

EXTERNAL (for general distribution)

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Further information on EXTRA 101/93 (EUR 44/110/93, 19 November 1993) and follow-up (EUR 44/121/93, 17 December) Fear of torture/Legal Concern

TURKEYHüsniye Ölmez (f); Meral Dan__ Be_ta_ (f), Secretary of the Human Rights Association (IHD) branch in Diyarbak_r; Mesut Be_ta_, her husband, IHD member; Sabahattin Acar (note correct name); Baki Demirhan; _inasi Tur; Arif Altunkalem, IHD member; Nevzat Kaya; Vedat Erten; Tahir Elçi (from Cizre); Niyazi Çem (from Istanbul); Fuat Hayri Demir (note correct name); Gazanfer Abbasio_lu; Selim Kurbanolu; mam_ahin; Arzu_ahin (f) - all LAWYERS

Eight of the lawyers named above are currently in prison: Hüsniye Ölmez, Mesut Be_ta_, Sabahattin Acar, Vedat Erten, Tahir Elçi, Selim Kurbanolu, mam_ahin and Arzu_ahin. There is a warrant for the arrest of Arif Altunkalem.

Amnesty International has received statements made by two of the lawyers who were formally arrested on 11 December 1993 and committed to Diyarbakir Prison.

On 18 November, Sabahattin Acar was taken for interrogation. He states that the police claimed he had direct links with the PKK, and asked why he took up cases of PKK defendants, and prepared reports on human rights. He says he was "*tortured in a degrading manner*", but gives no details, except saying that at one time he was taken outside, stripped naked, and asked what information about human rights he had faxed to which European institutions and organizations. They also threatened to take him out of the city and kill him, loading their weapons and starting up a vehicle. On hearing the sounds of his colleagues being tortured, Sabahattin Acar signed a police statement with his eyes still blindfolded.

Tahir Elci was detained on 23 November at his office. Blindfolded, he was taken to Cizre Police Headquarters and there confronted with all the reports he had prepared about human rights abuses in the area, the copies of personal petitions on behalf of villagers forcibly evacuated from their villages which he had submitted to the European Human Rights Commission of the Council of Europe and related correspondence, and copies of Amnesty International Urgent Actions. They began to torture him, saying "*Bastard, is it your job to represent these peasants? If you research human rights violations, forcibly evacuated villages, and disappearances, we will kill you*". He says they beat him up and stripped him. "*I was completely naked - they squeezed my testicles violently. This went on for about an hour. In the evening I was taken to Cizre Gendarmerie Headquarters where I was left in a basement, blindfolded for about two days...*"

He was moved to Diyarbakir Gendarmerie Intelligence interrogation centre where he was made to lie on a concrete floor. "*It was forbidden for me to try to*

stand. I was taken to the toilet twice and given one slice of stale bread in 24 hours. They asked me why I acted in political cases, and why I concerned myself with human rights. They tried to get me to confess that I had links with the PKK and that I had acted as a courier. When I denied this I was insulted and beaten. On one occasion they put me in a military vehicle and drove me out of the city to a place in the countryside. On the way they said that they would kill me - shoot me under a bridge. I do not know where I was because my eyes were bound, but they lay me on the ground, and while kicking, slapping and insulting me, they put a barrel of a gun in my mouth. I still resisted making the admissions they were demanding, and because of this they shot dozens of bullets around me..."

Tahir Elci says he was subjected to more torture at the interrogation centre, before being brought before the prosecutor on 10 December. *"I was arrested on the basis of a statement made against me by [name withheld] who had availed himself of the Repentance Law, and an illegal publication and writings which were allegedly found in my office. My brothers were present during the search of my office - no such publication was found. I am now in Diyarbakir E-type Prison. This has economically destroyed me. Moreover the files of about a hundred cases that I was acting in were seized by the Cizre Police, leaving my clients in a very difficult position."*

BACKGROUND INFORMATION

Under Article 40 of the Law on Legal Representation, investigation of any crime suspected of being committed by a lawyer in the course of their professional duty is subject to permission by the Ministry of Justice and should be carried out by an authority appointed by the Ministry.

Circular 46 issued by the Ministry of Justice on 27 June 1970, and another circular of 27 March 1971 state that, because of issues of professional confidence, investigation of crimes committed during their activities as lawyers, and also personal crimes, should not be left to the police, but should be carried out directly by the public prosecutor and his assistants.

FURTHER RECOMMENDED ACTION: Please send telegrams, faxes, express and airmail letters either in English or in your own language:

- expressing concern about the allegations of torture made by the lawyers Sabahattin Acar and Tahir Elçi;
- requesting that the allegations of torture be thoroughly and impartially investigated, and that those responsible should be brought promptly to justice;
- noting that the allegations are consistent with the findings of the European Committee for the Prevention of Torture in December 1993, and of the United Nations Committee against Torture, that the practice of extended incommunicado detention contributes to the widespread problem of torture in Turkey.

APPEALS TO:

1) Minister of the Interior
Mr Nahit Mente_e
İçişleri Bakanl____
Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Faxes: +90 312 428 4346

Salutation: Dear Minister

2) Minister of Foreign Affairs

Mr Hikmet Çetin
D__i__leri Bakanl____
06100 Ankara

Telegrams: Foreign Minister, Ankara, Turkey

Faxes: +90 312 287 3869

Salutation: Dear Minister

COPIES TO:

Minister of Justice, Mr Seyfi Oktay

Adalet Bakanl____

06659 Ankara, Turkey

Faxes: 90 312 417 3954

and to diplomatic representatives of Turkey accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Appeals may be sent until 28 February 1994.