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**TURKEY: AMNESTY INTERNATIONAL URGES CHANGES IN THE DRAFT
LEGISLATION ON POLICE DETENTION**

Amnesty International today urged the Turkish parliament to amend the draft legislation on police detention and then to make it law without delay. The draft law was submitted to the parliament on 27 November.

“This legislation is urgently needed, but is seriously defective in its current shape. It is time that Turkey’s democratic institutions made their mark on the question of human rights -- this is their opportunity, ” Amnesty International said.

The new law proposes that detainees suspected of political offences can be held for four days incommunicado, but that the detention should be extendable to seven days on the order of a judge, with access to a lawyer after the first four days. In the provinces under state of emergency, the maximum detention period can be further extended to 10 days on the order of a judge.

The European Committee for the Prevention of Torture described the planned reduction in maximum police detention periods as "a significant step in the right direction", but was categorical in describing the four days' incommunicado detention envisaged in the new bill as being "not acceptable" since access to a lawyer is the most effective safeguard against ill-treatment and torture.

On 18 December the European Court of Human Rights found that Turkish security forces were responsible for the torture of Zeki Aksoy in detention in November 1992. He was held in police custody for 14 days in Mardin, southeast Turkey, where he was subjected to beatings, electric shocks, hosing with cold water and being suspended by his arms which were tied behind his back. The court ruled that this treatment amounted to torture, that the length of detention was excessive, and that insufficient safeguards were provided.

Amnesty International sees the proposed legislation as a genuine effort by the Turkish Government to tackle torture, but believes that in order to make this legal change not just a gesture but a decisive break with the past it must contain the following additional elements:

- Detainees must have access to their lawyer at an earlier stage than the planned four days, which cannot be considered as fulfilling its obligation to provide “prompt access” (UN Basic Principles on the Role of Lawyers, Principle 7).
- The law must clearly define that access so that the detainee will have continuous and free access to a lawyer throughout custody and interrogation, should the detainee so wish.

- The law should contain a clear indication of the judicial authorities responsible for its implementation and enforcement. Measures must be taken to avoid what happened in the early 1990s when those detained for political offences had the right on paper to see a lawyer but this was routinely ignored by police, gendarmes and prosecutors alike.
- The law should contain, as a safeguard against the newly established practice of “disappearance”, explicit and detailed instructions of how relatives are to be promptly informed of detentions and of what records (open to inspection by lawyers and families) will be kept of detentions.

A final measure, which could also be effected by a simple circular from the Justice Minister, would be the clarification that children, even if detained for political offences, shall still be dealt with in line with Law 2253, Article 19, which requires that the preliminary questioning of minors of up to 15 years of age must be carried out by the state prosecutor in person or by an assistant delegated by him. Police, prosecutors and gendarmes have interpreted the law in such a way as to permit them to hold juveniles in incommunicado detention for days or weeks. This has resulted in a marked increase in reports of torture of children in the mid-1990s.

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