

EXTERNAL (for general distribution)

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EXTRA 89/92

Fear of Torture/Death in custody

29 October 1992

TURKEY:

Mustafa Ya_ar

Metin Öztürk

Remzi Basalak

Amnesty International is concerned about the safety of Mustafa Ya_ar and Metin Öztürk. They have both been held incommunicado at Adana Police Headquarters since 23 October 1992.

According to a newspaper report on 26 October, a clash had occurred on 23 October between the police and four armed persons who had just robbed the Tekel (state monopoly on tobacco and alcohol) depot in Adana. One robber, _aban Budak, was killed, while two of the others were slightly injured and detained. They reportedly carried identity cards in the names of Mustafa Ya_ar and Metin Öztürk. It was suspected that the robbery had been carried out on behalf of an illegal political organization.

Mustafa Ya_ar's lawyer was refused permission to see her client on 26 October and was told by the public prosecutor that both suspects were to be held in police custody for seven days. It is feared that Mustafa Ya_ar and Metin Öztürk are being interrogated under torture while in incommunicado detention at Adana Police Headquarters and there is grave concern for their safety.

On 27 October the same newspaper reported that a fourth youth, Remzi Basalak, had been apprehended following the robbery of 23 October and that he had died in police custody on the evening of the same day. An autopsy revealed that his death, which had not been reported for four days, was due to a brain haemorrhage. The police authorities claimed that he had fallen when being apprehended and had hit his head on the ground.

However, a press statement issued by four lawyers in Adana following the incident alleges that Remzi Basalak was killed under torture. It stated that he had appeared well when he was presented to the press on 23 October, shouting slogans and making the victory sign. His family and lawyer learned of his death only four days later when it was reported in the newspaper.

BACKGROUND INFORMATION

Turkey ratified the European Convention for the Prevention of Torture on 25 February 1988 and the UN Convention Against Torture on 2 August 1988. However, all information available to Amnesty International indicates that torture is still widespread and systematic in Turkey. Most allegations relate to ill-treatment of detainees in police custody during their initial interrogation when they are usually denied access to

relatives or a lawyer. In August 1990, the government derogated from Articles 5, 6, 8, 10, 11 and 13 of the European Convention on Human Rights, all of which contain important safeguards for human rights. Under current legislation the maximum period a detainee may be held before being formally charged or released is 24 hours; in cases involving three or more suspects or due to the 'nature of the crime' it may be extended to 15 days. This period may be extended to 30 days in areas under emergency legislation or martial law. Emergency legislation is currently in force in 10 provinces but not in Adana.

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RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters in English or in your own language:

- urging that Mustafa Ya_ar and Metin Öztürk are granted prompt access to their families and lawyers and that they are not ill-treated while held in police custody;
- requesting to be informed of any charges brought against them;
- expressing concern about the reported death in custody in Adana of Remzi Basalak, concealed from his family and lawyers for four days until reported in the press on 27 October 1992;
- noting that reportedly Remzi Basalak had appeared well when he was presented to the press on the day of his death, 23 October;
- calling for an immediate, impartial and full investigation into the circumstances of his death at Adana Police Headquarters;
- asking to be informed of its findings.

APPEALS TO

1) Minister of the Interior:

Mr _smet Sezgin

_çi_leri Bakanl__

06644 Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Telexes: 46369 IC SL TR

Faxes: + 90 4 418 1795

Salutation: Dear Minister

2) Prime Minister:

Mr Süleyman Demirel

Office of the Prime Minister

Ba_bakanl_k

06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey

Telexes: 44061/44062/44063 bbmt tr, 42099 basb tr, 42875 bbk tr

Faxes: + 90 4 417 04 76, + 90 4 230 88 96

Salutation: Dear Prime Minister

3) Governor of Adana province:

Mr Bekir Aksoy

Adana Valili_i

Adana, Turkey

Telegrams: Adana Valiligi, Adana, Turkey

Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

President of the Parliamentary Human Rights Commission
nsan Haklar Ara_t_rma Komisyonu Ba_kan_
TBMM
Ankara, Turkey

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 8 November 1992.