

EXTERNAL (for general distribution)

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Further information on EXTRA 101/93 (EUR 44/110/93, 19 November 1993) - and follow-ups (EUR 44/112/93, 24 November; EUR 44/119/93, 9 December) - Fear of Torture/Legal Concern

TURKEYHüsniye Ölmez (f); Meral Dan__ Be_ta_ (f), Secretary of the Human Rights Association (IHD) branch in Diyarbak_r; Mesut Be_ta_, her husband, IHD member; Sabahattin Acar (note correct name); Baki Demirhan; _inasi Tur; Arif Altunkalem, IHD member; Nevzat Kaya; Vedat Erten; Tahir Elçi (from Cizre); Niyazi Çem (from Istanbul); Fuat Hayri Demir (note correct name); Gazanfer Abbasio_lu; Selim Kurbanolu; mam_ahin; Arzu_ahin (f) - all LAWYERS

On 11 December, Hüsniye Ölmez, Sabahattin Acar and Tahir Elçi were formally arrested and committed to Diyarbak_r Prison. _mam and Arzu_ahin remained in incommunicado detention, while the other 11 lawyers were released.

The Prosecutor's Office at Diyarbak_r State Security Court successfully appealed against the court's decision to release the 11 lawyers and on 15 December, arrest orders for six of them were issued. The six lawyers are: Meral Dan__ Be_ta_, Mesut Be_ta_, Arif Altunkalem, Fuat Hayri Demir, Selim Kurbanolu and Vedat Erten. However, so far only Mesut Be_ta_ and Vedat Erten have been apprehended. The exact charges brought against the lawyers are not known, but reportedly are based on statements given to the police by a political prisoner in Diyarbak_r Prison who became a police informer.

After her release, Meral Dan__ Be_ta_ gave the following statement:

"I was detained in the evening of 16 December, while leaving the State Security Court together with Arif Altunkalem, Baki Demirhan, and Mesut Be_ta_, my husband. We knew we were going to be arrested - the police had surrounded the court building and were watching us. We gave our personal effects, car keys etc, to a lawyer friend and were then taken to the gendarmerie headquarters. We were immediately blindfolded. For the first 15 minutes we were treated quite well, then we were searched and I was put in a cell which was very cold. I wore thin clothes and only after insisting was I eventually given a blanket.

A short time afterwards I was taken for interrogation. They said that I took notes to my clients hidden in stationery and cigarette boxes which I brought to them in prison. They also said that we brought out their press statements - which was true and I admitted this. For three days I was interrogated several times about my work for the Human Rights Association (IHD). During this time I was slapped, kicked and insulted, including crude sexual insults which I found very upsetting. They asked why the IHD did not defend soldiers. I answered that our position towards the PKK and the army was clear, that we stood up for civilians and those not involved in the conflict. They gave us half a loaf of bread a day, and we were only allowed to the toilet twice a day.

After the first four days, the interrogation stopped. Then on about 18 November, a Thursday, they prepared a statement of four pages and asked me to sign it while still being blindfolded. - I said, 'I am a lawyer, I am not going to sign anything I have not seen'. They threatened to torture me - I replied that torture was a crime against humanity and they should not do it. They took off my clothes and soaked me for an hour with freezing water. I was terribly cold.

They asked me to sign and again I said that I could not sign without reading the statement. I went back to the cells and an hour later they brought me out again. I was kicked and beaten, and then again they subjected me for an hour or an hour and a half to iccold water. This brought me to early Friday morning.

I was taken for a medical examination but as there were no signs of ill-treatment, the doctor said he could not give a report. I was then taken to the court. I had fallen down a couple of times in the corridor because I was so weak and ill. As soon as the judge saw me, he said, 'I can see the situation. You do not need to explain.' He asked me to sit down - normally a defendant has to stand during interrogation by the examining magistrate. I complained to the judge about the ill-treatment and said that I thought I could identify the torturers by their voices."

The lawyer believes that Hüsniye Ölmez and Tahir Elçi were tortured more severely - apparently Tahir Elçi had been subjected to water under pressure, wounded by blows to the mouth and nose, and taken to the Devegeçidi area north of Diyarbakır, where bullets had been fired about him in a mock execution. Hüsniye Ölmez and Arif Altunkalem were given medical certificates. It is not known what injuries were certified for Hüsniye Ölmez; the medical report for Arif Altunkalem certified bruised knees.

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

- expressing concern about the alleged torture and ill-treatment of the detained lawyers while they were held incommunicado at the Gendarmerie Headquarters in Diyarbakır;
- urging that the lawyers Mam and Arzu Ahin still held in incommunicado detention are granted access to a representative of the Bar and that they are not subjected to torture or any other form of ill-treatment;
- asking to be informed of the charges brought against the lawyers and of the evidence supporting the charges.

APPEALS TO:

1) Minister of Justice:

Mr Seyfi Oktay, Ministry of Justice

Adalet Bakanlığı, 06659 Ankara

Telegrams: Adalet Bakanlığı, Ankara, Turkey

Faxes: +90 312 425 40 66

2) Prime Minister:

Mrs Tansu Çiller

Başbakanlık, 06573 Ankara, Turkey

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Faxes: +90 312 417 04 76 PRIME MINISTER

+90 312 230 88 96 (attn: Prime Minister)

Salutation: Dear Prime Minister

3) Deputy Prime Minister:

Mr Murat Karayalçın

Başbakanlık, 06573 Ankara, Turkey

Telegrams: Deputy Prime Minister, Ankara, Turkey

Telex: 44061/44062/44063 bbmt tr; 42099 basb tr; 42875 bbk tr

Faxes: +90 312 417 0476 DEPUTY PRIME MINISTER

+90 312 230 8896 (attn: Deputy Prime Minister)

Salutation: Dear Deputy Prime Minister

4) Emergency Legislation Governor:

Mr Ünal Erkan

Ola_anüstü Hal Valili_li

Diyarbakir, Turkey

Telegrams: Ola_anüstü Hal Valisi, Diyarbakir, Turkey

Faxes: +90 412 222 6174

Salutation: Dear Governor

COPIES 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 January 1994.