

URGENT ACTION

THREE TURKISH MEN ARRESTED AND AT RISK OF TORTURE

According to the Malaysian police, three Turkish nationals have been arrested and detained in Malaysia under anti-terrorism legislation. There are concerns about their safety if they are extradited to Turkey.

Today, Malaysia's Inspector General of Police confirmed that three Turkish nationals, school principal **Turgay Karaman** academic **Ismet Ozcelik** and businessman **Ihsan Aslan**, had been arrested and detained under the Security Offences (Special Measures) Act (SOSMA). They are being investigated under Section 130J of the Penal Code (read together with SOSMA) for allegedly soliciting, giving support to terrorist groups or for the commission of terrorist acts.

Concerns were raised for Turgay Karaman on 2 May after he failed to attend a meeting. According to his lawyer, a CCTV footage emerged online of Turgay Karaman being surrounded by unidentified men in plainclothes in a car park in Kuala Lumpur, and being driven away in an unmarked vehicle. The same night, another one of his friends, Ihsan Aslan, was reported missing by his wife. On 4 May, according to their lawyer, Ismet Ozcelik was in his car with friends, when they were stopped by five cars and swarmed by 20 people who seized their phones and abducted Ismet Ozcelik in their car. The Home Minister later stated that they were being investigated for connections to the armed group calling themselves the Islamic State. The three men have not been given access to lawyers or their families, and are therefore detained incommunicado, in violation of international human rights law. There are also concerns that they could be at risk of torture or other ill-treatment, unfair trial or other serious human right violations, should they be returned to Turkey, following the opaque conditions of their apprehension. The men are currently being held in the police headquarters at Bukit Aman in Kuala Lumpur.

In 2016, the Turkish government is reported to have pressured its allies to take legal action against suspected supporters of Fethullah Gülen, whom Turkish authorities accuse of masterminding a coup attempt against them. Fethullah Gülen denies the accusations. There is credible evidence of arbitrary detention and torture of detainees suspected of belonging to the Gülen movement, which Amnesty International and other human rights organisations have documented. If the three men are suspected to be linked to the Gülen movement, Amnesty International fears the two men will be at risk of being extradited to Turkey where they would risk similar ill-treatment.

Please write immediately in English or your own language:

- Urging the Malaysian authorities to comply with their obligations under international human rights law not to deport, extradite or otherwise return Turgay Karaman, Ismet Ozcelik and Ihsan Aslan or any other person to a country where they would be at risk of torture, other ill-treatment or other serious human rights violations;
- Expressing concern about the arbitrary manner in which they were reportedly detained;
- Urging them to grant both men immediate access to their lawyers, family visits and an independent court and reminding them that in all proceedings related to offences the most rigorous internationally recognized standards for fair trial must be respected.

PLEASE SEND APPEALS BEFORE 16 JUNE 2017 TO:

Prime Minister

Office of the Prime Minister of Malaysia
Main Block, Perdana Putra Building,
Federal Government Administrative
Centre,
62502 Putrajaya, Malaysia
Fax: +603 8888 3444

Salutation: Dear Prime Minister

Home Minister

YB Dato' Seri Dr. Hamidi,
Kementerian Dalam Negeri Malaysia,
Blok D1, D2 & D9 Kompleks D, Pusat
Pentadbiran Kerajaan Persekutuan,
62546 Putrajaya Malaysia
Fax: +603 8889 1613
Email: ahmadzahid@moha.gov.my

Salutation: Dear Home Minister

And copies to:

The Attorney General of Malaysia
Tan Sri Mohamed Apani Ali
Attorney General's Office,
No. 45 Persiaran Perdana Precinct 4,
62100 Putrajaya, Wilayah
Putrajaya, Malaysia
Fax: +603 8890 5670
Email: pro@agc.gov.my

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DATO AHMAD RASIDI HAZIZI Malaysian High Commission, 45 Belgrave Square SW1X 8QT, 020 7235 8033, Fax 020 7235 5161, mwlon@btconnect.com

Please check with your section office if sending appeals after the above date.

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INTERNATIONAL**



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ADDITIONAL INFORMATION

In 2016, an attempted coup prompted a massive government crackdown on civil servants and civil society in Turkey. Those accused of links to the Gülen movement have been the main target. The authorities blame the exiled cleric Fethullah Gülen for the attempted coup.

Following the coup attempt the Turkish government announced a three-month state of emergency, since extended twice, derogating from a long list of articles in the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The government passed a series of executive decrees that failed to uphold even these reduced standards. Over 100,000 civil servants including teachers, police and military officials, doctors, judges and prosecutors were dismissed from their positions on the grounds of links to a terrorist organization or threat to national security. At least 47,000 people were remanded in pre-trial detention accused of links to the coup or the Gülen movement, classified by the authorities as the Fethullah Gülen Terrorist Organisation (FETÖ). There is credible evidence of torture of detainees which Amnesty International and other human rights organisations have documented.

On 13 October 2016, two Turkish men living in Malaysia, Alettin Duman and Tamer Tibik were reported to be missing by their family members. Later it was announced by the Turkish government that they were handed over by the government as they were suspected to be supporters of the Muslim cleric Fethullah Gülen. They have been in Turkey and detained without trial since. In a letter to his wife, Tamer Tibik described how he was abducted by unidentified officers on 13 October 2016. He wrote how he was blindfolded and handcuffed, and driven to an unknown location. The following day, he was put on a plane to Turkey.

Amnesty International remains concerned with Malaysia's reliance on national security and preventive detention laws, including the Security Offences (Special Measures) Act.

The Security Offences (Special Measures) Act (SOSMA) 2012, fails to meet international human rights standards, as set in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) guaranteeing unimpeded access to lawyers, and ensuring prisoners have full and effective access to prison life on an equitable basis. Rather, SOSMA authorizes placing detainees in solitary confinement; detaining them incommunicado for 48 hours; and denies their access to the courts and/or lawyers for up to 28 days.

In a Parliamentary question, the Deputy Home Minister stated that a total of 989 people have been detained under SOSMA from 31 July 2012 to 22 February 2017; 363 of them have been released, 139 are facing trial and 502 people have been convicted.

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