

TURKEY

Student campaigners tortured and imprisoned

In late 1995 and throughout 1996 widespread student protests took place in Turkey. Referring to Article 54 of the Turkish Constitution which grants everyone the right to free and equal education, the students were calling for the abolition of tuition fees which in some universities had risen by up to 350 per cent, for an increase in state loans to students, for the removal of police, gendarmerie and special security units from campuses, and for an end to privatization in education. The students also deplored a deterioration of the education system in spite of the high fees. They were campaigning for their demands by collecting signatures on petitions, demonstrations, refusal to pay the fees and, as a last resort, sit-ins in university buildings.

Following an unrelated violent incident in Ankara, the capital, on 30 March 1996, in which three petrol bombs were thrown into a street in the city centre, 31 students from universities in the city were detained almost three weeks later at their homes, their university or in the street. The detainees included active student representatives who had been prominent in the protests. The detentions occurred days before a major student demonstration planned for 24 April in Istanbul.

Some of the students were released shortly afterwards, but a number of them were held in incommunicado detention for up to two weeks. They allege that during this time they were coerced, through beatings and torture, to make confessions implicating them in membership of an illegal armed organization, and the storage and throwing of petrol bombs. Their allegations of torture are in some cases corroborated by medical evidence. Some of the students - both male and female - allege that they were sexually assaulted by police officers.

At trial their confessions were presented by the prosecution in court, in spite of the fact that the students had withdrawn their statements, claiming that these had been made under extreme duress. The court failed to investigate their allegations of torture, as it is bound to do under Articles 12 and 13 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Turkey is a State Party.

Eight of the students were eventually convicted of membership and support of an illegal armed organization and sentenced to terms of imprisonment of up to 18 years.

The students claimed that the police had laid a trail of false evidence. One witness who could have attested to fabrication of evidence by police was not allowed to testify in court. On the other hand the court showed a readiness to admit unlawfully obtained confessions and to rely on very questionable evidence to link the students to an illegal organization which, according to political commentators in Turkey, does not exist. These and other irregularities which occurred during the proceedings lead Amnesty International to conclude that the students were denied a fair trial.

Before their arrest, these students had mounted a peaceful but very successful public campaign for reforms in education. This would certainly have brought them to the attention of the police. Amnesty International concludes that the circumstances suggest that the students were targeted because of their previous peaceful campaigning and that they are prisoners of conscience, imprisoned for their non-violent principles and activities.

Case history

Almost three weeks after a violent incident in Ankara on 30 March 1996, in which three petrol bombs were thrown into a street in the city centre and a poster with the picture of a charismatic student leader killed 24 years ago that day was left at the scene, 31 students were detained between 17 and 22 April. They were taken to the Anti-Terror Branch of Ankara Police Headquarters. Seven students were released within a few days, but the others were held incommunicado for periods of up to 15 days¹, without access to legal representation.

¹ In March 1997, in recognition that the conditions of detention in Turkey were a factor in the persistence of torture and in response to very strong international pressure, the Turkish Government shortened the maximum incommunicado detention period to four days. Detention can be extended by a judge for a further six days in the region in the southeast of the country which is under state of emergency, and for three days in the rest of Turkey, including Ankara. During these additional days the detainee is entitled to access to legal counsel. The new arrangements amount to a substantial improvement but still do not meet international standards.

On 25 April two of the detainees, Bülent Karaka_ and Mahmut Y_lmaz, were taken by Anti-Terror Branch officers to the apartment they shared in Dikmen, Ankara, where a search was conducted. Petrol bombs, a banner and a number of documents were found. A similar search was conducted at the apartment shared by female students Deniz Kartal and Elif Kahyao_lu, where political literature and banners ("organizational material") were found. All four students later maintained that these items had been planted by the police.

Between 27 and 30 April the State Security Court Chief Prosecutor visited Ankara Police Headquarters to take testimony from the students held there.

On 1 May the 24 students still held in custody were brought before the investigating judge at Ankara State Security Court No. 1. The judge released 17 students (some to face later trial), but ordered the formal arrest of seven students - Ahmet A_k_n Do_an, Özgür Tüfekçi, Bülent Karaka_, Mahmut Y_lmaz, Deniz Kartal (f), Nurdan Bay_ahan (f), and Elif Kahyao_lu (f), who were removed to Ankara Central Closed Prison.

On 7 May lawyers acting for the students objected to the continued imprisonment of their clients. The court overruled the objection. The seven students were later transferred to hospital with medical problems apparently stemming from torture, although the hospital did not issue medical certificates².

On 7 June 1996 an indictment was issued against the seven imprisoned students and another eight: Selda Salman (f), Halise Karaaslan (f), Yekbun Uzun (f), Mehmet Kahraman, Mestan Dinçer, Özgür Y_lmaz, Faruk Ad_güzel and Hacı Ferhan Temiz. The indictment claimed that the 15 were "members of an illegal organization" who had "kept and used explosive materials (petrol bombs)".

The indictment also listed a number of completely non-violent and non-political activities in which the students had taken part, in addition to the incident in Ankara on 30 March 1996 at which it was alleged that Ahmet A_k_n Do_an, Bülent Karaka_ and Özgür Tüfekçi had thrown petrol bombs.

The trial started on 10 July 1996 at Ankara State Security Court No. 2. The State Security Court Prosecutor claimed that the students were members or supporters of an illegal organization known as "Devrimci Gençlik" (Revolutionary Youth), a political grouping supposed to have split in the early 1990s from the organization "Devrimci Yol" (Revolutionary Path). The prosecutor stated that "Devrimci Gençlik" aimed to overthrow the constitutional order by force

² State doctors and medical examiners, under pressure from members of the security forces, sometimes make only cursory examinations of detainees, overlook *prima facie* evidence of torture or refuse to issue medical certificates. The State Forensic Medicine Institute has also been found to issue misleading health certificates to suppress medical evidence of torture. This practice has been documented by Amnesty International (*Turkey: Human Rights and the Health Professions*; AI Index: EUR 44/159/96).

and establish a socialist order based on Marxist principles. He quoted extracts from a magazine, also named *Devrimci Gençlik*³, in support of his accusation. Physical evidence found in the course of the police searches was produced in court.

In their defence, the students stated that they were university students, not members of an illegal organization, and that they were protesting against problems in the educational system in a peaceful and lawful manner. As examples of the lawful nature of their protests they cited the presentation to Parliament of a petition with 350,000 signatures gathered by students nationwide, and a test case they had brought to the Supreme Administrative Court (see below). They denied throwing petrol bombs at the incident of 30 March and claimed that police had planted petrol bombs and other evidence at their homes. Some acknowledged that they had read the *Devrimci Gençlik* magazine, which is a legal publication, but all denied being members of an organization called "Devrimci Gençlik". They claimed that they had been tortured while in detention at Ankara Police Headquarters and forced to make false statements incriminating themselves. In these statements they had admitted to having thrown a total of nine petrol bombs, whereas reportedly only three had actually been thrown at the 30 March incident.

Experienced commentators on the Turkish political scene contacted by Amnesty International were not aware of the existence of an armed group called "Devrimci Gençlik". The peaceful campaigning previously undertaken by the students seems at odds with the violent and extra-legal philosophy of the supposed organization "Devrimci Gençlik".

After the first hearing Deniz Kartal and Nurdan Bay_ahan were released. On 25 July 1996 two further students, Metin Murat Kalyoncugil and Belgin Cengiz (f), were detained and on 30 July Metin Murat Kalyoncugil was charged, formally arrested and sent to prison with the other students. He reported that he had been tortured in police custody, which was later corroborated by a medical certificate issued by the Ankara Forensic Medicine Institute. Belgin Cengiz was released pending later trial and began to receive medical treatment, apparently because of the torture she had undergone in detention. Metin Murat Kalyoncugil and Belgin Cengiz were included in the trial at its third hearing on 20 September.

The prosecution summed up its case on 21 October 1996. It was alleged that Bülent Karaka_, Metin Murat Kalyoncugil, Ahmet A_k_n Do_an and Özgür Tüfekçi were "members of an illegal organization" (in breach of Article 168 of the Turkish Penal Code and Article 5 of the Anti-Terror Law) and that they had "kept and used explosive materials (petrol bombs)" (in breach of Article 264 of the Penal Code covering unlicensed trade or activity in explosive materials); that Mahmut Y_lmaz was "a member of an illegal organization"; and that Deniz Kartal, Elif Kahyao_lu and Nurdan Bay_ahan had "knowingly and willingly aided and abetted the illegal organization" (in breach of Article 169 of the Penal Code and Article 5 of the Anti-Terror Law).

³ An excerpt from the magazine quoted by the prosecutor was: "We express our belief in socialist culture and revolutionary discipline and that under the conditions in our country the revolution will take place on the basis of armed struggle".

In the trial hearing on 15 November 1996 the students denied the charges and reiterated their defence that they were university students, part of a democratic and non-violent student movement and not members of an illegal organization. They repeated their claims that they had been tortured in detention and that the police had fabricated evidence against them.

On 6 December 1996 the Court reached its decision. It convicted eight students of the charges and sentenced Ahmet A_k_n Do_an, Özgür Tüfekçi, Bülent Karaka_ and Metin Murat Kalyoncugil to 18 years 20 days' imprisonment, Mahmut Y_lmaz to 12 years and six months, and Nurdan Bay_ahan, Deniz Kartal and Elif Kahyao_lu to three years and nine months. There were also fines of varying amounts. Elif Kahyao_lu was released pending appeal because of the amount of time she had already spent in prison.

Selda Salman, Hacı Ferhan Temiz, Halise Karaaslan, Belgin Cengiz, Mehmet Kahraman, Mestan Dinçer, Yekbun Uzun, Özgür Y_lmaz and Faruk Ad_güzel were acquitted, but the prosecutor has appealed to the Court of Appeal for their acquittals to be overturned because they shouted slogans together with their convicted friends at the final court hearing⁴. All sentences will be considered by the Court of Appeal on 17 December, which will announce its decision in January 1998.

Allegations of torture: The students' experiences in their own words

The reports of torture began to emerge from the Anti-Terror Branch shortly after the initial police round-up. A small number of students were released within a few days and they claimed that detainees were being tortured at Ankara Police Headquarters. They said that three students, Mahmut Y_lmaz, Ahmet A_k_n Do_an and Bülent Karaka_, had been hosed with pressurized cold water and suspended by their arms. They further reported that a female student, Elif Kahyao_lu, had been tortured and had been seen limping in the corridor. Other female students were reported to have been threatened with rape. Acting on this information, Amnesty International issued on 26 April 1996 the first of two Urgent Action appeals. The Ankara branch of the Turkish Human Rights Association (HRA) also made efforts to intervene during this period.

On 1 May the students who had been released to face later trial contacted the HRA and made statements confirming the allegations of torture. Their testimony gave details of being pulled by the hair, of their heads being hit against the wall, suspension by the arms and sexual abuse.

⁴ There were disturbances in the court following the sentencing. The police reportedly beat a number of people attending the trial, including journalists, with truncheons and attempted to detain relatives of the students and other students. Fatma Feriha Öztürk, a former parliamentary Deputy and Chair of the Turkish Women's Union, was seriously injured and had to be taken to hospital.

These early reports were borne out in greater detail by the accounts the detainees themselves later gave to Amnesty International:

Özgür Tüfekçi

Özgür Tüfekçi was detained on 19 April 1996 and taken to Ankara Police Headquarters. According to his account, as he was led through the police garage to the Anti-Terror Branch block, one of the officers said to him: "This place is not like anywhere else you know. Once you have gone in through this door, you will not emerge in one piece".

Almost immediately Özgür Tüfekçi was blindfolded and taken for interrogation by four or five police officers. He reports that after some initial routine questioning one of the officers suddenly lifted him from his chair and hurled him against the wall, after which he was kicked repeatedly by the officers, one of whom twisted his testicles. After about 20 minutes he was stripped naked and thrown into a place "with tiled walls and a damp floor". Here he was hosed with pressurized cold water aimed particularly at his mouth and genitals. Then he was led to another room where his arms were extended sideways and tied to a long thick piece of wood attached to the wall, from which he was suspended:

"My feet no longer touched the ground. After a short period there was a tremendous pain in my neck and arms. One of the officers came up to me and began to pull out the hairs on my body. Then they poured hot water over me. I don't know how long I was hung there. When they let me down and threw me into a cell, I couldn't feel my arms."

After this Özgür Tüfekçi was interrogated many times. He reports that the punches, kicks, abuse, and threats went on

"A PLACE UNLIKE ANYWHERE ELSE YOU KNOW"

Clear evidence of torture in Ankara Police Headquarters has been found by an intergovernmental organization, the European Committee for the Prevention of Torture (CPT).

In December 1992 a CPT delegation made an unannounced visit to Ankara Police Headquarters. There, in a room on the top floor, the delegation discovered:

a low stretcher-type bed equipped with eight straps... fitting perfectly the description of the item of furniture to which persons had said they were secured when electric shocks were administered to them. No credible explanation could be proffered for the presence of this bed in what was indicated by a sign as being an 'interrogation room'.

The CPT report noted the reaction of the police officers present: "some expressed regret, others defiance".

The Turkish authorities have had every opportunity to banish the practice of torture from police stations. But in September 1996 a CPT delegation visiting Istanbul Police Headquarters again discovered "an instrument adapted in a way which would facilitate the infliction of electric shocks and equipment which could be used to suspend a person by the arms."

In the course of the same visit, after medically examining seven people who had recently been held in custody at Istanbul Police Headquarters, the CPT concluded that their cases "must rank among the most flagrant examples of torture encountered by CPT delegations in Turkey".

“until the arrival of the prosecutor to take our testimony in the rooms at police headquarters where we were being tortured”. Thereafter the physical abuse stopped, but the abusive language and threats continued until Özgür Tüfekçi’s appearance before the judge on 1 May.

Female student (identity withheld)

One of the female students was taken to the Anti-Terror Branch. After two hours or so she was taken upstairs blindfolded and accused of writing slogans on walls in the Etlik district of Ankara. She states that she was hosed with pressurized water and tied to a beam on the wall: “While I was hanging they were swinging my legs backwards and forwards, laughing. One of them said, ‘What a nice belly!’ and touched it.”

She alleges that she was then subjected to electric shocks. “They were moving the device up and down my body. A trace on my belly remained. One policeman said: ‘Maybe she knows better now’.” This program of torture was repeated four or five times. Finally she was told that the police knew she was not involved in the slogan-writing incident, but was then questioned about the 30 March incident. The student replied that she knew nothing about this, after which she was again suspended from the wall by her arms. Her T-shirt and bra were removed.

"At night I heard screaming. The next day they stripped me totally naked. Then things happened... [at this point, she became temporarily too upset to continue speaking to the interviewer from Amnesty International]. Then a friendly-seeming officer, whose voice I recognized, intervened to stop the sexual assault. I was asked again about the 30 March incident and then put back in my cell."

The next day she was asked to sign a confession, which she refused to do. But when she was again ordered to undress, she gave in. She alleges that officers then brought a prepared confession which she signed.

After seven to eight days in detention, during which she began a hunger strike, she was taken to a State Forensic Medicine Institute doctor. She says that one of the police officers who had tortured her waited behind a screen in the room while she was being examined.

"The doctor told me: ‘Undress!’ I said, ‘No, I can’t’. Then the doctor lifted my T-shirt and asked, ‘What’s this scar on your belly?’ He asked me again to undress and I refused. He wanted to have a look at my back and I refused. I was also very thin because of the hunger strike. The doctor also saw the traces on my arms. I said I wanted to go. The doctor was annoyed with me."

A report issued later by this doctor stated that no marks had been found on the student’s body.

After her release, the student went to the HRA, who referred her to the Human Rights Foundation (HRF). She describes the HRF doctor as “very understanding” when she refused to

allow him to touch her. She received treatment and was referred to see a psychologist. She says that when the psychologist asked her to recount her experiences she could only cry.

"I returned home. First I took a bath. I saw all the traces on my body and was shocked. I cried. At my trial I wanted to speak out about the torture. But I only said that my confession was given under duress... I still have marks on my body and I still have nightmares. In these nightmares I see the police kill a baby inside me. When I see a police officer or someone with a two-way radio I become tense."

Mahmut Y_Imaz

Mahmut Y_Imaz was detained on 17 April. Officers interrogating him at Ankara Police Headquarters said they did not want to harm him and told him that if he agreed to what they wanted he would be allowed to go. Mahmut Y_Imaz denied that he had been engaged in any illegal activity.

According to Mahmut Y_Imaz the following days passed with hours of beatings, verbal abuse and sexual assault. After the third day he was sprayed with pressurized water, directed at his testicles, stomach, kidneys and face. The officers told him that their methods would become ever harsher. On the sixth day, after being hosed again with water, Mahmut Y_Imaz's arms were bound "with something like a cotton rag" and he was made to get on a table. His arms were extended to each side and bound to a piece of wood attached to the wall:

"...and then they withdrew the table from beneath my feet. My body hung in the air. It seemed that my arms would break from the pain. At frequent intervals they brought the table back under my feet and thereby ensured that I did not faint from pain. They wanted me to make accusations about people with whom I had no link and to admit to allegations about myself."

Another student in detention at the time, Özgür Y_Imaz, said that Mahmut Y_Imaz was brought into his cell after this episode. "He was so exhausted he could not stand and he had difficulty breathing. First he was only sitting there without saying a word. His knee was injured due to the beating. There were bruises on his arms."

On the night of the seventh day Mahmut Y_Imaz says that he was taken into a room with a glass partition and again confronted with the same questions. "The walls of the room were covered with linoleum and behind the glass partition there were people." A heavily built man who kept swearing lifted him up by the collar and threw him at the wall again and again, kicked him and squeezed his testicles. "The heavily built man entertained himself by attempting to joke that they would destroy my manhood", said Mahmut Y_Imaz. "His way of entertaining himself lasted more than three hours."

On the ninth day of his detention Mahmut Y_Imaz was taken to a search of his apartment with his flatmate, Bülent Karaka_. Petrol bombs, a banner and documents were discovered which the two claimed had been planted in the apartment. Later that day he was interviewed by the Ankara State Security Court Chief Prosecutor, but Mahmut Y_Imaz says he did not learn that this was the Prosecutor until later. In Mahmut Y_Imaz's own words, the Prosecutor "came and took our statements at the police station under conditions of torture".

Bülent Karaka_

Bülent Karaka_ was detained at midday on 19 April as he was leaving the Faculty of Linguistics, where he is a student of Polish language and literature. He was pushed into a car with dark tinted windows, where he was forced to lie between the seats. Inside the car, he claims, he was repeatedly punched on his back and in his kidneys.

On arrival at Ankara Police Headquarters he was pushed into a room where he alleges four or five policemen beat and kicked him. He reports that he was repeatedly thrown at the wall and that the walls "had some special covering". He alleges that his testicles were squeezed and that he was then led to a room "like a shower cubicle" where he was sprayed with pressurized water.

After 15 or 20 minutes he was taken to another room and made to sit on a chair. His arms were tied to a beam and the beam was then lifted up on the wall.

"After a while my arms began to go numb and my muscles began to hurt terribly, as if a skewer was being pushed through them. At this point they sprayed me again with pressurized water and squeezed my testicles. One of them sexually molested me with his hand and by rubbing himself against me. Then they let me down and took me back to the interrogation room."

Bülent Karaka_ alleges that such sessions continued at intervals over the next four days. He claims that on 24 April, after being tortured and beaten again, Anti-Terror Branch officers tried to make him hold a petrol bomb, apparently in an attempt to get his fingerprints on the device, which he refused to do. The next day he was taken with Mahmut Y_Imaz to the apartment they shared. During this search petrol bombs were purportedly discovered.

Ahmet A_k_n Do_an

Ahmet A_k_n Do_an was detained on the night of 17 April. On 18 April in the afternoon ("I can guess this because it was the first day - later on I didn't know the time, whether it was night or day, or even which day it was") he describes being taken to a large area with a sloping floor and dim light. There was the sound of ping-pong balls and conversations.

"I began to tremble. They put me in a corner. They beat me and shouted at me as I stood there. From the different voices and conversations I realized that this was a

large group. The fists aiming punches at my stomach and other regions of my body were all different. They undressed me. They started to spray me with pressurized water. They shouted abuse and curses at me as they squeezed my testicles."

In common with the other detainees, Ahmet A_k_n Do_an reports being suspended from the wall by his wrists. He also reports that on several occasions he was led naked "to a room where the walls were covered with something soft". Here he was repeatedly beaten, kicked and sexually abused. "With my hands bound behind me they grabbed me by the hair and threw me against the wall. Every time I struck the wall I felt my internal organs shift."

Nurdan Bay_ahan

Nurdan Bay_ahan was detained at her family home on 19 April and taken to the Anti-Terror Branch. She was then blindfolded and taken to an interrogation room upstairs. She was accused of taking part in the 30 March incident and over the course of two hours she was beaten and had her hair pulled.

The next morning she was blindfolded and again led upstairs, where she was accused of being a member of "Devrimci Gençlik", an allegation she denied. She claims that the officers beat her badly and threatened to rape her. Then she was taken to the toilet, ordered to undress and hosed with cold water. "Finally I gave in and signed," she says. "I don't know what I signed."

On one further occasion Nurdan Bay_ahan was again taken upstairs. She thought this was for another interrogation session, "but it was the Prosecutor, who didn't introduce himself. Because of this, when he asked me about the confession I had signed, I didn't withdraw it but confirmed it."

Metin Murat Kalyoncugil

Metin Murat Kalyoncugil was detained on 25 July 1996 during a police raid at the *halkevi* (People's House - cultural and community centre) in Mamak, Ankara. He describes being kicked and punched during his interrogation sessions, and being repeatedly asked about various names and addresses. His interrogators told him that they knew everything and that he should confess, to which Metin Murat Kalyoncugil responded by staying silent.

"Then one of them made me get up, turned me to the wall, and removed my blindfold. In a soft fatherly voice he told me that what I was doing was folly, and that he did not want me to suffer. Referring to the other police officers, he said that they were animals capable of anything and that if I held out he could do nothing."

Later the "fatherly" policeman surrendered Metin Murat Kalyoncugil to the "animals". He claims he was stripped to his underwear and sexually molested. Then he was taken blindfolded to a large tiled room, where he was made to lean against the wall:

"From under my blindfold I could see the hosepipe they were attaching to the taps and the shiny leather of their shoes. Then they drenched my whole body with water. They tried to make me collapse on the floor. I was helplessly attempting to escape them and emitting a noise like a growl. The owners of the shiny shoes were laughing."

Metin Murat Kalyoncugil alleges that he was then bound by his wrists to a hard object on the wall and left suspended. Again he was hosed with pressurized water. He says he endured this treatment many times. "When they took me back to the cell, I was huddled into nothing more than my jacket. With a last effort I wrung out my sodden underwear and hung it up."

The Ankara Forensic Medicine Institute report of a medical examination of Metin Murat Kalyoncugil dated 30 July 1996, after which he was committed to prison, stated, "On the radial area of both wrists there are grazes 1cm in diameter with scabs which are about to peel."

Deniz Kartal, Elif Kahyao_lu and others

Many of the other students have given Amnesty International similarly detailed accounts of the torture they allege they were subjected to. Some students declared to the court that they had been tortured, and others told the court that their statements had been made under duress.

In her statement to the Ankara State Security Court Deniz Kartal said, "I was on the way to my home in Tuzluçay_r at about 6.30pm on 17 April 1996 when I was detained in front of Tuzluçay_r High School. From the day that I was detained I was subjected to various forms of torture. I was badly beaten, subjected to sexual assault, abuse, death threats and rape threats. By doing these things they hoped to make me admit that I was a member of an [illegal] organization. They did not even allow me to read the statement which they had written, but they forced me to sign it. Also the prosecutor took our statement at the police station where torture and threats were all continuing."

In her statement to Ankara State Security Court Elif Kahyao_lu said, "I was detained while walking in Sa_l_k Sokak on 17 April 1996 by persons whose identity I don't even know....We were subjected to various forms of torture during our detention."⁵

⁵ Elif Kahyao_lu also told Amnesty International that she had been sexually abused and threatened with rape in detention. When Elif Kahyao_lu was released from prison on 6 December 1996, she started to have treatment for 'back problems' in her home town of Izmit.

Disputed physical evidence

Two of the students, Bülent Karaka_ and Mahmut Y_Imaz, received sentences of 18 years 20 days and 12 years 6 months respectively, largely because of the petrol bombs and 'organizational material' (posters, banners, documents) which the police claimed were found at their home in Dikmen. However, Bülent Karaka_ and Mahmut Y_Imaz consistently denied in court that these items belonged to them and claimed that they had been planted by the police while they were in detention.

It was alleged at the trial, and Bülent Karaka_ confessed in the testimony taken from him in detention but which he subsequently withdrew, that he had thrown petrol bombs to stop traffic at the 30 March 1996 incident. Mahmut Y_Imaz, however, did not admit to having any connection with the items found at the flat and stated that he did not know by whom they had been placed there. According to Mahmut Y_Imaz:

"Nine days after being detained we were taken to witness a search of our apartment. I was taken with my flatmate Bülent Karaka_. Petrol bombs and documents had been planted in our house. When the record of the search was prepared, we said that these items did not belong to us. The police laughed and, indicating the signature of the prosecutor on the record, said, 'This is your house and what comes out of it is yours'."

Bülent Karaka_ claimed that on the day before the search, while under interrogation in Police Headquarters, Anti-Terror Branch officers had tried to make him hold a petrol bomb, apparently in order for him to leave fingerprints on it. He refused, so instead they took some of his hairs. An expert report stated that the hairs found on the banners at the flat matched Bülent Karaka_'s.

"Organizational material" was also found by the police at the flat shared by Deniz Kartal and Elif Kahyao_lu. Elif Kahyao_lu stated in her defence that the items were not hers and could have been placed there by anyone. Furthermore, when she was taken to the house by the police, the front door was broken. Deniz Kartal said that she was not even taken to any house search but was made to sign the search document while in detention at Ankara Police Headquarters.

There are some independent indications that physical evidence may have been planted by the police. A woman who wished to remain anonymous telephoned the HRA in Ankara and told them that she lived in the district of Dikmen opposite the apartment of the detained students Bülent Karaka_ and Mahmut Y_Imaz. She said that she had seen men dressed in civilian clothes come to the students' apartment. They were holding cardboard packages in their hands which they left inside the house. Shortly after these men had left, the students, escorted by a group of police, arrived. The relevance of this information was not obvious at the time, and later attempts to find the woman who had telephoned the HRA were unsuccessful, so she played no part in the trial.

It is also reported that inhabitants of the block of apartments in which Bülent Karaka_ and Mahmut Y_Imaz lived refused to sign the record of the search because they believed that the material had been planted there.

The father of one of the students has stated that he stayed overnight in the flat while his son was in detention and that he had not seen any petrol bombs or other items produced in court. He applied to the court to be allowed to testify, but his application was refused. The students pointed out that if there had been petrol bombs in the flat, then the father would have had a number of days to dispose of them after hearing of his son's detention.

An unfair trial

(1) Failure to investigate allegations of torture

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment lays a duty on States Parties, of which Turkey is one, to initiate a prompt and impartial investigation wherever there are reasonable grounds to suppose that an act of torture has been committed (Articles 12 and 13), and to ensure that any statement established to have been made as a result of torture shall not be invoked as evidence in judicial proceedings (Article 15).

In spite of apparently credible and consistent claims made by the students, to Amnesty International's knowledge the Turkish authorities have not initiated any investigation into the students' allegations of torture. No steps were taken to ensure that confessions which the students say were obtained through torture and which they refuted in court were not allowed in evidence.

(2) Improper conduct by the Chief Prosecutor

The students claim that between 27 and 30 April the Ankara State Security Court Chief Prosecutor took part in the interrogations at the police station and took testimony from the students there.

It is unusual for a prosecutor to collect testimony in the police station, this work normally being done in the prosecutor's office. The students claimed in court that the Chief Prosecutor did not identify himself on these occasions and that they therefore did not withdraw their statements then because they believed they were being interviewed by another policeman. If the Chief Prosecutor failed to identify himself, this was highly improper and was prejudicial to the interests of the defendants.

(3) Verdict reflects a possible prejudicial inference

The written verdict handed down by the Court (the "reasoned judgment") stated that Metin Murat Kalyoncugil had also been tried at Ankara State Security Court for throwing petrol bombs in May 1992 in the Emek district of Ankara. However, the judgment failed to mention that he had been acquitted of this charge.

(4) Failure to call a material witness

The father of one of the students has stated that he stayed overnight in his son's flat after his son had been taken into detention but before the police search took place. He claimed that he had not seen any petrol bombs or other items later produced as physical evidence by the prosecution. He applied to the court to give evidence, but his application was refused. That a material witness with such potentially important evidence should not be allowed to testify calls into question the fairness of the trial.

Prisoners of Conscience

While Nurdan Bay_ahan, Deniz Kartal and Elif Kahyao_lu remain free pending appeal, Ahmet A_k_n Do_an, Özgür Tüfekçi, Bülent Karaka_, Metin Murat Kalyoncugil and Mahmut Y_lmaz are now serving their sentences in Çank_r_ Closed Prison while awaiting the outcome of their appeal. Their ordeal has extended also to their families. A sister of Metin Murat Kalyoncugil described her visits to the prison:

"We each put up a show. They come out smiling and laughing, and we go in all smiles. We keep it up as long as we are in there in front of the bars. But once we get outside... At least there is no one there to see me crying... Metin always tells us to be strong. We are strong, but whenever I read his letters tears come to my eyes. This is something else - one cannot get used to it. These days I cry whenever I listen to music."

Amnesty International does not adopt as prisoners of conscience anyone who has used or advocated violence. The convictions of the students stated that Bülent Karaka_, Özgür Tüfekçi, Ahmet A_k_n Do_an and Metin Murat Kalyoncugil were guilty of throwing petrol bombs, and that all the convicted students had willingly aided, or were members of, an illegal organization that sought to overthrow the constitutional order by armed struggle.

Before the trial, the students had engaged in vigorous but invariably peaceful campaigning on educational issues. Their activities undoubtedly brought them to official notice.

- On 20 October 1995 students gathered in K_z_lay in Ankara to present a petition signed by 350,000 students to protest against rises in educational fees by up to 350 per cent. One of the students chosen to present the petition to the Deputy Leader of Parliament was Mahmut Y_Imaz.
- On 15 February 1996 Ankara students presented money and clothes to the survivors of an earthquake in Dinar. On the presentation committee were Mahmut Y_Imaz, Bülent Karaka_, Özgür Tüfekçi and Belgin Cengiz.
- On 28 February 1996 eight students at Hacettepe University who were unable to enrol at the university because they could not pay their fees appealed to Deputies in the parliament building and put up a banner saying "No to fee-paying education". Parliamentary Deputy Necdet Menzir, a former police chief of Istanbul, was said to have commented, "Who let these terrorists in here?". Among the eight students were Mahmut Y_Imaz and Deniz Kartal.

- On 1 March 1996 another petition was presented to the authorities responsible for student housing, by Ahmet A_k_n Do_an, Bülent Karaka_ and Özgür Tüfekçi.
- On 27 March 1996 the students gathered outside the Ministry of Education and their delegates spoke with the then Minister for Education, Turhan Tayan, about their problems in paying the higher fees. The Minister promised to look into the matter.

In their testimony to the court the students were categorical in their denials that they had participated in any illegal or violent activity:

Nurdan Bay_ahan stated: "I participated in actions to end educational fees. My aim in participating in these demonstrations was simply to draw attention to this problem. During the course of demonstrations in which I participated, no event occurred which would disturb the peace or public order."

Özgür Tüfekçi: "In the face of all these problems [concerning educational fees] the only solution open to the students was to work to make their voice heard by the appropriate bodies - namely the government - through legal and reasonable channels. I carried out no violent acts of terror on behalf of any illegal organization".

Deniz Kartal: "On the basis of the supremacy of the rule of law, I opened a case at the Administrative Supreme Court to have myself enrolled for study. The same day, I talked to the State Education Minister Turhan Tayan in order to achieve a solution to our problems. He made a speech stating that he would take our questions to the Council of Ministers. None of my activities were directed in any way towards social disorder, or a breach of the peace. I have no relations with any illegal organizations or persons. I participated in no actions with any ideological aims."

Bülent Karaka_: "During my entire life I have never had any direct or indirect connection with any illegal or similar group or organization. I have never participated in any illegal action nor any action which would create public disorder. My personal character would prevent me from participating in any such actions."

In defence of his own non-violent protests Ahmet A_k_n Do_an quoted a speech made by Süleyman Demirel, currently President of Turkey: "The liberation of the universities can only be carried out by the universities themselves, and not the political authorities. Universities must transform themselves into contemporary scientific and research institutions. Only you can destroy YÖK⁶."

⁶ The statement was quoted in the newspaper *Sabah* (Morning), 11 October 1991. YÖK is the much detested Higher Education Institute, established by the military junta in the 1980s.

The evidence intended to show that the students were members of an illegal organization dedicated to the armed overthrow of the State is weak. The magazine *Devrimci Gençlik*, which some of the students freely acknowledged reading, is an example of radical literature commonly read in student circles across the world. The only evidence consists of the statements apparently given under torture and the much disputed items "found" in the course of police searches. All this evidence is open to considerable doubt.

On the basis of the students' statements before the court, the peaceful and lawful nature of their previous campaigning, and while the judicial authorities failed to initiate a prompt and impartial investigation of the allegations that evidence was fabricated and that confessions were extracted under torture, Amnesty International must conclude that Ahmet A_k_n Do_an, Özgür Tüfekçi, Bülent Karaka_, Metin Murat Kalyoncugil and Mahmut Y_lmaz are prisoners of conscience. Accordingly Amnesty International calls for their immediate and unconditional release, and for a thorough and impartial investigation into their torture allegations.