

20 November 2001

Further information on UA 280/01 (EUR 44/079/2001, 5 November 2001) - Risk of "disappearance", fear of torture and ill-treatment

TURKEY **Emrullah Karagöz, (m) student, aged 23**
 Mustafa Ya_ar, (m) welder, aged 29

New names: Remziye Da_ (f) housewife, aged 51
 Hatip Alay, (m) tradesman, aged 41
 Fehmi Ak, (m) crane-operator, aged 26

The five people named above are in incommunicado detention in Diyarbak_r, southeast Turkey. They are being held by gendarmes (army members with police responsibilities in rural areas) and are risk of torture and ill-treatment.

Emrullah Karagöz and Mustafa Ya_ar are both members of the legal pro-Kurdish political party HADEP. Both men were charged with "aiding and abetting an illegal organisation". They have been in gendarmerie detention since 1 November despite a judge ordering that they be remanded to prison. On 10 November, the State Security Court in Diyarbak_r extended their detention for ten days. When their lawyers attempted to visit them at gendarmerie headquarters on 14 November, they were told that the men were not there.

Hatip Alay, Remziye Da_ and Fehmi Ak were arrested between 10 and 13 November and are all being held in gendarmerie detention, despite orders by the State Security Court that they should be remanded to Diyarbak_r Prison. Hatip Alay was reportedly detained by plain-clothes police officers during a raid on his house in Maz_da_, Mardin province on 10 November. The following day, the State Security Court remanded him to Diyarbak_r prison but he was instead returned to gendarmerie detention.

Remziye Da_ was apparently detained at a check-point in Ergani, Diyarbak_r province, on 11 November. She was allegedly taken to her house at 9.00 pm on 14 November by security officials so that she could change her clothes, which were said to be in tatters and stained with blood. The next day the State Security Court remanded her to Diyarbak_r prison but she too was returned to gendarmerie detention.

Fehmi Ak was reportedly detained by plain-clothes security officers in the course of a raid on his house in Bingöl province on 13 November. On 16 November the State Security Court remanded him to Diyarbak_r prison but he was instead returned to gendarmerie detention.

BACKGROUND INFORMATION:

Diyarbak_r, southeast Turkey is currently under a State of Emergency. As such, Article 3/c of Legal Decree Number 430 grants the State Prosecutor- following a proposal from the Governor of the Region under State of Emergency - permission to ask a judge to return a person already in remand or imprisoned to police or gendarmerie custody for up to ten days. This is applicable in cases related to crimes that caused the declaration of State of Emergency. All the detainees have been returned to gendarmerie detention under this decree. Amnesty International has received numerous reports of such prisoners being exposed to torture and ill-treatment during this period.

Whereas torture is rarely reported from prisons, in police and gendarmerie stations, torture 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.

The Turkish Regulation on Apprehension, Police Custody and Interrogation provides clear guidelines for the registration of people taken into custody and their right to inform their relatives "unless informing the relatives will harm the investigation". In an amendment to the Constitution on 3 October 2001 this restriction was lifted. Yet guidelines for the prompt and proper registration of detainees and for notification of their families are often ignored. This is extremely distressing for the families of detainees, who often spend days trying to establish the whereabouts of their loved ones. Failure to register detainees properly and promptly creates conditions in which there is an increased risk of torture, and "disappearance" or death in custody can occur.

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

- expressing concern at reports that Mustafa Ya_ar and Emrullah Karagöz have been in gendarmerie detention in Diyarbak_r since 1 November 2001 and may be at risk of torture or ill-treatment;
- expressing concern at reports that Remziye Da_, Hatip Alay, and Fehmi Ak have been returned to gendarmerie detention in Diyarbak_r and may be at risk of torture or ill-treatment;
- urging the authorities to ensure that none of the names above are tortured or ill-treated, and that they are given immediate access to their lawyers and relatives and appropriate medical care should they need it;
- asking the authorities to take action to prevent the torture of detainees, pointing out that the government is bound by 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

Chief of Staff of the Gendarmerie

General Aytaç Yalman

Jandarma Kuvvetleri Komutanl____

Bakanl2klar

Ankara, Turkey

Telegrams: General Yalman, Ankara, Turkey

Fax: +90 312 418 9208

Salutation: Dear General

Governor of the Provinces under Emergency Rule

Gökhan Ayd_ner

Ola_anüstü Hal Valisi

Diyarbak_r, Turkey

Telegrams: Olaganustu Hal Valisi, Diyarbakir, Turkey

Faxes: + 90 412 224 3572

Salutation: Dear Governor

COPIES TO:

State Minister with responsibility for Human Rights

Nejat Arseven

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 1 January 2002.