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## TURKEY

### THE ISTANBUL DEVRIMCI SOL TRIAL 1,203 DEFENDANTS ON TRIAL IN ISTANBUL MILITARY COURT

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SUMMARY

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Nine years after the military coup of September 1980 and two years after martial law was completely lifted in Turkey civilians are still being tried in military courts. One such trial is the Devrimci Sol, Revolutionary Left, trial in Istanbul Military Court.

The illegal organization Devrimci Sol, founded in 1978, had been involved in the political violence of the late 1970s which resulted in the death of more than 5,000 people in Turkey. Between 1980 and 1985 more than 2,000 people suspected of membership and involvement in the activities of Devrimci Sol were detained and interrogated at Istanbul Police Headquarters.

Following police interrogation, 756 were arrested and held for up to nine years. Sixty of them are still in prison. In six separate indictments prepared between 1981 and 1986, 1,203 defendants were charged in connection with activities for Devrimci Sol. All six cases were later combined. Originally the military prosecutor sought death sentences for 285 defendants, but when summing up he reduced this number to 179. Some defendants who the prosecutor originally wanted to be sentenced to death he wants finally to be acquitted after they spent up to five years in prison.

Some defendants were killed before being brought to trial. Three were shot by the police, two of them reportedly after they had been in detention. One died in custody as a result of torture. Another one, Ahmet Saner, was executed in June 1981 having been convicted on separate charges.

Six defendants in the Devrimci Sol trial have already been sentenced to death in a separate trial on charges of having killed a former prime minister, a deputy chief of Istanbul Police and two of their body-guards. This trial started in Istanbul Military Court in July 1981. All six defendants alleged that their statements to the police had been extracted under torture to which they had been subjected for up to 50 days. They admitted to being members of Devrimci Sol but denied any involvement in the killings. They did not receive the indictment until the third hearing. On 16 November 1981, after seven hearings, all six were sentenced to death. Following confirmation of their sentences by the Military Appeal Court, they are now among some 250 people under sentence of death who have

exhausted all legal remedies and are awaiting a decision by the Turkish Grand National Assembly and the President on whether or not they are to be executed.

According to a summary of the case written by the defendants in the main Devrimci Sol trial in mid-1989, almost all the defendants made torture allegations in court. About 100 prisoners were recorded in the prison infirmary book as having injuries when they were transferred to prison from police custody. In addition, 24 people received medical reports certifying traces of blows indicating the use of torture. In six cases alleged torturers were brought to trial, but in only one case were police officers convicted of torture. In 1985 five police officers were convicted of having tortured Ahmet Karlangaç to death in October 1980 and received sentences of up to six years, eight months' imprisonment. In eight other cases investigations were started but no charges were brought against the alleged torturers. In the remaining 10 cases in which prisoners were able to obtain medical reports there was not even an investigation.

Several prisoners received additional sentences for what they said in court. According to the prisoners' own report, 21 defendants received additional prison sentences of between two years, eight months and 29 years, four months for statements made in court.

For three months in 1982 and again between 16 January 1984 and 16 February 1986 the defendants of the Devrimci Sol trial were reportedly banned from receiving lawyers' visits. During this time 200 prisoners who refused to wear prison uniform were not admitted into the court room and could not testify. During the trial 24 defendants were expelled from the hearings twice with the result that under military court procedures they are not allowed to participate any further. Seventeen of them are still in pre-trial detention. Other restrictions imposed on the defence included the confiscation of prisoners' pens, paper and books in 1983.

Torture and the introduction of new prison rules such as the compulsory prison uniform resulted in numerous hunger-strikes. According to their own estimates, some of the Devrimci Sol defendants have been on hunger-strike for more than 300 days in less than 10 years. On 13 April 1984 a 75-day hunger-strike, the longest in Istanbul, started. Four prisoners, including three from this trial, died as a result.

Amnesty International is calling on the Turkish Government to ensure that the Istanbul Devrimci Sol trial is conducted according to internationally recognized standards for fair trial, that the alleged deliberate shooting of two defendants and all torture allegations raised in court are investigated; that no statements extracted under torture are used as evidence against the defendants; that none of the defendants will be sentenced to death and that death sentences already imposed on six of them are commuted.

This summarizes a 15-page document, TURKEY: THE ISTANBUL DEVRIMCI SOL TRIAL 1,203 DEFENDANTS ON TRIAL IN ISTANBUL MILITARY COURT (AI Index: EUR 44/149/89) issued by Amnesty International in December 1989. Anyone wanting further details or to take action on this issue should consult the full document.

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TURKEY: THE ISTANBUL DEVRIMCI SOL TRIAL  
1,203 DEFENDANTS ON TRIAL IN ISTANBUL MILITARY COURT

The illegal organization Devrimci Sol (Revolutionary Left) split in 1978 from another illegal organization, Devrimci Yol, (Revolutionary Path) which it accused of not seriously engaging in "armed propaganda" as advocated by Mahir Çayan, the charismatic leader of the Turkish People's Liberation Front/Party, THKP/C, killed in 1972. Both organizations were following Mahir Çayan's ideology.

Devrimci Sol became known for its sensational violent actions, some involving the killing of state officials and well-known representatives of the extreme right. Following the military coup of 12 September 1980 thousands of the organization's followers, not only in Istanbul but also in other towns such as Elazig and Bursa, were detained, often brutally tortured and put on trial in military courts.

FIGURES AND BRIEF HISTORY OF THE TRIAL

Between 1980 and 1985 more than 2,000 people suspected of membership and involvement in activities of Devrimci Sol were detained and interrogated at Istanbul Police Headquarters. Many were released by the police, but 756 were formally arrested and committed to prison. A total of 1,203 were put on trial in Istanbul Military Court. One third of the 756 prisoners remained in pre-trial detention for between three and five years. Another 15% spent between five and seven years in prison and over 10% were in prison for more than seven years. Sixty prisoners are still in pre-trial detention, some of them having been held for almost 10 years now.

Over one third of the defendants were detained by the end of 1980, another third during 1981 and the remainder between 1982 and 1985. Half of them were held incommunicado for about one month, but over a quarter of them were interrogated in police custody for periods of between 45 and 90 days. The remaining defendants spent up to two weeks in police custody. The length of time spent in police custody was frequently alleged to be the same as the length of time spent under torture. Following the military coup of 12 September 1980, the maximum detention period was extended from 15 to 30 days; in November 1980 it was increased to 90 days and in September 1981 reduced to 45 days. Since May 1985 the maximum detention period has been 30 days in areas under martial law or emergency legislation (15 days under ordinary circumstances). Emergency legislation was lifted in Istanbul in November 1988. In addition to these initial periods of interrogation many defendants were taken back for interrogation up to three times (see chapter on testimonies).

Seven separate indictments were prepared against the defendants and seven trials opened. All but the first were later combined into one of the biggest trials in Turkish history, conducted in Istanbul Military Court. The figures for these trials are:

Trial No.	Date started	Number of defendants	Number of death sentences demanded at the beginning
I	24 July 1981	6	6
II	15 March 1982	428	146
III	2 November 1982	386	85
IV	5 September 1983	254	61
V	11 June 1984	140	47
VI	2 May 1985	113	15
VII	16 January 1986	53	14

A number of defendants are charged in more than one trial and for some of them the death penalty is sought more than once. Thus, the total number of defendants is 1,203 and the total number of death sentences demanded for these defendants is 285 according to the original indictments.

In six hearings during June and July 1988 the military prosecutor read out the 1,277-page summing-up of charges, claiming to have found proof that the defendants were responsible for 825 actions. He recommended that 179 defendants be sentenced to death; 256 should receive prison sentences of between five and 15 years; 287 of between five and eight years; 65 should receive lower sentences and 416 should be acquitted. Among these 416 defendants are 35 for whom the prosecutor had originally demanded death sentences. Some of them spent a considerable length of time in prison: Gaffar Akel and Cumali Yildiz spent over five years in prison. Cumali Yildiz has been free since 19 September 1985 and Gaffar Akel was released on 23 January 1986.

The trial has now reached its final stages and it is expected that a verdict will be reached in the next few months. Twenty-four defendants, 17 of them in prison, are not allowed to participate in the hearings because they have been expelled twice from the court room. Under martial law defendants who have been expelled twice from trial hearings are not entitled to participate in any further hearings.

#### TRIAL NO. 1: SIX PRISONERS AWAITING EXECUTION

(In addition, three shot dead, one died in custody)

The trial which started on 24 July 1981 had six defendants and concerned the killing of four people. Saadettin Güven and Baki Altin were charged with the killing of former Prime Minister Nihat Erim and his body-guard on 19 July 1980. Ahmet Fazil Ercüment Özdemir, Harun Kartal, Aslan Sener Yildirim and Aslan Tayfun Özkök were charged with the killing of the Deputy Chief of Istanbul Police, Mahmut Dikler, and his body-guard on 6 February 1981.

Some of the defendants had been detained in September 1980, the others between February and April 1981. On 3 October 1980 eight people were presented to the press as being responsible for the killing of former Prime Minister Nihat Erim. Only two of them, however, were later indicted. Another one, Ahmet Karlangaç, who was presented to the press as a suspect, died shortly afterwards, on 12 October, in police custody. Several police officers were put on trial charged with having caused his death by torture

and on 16 May 1985 five of them were convicted and sentenced to terms of imprisonment of up to six years, eight months.

During the opening hearing the defendants also mentioned the death on 7 April 1981 of Selçuk Küçükçiftçi. He was said to have been involved in the killing of Mahmut Dikler and was shot by the police in Eyüp because, according to official statements, he did not surrender and tried to run away.

During the hearing on 21 August 1981 one witness could not identify Sadettin Güven and Baki Altin. Another one said that they resembled the people he had seen. This witness had identified Harun Kartal when he had been called to police headquarters. In court he said that the suspects at police headquarters had been blindfold and he had identified Harun Kartal on the basis of a sketch showing how Harun Kartal escaped from the scene of the crime.

In the same hearing Baki Altin said that he had been tortured together with Ahmet Karlangaç in an attempt to make them confess to the killing of Nihat Erim. Finally Ahmet Karlangaç had collapsed and had to be rushed to hospital where he died. Baki Altin asked for an investigation into his friend's death which he alleged was the result of torture. In court he said that the police officers had threatened to kill him. In a forest police officers had pulled the trigger of an unloaded pistol. Torture had continued for about one month and become more intense after the deaths of Ahmet Karlangaç and Ekrem Eksi (allegedly also killed under torture). Finally he had been forced to sign a statement prepared by the police (for further details see chapter on testimonies).

Harun Kartal, one of the defendants charged with the killing of Mahmut Dikler, said on 21 August 1981 in court that he had been subjected to severe torture. He and Selim Mehmet Yücel had been put under pressure to confess to the killing. However, neither of them had confessed. Thereupon the police had taken Selim Mehmet Yücel and had shot him behind the post office in Karaköy (according to Amnesty International's information this happened on 3 April 1981). After that Harun Kartal had confessed to the killing of Mahmut Dikler, having been threatened that he would also be killed. The court established that the pistol found at Harun Kartal's home had not been used in the killing of Mahmut Dikler.

In the same hearing Ahmet Fazil Ercüment Özdemir said that he had been tortured for 50 days and had been threatened with being killed like Selçuk Küçükçiftçi, Selim Mehmet Yücel and Zeki Yumurtacı. The police officers had told him that they had taken Zeki Yumurtacı to Avcılar where they had killed him (according to Amnesty International's information this happened on 17 September 1980).

In the hearing on 21 September 1981 Aslan Sener Yildirim said that he had been tortured during the entire time he had been held in police custody. He had been suspended from the ceiling and threatened with being killed. At one stage the police officers had tried to make him put on the shoes of someone who had been killed under torture (presumably Sadettin Yedigöl who, according to Amnesty International's information, died in custody in April 1981). Afraid of being taken back to the police for more torture, he had also confessed to the prosecutor and the arresting judge. He stated that despite his confessions he had nothing to do with the killings.

Aslan Tayfun Özkök said in the same hearing that he also had been tortured as his friends described. When his statements to the police, the prosecutor and the arresting judge were read out, he stated that he knew many cases of people who had been taken back to the police from prison for further interrogation. Afraid of further torture he had not disowned his confession in front of the prosecutor and the judge.

The defendants later stated that they were given the indictment only after the third hearing. In October 1981 the defence lawyers asked for this case to be combined with Devrimci Sol trial II for which an indictment had been prepared and which included some defendants from the first trial, but their request was rejected.

On 16 November 1981, after seven hearings, all six defendants were sentenced to death. The death sentences of Ahmet Fazil Ercüment Özdemir, Harun Kartal, Aslan Sener Yildirim and Aslan Tayfun Özkök were confirmed by the Military Appeal Court, but those of Saadettin Güven and Baki Altin, charged with the killing of former Prime Minister Nihat Erim and his body-guard on 19 July 1980, were quashed and their cases sent back to Istanbul Military Court for retrial.

Their trial started on 26 July 1982. During the hearing on 5 October 1982 both defendants admitted to being members of the illegal organization Devrimci Sol, but denied any direct involvement in the killing. On the same day the court insisted on its original verdict and sentenced both prisoners again to death. This time the Military Appeal Court upheld the verdict and all six defendants are now among some 250 prisoners under sentence of death who have exhausted all legal appeals and are awaiting a decision by the Turkish Grand National Assembly (TBMM) and the President on their execution.

#### TRIAL NO. II: ALMOST EIGHT YEARS ON TRIAL

When the second trial started on 15 March 1982, 428 defendants stood accused. Charges against a further 122 defendants had been dropped. Baki Altin and Sadettin Güven from trial No. I were among the defendants. Another former defendant, Ahmet Saner, had been executed on 26 June 1981.

During a hearing on 16 July 1982 lawyer Kamil Atesogullari (now a member of parliament for the Social Democratic Populist Party, SHP) said that his client, Hasan Mithat Nevruz, was in need of an operation, but instead of being taken to hospital he had been taken to the police for another interrogation. During this interrogation cigarettes were extinguished on his body to make him confess to further "crimes". Hasan Mithat Nevruz was asked to undress and the judges saw the burn marks for themselves. This was recorded in the minutes of the case. Amnesty International does not know whether these allegations were investigated and, if so, what the findings were.

#### TRIAL NO. III

This trial started on 2 November 1982. The 386 defendants were charged with 275 different actions. For 28 defendants it was the second time that the death penalty had been demanded. During the opening hearing the defendants alleged that their petitions to the court had been confiscated on the way to court. They wanted to lodge complaints about the prison conditions, but the court insisted that they had to give their identities first. When the

defendants refused to do so, the court ordered a break, after which the hearing was adjourned to 9 November.

#### TRIAL NO. IV

The opening hearing on 5 September 1983 was attended by 36 defence lawyers and 62 defendants in pre-trial detention (at this stage 83 were still in pre-trial detention). Defendant No. 1, Haydar Basbag, alleged in court that the defendants were being tortured in Metris Prison and asked the court to do something about it. Again the defendants were asked to give their identities first. Instead they started to shout slogans. Thereupon the court ordered all defendants to leave the court room because those shouting could not be identified. The hearing was adjourned to 12 September. During this hearing Ali Osman Köse and Faruk Erören were expelled because they wanted to voice complaints before giving their identity.

#### TRIAL NO. V

Seventy-four defendants and 18 lawyers participated in the opening hearing on 11 June 1984. Forty-four prisoners who had been taken to court had to wait outside because "they were not wearing trousers" (see later chapter on prison uniform).

#### TRIAL NO. VI

Twenty-four lawyers were present when this trial started on 2 May 1985. Of the 62 defendants in pre-trial detention 22 were not admitted into the court room because they refused to wear prison uniform.

#### TRIAL NO. VII

The opening hearing on 16 January 1986 was attended by 11 lawyers and 20 defendants, 17 of whom were in pre-trial detention. Twelve defendants were not allowed into the court room, because they refused to wear prison uniform. Ibrahim Bingöl was given a tracksuit to attend the hearing. When he entered the court room in the afternoon, he complained about ill-treatment in Metris Military Prison where he and the other detainees had been transferred on 20 December 1985.

He said that on the day of the hearing they had been taken out of their wards at 6am and each prisoner had been stripped by eight to 10 soldiers and had then been forced to wait outside in the cold in their underwear for two to three hours. He also complained that prisoners who refused to wear prison uniform were not taken for medical examinations, did not receive medication and were prevented from seeing their lawyers. They had not been given pen and paper and on their way to court all documents concerning the case had been confiscated. The lawyers, too, complained that they were not permitted to see their clients in prison.

At the end of the hearing the court ruled against starting a formal investigation into the complaint of Ibrahim Bingöl on the grounds that it did not concern the court case. However, the court decided to send a note to the martial law command asking it to instruct the prison administration to ensure that the prisoners were given pen, paper, copies of the indictment and other documents concerning the trial. Nevertheless, on 2 February 1986 the lawyers once again stated that they had not been able to see prisoners who refused to wear prison uniform.

According to a summary of the case written by the defendants in mid-1989 almost all defendants made torture allegations in court. Some 100 prisoners were recorded in the prison infirmary book as having injuries when they were transferred to prison from police custody. In addition, 24 people received medical reports certifying traces indicating the use of torture. In six cases alleged torturers were brought to trial, but only in one case were torturers convicted (death of Ahmet Karlangaç; see p. ). In eight cases investigations were started but no charges were brought against alleged torturers. In the remaining 10 cases in which prisoners had been able to obtain medical reports not even an investigation was conducted.

The defendants alleged that witnesses were influenced and put under pressure to identify them. In 20 cases witnesses were said to have identified suspects while under pressure at the police station. In one such case a witness against Ali Osman Köse retracted his statement to the police during the hearing of 8 May 1986. On 22 December 1985 a police officer who appeared in court as a witness stated that he and other witnesses had been put under pressure to sign the identification records.

The defendants also claimed that in 32 cases people were accused of offences committed at a time when they were either in police custody or in prison. Haydar Öztürk, Cahit Tunçbilek, Bülent Pak, Mehmet Ünal and A. Fadil Çelepsoy are mentioned as examples.

Several prisoners also received additional sentences as a result of what they said in court. According to the prisoners' own account, 21 defendants received additional sentences of between two years, eight months and 29 years, four months' imprisonment during the trial. In one case, Dursun Karatas was sentenced to four years' imprisonment by Istanbul Military Court under Articles 142/3 and 159/1 for "making separatist propaganda" and "insulting the state authorities" in January 1983.

Dursun Karatas, Ibrahim Bingöl, Sinan Kukul, Hüseyin Solgun, Bedri Yagan and Sabri Temel were put on trial for "making separatist propaganda" in their petition to Istanbul Military Court of 28 June 1983. They were also expelled from the hearing of 14 February 1984 because they had appeared in their underwear, refusing to wear prison uniform.

In August 1985 Bedri Yagan, Nuri Eryüksel, Ibrahim Bingöl, Ibrahim Erdogan, Tugrul Özbek, Sinan Kukul, Aslan Sener Yildirim, Aslan Tayfun Özkök and Ahmet Fazil Ercüment Özdemir received sentences of up to two years, eight months' imprisonment each for insulting the court in a petition of 13 December 1983. Another defendant, Yedigir Adigüzel, received an additional sentence of one year, four months' imprisonment under Article 159/1 for insulting the armed forces.

Between March and June 1982, and again between January 1984 and February 1986, the defendants of the Devrimci Sol trial were reportedly banned from receiving lawyers' visits. Other restrictions on the defence included the confiscation of pen and paper on 9 March 1983 and books on 3 May of the same year affecting all prisoners in Metris Military Prison.

#### THE STRUGGLE OVER PRISON UNIFORM RESULTING IN THE EXCLUSION OF DEFENDANTS FROM THE TRIAL

Article 88 of the United Nations Standard Minimum Rules for the Treatment of Prisoners states that:

1. An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.
2. If he wears prison dress, it shall be different from that supplied to convicted prisoners.

Article 95 of the European Prison Rules adopted by the Council of Europe states that:

1. Untried prisoners shall be given the opportunity of wearing their own clothing if it is clean and suitable.
2. Prisoners who do not avail themselves of this opportunity, shall be supplied with suitable dress.
3. If they have no suitable clothing of their own, untried prisoners shall be provided with civilian clothing in good condition in which to appear in court or on authorised outings.

Despite these provisions, in 1983 the Turkish authorities tried to introduce the compulsory wearing of prison uniform for all prisoners whether convicted or not. Political prisoners in pre-trial detention rejected wearing such a uniform. In the first months, prisoners in Istanbul were allowed to wear tracksuits in the wards, and also during visits by their relatives or their lawyers. But in 1984 prisoners who still resisted the official order on wearing prison uniform were penalized by having restrictions imposed on their defence.

Between 16 January 1984 and 16 February 1986 prisoners who did not wear the prison uniform were not allowed into the court room. Thus, in the Devrimci Sol trial some 200 prisoners reportedly could not testify in court. Some of them were taken into the court room in underwear for short periods when witnesses were asked to identify them. In such cases the prisoners would be taken in individually which made the identification easier. During the same period prisoners opposed to the uniform were not permitted to receive visits from families and lawyer. Only after more than two years were lawyers' and relatives' visits permitted again.

Amnesty International is concerned that prisoners who refused to wear prison uniform were "punished" by severe restrictions on their defence.

#### PRISON LIFE: BEATING AND HUNGER-STRIKES

Political prisoners tried in military courts were held in military prisons and were thus subjected to military discipline. Prisoners were obliged to participate in daily roll-calls, the singing of marches and drills in the open air. In particular, Diyarbakir and Mamak Military Prisons (the latter in Ankara) became notorious for the routine beatings which accompanied attempts to enforce military discipline among civilians. In addition, so-called "inaugural-beatings" had been institutionalized in almost all prisons in Turkey. Prisoners were also held in isolation for the first days or weeks after entering another prison.

Following years of international protest against the cruel and inhuman treatment in these prisons, the civilian government decided in 1988 either to transfer the political prisoners to civilian prisons or put military prisons under civilian administration. By the end of 1988 all political prisoners had been transferred, except for prisoners in Mamak Military Prison because their trials were continuing in Ankara Military Court.

After the 1980 military coup political prisoners in Istanbul were held in a number of military prisons such as Alemdag, Hasdal, Kabakoz, Davutpasa and Sultanahmet Military Prisons. Following the opening of Metris Military Prison on 23 April 1981 most political prisoners were transferred there and held in wards with 16 prisoners each. Soon Metris Military Prison became well-known for the harsh treatment of its prisoners and came to share a similar reputation with Diyarbakir and Mamak.

In a petition written in October 1989 one of the Devrimci Sol defendants, Ibrahim Erdogan, described life in Metris and other military prisons in Istanbul as follows:

*"Apart from suspension from hooks all torture methods used in police custody were also practiced in prison. The methods most frequently used were: beating of prisoners on the buttocks while four soldiers held the body in the air face down; dragging the prisoner over the ground, kicking and hitting, stripping the prisoners naked, keeping them waiting in the cold and snow and hosing them with ice-cold water. On 15 December 1981 I was beaten so heavily by 20 soldiers in front of visitors that I fell into a coma. My complaint [about this incident] was returned and I was informed that it had not been written according to the procedure for complaints. Only in 1983 did the court order an investigation, but the prosecutor closed the case without even having taken testimony from me and the witnesses."*

Torture and the introduction of new prison regulations such as the prison uniform resulted in numerous hunger-strikes. Many Devrimci Sol defendants participated in several hunger-strikes. According to their own estimates some of them have been on hunger-strike for more than 300 days in less than 10 years. The following are some of the events in which defendants of this trial were involved.

In December 1980 there was a seven-day hunger-strike in Alemdag Military Prison. On 24 July 1981 gas bombs were thrown into wards C-11 and E-11 of Metris Military Prison when prisoners resisted guards trying to take some prisoners for renewed interrogation. The ensuing hunger-strike lasted three days. On 22 September 1981 a hunger-strike started that lasted 17 days. Before that prisoners who refused to go out for fresh air in single-file had not been allowed to receive visits from their relatives or lawyers. The routine beating continued until the 10th day of the hunger-strike.

In December 1981, gas bombs were thrown into wards of Alemdag Military Prison when the police tried to take some prisoners for further interrogation. Two prisoners subsequently died. In May 1982 another hunger-strike started in Metris Military Prison which lasted 28 days. According to the prisoners, beating was supervised by an officer with a whistle and a doctor who instructed soldiers how much more beating the prisoners could take.

On 6 July 1983 transfers to Sagmalcilar, another prison in Istanbul, started. Until 1986 Sagmalcilar was run as a military prison, but in 1988 reopened as a so-called special L-type prison for political prisoners. Here and in other prisons the wearing of prison uniform was made compulsory and on 8 July 1983 a 27-day hunger-strike started. On 13 April 1984 a 75-day hunger-strike, the longest in Istanbul, started. As a result four prisoners - Abdullah Meral, Haydar Basbag, Fatih Ökütülmüs and Hasan Telci - died. On 13 July 1987 another 30-day hunger-strike started in Metris. Following the

closure of Metris Military Prison for civilians on 27 October 1988, prisoners went on a 21-day hunger-strike in protest against ill-treatment during and after transfer. Following the discovery of an escape tunnel in Sagsalcilar L-Type Prison in May 1989, prisoners were beaten and went on a further hunger-strike. In addition to these long hunger-strikes there were many shorter ones usually in solidarity with political prisoners on hunger-strike in other prisons.

#### UNFAIR TRIALS IN MILITARY COURTS

In October 1986 Amnesty International published a report Unfair Trial of Political Prisoners in Turkey (AI Index: EUR 44/22/86) which concluded that trials in military courts did not meet international standards regarding fair trials as set out in Article 6 of the European Convention on Human Rights, to which Turkey is a State Party, and other international instruments. The report stated in particular that

- military courts were not independent from the executive authorities in practice and in law;
- the right to defence had been restricted in many ways;
- defendants had been subjected to excessively long periods of pre-trial detention; and
- military courts had repeatedly failed to investigate torture allegations.

The Istanbul Devrimci Sol trial suffers from all these deficiencies. Some of its 60 imprisoned defendants have been in pre-trial detention for over nine years. For long periods they were not allowed to receive visits from their lawyers. At one time even pens and paper were confiscated and some 20 prisoners received additional sentences as a result of statements they made in their defence in court. In addition, Istanbul Military Court has not investigated hundreds of torture allegations made during the hearings. Statements extracted under torture have been used as evidence against the defendants, despite the positive duty on States Parties under Article 15 of the United Nations Convention Against Torture to ensure that such evidence is inadmissible in court.

Amnesty International is calling on the Turkish Government to ensure that the Istanbul Devrimci Sol trial is conducted according to internationally recognized standards for fair trials, that investigations are carried out into the deaths, allegedly by deliberate shooting, of two defendants and into all torture allegations raised in court; that statements extracted under torture are not used as evidence against the defendants; that none of the defendants will be sentenced to death and that death sentences already imposed on six of the defendants are commuted.

## TESTIMONIES

The following testimonies summarized below given by four defendants involved in the Devrimci Sol trial were received by Amnesty International in October 1989. All four prisoners gave detailed accounts of prison conditions, torture and hunger-strikes. The so-called "inaugural beatings" after each prison transfer are mentioned by all of them. References to these subjects have only been included when they relate to personal experience.

**1. BAKI ALTIN**

(awaiting execution)

Baki Altin was detained on 1 October 1980. In the police car he was blindfolded and handcuffed. The beating started in the car in which he was taken to a wood outside Istanbul.

*"The commissioner held a pistol against my temple and said that I had to confess to everything, tell them where the organization's weapons and flats were, or else I would be killed like Zeki Yumurtaci. He said he would count to three which he did. After a little pause he pulled the trigger. I waited in great suspense and heard a sound like 'tik'. The game had not been successful; so they started to beat, hit and kick me again."*

On entering Istanbul Police Headquarters Baki Altin was beaten for about 10 minutes and then taken to the interrogation room. He counted 45 lashes on the soles of his feet (falaka). He was then forced to jump up and down on the concrete floor with swollen feet to get the circulation going. He was subjected to another round of falaka and fainted. When he opened his eyes, he was in a single person cell. Then,

*"At intervals I was subjected to falaka, I was beaten on my way to and from the interrogation room, given electric shocks to my penis and fingers, hosed with ice-cold water after which I would be put in front of an open window. During falaka one of my toes was fractured. They threatened to kill me and attempted to rape me by trying to force a truncheon into my anus. This continued for 15 days. During the following 15 days threats and rough treatment continued but the real purpose was to make the torture traces disappear."*

*"I am the closest witness to the killing of Ahmet Karlangaç. On the sixth day of our detention we were presented to television, radio and press as the murderers of Nihat Erim. Ahmet Karlangaç was among us. On the way back to our cells we were beaten. Ahmet Karlangaç was taken away from interrogation group "K" and put into my cell."*

*"He was not able to stand because of the torture he had been subjected to in group "K", but in my cell he was beaten on his head with truncheons and the metal heel of a shoe. I was also beaten. Ahmet rejected all accusations made against him. Thereupon the police officers beat his head against the wall. Ahmet fainted and did not answer to any questions. The torturers lit a piece of paper and held it in front of his nose. But there was no reaction."*

*"At the same time they tried to force me to confess to several actions by threatening that the same would happen to me. Ahmet Karlangaç was taken to Gümüssuyu Military Hospital. On 10 October they informed me about his death by saying 'congratulations, Ahmet is safe now'."*

After one month of incommunicado detention Baki Altin was taken to Selimiye Military Detention Centre. Despite his urging, the doctor there did not record the traces of blows on his body. He was put into a ward intended to hold 10 people with some 40 others. A few days later he was taken before the arresting judge whom he told about the torture and showed the traces. However, his requests to be taken to hospital and that a formal complaint should be lodged were not met by the judge.

One year later he and A. Fazil Özdemir were examined by the Forensic Institute. The doctors concluded that after such a long time traces could not be established. Earlier attempts on the part of Baki Altin and A. Fazil Özdemir to be sent for medical examination by the court had failed.

In its verdict confirming the sentences the Military Appeal Court ruled that there was no evidence that the six defendants in the Devrimci Sol trial No. I had been tortured, despite the fact that one of the defendants, Ahmet Karlangaç, had died as a result of torture.

In November 1980 Baki Altin was transferred to Alemdag Military Prison where two prisoners died in December 1980 after gas bombs had been thrown into the wards. On 7 May 1981 he was taken to Metris Prison and beaten with electrically charged truncheons on arrival. In Metris he was held in isolation from November 1981 until mid-1983. In July 1983 he was transferred to Sagmalcilar Military Prison. For two and a half years he was held there in isolation. During this time he did not receive any visits, was not taken out for fresh air and could not talk to his lawyer.

In September 1985, while their trial was still continuing, he and the other five defendants from trial No. I who had been sentenced to death were taken to Amasya Closed Prison where they were kept for three months in cells measuring one by two metres. According to his own account the torture in this prison was the worst after torture in police custody. On entering the prison,

*"Falaka lasted for about half an hour during which we fainted several times. This was followed by ice-cold water hoses. At the same time we were beaten. Half conscious we were thrown into cells which had no beds. For 15 days we had to sleep on the concrete floor dressed in very little."*

On the intervention of their lawyers Baki Altin and the other five prisoners were brought back to Metris in February 1986 and in October 1988 they were transferred to Sagmalcilar L-Type Prison. The treatment of the other prisoners also applied to Baki Altin. The last sentence of his testimony reads:

*"I consider that I am alive only because of the resistance by the prisoners and to some extent by mere chance."*

## **2. TUGRUL ÖZBEK**

(Death penalty demanded in trials II and III)

Tugrul Özbek was detained on 19 September 1980 and held in police custody for 32 days. The first eight days he had to stand chained to the wall. The torture included falaka, beating on various parts of the body, being stripped naked, given electric shocks to sensitive parts of the body, hosed with ice-cold water and exposed to cold air from a ventilator. He stated:

*"I was in the same room as Nuri Eryüksel. My feet had swollen and it felt as if a million needles had been pushed into my soles. The torture had started between 5 and 6pm and lasted until midnight. The following day I was taken into the torture chamber again. For eight days I was subjected to similar torture four to five times a day for sessions of two to three hours. After the eighth day I was taken down to a lower floor. There were about 10 people in each cell. We were taken out of the cells each day for torture sessions of up to two hours. Sometimes I had to stay in the room upstairs for two or three days chained to the wall. The torture sessions continued for 32 days. In the end I could not walk any more."*

On 21 October he was taken to Selimiye Detention Centre. On 23 October he was taken to the arresting judge. His wounds were registered in the infirmary book at Selimiye. On 24 October he came to Sultanahmet Military Prison where he had to share a cell measuring two by two-and-a-half metres with three others. There were only two beds. He was seen by a doctor only one week later. On 7 May 1981 he was transferred to Metris Military Prison. On 8 May he, Dursun Karatas, Hüseyin Solgun and Nuri Eryüksel were taken back to the police for further interrogation which lasted 15 days.

*"The torture methods had been developed and intensified. There were additional tools. In addition to electric shocks, falaka, drinking of dirty water, ice-cold water hoses, being exposed to cold air and mock executions there were new methods such as being suspended by the wrists or feet or by the wrists with our hands tied behind the back."*

Tugrul Özbek describes how he and the others were stripped naked and over 15 days subjected to various types of torture. Following many applications for an investigation into the torture allegations, Tugrul Özbek and Nuri Eryüksel were taken to Istanbul Forensic Institute two years after the actual torture, on 1 October 1982. Although some traces of torture were certified the prosecutor concluded that there were no grounds for prosecution (of alleged torturers). The complainants did not receive a copy of this decision.

About his trial Tugrul Özbek wrote:

*"On 15 March 1982 the trial started. In the morning we were taken out of the wards. When the guards tried to body-search us we resisted and were beaten. We also objected to indictments, pen and paper being taken from us. When we tried to speak about the prison conditions we were beaten in the court room. On our way back we were again body-searched and beaten. We did not participate in the hearing of 18 March in protest against the inhuman treatment."*

*"Although the prosecutor had asked for the death penalty, he had not carried out a thorough investigation and for most of the actions I was charged with he had not taken my testimony. Only three months after my formal arrest was I taken to the prosecutor. In my statement of 16 January 1981 I did not testify in connection with any of the actions I was accused of with the exception of one."*

Witnesses were made to testify against him under pressure. Three night guards were asked to identify him at police headquarters in connection with the attack on Karagümrük Police Station. For this identification he was taken alone into a room and the guards were put under pressure to say that he had carried out the attack. Although they were unable to identify him positively they finally signed a statement under force. At the hearing of

22 December 1985 they testified to this.

In July 1982 Tugrul Özbek and Nuri Eryüksel testified in court. On the basis of their written defence they were indicted on additional charges of "having insulted the court" and later convicted. In all Tugrul Özbek received a total of 27 years, eight months' imprisonment for statements he made in court.

On 27 September 1983 he and Ibrahim Erdogan were transferred to Sagmalcilar L-Type Prison. For three months he was in isolation. Later he stayed in a cell with two others. In December 1985 he was taken back to Metris and until March 1986 was not allowed to receive visits from his family or lawyer. In October 1988 he came to Sagmalcilar L-Type Prison.

### 3. NURI ERYÜKSEL

(He is charged in trials II, III, IV and V. In the summing-up the prosecutor asked for life imprisonment; originally the death penalty had been sought. Nuri Eryüksel's father was President of the Association of Prisoners' Relatives, TAYAD, founded in 1986, for the first two years.)

Nuri Eryüksel was detained on 19 September 1980 in Istanbul and for three days he was not given anything to eat and drink.

*"For eight days I was kept tied to the radiator and blindfolded. During those days I was subjected to intense electric shocks, falaka, beating, ice-cold water hoses and afterwards was made to lie naked on a concrete floor in a cold draught between the open window and the door. For a further 24 days I was held in a cell with some 10 people, but taken upstairs for further torture sessions. Although the maximum detention period was 30 days, I was held for 32 days. Under torture I was forced to sign statements, most of which I had not read, in which I was accused of many killings and robberies."*

On 21 October he came to Selimiye Detention Centre. On 24 October he was transferred to Sultanahmet Military Prison with another 13 people. At the beginning of December he and another three prisoners were beaten after guards found a piece of metal for cutting bread in their ward. The beating stopped only after one of them lost consciousness. On 7 May 1981 he came to Metris, where there were 16 prisoners in each ward. He was among four prisoners taken on 8 May for renewed interrogation lasting 15 days. On 12 January 1982 he and most prisoners were beaten because they took part in the roll-call while sitting down. He fell from the bed and was dragged along the floor. On 1 October he was taken to the Forensic Institute. Nuri Eryüksel alleges that from 10 May 1982, when military discipline was introduced, beating became routine. Some of the prisoners were taken out of the wards and subjected to brutal beating on their buttocks. During the next eight days Nuri Eryüksel twice received serious blows to his head. On one occasion he lost consciousness.

Problems with his right eye started then. In 1979 he had lost the sight of his left eye following an accident at work. His right eye had not been affected. In June 1982 Nuri Eryüksel was examined and the doctor diagnosed that this was the beginning of a "traumatic cataract". On 5 September 1983 on his way to court a soldier beat him on his right eye with his fist. In January 1984 the doctor certified that the sight in his right eye had diminished to one tenth; before it had been eight tenths. In February he was taken to Gülhane Military Hospital. The doctors said that they could not do very much. At the end of May he was taken back to prison.

Later he was told that an operation might save his sight. On 7 November 1985 he was taken to Ankara, but was only operated on at the end of 1986. This did not improve his condition and a later report stated that the treatment he required was only available abroad.

He received a total of 17 years' imprisonment for statements he made in court. On 26 September 1983 he was transferred to Sigmalcilar Military Prison. For 15 days he was kept in isolation. Later he was put in a cell with two others. He was not allowed to meet anyone from his family and was not taken out for fresh air until 14 November 1985. He met his lawyer again for the first time on 16 February 1986. He was not allowed to participate in the hearings until the beginning of 1986. Only once, at the end of 1984, was he taken into the court room on his own to be identified by a night guard.

#### 4. IBRAHIM ERDOGAN

(death sentence demanded)

Ibrahim Erdogan was detained on 25 March 1981 with his wife Sevgi and their 18-month-old daughter Sirvan. They were carrying false identity papers, because Ibrahim Erdogan was wanted in connection with his illegal activities in a trade union.

Their daughter was kept in custody for about a week. She was forced to listen to the torture screams of her parents. Later she was taken to Darülaceze, an orphanage. Four months later her grandfather was able to take her home. Until the age of four she was reportedly still suffering from her experience in police custody. Ibrahim Erdogan described the torture he and his wife were subjected to as follows:

*"In the torture chamber my wife and I were stripped naked. First my wife was taken outside and I was subjected to falaka. I do not remember how long that lasted but I tried not to scream in order not to let my wife and my child know about the pain I was suffering. After a while they stopped falaka and I had to jump up and down to get the blood circulation going. Then I was hosed with ice-cold water and cables were fixed to sensitive parts of my body. The electric currents were applied in waves. This time I was unable to suppress the screaming.*

*"The torture was carried out in intervals. Again and again I was hosed with ice-cold water, subjected to draughts of air that made me shiver all over. At one stage I was suspended by my arms and beaten on various parts of my body including my penis. Whenever I said that I did not know the person they were asking me about the torture increased. My arms went numb and I passed out several times. Then I was hosed with water to "wake me up". For the first week I did not get anything to eat. I always tried to get a few drops of water when I was hosed with ice-cold water.*

*"After a while I was taken out of the room and my wife was taken in. I was kept close to the door so that I could hear what they were talking about. In particular they wanted me to listen to the screams of my wife. We were taken into the torture chamber in turns. This torture continued until the morning.*

*"During another torture session my mouth was forced open by holding my nose closed. I was forced to drink salted water and urine. As another form of degrading treatment they tried to force a truncheon into my anus. So far the police had been unable to verify our identities. Torture increased for*

*my wife and they now started to take me into the torture chamber together with my wife. I had to watch when she was tortured. At one stage they raped her with a truncheon, but my wife resisted and did not give away anything."*

On the fifth day of his detention he fell asleep while being fixed to a radiator. Someone hit his head against the wall and he had to be taken to Gümüssuyu Military Hospital where he gave his true identity to the doctor. Although the doctor had ordered that he should stay in hospital he was taken back to police headquarters. During the following week he was not tortured.

On 1 April 1981 his wife had to be taken to Haydarpasa Military Hospital because she was bleeding heavily after the torture. Finally he was forced to sign a number of statements without having been allowed to read them. After 58 days both he and his wife were taken for identification. The witnesses did not recognize him. Only when put under pressure did they sign the identification record.

On 1 June 1981 Ibrahim Erdogan and his wife were formally arrested and taken to Selimiye Military Prison and from there to Metris Military Prison. On entering prison both lodged formal complaints about torture, but there was not even an investigation. Sevgi Erdogan was released in February 1983. She has since participated in many protest or solidarity activities carried out by prisoners' relatives, was detained several times and is charged on some 10 separate counts.

On 27 September 1983 Ibrahim Erdogan was brought to Sagmalcilar Military Prison. For two years he was held in isolation. He is suffering from an ulcer, has problems with his eye-sight and a disturbed memory.