

EXTRA 56/01

Fea.

**TURKEY** Ya\_ar Atalan (32) (m)**Adil Atay (45-47) (m)**

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Ya\_ar Atalan and Adil Atay are being held at the Diyarbak\_r Police Headquarters in the southeast of Turkey, where it is believed they are being tortured.

On 13 August police reportedly raided the Atalan family home and arrested all the males in the household. Ya\_ar Atalan, his two nephews and their visitor, Adil Atay were all detained. They were taken to the Diyarbak\_r Police Headquarters, from where the nephews were released shortly afterwards.

Five days later, two lawyers from the Human Rights Association (IHD), visited the men, in the presence of the police at the Anti-Terror branch of Diyarbak\_r Police Headquarters. They had attempted to see them earlier, but had been denied access as under Turkish law those suspected of offences that fall under the jurisdiction of the State Security Courts can be held incommunicado for up to four days.

The lawyers report that Adil Atay was unable to stand on his feet, his hair was wet and his shirt was torn. He was very emotionally distressed when he told them how he had been tortured: he had been given electric shocks, hosed with pressurized water and had his testicles squeezed. He reported that he had fainted twice a day as a result of being tortured and that he had been suffering from heart problems. He was also kept blindfolded at all times. Although illiterate, he was forced to sign three separate documents, the contents of which he did not know.

Ya\_ar Atalan told the lawyers that he was also tortured and that he too had his testicles squeezed. He also said he was afraid that harm would be done to his family.

On 19 August, Ya\_ar Atalan's parents were called to the police headquarters. They were told that their son, with whom they had only recently been reunited after ten years, had "left the organization" [referring to the armed opposition group Kurdistan Workers' party (PKK)]. The parents were asked to encourage him to become an informer in return for a reduced sentence. They were told that "otherwise actions could be taken against the family".

#### **BACKGROUND INFORMATION**

Under Turkish law, people suspected of offences that fall under the jurisdiction of the State Security Courts can be held in police custody without access to family, friends or legal counsel for up to four days. This may be extended by a further three days on the orders of a prosecutor or by a further six days in provinces, such as Diyarbak\_r, which are under emergency rule. After the maximum period detainees must be brought before a prosecutor and a judge, who then decide whether they should be released or remanded to prison to await trial.

In Turkish police stations, torture is regularly used to extract confessions, elicit information about illegal organizations, intimidate detainees into becoming police informers or as unofficial punishment for presumed support of illegal organizations. Turkey is a state party to the European Convention on Human Rights, Article 3 of which states that "No one shall be subjected

to torture or to inhuman or degrading treatment or punishment". Yet over the years, Amnesty International has documented the use of several torture methods in Turkey, including severe beatings, being stripped naked and blindfolded, hosing with pressurized ice-cold water, suspending by the arms or wrists bound behind the victim's back, electric shocks, beating the soles of the feet, death threats and sexual assault.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or German or your own language:**

- expressing concern that Adil Atay and Ya\_ar Atalan have allegedly been tortured or ill-treated, and reminding the government of its obligations as a state party to the European Convention on Human Rights, which say that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment";
- urging the authorities to ensure that they have access to appropriate medical care and that they are no longer tortured or ill-treated;
- calling for a full and impartial investigation into allegations the torture allegations, with the results made public and those responsible brought to justice;
- calling for Adil Atay and Ya\_ar Atalan to be brought before a judicial authority and charged with a recognizably criminal offence or released immediately;
- expressing concern that Adil Atay was reportedly made to sign statements whose contents he did not know, while blindfolded;
- urging the authorities to ensure that any statements made as a result of torture are excluded from evidence in any proceedings against him.

**APPEALS TO:**

Minister of the Interior

Mr Rü\_tü Kaz\_m Yücelen

Ministry of Interior

\_çi\_leri Bakanl\_\_\_\_

06644 Ankara, Turkey

**Telegrams: Interior Minister, Ankara, Turkey**

**Fax: + 90 312 418 17 95**

**Salutation: Dear Minister**

Diyarbakir Police Headquarters

Mr Atilla Ç\_nar

Diyarbak\_r Emniyet Müdürü

Diyarbak\_r Emniyet Müdürlü\_ü

Diyarbak\_r, Turkey

**Telegrams: Emniyet Müdürü, Diyarbak\_r, Turkey**

**Salutation: Dear Chief of Police**

Governor of the Provinces under Emergency Rule

Ola\_anüstü Hal Valisi

Diyarbak\_r, Turkey

**Telegrams:Olaganustu Hal Valisi, Diyarbakir, Turkey**

**Faxes:+ 90 412 224 3572**

**Salutation: Dear Governor**

**COPIES TO:**

State Minister with responsibility for Human Rights

E. Safter Gaydali,

Office of the Prime Minister,

Ba\_bakanl\_k,

06573 Ankara, Turkey

**Fax: + 90 312 417 04 76**

**Salutation: Dear Minister**

and to diplomatic representatives of Turkey accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 17 September 2001.