

The five people named above, have been remanded to prison, after reportedly being tortured and ill-treated while being held in prolonged gendarmerie detention in Diyarbak_r, southeast Turkey.

Emrullah Karagöz and Mustafa Ya_ar were remanded to _anl_urfa prison on 11 December 2001. They had been held in gendarmerie headquarters in Seyrantepe, Diyarbak_r since 28 October. During that time, they were reportedly made to sign blank pages and statements, they had not been allowed to read. For 44 days, they were repeatedly brought to interrogation during which they were allegedly tortured and ill-treated. They were apparently blindfolded, stripped naked, beaten, suffocated, had their testicles squeezed, were sprayed with pressurized water and left in the cold. They were further subjected to sleep deprivation and prevented from lying down.

Mustafa Ya_ar reportedly had electric shocks applied to his sexual organs and, at one point, was taken outside to stand in the snow. Emrullah Karagöz was made to lie on his back with his arms above his head. His arms and legs were then wrapped in blankets and his elbows and knees were then sat on, causing him to faint.

A doctor reportedly examined Emrullah Karagöz on the 33rd day of his detention and said "...if this boy carries on like this, he will die". However, Emrullah Karagöz apparently continued to be subjected to torture until he was remanded to prison on 11 December. Mustafa Ya_ar reportedly now suffers from health problems resulting from the alleged torture, including trembling, insomnia, nausea, kidney pain and difficulty in standing.

Hatip Alay was reportedly tortured over 14 days and had to be taken to hospital. Following treatment he was sent to Diyarbak_r E-type Prison. He had apparently been beaten and had been suspended by his arms. His testicles had been squeezed, he was hosed with pressurized water and a plastic bag had been placed over his head, causing suffocation. Remziye Da_ and Fehmi Ak, who had been held in detention for 24 days, were also allegedly tortured.

All the detainees were held under Article 3/c of Legal Decree Number 430 which grants the State Prosecutor - following a proposal from the Governor of the Region under State of Emergency - permission to ask a judge to return a person already in remand or imprisoned to police or gendarmerie custody for up to ten days. Emrullah Karagöz and Mustafa Ya_ar had their detention at gendarmerie headquarters extended four times. On 10 December 2001, the State President Ahmet Necdet Sezer criticized the use of such decrees and the length of detentions in Diyarbak_r, which is currently under a state of emergency.

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

- expressing concern that Emrullah Karagöz, Mustafa Ya_ar, Remziye Da_, Hatip Alay, and Fehmi Ak have reportedly been tortured in gendarmerie 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";
- calling for a full and impartial investigation into the torture allegations, with the results made public and those responsible brought to justice;
- asking for the above named to be compensated for any psychological or physical damage resulting from their alleged torture, and urging that they are provided with appropriate treatment and rehabilitation;
- urging the authorities to suspend any police or gendarmerie officer accused of torture and ill-treatment from duty while they are under investigation, and to dismiss them if they are convicted;
- expressing concern that Emrullah Karagöz and Mustafa Ya_ar were reportedly made to sign statements they had not been allowed to read;
- urging the authorities to ensure that any statements made as a result of torture are excluded from evidence in any proceedings against them.

APPEALS TO:

Minister of the Interior

Mr Rü_tü Kaz_m Yücelen

Ministry of Interior

_çi_leri Bakanl____

06644 Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Fax: + 90 312 418 17 95

Salutation: Dear Minister

Chief of Staff of the Gendarmerie

General Aytaç Yalman

Jandarma Kuvvetleri Komutanl____

Bakanl2klar

Ankara, Turkey

Telegrams: General Yalman, Ankara, Turkey

Fax: +90 312 418 9208

Salutation: Dear General

Minister of Justice

Prof Hikmet Sami Türk

Ministry of Justice

Adalet Bakanl____

06659 Ankara, Turkey

Telegrams: Justice Minister, Ankara, Turkey

Fax: + 90 312 417 3954 / 418 5667

Salutation: Dear Minister

COPIES TO:

State Minister with responsibility for Human Rights

Nejat Arseven

Office of the Prime Minister,

Ba_bakanl_k,

06573 Ankara, Turkey

Fax: + 90 312 417 04 76

Salutation: Dear Minister

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 14 February 2002.