

EXTERNAL (for general distribution)

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UA 56/91 Incommunicado Detention/Fear of Ill-Treatment 15 February 1991

TURKEY: Erol Özpolat

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On 11 February 1991, Erol Özpolat, who has 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. He has since been held incommunicado while being interrogated at the State Prosecutor's Office. He is thought to be held at the Political Police during the night. His lawyer has been refused access to his client. The right of a detainee to confer with legal counsel during all stages of the investigation is an important safeguard against improper methods of interrogation, which may give rise to concerns of unfair trial and ill-treatment. This right is provided for in Article 136 of the Turkish Criminal Procedure Code, but has been routinely ignored by police and prosecutors, despite two recent circulars from the Prime Minister's Office reminding law enforcement officials to ensure that detainees have access to their lawyer.

Erol Özpolat was previously detained in October 1989 when distributing leaflets in Ankara, and was reportedly ill-treated on that occasion. It is feared that he may be tortured while in police custody.

#### 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.

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.

#### RECOMMENDED ACTION: Telegrams/telexes/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;
- requesting to be informed of the charges against him.

**APPEALS TO:**

President Turgut Özal  
Devlet Ba\_kanli\_i  
06100 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey  
Telexes: 44061/44062/44063 BBMT TR, 42099 BASB TR or 42875 BBK TR  
Faxes: +90 41 17 04 76 or +90 42 30 88 96 (attn. Prime Minister)

Mahmut Oltan Sungurlu  
Minister of Justice  
Adalet Bakanl\_\_i  
06659 Ankara, Turkey

Telegrams: Adalet Bakanligi, Ankara, Turkey  
Faxes: +90 41 25 40 66

**COPIES 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 29 March 1991.