

PUBLIC

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Arbitrary detention/fair trial concern/
ill-treatment

19 January 2001

TURKEY

Six children, aged 14 to 16

Twenty-eight children aged from 9 to 18 were arrested on 9 January, accused of chanting slogans for the outlawed Kurdistan Workers' Party (PKK). They were allegedly beaten and ill-treated, and detained in cruel, inhuman or degrading conditions. Six of them, aged 14 to 16, remain in an adult prison.

Anti-Terror Branch police in armoured vehicles arrived in the small town of Viransehir, in the southeastern province of Urfa, at around 5 pm. They arrested a group of children, reportedly beating them as they did so, and demanded the names of other children. The police reportedly claimed the children had been chanting PKK slogans around a bonfire. The parents apparently denied this, saying the children had been playing football, and some of them had lit a fire to warm themselves.

Police raided other homes in the town the next morning, at around 4.30am, reportedly beating and arresting more children and their parents. The parents were released after a few hours, but a total of 28 children, one of them only nine years old, were detained at Police Headquarters. The children later told lawyers that they were forced to stand for two or three hours with their faces to the wall and their hands above their heads, and were not allowed to look around or speak. They were also constantly threatened and verbally abused.

All 28 children reportedly spent the next two days in a cell measuring three metres square, with no bed, toilet or washing basin. They were reportedly given nothing to eat or drink, and were taken to the toilet only two or three times: this was their only chance to drink water.

It is reported that at least some of the children were questioned, without a lawyer present, and none were given access to a lawyer. The police reportedly made the children sign documents, the content of which was unknown to them, and which at least some of them could not read: 12 are reported to be illiterate. Despite this, the police did not read the documents out to them.

The 28 children were brought before a prosecutor and a judge on 11 January, and it is believed they have been charged with membership of an illegal organization, disseminating propaganda for this organization and violation of the law on demonstrations. Twenty seven of the children were remanded to an adult prison. Though 21 have been released, six - FD(14), SE (16), BD (15), ZE (16), OD (15) and M Y (16) - remain in Viransehir Closed Prison, after appeals for their release were rejected. The children's cases have been sent for trial to the State Security Court in Diyarbakir.

The children's allegations were recorded by lawyers appointed by the Human Rights Association (IHD), who visited them in prison on 12 January.

BACKGROUND INFORMATION

Turkey is a party to the Convention on the Rights of the Child, the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under these treaties Turkey is obliged to ensure that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment. International standards also require that children be deprived of their liberty only as a measure of last resort and for the shortest appropriate time. Children in custody must be kept separate from adults, and have the right to prompt access to legal and other appropriate assistance.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- calling on the authorities to review the detention of these children immediately, in line with international standards, which state that children shall be deprived of their liberty only as a measure of last resort and for the shortest appropriate time;
- urging the authorities to initiate a prompt, impartial, independent and thorough investigation into the allegations that the children were ill-treated by police, and that they were held in the Police Headquarters in conditions that amounted to cruel, inhuman or degrading treatment or punishment;
- asking them to ensure that the police officers allegedly responsible are suspended from active duty while they are under investigation, and that the children receive compensation, treatment and rehabilitation;
- urging the authorities to ensure that each of the children in prison is examined and given any necessary treatment by an independent doctor of their choosing;
- stating that all children who are arrested should be told immediately why they have been arrested, and afforded access to a lawyer and all other rights and safeguards enshrined in international standards;
- asking them to ensure that any who are charged with recognizably criminal offences are tried promptly in accordance with international standards for fair trial, and afford the special protections due to people of their ages;
- urging the authorities to ensure that any statements made as a result of ill-treatment or coercion are excluded from evidence in any proceedings against the children.

APPEALS TO:Minister of Interior

Mr Saadettin Tantan

_çi_leri Bakanl__

06644 Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey**Faxes: + 90 312 418 17 95****Salutation: Dear Minister**Minister of Justice

Prof Hikmet Sami Türk

Ministry of Justice

Adalet Bakanl__

06659 Ankara, Turkey

Telegrams: Justice Minister, Ankara, Turkey**Faxes: + 90 312 417 3954 / 418 5667****Salutation: Dear Minister**State Minister responsible for women and children

Mr Hasan Gemici

Office of the Prime Minister

Ba_bakanl_k

06573 Ankara, Turkey

Telegrams: Ba_bakanl_k, Ankara, Turkey**Faxes: + 90 312 417 0476****Salutation: Dear Minister****COPIES TO:**State Minister with responsibility for human rights

Mr Rü_tü Kaz_m Yücelen

Office of the Prime Minister

Ba_bakanl_k**06573 Ankara, Turkey****Faxes: + 90 312 417 0476**

and to diplomatic representatives of Turkey accredited to your country.

Please could appeal writers in EU member countries also send copies to their Minister of Foreign Affairs.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 March 2001.