

UA 317/00

Torture a**TURKEY**
Fesih Güler
Hatice Güler (f)

Fesih and Hatice Güler are reportedly held illegally by police in southeastern Turkey, and may be facing torture or ill-treatment. They are believed to have spent more than a month in custody at the Anti-Terror Branch of Police Headquarters in Diyarbak_r. By law the police should only have kept them in custody for 10 days.

Police reportedly arrested the couple at their home in Diyarbak_r on 6 September. The police reportedly sealed the flat and destroyed the furniture. Fesih Güler was brought before a judge on 15 September, accused of membership of the Islamist armed organization Hizbullah. The judge ordered that he should be remanded to prison to await trial, but Fesih Güler was taken back to Police Headquarters.

His father was allowed to visit him there twice. Fesih Güler reportedly told him that he was being pressured to turn state's witness, and his father noted that he was "not in a good state".

Amnesty International was told that 10 detainees involved in this case are still held at Diyarbak_r Police Headquarters. Hatice Güler is believed to be among them, but this could not be confirmed.

BACKGROUND INFORMATION

Several Hizbullah members and leaders have recently been unlawfully detained by police. 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). When Edip Gümü_ and Cemal Tutar went on trial they stated that they had spent a total of five months in police custody, during which they had faced psychological pressure.

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 under emergency rule, such as Diyarbak_r. 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 for up to 10 days to take prisoners out of prison 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.

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

- asking the authorities whether Hatice Güler is still in custody, and, if so, why;
- expressing concern that Fesih Güler has been in police custody for more than a month, in excess of the maximum 10 days prescribed by Turkish law;
- asking for assurances that he and the other people detained with him are not being tortured or ill-treated;
- urging that Fesih Güler and the other detainees are transferred immediately to prison or else released.

APPEALS TO:

Diyarbak_r Chief of Police

Mr Gaffar Okan

Diyarbak_r Emniyet Müdürü

Diyarbak_r Emniyet Müdürlü_ü

Diyarbak_r, Turkey

Telegrams: Diyarbak_r Emniyet Müdürü, Diyarbak_r, Turkey

Salutation: Dear Chief of Police

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

Minister of Interior

Mr Saadettin Tantan

_çi_leri Bakanl____

06644 Ankara, Turkey

Telegrams:Interior Minister, Ankara, Turkey

Faxes:+ 90 312 418 1795

Salutation:Dear Minister

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

Mr Rü_tü Kaz_m Yücelen

Office of the Prime Minister

Ba_bakanl_k

06573 Ankara

Turkey

Faxes: + 90 312 417 0476

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 2000.