

EXTERNAL (for general distribution)

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UA 221/93 Prisoner of Conscience/Degrading Treatment

8 July 1993

**TURKEY: Hüseyin Kuskaya
Cem Özipek
Onur Sarvaut
and 28 conference delegates from abroad**

Amnesty International is concerned about the arbitrary detention of gay rights activists Hüseyin Kuskaya, Cem Özipek and Onur Sarvaut as well as 28 supporters of homosexual rights from abroad. Amnesty International believes that they were detained solely by reason of their advocacy of homosexual equality and their real or presumed sexual orientation. The organization is also concerned about the humiliating and degrading treatment which some of the above mentioned individuals faced while in detention.

There is concern about the legal situation and treatment of the three Turkish activists. Though Hüseyin Kuskaya and Onur Sarvaut have now been released, Cem Özipek continues to be held in police custody.

Amnesty International is concerned that these detentions represent a serious deterioration of the human rights situation of homosexuals in Turkey and those seeking to stand up for their rights. As such there is need for rapid action to bring international concern to the attention of the Turkish authorities over the situation of the three Turkish citizens initially detained and the future treatment of people who advocate respect for the rights of homosexuals in Turkey.

The first Congress of Homosexual Solidarity was to be held in Istanbul during the weekend of 2-6 July 1993. However, after initial permission from the Interior Ministry, the congress was reportedly banned at the last minute by the Governor of Istanbul on the grounds that it would be contrary to the "traditions and moral values" of Turkish society and that it might disturb the peace. On 3 July delegates who were planning to attend the conference decided to hold a press conference in protest at the ban. The three people named above were detained before the press conference, while the majority of the foreign delegates were detained on their way to the press conference; the remaining delegates were detained at their hotel.

The Turkish detainees were Hüseyin Kuskaya, chair of the organising committee of the conference, Cem Özipek and Onur Sarvaut. No details are available on their treatment in custody.

Police initially took the foreign detainees to a local police station and said they would be strip searched. When they protested this was not carried out. They were then held in a police bus for most of the day, until other delegates had been brought from their hotel. They were then taken to Istanbul airport

to be deported that same evening. However, en route to the airport, the police bus turned off the airport road and took the prisoners to a local hospital; the delegates were told they had to submit to a blood test for the HIV virus. They refused to permit blood to be taken and the authorities ultimately withdrew their demand. They were then deported to Germany.

The sole motivation of the attempts to force the detainees to submit to strip searches and blood tests appears to have been to punish and humiliate them for their actual or presumed sexual orientation. There was no apparent security or medical rationale for either measure: the delegates were in

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police custody and already en route to the Istanbul airport. Amnesty International considers these measures to be deliberately degrading treatment intended to punish and intimidate the detainees.

BACKGROUND INFORMATION

Although homosexuality is not proscribed by Turkish law, gay rights activists have been subjected to harassment, intimidation and ill-treatment. In recent years homosexuals and transvestites, in particular in Istanbul, have begun to address these problems publicly. Some have spoken nationally and internationally on behalf of those marginalized in Turkish society.

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

- expressing concern that the detainees were prisoners of conscience, detained solely for advocating homosexual equality and because of their real or imputed sexual orientation;

- requesting to be informed of any charges brought against Hüseyin Kuskaya, Cem Özipek and Onur Sarvaut;

- requesting assurances that they will not be subjected to rearrest because of their exercise of the rights to freedom of expression and association as safeguarded in Articles 10 & 11 of the European Convention on Human Rights to which Turkey is a state party;

- urging the government to take steps to halt degrading treatment and arbitrary arrests solely because of a person's sexual orientation or advocacy of homosexual equality.

APPEALS TO

1) Minister of the Interior:

Mr Mehmet Gazio_lu
_çi_leri Bakanl____
06644 Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Faxes: +90 4 418 1795

Salutation: Dear Minister

2) Minister of Foreign Affairs:

Mr Hikmet Çetin

Ministry of Foreign Affairs

D__i__leri Bakanl____

06100 Ankara, Turkey

Telegrams: Foreign Minister, Ankara, Turkey

Faxes: +90 4 287 3869

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

diplomatic representatives of Turkey accredited to your country

and to ILGA [an organization working for homosexual equality]

81, rue du Marché-au-charbon

B-1000 Brussels, Belgium

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 19 August 1993.