

UA 145/01

Torture a**TURKEY** Baki Ya_ (m), aged 32

Baki Ya_ has been tortured and ill-treated in prison. According to reports, he has been beaten and is being held in isolation in a cell with no window and thus no ventilation or daylight. Amnesty International believes these conditions amount to ill-treatment.

Amnesty International has just learned that Baki Ya_, who has been imprisoned since 1994 for his involvement with an illegal organization, has been confined in a small cell with no window since April. The keyhole and a small hole in the wall of his cell have reportedly been blocked in order to prevent him from communicating with other prisoners. He is not allowed to visit the courtyard, or to receive letters from relatives. Amnesty International believes that such isolation amounts to cruel, inhuman or degrading treatment or punishment, placing him at risk of mental or physical harm. Such isolation violates the prohibition of cruel treatment in the UN Standard Minimum Rules for the Treatment of Prisoners and in the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

Baki Ya_ is being held at a prison in the province of Tekirda_. The prison is of the controversial "F-Type", where prisoners are held in small-cell regimes rather than the old system based around dormitories. Before his transfer to Tekirda_ in March, he was held at an F-Type prison in the province of Edirne. He was transferred to Erdine prison during a prison operation on 19 December 2000, which led to the death of 30 prisoners and two gendarmes (For further information, see UA 385/00, EUR 44/73/00, 20 December 2000 and follow-up). During the transfer, he was reportedly severely beaten and had some of his hair pulled out. Relatives who saw him shortly after his transfer reported that he had puncture wounds to his face, which had gone black. Since then, he has reportedly been beaten for not answering a roll-call, and has been repeatedly subjected to *falaka* (beating on the soles of the feet).

In 1999 Baki Ya_ was sentenced to two years of solitary confinement by a State Security Court in Ankara, as a disciplinary punishment. The disciplinary punishment has only recently been implemented. As part of his punishment, Baki Ya_ is reportedly held in solitary confinement with no access to the outside world for 15 days. On the sixteenth and seventeenth days he is allowed to see a doctor, his lawyer and relatives. He is then returned to solitary confinement for another 15 days.

Baki Ya_ had reportedly joined an on-going hunger strike against new "F-Type" prisons in protest at his treatment. His health is believed to have deteriorated seriously.

BACKGROUND INFORMATION

During and after the prison operation in December 2000, prisoners moved to the new "F-Type" prisons have reportedly been beaten and tortured. AI believes that isolation regimes imposed in the new prisons amount to cruel, inhuman or degrading treatment, and facilitate torture and ill-treatment.

Article 16 of the Turkish Anti-Terror Law, which laid down a draconian regime of isolation, was amended in May 2001 to allow prisoners access to communal areas. Amnesty International welcomed this development, but has expressed

concern to the Turkish authorities that the law allows too wide a scope for prison administrations to restrict the implementation of the law (see EUR 44/031/2001). Amnesty International has called for regimes to be brought in line with international standards and the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT), which stipulate that prisoners should spend eight hours or more outside their cells engaged in purposeful activity of a varied nature.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing concern that Baki Ya_ has been tortured and is being held in isolation in conditions that amount to ill-treatment;
- calling for his solitary confinement to be stopped and
- urging the authorities to guarantee that he is not subjected to further torture or ill-treatment, and asking that he be granted access to his family, lawyer and all necessary medical treatment;
- expressing concern that he was reportedly tortured and ill-treated during his transfer to and while held at Edirne and Tekirda_ F-Type prisons, and calling for a full and impartial investigation into these allegations with the results made public and those responsible brought to justice;
- asking that the disciplinary sentence passed against him in 1999 be suspended or changed to a sentence that meets with international standards;
- calling for the regimes of prolonged small-group isolation and solitary confinement in prisons to be stopped, and asking the authorities to ensure that prisoners spend a minimum of eight hours a day engaged in communal activities outside their living units, as called for by the ECPT;
- calling for an independent and comprehensive investigation into the deaths and allegations of torture during the December 2000 prison operation, with the results made public and anyone responsible for human rights violations brought to justice;
- urging for the prisons to be opened to the scrutiny of human rights monitors, including doctors and lawyers, to ensure that they run in accordance with Turkish law and international standards for the humane treatment of prisoners.

APPEALS TO:

Minister of Justice
 Prof Hikmet Sami Türk
 Ministry of Justice
 Adalet Bakanl____
 06659 Ankara, Turkey

Telegrams: Justice Minister, Ankara, Turkey

Faxes: + 90 312 417 3954 / 418 5667

Salutation: Dear Minister

Minister of the Interior

Mr Rü_tü Kaz_m Yücelen

Ministry of Interior

İç İleri Bakanı

06644 Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Fax: +90 312 418 17 95

Salutation: Dear Minister

General Director of Prisons

Mr Ali Suat Ertosun
Ceza ve Tevkifevleri Genel Müdürü,
Adalet Bakanı
06659 Ankara, Turkey
Fax:+90 3 12 425 4819
Salutation: Dear Sir

Copies 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 19 July 2001.