

PUBLIC

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04 August 2004

UA 240/04 Fear for safety/death threats/risk of torture and ill-treatment

TURKEY **Abdulhekim Gider (m), lawyer**
Abdullah Gündogdu (m)
Tahsin Atak (m)
Ihsan Gülmek (m)

Three men have been detained and reportedly tortured in Siirt, southeast Turkey. Police have reportedly threatened their lawyer at gunpoint when he tried to visit them, and followed him in the street. Amnesty International believes the lawyer's life may be in danger.

Police detained Abdullah Gündogdu, Tahsin Atak and Ihsan Gülmek in the Pervari district of Siirt province on 30 July, reportedly on suspicion of aiding and abetting an armed organization, the Kurdistan People's Congress (Kongra-Gel), which was formerly known as the Kurdistan Workers' Party (PKK). Their lawyer, Abdulhekim Gider, came to meet with them at the police station in Pervari on 1 August. While he was waiting, a police officer asked him, "How can you defend traitors? This lot are terrorists...haven't you got a conscience?"

When Abdulhekim Gider saw him, Abdullah Gündogdu appeared exhausted and scared and could not stand upright. He said that he had not been given any food since the day he was detained, and that he had been stripped naked and sprayed with cold pressurized water for two-and-a-half hours, especially at his kidney area. He said that he had also had his testicles squeezed and been beaten about the head. Tahsin Atak and Ihsan Gülmek only said that they had not been given food, but they both appeared tired and frightened. Tahsin Atak later complained that he had been severely beaten on his body and legs. When his lawyer met with him in prison, there was reportedly still blood on his legs and socks from this.

That day, Abdulhekim Gider tried to lodge a complaint that Abdullah Gündogdu had been tortured, but the Pervari prosecutor was reluctant and allegedly tried to persuade him not to do so. When he returned to the prosecutor's office on 2 August, a police officer reportedly pointed his rifle at the lawyer and said to another officer, "I might accidentally pull the trigger". When Abdulhekim Gider went back to the police station to meet with his clients the same day, he says he was prevented from entering by seven or eight police officers, including the local police chief, who surrounded him and apparently insulted and threatened him, because he had lodged a complaint of torture against them. After he appealed to a senior police officer who came to the station, Abdulhekim Gider was allowed to meet with his clients. As the lawyer left the police station, one of the police officers who had earlier threatened him told him, "Your job is not going to be easy any more." When Abdulhekim Gider asked what this meant, the police officer told him, "Go away! I don't want to see you again. Bad things happen, and they are going to happen."

Police have pressured the detained men's relatives to change their lawyer, and police officers in Pervari are reported to have threatened Abdulhekim Gider since then. Groups of police have followed him in the street, and police vehicles have patrolled conspicuously outside buildings where he has been conducting meetings with the families of his clients.

Abdullah Gündogdu, Tahsin Atak and Ihsan Gülmek were all remanded to Siirt prison at 11 pm on 3 August.

BACKGROUND INFORMATION

The Turkish government introduced a policy of “zero tolerance for torture and ill-treatment” when it came to power in November 2002. Recent reforms to Turkish law and detention regulations are designed to prevent torture, for example by reducing the length of time detainees can be held without charge, and granting them the immediate right to legal counsel. However, police officers do not always comply with these requirements. Abdullah Gündođdu, Tahsin Atak and Ihsan Gülmeđ have all complained that they were not told their rights while in detention – including their right to a lawyer. They have alleged that they were forced to sign a document, whose contents they did not know, which is presumed to have been a statement confirming that they had been read their rights.

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

- expressing concern at reports that Abdullah Gündođdu, Tahsin Atak and Ihsan Gülmeđ may have been tortured or ill-treated while in police custody, and reminding the government of its stated policy of “zero tolerance for torture and ill-treatment”;
- calling for a full and impartial investigation into the men's allegations, including a prompt medical examination, with the results made public and those responsible brought to justice;
- expressing concern for the safety of Abdulhekim Gider and calling for immediate steps to be taken to guarantee his safety, in accordance with his wishes;
- urging the authorities to conduct a full and impartial investigation into allegations that police officers have threatened the lawyer, for the results to be made public and for those responsible to be brought to justice;
- expressing concern that police appear to have threatened the lawyer because he lodged a complaint about the alleged torture of Abdullah Gündođdu;
- reminding the authorities that they ratified the UN Convention against Torture in 1988, and are obliged to bring alleged torturers to justice (Articles 4 and 5), and to protect victims, plaintiffs and witnesses in torture trials (Article 13).

APPEALS TO:

Minister of Justice

Mr Cemil Çiçek
Ministry of Justice
Adalet Bakanlıđı
06659 Ankara, Turkey

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Fax: + 90 312 417 7113

Salutation: Dear Minister

Minister of the Interior

Mr Abdulkadir Aksu
Ministry of Interior
İşisleri Bakanlıđı
Ankara, Turkey

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Salutation: Dear Minister

COPIES TO:

Foreign Minister and State Minister for Human Rights

Mr Abdullah Gül,
Office of the Prime Minister,
Basbakanlık,
06573 Ankara, Turkey

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 14 September 2004.