

EXTERNAL (for general distribution)

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Further information on UA 56/91 (EUR 44/22/91, 15 February 1991) - Fear of Ill-treatment

New Legal Concern - please ask lawyers' groups to send appeals

TURKEY: Erol Özpolat

On 26 February 1991 the Chief Prosecutor at Ankara State Security Court extended by 10 days the detention period for Erol Özpolat, who is currently held at the Political Branch of Ankara Police Headquarters. On 11 February, Erol Özpolat, who had been wanted by the police on suspicion of involvement in a political murder, presented himself to the authorities in Ankara, reportedly to prove his innocence.

Erol Özpolat had already reached the maximum of 15 days, permitted under Article 128/2 of the Turkish Criminal Procedure Code, when his detention period was extended. This extension is also contrary to Article 16 of the State Security Court Statute, which directs that the maximum period of detention under any circumstances should not be longer than 15 days. Upon protest petitions submitted by lawyers, the Bench of Ankara State Security Court concurred that the Chief Prosecutor's decision was improper, but stated that it was not competent to overturn it. Protests against prosecutors can only be heard by the Ministry of Justice. The lawyers presented petitions of protest to the Ministry of Justice. A large number of complaints against this Prosecutor are reportedly outstanding at the Ministry of Justice, which has so far failed to take any action.

Erol Özpolat's lawyers are still not allowed to see him. A released fellow-prisoner reported to have seen him "weak and tired". Erol Özpolat has only one functioning kidney. Given the extended period of incommunicado detention, there is increased fear that Erol Özpolat is being interrogated under torture.

Erol Özpolat had previously been detained in October 1989 when distributing leaflets in Ankara and was reportedly ill-treated on that occasion.

BACKGROUND INFORMATION

Turkey ratified the European Convention for the Prevention of Torture on 25 February 1988 and the UN Convention Against Torture on 2 August 1988. However, all information available to Amnesty International indicates that torture is still widespread and systematic in Turkey. Allegations of torture have continued since the transfer of power to a civilian government in 1983. Most allegations relate to ill-treatment of detainees in police custody during their initial interrogation when they are usually denied access to relatives or a lawyer. Under current legislation the maximum detention period before being formally charged or released is 24 hours; in cases involving three or more suspects or due to the 'nature of the crime' it may be extended to 15 days. This period may be extended to 30 days in areas under emergency legislation or martial law. Emergency legislation is currently in force in ten provinces in the southeast of Turkey, but not in Ankara.

In August 1990, the Turkish government derogated from Articles 5, 6, 8, 10, 11 and 13 of the European Convention on Human Rights, all of which contain important safeguards for human rights.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- urging that Erol Özpolat is given prompt access to his family and lawyer and that he is not ill-treated while in detention;
- calling for an inquiry into the apparent breakdown of police and prosecution procedures at Ankara State Security Court.

APPEALS TO:

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Telegrams: Justice Minister Sungurlu, Ankara, Turkey
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President Turgut Özal
Office of the President
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and to diplomatic representatives of Turkey in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 April 1991.