

EXTERNAL (for general distribution)

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Death Threats

12 October 1992

TURKEY:

Ismail Y_lmaz

_smail Y_lmaz has been the target of death threats since he made a complaint of torture against three policemen whom he identified and who have now been indicted for the alleged torture.

On 28 June 1992 _smail Y_lmaz was interrogated by police in Yedikule police station for an alleged criminal offence of which he was proved innocent and released without charge. He reported that he was severely beaten on the hands and buttocks, subjected to electric shocks to the penis and *falaka* (beating on the soles of the feet), raped with a truncheon and left in a room with police dogs which attacked him. Investigation by the Treatment Centre of the Turkish Human Rights Foundation, using the bone scintigraphy technique (a sensitive indicator of trauma), have confirmed Ismail Y_lmaz's allegation that he was subjected to *falaka*.

Since then, _smail Y_lmaz claims that he has received numerous direct and indirect threats. According to his account, a week after the event, he was sent by the prosecutor to Fatih Police Station (which is responsible for the Yedikule Police Station where he was tortured) in order that the police chief there should see the physical state of the victim. However, he states that when he arrived there a police official tried to get him to retract his complaint, saying: "You not only spoke to the press - by making this complaint you have made 170,000 enemies [that is, the whole police force]. It would be better for you if you retracted your complaint. If you do not it might be the end of you. Think very carefully about what you are doing". In the following weeks he was twice nearly killed while returning from work by a car being driven towards him. "If I had not leapt out of the way I would have been killed. Of course, people often drive badly in Istanbul and I cannot prove they were police, but to me it seemed as if these incidents were threats".

The police also visited his wife's nephew and reportedly told him that he should encourage _smail Y_lmaz to give up the case "or it will be the end of him". The police have also phoned _smail Y_lmaz's house on a number of occasions - most recently a week ago - suggesting that _smail Y_lmaz and the police should have a meal together and discuss the complaint, and that "it would be bad for him if he pursued his case".

The state prosecutor has opened an investigation concerning the threats against _smail Y_lmaz, who told Amnesty International: "I am prepared to take the risks involved in pursuing this case, which should be properly heard if Turkey really is a democratic country. But I am worried about the safety of my four children, all schoolchildren, if my house were to be attacked".

BACKGROUND

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. 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. In August 1990, the government derogated from Articles 5, 6, 8, 10, 11 and

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13 of the European Convention on Human Rights, all of which contain important safeguards for human rights. Under current legislation the maximum period a detainee may be held 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.

RECOMMENDED ACTION: Telegrams/faxes/express and airmail letters:

- expressing concern that you have received reports that _smail Y_lmaz has received serious threats following his complaint of torture at Yedikule Police Station in June 1992;
- urging that the allegations are promptly and thoroughly investigated, and that all necessary steps are taken to ensure the safety of _smail Y_lmaz and his family.

APPEALS TO:

Important note: Please ensure that your appeals to the Chief of Police at Fatih Police Station are phrased as politely as possible.

1) Chief of Police, Fatih district

Sezai Seçkin

Fatih Emniyet Amirli___

Fatih

Istanbul

Turkey

Telegrams: Sezai Seçkin, Fatih Emniyet Amirli_i, _stanbul, Turkey

Salutation: Dear Mr Seçkin

2) Minister of Justice

Seyfi Oktay

Ministry of Justice

Adalet Bakanl___

06659 Ankara

Turkey

Telegrams: Seyfi Oktay, Adalet Bakanl___, Ankara, Turkey

Faxes: +90 41 25 40 66

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

President of the Parliamentary Human Rights Commission
nsan Haklar Ara_t_rma Komisyonu Ba_kan_
TBMM
Ankara, Turkey

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 8 November 1992.