

PUBLIC

AI Index: EUR
44/047/2002

UA 311/02 Fear of torture and ill-treatment/
fear for safety

17 October 2002

TURKEY Abdulkadir Akta[] (m), 22 years old

Abdulkadir Akta[] 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 assassination of the Diyarbak2r Chief of Police, Gaffar Okkan, and five other police officers by the illegal armed Islamist group *Hizbullah* in January 2001.

Abdulkadir Akta[] was detained on 6 October 2002 and held at the Anti-Terror Branch of Diyarbak2r Police Headquarters for four days without access to a lawyer. On 10 October a judge ordered that he be ramanded to prison. Two days later he was transfered back to the Diyarbak2r prison 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.

Following his return to police custody, a member of Abdulkadir Akta[]'s family was allowed to meet him. He reportedly had problems walking - strengthening fears that he may have been tortured while in police detention.

BACKGROUND INFORMATION

Amnesty International has received numerous accounts of people being illegally detained and tortured by police in Diyarbak2r under Article 3/c of Legal Decree No. 430, which allows individuals in the Regions under State of Emergency (Diyarbak2r and TM2rnak) 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 44/10/2002, February 2002). Emrullah Karagoz, 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, suspending by the arms or wrists 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 Abdulkadir Akta[], who is in detention at the Anti-Terror Branch of Diyarbak2r Police Headquarters;

- expressing concern at reports that Abdulkadir Akta[] may have been tortured or ill-treated while in police custody, and reminding the government that it is a state party to the European Convention on Human Rights, which says 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 Bakanl[]

06659 Ankara, Turkey

Telegram: Justice Minister, Ankara, Turkey

Fax: + 90 312 417 3954

Salutation: Dear Minister

Minister of Interior

Muzaffer Ecemi[]

Ministry of Interior

İçişleri Bakanl[]

06644 Ankara, Turkey

Telegram: Interior Minister, Ankara, Turkey

Fax: + 90 312 418 17 95

Salutation: Dear Minister

Diyarbak[]r Police Headquarters

Mr Atilla Ç[]nar

Diyarbak[]r Emniyet Müdürü

Diyarbak[]r Emniyet Müdürlüğü

Diyarbak[]r, Turkey

Telegrams: Emniyet Müdürü, Diyarbak[]r, Turkey

Salutation: Dear Chief of Police

COPIES TO:

State Minister with responsibility for Human Rights

Mr Ali Do[]an

Office of the Prime Minister,

Ba[]bakanl[]k,

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 28 November 2002.