

PUBLIC

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Risk of torture

1 February 2000

TURKEY

Mehmet Maksut (construction worker, aged 27)

Mehmet Maksut has been in the custody of the gendarmerie, a branch of the army that acts as a police force, since 26 January. Amnesty International believes he is at risk of torture, and is concerned that his detention was kept secret for six days.

Mehmet Maksut was arrested at his home in Diyarbakir at around 2am on 26 January, by men in civilian clothes armed with rifles and carrying walkie-talkies, who claimed to be police officers. They said they were arresting Mehmet Maksut and would release him when he had given a statement. Afterwards they searched the house.

Three days later, at around 3am, Mehmet Maksut telephoned his family and asked whether the house had been searched. That afternoon he was brought to the house by two men in plain clothes and six soldiers in gendarmerie uniform, who searched the garden and left without speaking to the family, taking Mehmet Maksut with them.

Mehmet Maksut's family contacted the Diyarbakir State Prosecutor on 31 January to learn his whereabouts, but the prosecutor's office said they did not yet have any information about Mehmet Maksut's detention. Only on the next day was the family informed by the prosecutor that Mehmet Maksut was in the custody of the Diyarbak_r gendarmerie.

Mehmet Maksut is charged with "supporting an illegal organization" (Article 169 of the Turkish Penal Code) in a trial which is ongoing at the Diyarbak_r State Security Court. He had been arrested by police on 16 November 1998 and was released nine days later, having reportedly been severely tortured. He had also been detained and tortured in 1994.

BACKGROUND INFORMATION

Procedures laid down in the Turkish Criminal Procedure Code for the prompt and proper registration of detainees and for notification of their families are frequently ignored. This is extremely distressing for the families of detainees and creates conditions in which "disappearances" and torture can occur.

People suspected of offences that fall under the jurisdiction of the State Security Courts can be held in police custody without access to family, friends or legal counsel for up to four days. This may be increased to 10 days in the provinces currently under a State of Emergency, which include Diyarbak_r. During the extended detention period detainees have the right of access to a lawyer, under certain conditions. In most cases this right is denied.

With no access to the outside world detainees are at the mercy of their interrogators. Torture is regularly applied to extract confessions, to elicit information about illegal organizations, to intimidate detainees into becoming police informers or as informal punishment for presumed support of illegal organizations. Torture methods in Turkey documented by Amnesty International include severe beatings, being stripped naked and blindfolded, hosing with pressurized ice-cold water, suspending by the arms or wrists bound behind the victim's back, electric shocks, beating the soles of the feet, death threats and sexual assault.

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

- urging that Mehmet Maksut is not tortured or ill-treated in detention;
- urging that he be granted access immediately to his lawyer and family;
- asking to be informed of any charges that may be brought against him;

- reminding the Turkish government of its obligations under Article 3 of the European Convention on Human Rights, to which Turkey is a state party, which states: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

- expressing concern that Mehmet Maksut was held in unacknowledged detention. Rule 7 (1) of the UN Standard Minimum Rules for the Treatment of Prisoners requires that all prisoners should be registered in a "bound registration book with numbered pages". Detention records should be available for scrutiny by families of detainees and lawyers.

APPEALS TO:

Diyarbak_r Gendarmerie

Diyarbak_r Jandarma Komutan_

Diyarbak_r Jandarma Komutanl___

Diyarbak_r, Turkey

Telegrams: Jandarma Komutanl___, Diyarbak_r, Turkey

Faxes: +90 412 2377113

Salutation: Dear General

Chief of Staff of the Gendarmerie

General Rasim Betir

Jandarma Kuvvetleri Komutanl___

Bakanl_klar

Ankara, Turkey

Telegrams: Jandarma Genel Komutani, Ankara, Turkey

Faxes: + 90 312 418 9208

Salutation: Dear Chief of Staff

Minister of the Interior

Mr Saadettin Tantan

Içi_leri Bakan_

Içi_leri Bakanl___

06644 Ankara, Turkey

Telegrams: Içi_leri Bakan_, Ankara, Turkey

Faxes: + 90 312 418 9208

Salutation: Dear Minister

COPIES TO:

State Minister with responsibility for Human Rights

Mr Mehmet Ali Irtemçelik

Office of the Prime Minister

Ba_bakanl_k

06573 Ankara, Turkey

Faxes: + 90 312 417 0476

Please also send copies to diplomatic representatives of Turkey accredited to your country. It is most important for our work that they should be aware of Amnesty International's members' concerns. Please forward any replies you receive to your Section, to be passed on to the International Secretariat.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 March 2000.