

URGENT ACTION

INVESTIGATE TORTURE CLAIMS IN DIYARBAKIR PRISON

On 1 December, Mehmet Sıddık Meşe was allegedly subjected to a severe beating by guards in a prison in the Turkish city of Diyarbakır. He was denied access to urgent medical care and to examination by medical forensic staff. On 9 December the prosecutor decided not to prosecute the suspected perpetrators based on the prison doctor's report. Mehmet Sıddık Meşe requires access to adequate medical care and a prompt, independent and impartial investigation into the allegations of torture and other ill-treatment must be launched.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister of Justice, Mr. Abdulhamit Gül

Türkiye Cumhuriyeti Adalet Bakanlığı

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Dear Minister,

I am writing to you regarding the serious allegations of torture and other ill-treatment that **Mehmet Sıddık Meşe** was subjected to on 1 December 2020. Mehmet Sıddık Meşe is currently held on remand in Diyarbakır T Type prison No. 3 on fraud charges. According to the testimony he provided to his lawyer, in the morning of 1 December, he was taken from the prison dormitory by four prison guards into a separate area dubbed the 'Aquarium' where he was beaten with wooden batons under his feet (bastinado – falaka) as well as all over his face and body by at least four guards for about 40 minutes.

Mehmet Sıddık Meşe's lawyer saw him on 2 December and could verify that his face was completely bruised and swollen, both his eyes were blood shot and his feet were entirely bruised. Mehmet Sıddık Meşe complained about dizziness and pain on his feet as well as his back. He was not taken into a hospital for an independent forensic medical examination and the prison doctor's examination report concluded that he had not been beaten. For at least seven days, he was taken to the prison infirmary where the only treatment applied was ice and cold water.

An investigation following a criminal complaint by his lawyer was eventually launched on 3 December. The prosecutor responsible for prisons interviewed Mehmet Sıddık Meşe on 8 December via video conference, but in the absence of his lawyer despite the request of the lawyer to be present. According to his lawyer, the camera footage of the prison in the investigation file was incomplete, only displaying a two-minute period. The prison prosecutor refused to process the request made as part of their criminal complaint to take Mehmet Sıddık Meşe to a hospital for examination in line with the Istanbul Protocol - which sets out guidelines for effective legal and medical investigations into allegations of torture and other ill-treatment. Based on the statements of the guards suspected of being the perpetrators and the prison doctor's report indicating that there was no physical evidence of bodily injuries, the prison prosecutor made a decision not to prosecute on 9 December on the grounds that there was lack of evidence.

In the light of the above, I call on you to ensure that:

- Mehmet Sıddık Meşe has urgent access to adequate medical care and is examined by independent forensic medical staff;
- A new prompt, independent and impartial investigation into the allegations of torture and ill-treatment is launched and all those responsible are brought to justice in fair trials.

Yours sincerely,

ADDITIONAL INFORMATION

Mehmet Sıddık Meşe was remanded in Diyarbakir T Type prison No. 3 on 27 June 2020 on a fraud charge, pending his trial. On 1 December, at around 10am, another prisoner responsible for the dormitory spoke to Mehmet Sıddık Meşe about problems he was having with some of the other prisoners. So that he would not be overheard, Mehmet Sıddık Meşe wrote a note to the prisoner saying he should raise these issues with the prison management. The prisoner gave the note to guards who came into the dormitory, stating that Mehmet Sıddık Meşe had written it. In response, the prison guards allegedly took Mehmet Sıddık Meşe out of the dormitory into a separate room called the 'Aquarium' where the view of the surveillance camera was partially obstructed by a poster or a banner. In that room, at least four prison guards subjected him to a severe beating that allegedly lasted up to 40 minutes, including under his feet with a wooden baton.

On 2 December, Mehmet Sıddık Meşe told his relatives about the torture during their weekly telephone call. His lawyer was alerted and attended the prison the same day. He examined Mehmet Sıddık Meşe and documented the injuries he had sustained. On 3 December, an investigation was eventually launched following the lawyer's criminal complaint. According to Mehmet Sıddık Meşe, the prison doctor examined him in detail on 3 December and made extensive notes, however the medical report states there was no beating.

In recent years, there has been a serious increase in allegations of torture in places of detention, including prisons, in Turkey. Turkish Law authorizes prosecutors' offices to investigate all allegations of torture and other ill-treatment ex-officio. Complaints of torture and other ill-treatment may also be brought to Ombudsperson's Office and the Human Rights and Equality Institution of Turkey. The Human Rights and Equality Institution of Turkey is entitled to work as national preventive mechanism within the framework of the provisions set out in the Optional Protocol to the UN Convention against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment. However, the relevant legal and institutional framework of Turkey fails in ensuring the absolute prohibition of torture and remains ineffective to prevent impunity in the country.

Torture or other ill-treatment is absolutely prohibited under both domestic law and international human rights law.

PREFERRED LANGUAGE TO ADDRESS TARGET: Turkish, English

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 11 February 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Mehmet Sıddık Meşe (he/him)

And copies to:

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