

PUBLIC

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EXTRA 55/98

Fear of torture or ill-treatment / Medical concern

13 August 1998

TURKEY

Yavuz Binbay, Kurd, aged 42, human rights worker

Amnesty International is concerned for the health and safety of Yavuz Binbay who was detained in Diyarbakır on 11 August 1998 and is being held incommunicado at the Anti-Terror Branch of Diyarbakır Police Headquarters. He has reportedly been refused regular medication he requires for a chest complaint. It is also feared he may be tortured or ill-treated.

Yavuz Binbay was detained at Yenişehir Police Station in Diyarbakır after he had gone there with his lawyer to make a statement regarding a traffic accident. His detention was carried out by officers of the Anti-Terror Branch who arrived at the station and took him to Diyarbakır Police Headquarters. His lawyer, who subsequently appealed to the prosecutor's office to gain access to Yavuz Binbay, has been informed that this cannot be granted until after four days.

At the time of his arrest Yavuz Binbay asked his lawyer to ensure that his regular medication be brought to him. However, when his family took it to the police headquarters they were told that Yavuz Binbay had said he did not need it. Yavuz Binbay is in general poor health and on medication for a number of complaints including chest problems.

Yavuz Binbay, formerly from Van in eastern Turkey where he was president of the local branch of the Turkish Human Rights Association, has been the subject of several previous Urgent Actions.

In March 1992 Yavuz Binbay suffered life-threatening injuries after he was severely beaten by police in Van city for his attempts to mediate in a public disturbance. Following this assault he was admitted to intensive care with a total of six skull fractures and a crack in the orbit of his eye. While in intensive care he had a series of heart attacks and required emergency surgery to remove blood clots. On his release from hospital he was immediately imprisoned, despite his poor state of health, and put on trial for collective criminal damage, unlawful demonstrations, separatist propaganda and resisting arrest. He continues to suffer chest and back pains and shortness of breath. After his release he was subject to ongoing death threats.

In January 1994 he was again detained but released the following day as a result of intense international pressure. He subsequently sought political asylum and medical treatment in Switzerland but returned to Turkey in 1997 to set up the İnsan Yardımı ve Kalkınma Vakfı (IYKAV) Humanitarian Aid and Regeneration Foundation. This aims to create employment, education, housing and medical care for Kurdish villagers who have been forcibly evacuated from their villages.

BACKGROUND INFORMATION

People suspected of offences under Turkey's Anti-Terror Law can be held in police custody without access to family, friends or legal counsel for up to four days. The detention period may be increased to 10 days in the six provinces currently under State of Emergency, including Diyarbakır, and to seven days in the rest of Turkey. After the fourth day the law requires that detainees have access to a lawyer, but this has not been consistently observed in practice.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing concern for the health and safety of Yavuz Binbay, detained in Diyarbak_r on 11 August 1998, and currently held incommunicado at the Anti-Terror Branch of Diyarbak_r Police Headquarters;
- appealing that he not be subjected to torture or any other form of ill-treatment, in line with Article 5 of the Universal Declaration of Human Rights;
- urging that he be permitted to receive any medication and medical care he may require due to his poor state of health;
- asking to be informed of any charges brought against him.

APPEALS TO:

Minister of the Interior:

Mr Kutlu Akta_
İçişleri Bakanl____
Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Faxes: + 90 312 428 4346 / 418 1795 / 417 2390

Salutation: Dear Minister

Diyarbak_r Chief of Police

Mr Gaffar Okan
Diyarbak_r Emniyet Müdürlü_ü
Diyarbak_r, Turkey

Telegrams: Emniyet Muduru, Diyarbakir, Turkey

Salutation: Dear Sir

Emergency Legislation Governor

Mr Ayd_n Aslan
Ola_anüstü Hal Valisi
Diyarbak_r, Turkey

Telegrams: Olaganustu Hal Valisi, Diyarbakir, Turkey

Telexes: 72110 OHVT TR

72084 DYVA TR "please forward to the Governor"

72090 JASY TR

Salutation: Dear Governor

COPIES TO:

State Minister with responsibility for Human Rights

Mr Hikmet Sami Türk
Office of the Prime Minister
Ba_bakanl_k, 06573 Ankara, Turkey

Faxes: + 90 312 417 0476

and to diplomatic representatives of Turkey accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 5, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>