

PUBLIC

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20 December 2000

**Further information on UA 294/00 (EUR 44/47/00, 25 September 2000) - Fear of torture or ill-treatment**

**TURKEY**

- Resul Sadak (surname corrected) (41)**
- Rütem Bayar (62)**
- Mehmet Çakar (51)**
- Nihat Osal (surname corrected) (18)**
- Cengiz Balık (25)**
- Adurrezzak Inan (25)**
- Mehmet Nezir Ayan (name corrected) (30)**
- Yakup Uyar (surname corrected) (25)**
- Mehmet Temelkuran (surname corrected) (52)**
- Izzet Belge (18)**
- Tahir Kutlu (45)**

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The 11 HADEP representatives named above were released on 12 December, pending the outcome of their trial. They were not tortured in custody, which their lawyers believe was due to the Urgent Action issued on their behalf.

Although they were not tortured, they were subjected to other forms of ill-treatment by the gendarmes who arrested them, including blindfolding, death threats and sleep deprivation, and threats that they would suffer unless they gave up their work for HADEP.

The men had been arrested on 23 September, as they returned from a HADEP congress in Batman. They had reportedly already been stopped twice by gendarmes, who searched them and their cars for an hour each time. They were arrested after they were searched for a third time, at the Düzova checkpoint in Cizre. There gendarmes said they found political books and journals, as well as a banner with the armed opposition group Kurdistan Workers' Party (PKK) symbol, in the car driven by Cengiz Balık, and political journals in the car driven by Yakup Uyar.

A 12th man, Erdal Güler, was arrested on 27 September, following a raid on the HADEP office in \_\_rnak on 24 September.

Under Turkish law, detainees are allowed to consult with lawyers after four days in custody. However, lawyers from Diyarbakır who tried to visit the men were stopped at a roadblock before they got to \_\_rnak. After they complained, they were eventually allowed to see the men the following day.

The 12 men were brought before a judge on 1 October. They were accused of aiding and abetting the PKK, under Article 169 of the Turkish Penal Code and Article 5 of the Anti-Terror Law. All were remanded to Mardin Prison except for Yakup Uyar, one of the HADEP drivers, who was released.

In the indictment issued by a prosecutor at the Diyarbakır State Security Court on 16 October, the 12 are charged with carrying unlicensed weapons and explosives. However, the indictment does not say when or where these weapons or explosives were found by the security forces. The various courts involved apparently did not agree on whether any such material was found at all.

At the first trial hearing on 12 December all 11 defendants were released pending the outcome of the trial.

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**No further action by the UA network is required at the moment. Many thanks to everybody who contributed to the success of this Urgent Action.**