

PUBLIC

AI Index: EUR

44/048/2002

UA 317/02

Risk of torture & ill-treatment

25 October 2002

/fear for safety

TURKEY

[NAME REDACTED AT THE REQUEST OF THE INDIVIDUAL],  
26 years old

[REDACTED] is being held in police detention in Diyarbak2r, south-east Turkey, where he is at risk of torture and ill-treatment. He was detained in connection with the illegal armed Islamist group *Hizbullah* on 18 October 2002.

[REDACTED] was detained while travelling to work in Istanbul. He was taken to the Anti-Terror Branch of Diyarbak2r Police Headquarters where his father was able to visit him the following day.

[REDACTED] was reportedly unable to talk about his ordeal, but his physical and psychological state had visibly deteriorated in the short time that he had been held in police custody.

On 22 October he was brought before Diyarbak2r State Security Court who remanded him to prison. Immediately afterwards, he was transferred back to the Anti-Terror Branch of Diyarbak2r police headquarters for further interrogation. This was carried out under Legal Decree 430 which allows individuals to be returned from prison to police detention for an additional 10 days of questioning.

#### **BACKGROUND INFORMATION**

Amnesty International has received numerous accounts of people being detained and tortured by police in Diyarbak2r. Article 3/c of Legal Decree No. 430 allows individuals in the Regions under a State of Emergency (Diyarbak2r and <sup>TM</sup>2rnak) to be returned from prison to police detention for an additional 10 days of questioning. The Article can be applied again after the end of the 10 day period. Individuals can be held in detention for long periods of time (see report *Turkey: Torture and prolonged detention in the Region under State of Emergency*, AI Index: EUR 44/010/2002, February 2002). Emrullah Karagöz, for example, was held in detention for 40 days from 1 November 2001 during which time he was reportedly severely tortured.

Whereas torture is rarely reported from prisons, in police and gendarmerie stations it appears to be 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. Torture methods in Turkey documented by Amnesty International include severe beatings, being stripped naked and blindfolded, hosing with pressurized ice-cold water, suspension by the arms or wrists while these are 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 your own language:**

- expressing concern for the safety of [REDACTED], who is in detention at the Anti-Terror Branch of Diyarbak2r Police Headquarters;

- expressing concern at reports that [REDACTED] may have been tortured or otherwise ill-treated while in police custody, and reminding the government of its obligations under Article 3 of the European Convention on Human Rights, which states that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment";

- calling for a full and impartial investigation into any allegations of ill-treatment - including a prompt medical examination - with the results made public and those responsible brought to justice;

- urging the authorities to end incommunicado detention in law and practice and calling for clear guidelines to be introduced to ensure that in practice all detainees have immediate access to legal counsel;

- asking that steps be taken to ensure that detainees in the Region under State of Emergency are not brought back to police and gendarmerie custody after having been remanded to prison and calling on the authorities to stop implementing - or abolish - Article 3/c of Legal Decree No. 430.

**APPEALS TO:**

Minister of Justice

Prof Aysel Çelikel  
Ministry of Justice

Adalet Bakanlı2ı  
06659 Ankara, Turkey

**Telegram: Justice Minister, Ankara, Turkey**

**Fax: + 90 312 417 3954**

**Salutation: Dear Minister**

Minister of Interior

Muzaffer Ecemiođ  
Ministry of Interior

İçişleri Bakanlı2ı  
06644 Ankara, Turkey

**Telegram: Interior Minister, Ankara, Turkey**

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

**Salutation: Dear Minister**

Diyarbak2r Police Headquarters

Mr Atilla Ç2nar  
Diyarbak2r Emniyet Müdürü  
Diyarbak2r Emniyet Müdürlüğü  
Diyarbak2r, Turkey

**Telegrams: Emniyet Müdürü, Diyarbak2r, Turkey**

**Salutation: Dear Chief of Police**

**COPIES TO:**

State Minister with responsibility for Human Rights

Mr Ali Dođan  
Office of the Prime Minister,  
Başbakanlık,  
06573 Ankara, Turkey

**Fax: + 90 312 417 0476**

**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 6 December 2002.