

UA 194/01 Torture and ill-treatment/ unlawful detention/ fear for safety 31 July 2001

TURKEY Edip Bal_k [m], aged 30

Edip Bal_k is reportedly being held in illegal detention in southeastern Turkey where he has been tortured and ill-treated.

Edip Bal_k was initially detained by police in the city of Diyarbak_r on 4 July 2001 in connection with alleged membership of the armed opposition group *Hizbullah*. After spending 10 days in police detention - the maximum period allowed under Turkish law - a judge, on 15 July 2001, ordered that he be remanded to prison. However, he was returned to police detention at the Anti-Terror Branch of Police Headquarters in Diyarbak_r.

This re-arrest was carried out on the basis of the so-called "Repentance Law" (see below). However, under this law, he should have been held for up to a further 10 days only. He is therefore currently being held illegally.

Edip Bal_k was reportedly allowed to meet with his mother and uncle for 20 minutes on 30 July 2001. They report that "...he was dragged before us by two police officers as though he was crippled. His arms and legs were not working. His face was unrecognizable". Due to previous health problems Edip Bal_k has only one kidney.

BACKGROUND INFORMATION

Amnesty International has received numerous accounts of alleged *Hizbullah* members being illegally detained at the Anti-Terror Branch of Police Headquarters in Diyarbak_r. Fesih Güler was reportedly tortured while held illegally (see Further Information on UA 317/00, EUR 44/040/2001, 17 October 2000). Fahrettin Özdemir reportedly spent a total of 59 days in police custody, during which he was severely tortured (see EXTRA 30/00, EUR 44/23/00, 3 April 2000).

Under Turkish law, people suspected of offences that fall under the jurisdiction of the State Security Courts can be held in police custody without access to family, friends or legal counsel for up to four days. This may be extended by a further three days on the orders of a prosecutor or by a further six days in provinces, such as Diyarbak_r, which are under emergency rule. After the maximum period they must be brought before a prosecutor and a judge, who decide whether to release them or remand them to prison to await trial.

Under Law No. 3419, the so-called "Repentance Law", former members of illegal armed organizations may turn state's witness in exchange for reduced prison sentences. The Governor of the Region under State of Emergency can apply for permission to take the statements of these prisoners. A court can give permission to take prisoners out of prison for up to 10 days for these purposes. This increases the risk of torture and ill-treatment.

Whereas torture is rarely reported from Turkish prisons, in Turkish police stations torture appears to be regularly used to extract confessions, to elicit information about illegal organizations, to 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.

Turkey is a state party to the European Convention on Human Rights, Article 3 of which states that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment".

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

- expressing concern that Edip Bal_k has allegedly been tortured or ill-treated, and that he continues to be held in custody at the Anti-Terror Branch of the Police Headquarters in Diyarbak_r;
- urging the authorities to guarantee his safety and access to appropriate medical care, and to ensure that he is not further tortured or ill-treated;
- calling for Edip Bal_k to be transferred to prison immediately;
- calling for a full and impartial investigation into allegations that he has been illegally detained, tortured and ill-treated, with the results made public and those responsible brought to justice;
- urging the authorities to ensure that people are not illegally detained in Diyarbakir, and that anyone detained for more than 10 days is transferred to prison or released;
- calling for measures to be taken to prevent the torture of detainees held at Diyarbakir Police Headquarters, pointing out the governments obligations under the European Convention on Human Rights.

APPEALS TO:

Minister of the Interior
Mr Rü_tü Kaz_m Yücelen
Ministry of Interior
_çi_leri Bakanl____
06644 Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Fax: + 90 312 418 17 95

Salutation: Dear Minister

Governor of the Provinces under Emergency Rule

Ola_anüstü Hal Valisi
Diyarbak_r, Turkey

Telegrams:Olaganustu Hal Valisi, Diyarbakir, Turkey

Faxes:+ 90 412 224 3572

Salutation: Dear Governor

Diyarbakir Police Headquarters

Mr Atilla Ç_nar
Diyarbak_r Emniyet Müdürü
Diyarbak_r Emniyet Müdürlü_ü
Diyarbak_r, Turkey

Telegrams: Emniyet Müdürü, Diyarbak_r, Turkey

Salutation: Dear Chief of Police

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

COPIES TO:

State Minister with responsibility for Human Rights

E. Safter Gaydali,

Office of the Prime Minister,

Ba_bakanl_k,

06573 Ankara, Turkey

Fax: + 90 312 417 04 76

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 11 September 2001.