

UA 286/99

Arbitrary detention, possible prisonersof consci

TURKEYAlp Ayan (psychiatrist, Human Rights Foundation of Turkey, Izmir)
Günseli Kaya (f) secretary, Human Rights Foundation of Turkey, Izmir)
Twelve others imprisoned with them

Amnesty International is concerned about the imprisonment of Alp Ayan and Günseli Kaya, both staff members of the Human Rights Foundation of Turkey (HRFT) Izmir branch office.

Amnesty International believes that Alp Ayan and Günseli Kaya may have been detained because of their human rights activism. Alp Ayan is the psychiatrist at the HRFT's Izmir office, where he has been working for torture victims' rehabilitation for 10 years. Günseli Kaya is the secretary of this office. Both are also active in the Izmir branch of the Human Rights Association (HRA), and were board members of HRA Izmir between 1993 and 1998.

They were detained with 74 others on 30 September 1999 in a village near Izmir, when they tried to attend the funeral of one of 10 prisoners killed on 26 September in Ankara Central Closed Prison.

On 3 October Alp Ayan and 12 other detainees were remanded to Bergama prison and Günseli Kaya to U_ak prison by the penal court in Alia_a. Amnesty International is concerned that the 14 have been arbitrarily detained. The court which took the decision to remand them declared the case outside its competence and referred it to Izmir State Security Court. However, the State Security Court also declared the case outside its competence. Although the detainees have the right to challenge the lawfulness of their detention every 30 days, because none of the courts sees itself as competent to judge the case, the prisoners may have to wait for a decision by the Appeal Court which can take several months.

BACKGROUND INFORMATION

The two courts so far involved in the case have taken different views on the charges to be brought against the detainees. On 3 October, the penal court in Alia_a recommended prosecution under Article 32/3 of the Law on Meetings and Demonstrations which requires imprisonment terms of between one and five years for those who react with coercion, violence, threat, attack or resistance to the security forces' decision to dispel a demonstration, and under Article 7/2 of the Anti-Terror Law which requires imprisonment terms of between three and five years for disseminating propaganda of terrorist organizations. The court then declared itself non-competent in the case. However, the State Security Court in Izmir also declared itself non-competent on 13 October, and stated that Article 7 did not apply. It concluded that there was no propaganda for a terrorist organization, and that the demonstration had not been illegal. It had previously concluded that the detainees should be charged under Article 526 of the Turkish Penal Code which requires imprisonment terms of between three and six months for those who disobey an order issued for the protection of public order.

The HRFT and the HRA are independent organizations founded to monitor and document abuses and to protect human rights. In addition to the work of its documentation centre, the HRFT operates a network of torture treatment and rehabilitation centres throughout Turkey.

Both organizations have been outspoken in their condemnation of human rights violations by government agencies and armed opposition groups.

From the start the HRA's courageous defence of human rights has led to considerable pressure from the authorities who have imprisoned, tortured and sometimes killed its members. In 1998 the former President of the HRA, Ak_n Birdal, narrowly escaped an assassination attempt, only to be imprisoned by the authorities in May 1999 for the peaceful expression of his non-violent opinions. Amnesty International adopted him as a prisoner of conscience and campaigned for his unconditional release. He was eventually released on 25 September on medical grounds. His sentence was suspended for six months.

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

- expressing concern that Alp Ayan and Günseli Kaya may have been detained for their human rights activism and because they peacefully made use of their right to freedom of assembly, in which case they would be regarded as prisoners of conscience;
- asking for further information on the circumstances of the detention and for speedy clarification of the charges against them;
- asking for their release from prison until a competent, independent and impartial court has established the necessity of their imprisonment in compliance with international human rights standards;
- expressing dismay at the constant harassment of human rights defenders in Turkey.

APPEALS TO:

Prime Minister

Mr Bülent Ecevit

Office of the Prime Minister

Ba_bakanl_k, 06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey

Faxes: + 90 312 417 0476

Salutation: Dear Prime Minister

Minister of Justice

Professor Hikmet Sami Türk

Adalet Bakan_

Adalet Bakanl____,

06659 Ankara, Turkey

Telegrams: Adalet Bakan_, Ankara, Turkey

Faxes: + 90 312 418 5667

Salutation: Dear Minister

COPIES TO:

State Minister with responsibility for Human Rights

Mr Mehmet Ali Irtemçelik

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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 14 December 1999.