
amnesty international

1999 UN COMMISSION ON HUMAN RIGHTS

Making human rights work:
time to strengthen the special procedures

Appeal case:
TURKEY

February 1999

AI INDEX: EUR 44/09/99
DISTR: SC/PG/PO

Amnesty International is a worldwide movement that works to prevent some of the gravest human rights violations wherever they occur. The organization does not grade countries according to their human rights record but concentrates on ending specific violations. The 55th session of the UN Commission on Human Rights (Commission) will meet for six weeks in Geneva from 22 March to 30 April 1999.

Amnesty International is calling on the Commission this year to act on **Algeria, Cambodia, the Great Lakes region of Africa (Burundi, Democratic Republic of Congo, Rwanda), Turkey** and the **United States of America**, where human rights violations and abuses are grave, persistent, and/or widespread. This document summarizes Amnesty International's concerns in one of these countries, Turkey, and includes one appeal case which illustrates some of Amnesty International's concerns in that country.

Amnesty International urges all governments, whether members or observers, attending the Commission to take up this appeal case together with Amnesty International's recommendations in their bilateral and multilateral meetings with government representatives of Turkey. Where the Commission adopts a resolution, takes a decision or its Chair makes a statement on the human rights situation in Turkey, specific action should also be taken to address the violations in the appeal case.

SUMMARY OF AMNESTY INTERNATIONAL'S CONCERNS IN TURKEY

Turkey has a legacy of grave and widespread human rights violations. Torture and ill-treatment persist, scores of people continue to be detained for their non-violent political activities, and many are imprisoned after unfair trials. Several deaths in custody, "disappearances" and over a dozen extrajudicial executions were reported in 1998.

In spite of this, tentative signs of change suggest that Turkey may be at a turning point. Such changes can only be consolidated and built upon if the government strengthens legal safeguards and other structural measures to protect human rights, brings them fully in line with international standards, and takes decisive action to ensure their scrupulous application throughout the country.

The legal changes to the Criminal Procedure Code of March 1997 reduced the period in which people detained for offences under the Anti-Terror Law can be held in incommunicado detention, without access to lawyers, to up to four days. Although an improvement, these provisions still fall far short of international standards and give ample opportunity for torture. Moreover, the legal obligation to allow access to lawyers after four days is frequently simply ignored. Many of the detailed recommendations made by the (UN) Committee against Torture have still not been implemented. Amnesty International welcomed visits to Turkey in November 1998 by the UN Special Rapporteur on torture, which the European Union had also urged, and by the UN Working Group on Enforced or Involuntary Disappearances (WGEID) in September 1998.

Longstanding torture methods such as electric shocks and hanging by the arms persist in official places of detention but are reported less frequently. Reports of the most brutal treatment remain common. For example, Cengiz Suslu, who had absconded from military service and was held for a week in May 1998 in Istanbul Police Headquarters in incommunicado detention, was delivered to hospital with a perforated bowel. When he was finally permitted to speak to a lawyer after two weeks, he explained that a truncheon had been forced into his anus during interrogation and that electric shocks had been applied through his sexual organs. There are also increasing reports of ill-treatment during unofficial and completely unrecorded interrogation outside recognized places of detention, frequently accompanied by threats.

Female and male detainees often complain of sexual assaults. Five women were detained by police in Istanbul in the course of May Day demonstrations and held incommunicado for five days. They reported beatings, prolonged standing and sexual assault. Aynur Tokluo_lu said she was stripped naked and suspended by her wrists tied behind her back. Several detainees had medical certificates describing injuries consistent with torture allegations. But Duygu Senem, who complained that she had been beaten by the Anti-Terror branch of the Istanbul Police Headquarters in April 1998, claimed police confiscated the report of her medical examination.

Even children are not spared torture. Police officers and prosecutors routinely deny children applicable legal safeguards such as interrogation by senior officials in the presence of a lawyer. On 1 October 1998 the government introduced new provisions

requiring that children under 15 years held under the Anti-Terror Law were to be interrogated by the prosecutor instead of the police. However, it also confirmed that those between 16 and 18 years detained under that law can be held for four days in incommunicado detention.

Some victims are very young: five children between six and eight years old (whose names Amnesty International submitted to the government) reported they had been beaten and sexually assaulted at Beyo_lu Police Headquarters, Istanbul in June 1998. Sixteen-year-old Mahmut Y_ld_z was reportedly detained by police officers from the home of a relative in Siirt on 22 November 1997. He was interrogated at Siirt Gendarmerie Regimental Headquarters and on 25 November taken by helicopter to Diyarbakir Military Hospital where he died on 5 December, apparently of a brain haemorrhage.

Although prosecutors and judges remain extremely reluctant to investigate and prosecute complaints of ill-treatment or torture against police officers and gendarmes, more have been charged and tried recently for such human rights violations. However, no meaningful statistics of suspensions, investigations, trials and convictions of those allegedly responsible have been published. Convicted police are frequently only fined or given suspended sentences, even in cases of the most serious violations.

Of the 153 cases of enforced or involuntary disappearances reported as of January 1998 to the WGEID 83 remain unresolved. Relatives of such “disappeared” persons who assemble every Saturday in Istanbul calling for clarification of their whereabouts or fate have been beaten and sprayed with pepper gas, arbitrarily detained and prosecuted. One woman, Neslihan Uslu, and three men, Hasan Aydogan, Metin Andac and Mehmet Mandal, “disappeared” in Izmir in March 1998. All four had previously reportedly received death threats from security forces. Mehmet Mazaca “disappeared” on or about 22 October 1998 in Elaz__. He was still suffering from the after-effects of torture inflicted in 1993 and was reportedly seen in custody at Elaz__ Police Headquarters.

At least 14 people have been reported victims of extrajudicial executions. On 1 May 1998 Ömer Du_ak was taken from his house in Eyyubiye, allegedly by gendarmerie officers. Five days later his body was found with five bullet wounds.

Armed separatist and leftist organizations have also continued to kill civilians and prisoners. The Kurdish Workers’ Party (PKK) and the Marxist-Leninist Communist Party (MLKP) were held responsible for at least 24 deliberate and arbitrary killings of civilians or prisoners during 1998.

Many prisoners of conscience have been sentenced to imprisonment for their non-violent criticism of the government’s policies towards the Kurdish minority. In July 1998 Akin Birdal, President of the Human Rights Association (HRA), was sentenced to one year’s imprisonment under Article 8 of the ‘Anti-Terror Law’ for a speech he had made on World Peace Day two years earlier. In October the Appeal Court confirmed the sentence.

The government must take decisive action if the pattern of grave violations of human rights, which AI has persistently highlighted for many years, is definitely to be broken.

Amnesty International's recommendations to the Commission are featured in the main document: *"1999 UN Commission on Human Rights - Making human rights work: time to strengthen the special procedures"* (AI Index: IOR 41/01/99), pages 21 & 22.

Appeal case: AKIN BIRDAL - Prisoner of Conscience

Less than a year after barely surviving an assassination attempt, Akin Birdal, President of the Turkish Human Rights Association (HRA) - Turkey's largest independent human rights organization - and one of Turkey's foremost human rights defenders, faces imminent imprisonment for "thought crime".

On 27 October 1998 the General Council of Ankara's Appeal Court upheld a sentence of one year's imprisonment against Akin Birdal, who had been found guilty by the Ankara State Security Court in July of "inciting people to hatred and enmity on the basis of class, race or regional differences" under Article 312(2) of the Turkish Penal Code. Akin Birdal also received a fine of 420,000 TL (US\$ 3). Akin Birdal's offence had been to call for a peaceful resolution to the longstanding conflict between the Turkish State and the armed opposition Kurdish Workers Party (PKK) and to refer to "the Kurdish people" in a speech made at a public "Peace and Freedom Meeting" in September 1996.

With the Appeal Court's confirmation of the sentence, Akin Birdal's legal remedies are now exhausted. According to the formula laid down in the law on the execution of sentences, Akin Birdal will serve five months and 18 days in prison and it is expected that the sentence will shortly be enforced, in spite of concern about Akin Birdal's state of health. As a consequence of being found guilty under Article 312 Akin Birdal will also be required to step down as President of the HRA. He will not be permitted to be a founder or executive of any association for the rest of his life, although this ban is open to appeal after three years. If imprisoned, Amnesty International would consider him as a prisoner of conscience and call for his immediate and unconditional release.

Amnesty International calls for:

- the conviction of Akin Birdal to be quashed, and for his right fully to participate in the activities of the Turkish Human Rights Association to be restored.

KEYWORDS: UN COMMISSION ON HUMAN RIGHTS1 / FREEDOM OF EXPRESSION / HUMAN RIGHTS ACTIVISTS
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This is a 4-page document (1642 words) : 1999 UN COMMISSION ON HUMAN RIGHTS - Making human rights work: time to strengthen the special procedures - Appeal case: TURKEY (AI Index: EUR 44/09/99) issued by Amnesty International in February 1999.

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