

TURKEY

Woman lawyer jailed for 30 years after unfair trial

Amnesty International is calling for the immediate and unconditional release of Sevil Dalk_1_ç. She was sentenced to 30 years' imprisonment after legal proceedings which were marked by serious abuse of investigative and detention procedures, including the use of torture. Amnesty International believes that Sevil Dalk_1_ç is the victim of a grave miscarriage of justice, apparently targeted because of her political and professional activities.

Sevil Dalk_1_ç is a lawyer who practised in Kaman, a small town between Ankara and K_r_ehir. She was secretary of the local branch of SHP (Socialdemocrat Populist Party) in Kaman and administrator of the local *halkevi* (People's Houses - cultural and educational centres). She is currently held in Sakarya Prison serving a 30-year sentence imposed by Ankara State Security Court for her alleged membership of the illegal Kurdish Workers' Party (PKK) and her alleged participation in a number of bombing incidents.

Sevil Dalk_1_ç was detained by the security forces at her home in Kaman on 2 March 1994 after she had investigated the death of a person of Kurdish background who had been killed in suspicious circumstances in a traffic accident. It had been alleged that there might have been state involvement in his death. The dead man's brother, who had asked her to take on the case, was later one of her eight fellow defendants.

Sevil Dalk_1_ç, then aged 33, reported that she feared for her life when she was taken from her home by security forces at 2am in the morning in what appears to have been a terrifying raid in which the family house was wrecked and shots were fired. A relative described what happened:

"They raided Sevil's house at two in the morning of 2 March 1994. Since I live very close to Sevil I went immediately to her home. They did not let me in. The Special Team [Special Operations Teams: heavily armed police units trained for close combat with members of the illegal armed Kurdish Workers' Party and operating under the

control of the Interior Ministry] were there. They were wreaking terrible destruction in the house. They killed the pet birds kept in the house. They threw her dog down from the balcony. They tore up flowers that were in the house. They fired shots into the floor to frighten people. Down below I was very afraid to hear the gunshots. I thought that they had killed Sevil. This search and terrifying wait lasted for two hours. Later they manhandled Sevil into a car and drove her off. They took Sevil's money and jewelry with them. As they left they told us not to go into the house. At that time I was pregnant. As a result of these dreadful days I lost the baby. When daylight dawned I and my family panicked. We got no news of Sevil after they took her away... We began to think that she was dead."

Sevil Dalk_1_ç was held in a cell at Ankara Police Headquarters for 15 days and reportedly tortured by the police until they extracted a statement from her. She reported that as well as being exposed to verbal abuse and death threats, she was repeatedly sexually assaulted and threatened with rape. According to her account, her jaw was dislocated by a blow to the right side of the head, and she was subjected to electric shocks and hosed with pressurized cold water. She was forced to watch fellow detainees being stripped and beaten, was denied sleep and food, and access to toilet facilities.

A medical certificate issued after examination on 16 March by the Forensic Medicine Institute in Ankara stated that "no external signs of blows or force were observed". However, an x-ray examination carried out one month later, on 12 April, at Ankara Numune Hospital revealed "bilateral dislocation" of her jaw.

At her trial Sevil Dalk_1_ç was charged with being a member of the illegal Kurdish Workers' Party (PKK), with throwing explosives, and with separatism. The only evidence brought against her was her own statement made in police custody, apparently under torture, which she rejected in court, incriminating statements made by other defendants in the trial, apparently also under torture, and police statements prepared when police took the accused to the scenes of the bombing incidents. One of her fellow defendants admitted that he was a member of the PKK but stated that his fellow defendants were not guilty and asked for their release.

To Amnesty International's knowledge, Ankara State Security Court completely neglected to conduct any investigation into Sevil Dalk_1_ç's complaint of torture, and at the same time admitted as evidence in court a statement allegedly extracted under torture. Article 15 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires that "any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made".

In the statement extracted from her at Ankara Police Headquarters, Sevil Dalk_1_ç “admitted” to having participated in five actions, all of which she later denied in court. Sevil Dalk_1_ç’s alleged part in these actions was to have taken others to the scene of the incident, sometimes in her own vehicle, and to have waited for them to complete the action. These “admissions” were unsupported by any forensic evidence or eye-witness testimony. In the case of one of the five incidents for which she was convicted, the bombing of the Justice Building in K_r_ehir, an expert report revealed that the explosion in question had been caused by empty aerosol cans heating up and exploding in a nearby rubbish bin. In the case of the final incident, the bombing of the headquarters of the National Action Party (MHP - an extreme right-wing political party) on 22 December 1993, Sevil Dalk_1_ç was actually in court in K_r_ehir on that day attending trial as defence counsel.

Sevil Dalk_1_ç was found guilty by Ankara State Security Court of being a member of the PKK, under Article 168/2 of the Turkish Penal Code and under the Anti-Terror Law, and was sentenced on 7 February 1995 to 15 years’ imprisonment. She received additional prison sentences under Article 264 of the Turkish Penal Code for her alleged part in each of the bombings, bringing the total to 30 years. On 13 October 1995 the Appeal Court confirmed the sentence.

Amnesty International has in the past raised with the Turkish authorities many cases of harassment, death threats and even torture of lawyers, human rights defenders, trade unionists and political activists, and recently the organization has raised a number of other cases where such people faced serious charges which were quite plainly manufactured for the purpose of intimidating and silencing them.

Amnesty International is calling for the immediate and unconditional release of Sevil Dalk_1_ç as a prisoner of conscience, and is appealing that her complaint of torture should without further delay be thoroughly and impartially investigated, as required under Article 12 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.