

TURKEY

The alleged torture of Cevat Soysal at National Intelligence Agency Headquarters, Ankara

Cevat Soysal, a Kurdish man aged 38 originally from Batman in south-east Turkey, had been granted political asylum in Germany in 1995. By his own account, he was abducted from Moldova to Turkey by MIT on 13 July 1999. He was reportedly interrogated for a total of 11 days in incommunicado detention, first at the headquarters of MIT in Ankara from 13 July to 21 July, and then at Ankara Police Headquarters Anti-Terror Branch from 21 July until 23 July. On 23 July he was brought before a judge and committed to Ankara Central Closed Prison.

There was widespread press coverage, both in Turkey and abroad, of Cevat Soysal's apprehension in Moldova. The Turkish Prime Minister Bülent Ecevit stated that a high-ranking PKK (Kurdistan Workers' Party) rebel had been caught. On 21 July 1999 the European Representative of the ERNK (National Liberation Front of Kurdistan) issued a press release which stated that Cevat Soysal was not the European Representative of the PKK, as claimed by the Turkish press, but rather an active member of the European ERNK organization. A press release issued by the PKK Presidential Council on 22 July 1999 also stated that Cevat Soysal is a member and official of the ERNK, which is widely regarded as the political wing of the PKK.

The responsibility of Germany and Moldova

The case of Cevat Soysal is extraordinary insofar as he had been granted political asylum in Germany in 1995 and was reportedly abducted from Moldova to Turkey by the Turkish Secret Service (MIT) on 13 July 1999. This raises the question of whether other States, Germany or Moldova in particular, have any special obligations towards him.

Germany

Cevat Soysal was travelling on a Travel Document under the 1951 UN Convention relating to the Status of Refugees. As stated under the 1951 Convention, this travel document did not give him any right to expect the diplomatic protection of the German government, nor does it give them any right to exert such diplomatic protection on him. According to the Convention a state has a duty to re-admit a refugee to whom they have issued a travel document, and that is all. A refugee does not receive the full diplomatic protection of the state.

Following Cevat Soysal's apprehension in Moldova, the German Section of AI wrote to the German Ministry of Foreign Affairs stressing the fundamental principles of refugee protection and that Germany accordingly does have some moral responsibility in the matter. The Section pointed out that the kidnapping of Cevat Soysal is a clear violation of the principle of non-refoulement and that Germany, as the country which granted him asylum, cannot allow that to happen and remain silent. The Ministry of Foreign Affairs replied that the German government was concerned to ensure his protection and would do what it could to help him.

Reportedly, the German Minister of Foreign Affairs wrote to his Turkish counterpart Ismail Cem expressing concern about the alleged torture and Cevat Soysal's health situation.

Moldova

Amnesty International wrote to the Moldovan Prime Minister on 23 December 1999 calling upon the Moldovan authorities to initiate an independent, prompt, thorough and impartial investigation into all the circumstances in which Cevat Soysal was forcibly removed to Turkey. AI reminded the Prime Minister that Moldova has a clear duty under international law not to expel, forcibly return (*refoulement*) or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture. This obligation is presented in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) to which Moldova is a party.

Although the identity of the people who detained Cevat Soysal in Moldova remains unclear, AI has received reports which, if confirmed, suggest that the Moldovan authorities may have played a role in his detention and *refoulement*. AI has received a report that an officer of the Moldovan Ministry of National Security has stated that Ministry of National Security officers arrested Cevat Soysal. Moreover, he claimed to have seen and spoken to Cevat Soysal during his detention in Moldova, and he gave an accurate physical description of Cevat Soysal, who has grey hair and is clean shaven.

According to the account given by Cevat Soysal, a group of about six men apprehended him while he was making a telephone call on the street in Chisinau at 8 pm on 13 July. They placed a bag over his head and put him on to a minibus. They took 5000 Deutschmarks, his watch, cellular telephone, and his belt and shoes from him. They apparently tried to obscure their identity by saying little, and when they did speak, by doing so in broken, bad English. The minibus drive lasted about one and a half hours before they arrived at a military-type airport where Cevat Soysal was able to note that helicopters were frequently landing and taking off. At this airport Cevat Soysal was handed over to men who greeted him in good Turkish, took him aboard an aeroplane and flew him to Turkey. However, the Moldovan authorities denied in late July 1999 that they were involved in Cevat Soysal's apprehension. The Turkish Prime Minister, Bülent Ecevit, also stated that no other country or organization had played a part in Cevat Soysal's capture and that it was solely the work of MIT, the Turkish National Intelligence Agency.

For detention to be legal it has to accord both with one of the reasons given in Article 5.1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention), and with the procedure prescribed by national law. If an independent and impartial investigation finds that the detention of Cevat Soysal in Moldova was illegal, there is an obligation on the Moldovan authorities to bring to justice people found to be reasonably suspected of his arbitrary arrest and detention, which are prohibited by Article 9 of the

International Covenant for Civil and Political Rights (ICCPR) and Article 5 of the European Convention.

Moldova also has an obligation to protect people on its territory from human rights violations, whether such violations are committed by representatives of the state, non-state actors or any other groups or individuals. This obligation is explicit in all the major human rights instruments to which Moldova is a party. Article 2 of the ICCPR obliges Moldova to “respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant”. The UN Human Rights Committee has stated in General Comment 20, paragraph 2 that : “It is the duty of the State Party to afford protection through legislative and other measures as may be necessary against the acts prohibited in Article 7 [which prohibits torture or cruel, inhuman or degrading treatment or punishment], whether inflicted by people acting in their official capacity, outside their official capacity, or in a private capacity.” The European Convention obliges states parties to “secure to everyone within their jurisdiction the rights and freedoms defined in [the Convention]”. The European Court of Human Rights has ruled that states are responsible for breaches of the European Convention where they have failed to take measures available to them under law to protect people from human rights violations or to investigate reported human rights violations.

Torture in National Intelligence Agency Headquarters

Cevat Soysal stated that he was tortured in the custody of MIT. He described methods of torture including electro-shock torture to his sexual organs, chest and thumbs, being suspended by the arms (“Palestinian hanging”), being forced to lie naked on ice, squeezing of testicles, being sprayed with pressurized water and not being allowed to sleep. He also reported being badly beaten and forced to swallow a drug, after which he became tearful and subject to mood swings. He described being made to stand in a tiny cell in which it was impossible to sit and water being dripped onto his head, a method known as ‘Chinese torture’. According to his account, Cevat Soysal was twice hospitalized while he was in detention because of the severity of the torture he had undergone, on 21 July and 22 July.

Cevat Soysal’s lawyers noted needle marks, bruising and other signs consistent with their client’s allegations of torture, particularly recent injuries on the legs, back and arms, at his meeting with him on 26 July. The allegations appeared to be further supported by a photograph taken on 21 July by a reporter from the Turkish daily newspaper *Star* who saw Cevat Soysal being brought by police officers for a medical examination at the Forensic Institute in Ankara. Looking drained and lifeless, Cevat Soysal was supported by two police officers because he was apparently unable to walk unaided.

However, the head prosecutor of Ankara State Security Court told journalists that reports that Cevat Soysal had been tortured were untrue. He said that he had been examined by doctors and that nothing was found. The prosecutor added that Cevat Soysal had Hepatitis

B and was being treated for that. Amnesty International has learned that Cevat Soysal had been treated for chronic Hepatitis B between March 1998 and 28 June 1999. Laboratory tests on that date showed the liver had normalized under this therapy. Treatment was administered subcutaneously (by needle). In the opinion of physicians consulted by Amnesty International, the function of the liver would deteriorate without treatment and could result in a coma, but not the short-term loss of consciousness exhibited by Cevat Soysal.

Medical Examinations by Forensic Institute Doctors

Cevat Soysal was examined by a doctor at the Forensic Institute on 21 July. The doctor noted needle marks on the hands and arms, bruising on the chest, left armpit and shoulder and left ribs, and partially healed abrasions on the arms and right leg. He issued a medical report that Cevat Soysal should not work for three days. A second medical examination was carried out in the prison infirmary on 28 July by a doctor from the Forensic Institute on the instructions of the prosecutor of Ankara Central Closed Prison. The doctor noted “superficial abrasions with drying skin” on the right leg, left foot, left knee and leg, left arm and left shoulder. He also noted needle marks. He noted that Cevat Soysal had low blood pressure and thought that his complaints of dizziness, blackouts, ringing in the ears and numbness and loss of sensation in the right thumb and index finger might be due to that.

Cevat Soysal reported that when this doctor was writing in his report that Cevat Soysal’s body showed marks of blows, an intervention was made and he was made to change his report. Cevat Soysal said that his injuries were deeper than the abrasions noted in the report. There was also bruising on his body. Cevat Soysal stated that if the medical records of his treatment on 21 and 22 July in the intensive care department of Ankara Numune Hospital were made available, these records would show that he was treated not for Hepatitis B but because he had been tortured¹. Cevat Soysal has also pointed out that special care was taken during the torture sessions to minimize visible injuries, including the choice of torture methods that tend to leave minimal marks. Nonetheless he said that he had bruising on his right foot and beneath his right knee, on his right arm and chest and on the left region of his back. He also complained of loss of sensation in his right thumb and index finger. He says that months later he is still tired and lacking in energy and subject to dizzy spells.

Cevat Soysal’s own account of the torture

¹In their reply to the application made on Cevat Soysal’s behalf to the European Court of Human Rights, the Turkish government stated that the medical records of Cevat Soysal’s treatment in hospital were attached as an annex. This annex is not available to Amnesty International at the time of writing.

I couldn't see the people who were interrogating me. But I worked out that there were six or seven of them from their different voices. First of all I was shocked by the shouting, swearing and violence of their blows. Actually I was shocked more by wondering where I was, what these people wanted from me and who they were than by the physical pain of the torture. I knew they were Turks, but I didn't know whether they were official police, contra guerillas or whether they would kill me off and turn me into another unsolved murder case. The way they had captured me was completely illegal and gave me the feeling that they were certainly going to kill me.... In fact, I tried constantly to convince myself that I would be killed. I was in this frame of mind when they started the torture. In fact, my physique is such that I am not particularly able to stand up against torture. Also I am ill. But the mood that they would certainly kill me rather overcame the physical torture. I didn't much feel the pain of the electricity and the blows. I only experienced the shock of the idea of death. They must have noticed this, for they gave me a drug. After that I laughed and cried for no reason at all.

In the first two days my body's ability to resist was completely broken. They didn't give me anything to eat or drink and even if they had I was not much inclined to eat or drink. It was not just hunger, I didn't feel anything at all. After a while I began not to notice the passage of time. How long had I been there? was it morning or night? - I couldn't say. What I did know was that I was taken at regular intervals to the torture sessions. The intervals between the torture sessions were six or seven hours. Of course I can't know how long I had passed out for. They only stopped the torture sessions when I passed out. The six or seven hours seemed quite long. I don't know why but I became inured to death. A great rage and anger took the place of my belief that I would die. My whole body from head to toe was transfixed by rage. It brought strength to my body to stand up to them. I shouted at them too. I swore at them and goaded them to kill me at once. Apart from the physical pain the psychological torture was unbearable to my self-respect. I wanted them to kill me. They did not do so. I was virtually counting the seconds for a chance to kill myself.

I behaved in ways that I could never in all my life have dreamt of. Sometimes I wondered if I had gone mad. It was as if rage had taken the place of logic. They believed that I did not show any voluntary reflex. Up to this stage torture methods such as suspension, electro-shock, and squeezing of testicles had been favoured, but then they switched to sessions of pressurized water, forcing me to lie on ice, dripping water on my head in a cell as small as a coffin. In fact this gave no result as far as they were concerned since death and rage meant that I no longer felt anything. I started to display abnormal responses like wanting them to hit me more. When this happened they gave me more drugs and tried to collect my consciousness. I understood their questions, slowly I understood what they meant and what they were aiming at. But I still wondered if they were going to make me the victim of an unsolved murder.

This situation destroyed my accounting system. For this reason the torture did not produce much result as far as they were concerned. Their questions were generally on the lines that I've explained above and didn't have much to do with me. If they had said to me, "You killed this person" or "you are to take responsibility for this incident" I might have found a solution and escaped from the pain, but they had no desire to ask any questions except the ones I described above. I realized that I was not the problem and that this was a deep game. This seemed to me worse than death and a grave situation. It was a complete scandal and I couldn't accept it. I resolutely refused and at the same time I waited for them to kill me. I said to myself, "whatever is going to happen will happen" The end approached for both sides. Either they'll kill me or they will stop the torture sessions, I said to myself.

They took me back for torture but although this session passed particularly violently they seemed to be bored and to have an air of "alright, that's enough, we won't get anything out of this" This thrilled me. It was like being born again. For nearly ten hours they didn't come near me and for the first time they offered me food. For the first time I felt hunger, but I refused the food and despite all their insistence I didn't eat. After two hours had passed they took me from the torture room and made me get into a minibus with my eyes blindfolded. After the vehicle had progressed a little way I heard the sound of vehicles and the voices of lots

of people. I wondered if they were taking me out of the city to kill me. But I didn't show much reaction. For I had long since accepted the idea of death and grown used to it. Every now and then I felt some hope that I would remain alive and this in itself was like a kind of torture. After a journey of about half an hour I was brought to the Anti-terror Branch. The police wrote the date 21 July 1999 and the time 1 pm in the handover document. So I had been in that hell only nine days. It had seemed a lifetime. They immediately took me to the hospital. In fact the police from the Anti-terror Branch hesitated whether to take me or not because they were afraid I might die and they would be responsible. Until 3 am I received treatment - medicine and serum - in intensive care. After 3 am I was brought back to the Anti-terror branch because they had not yet taken a statement from me. Normally this would just have been the beginning of it all because this was the real interrogation centre and what was going to happen to me would happen here. Both the MIT officials who brought me here and the Anti-terror police said this. To be honest I didn't have much more strength for physical torture, and the psychological torture session lasted until noon. At noon I became ill and was taken back to intensive care in Ankara Numune Hospital. I was brought back to the Anti-terror Branch late at night. I was not in a position to answer their questions but I was able to tell them my previous life story and why I had left for Europe. After signing this statement I was taken back to the hospital.

On 23 July 1999 after I returned to the Anti-terror Branch from the hospital I was brought before the prosecutor towards midday. Here I was remanded and sent to prison. Thus the process of police torture interrogation came to an end.

Attempts to open investigation of torture allegations fail

On 26 July Amnesty International called for a full and impartial investigation into Cevat Soysal's allegations that he had been subjected to torture and an independent medical examination. His lawyers lodged a formal complaint with Ankara State Prosecutor. According to Turkish law, the decision on whether to open an investigation into the alleged torture rested with the Prime Minister, as the National Intelligence Agency is under his authority. On 10 November 1999, Ankara State Prosecutor decided not to open a trial against the alleged torturers. The Office of the Prime Minister had informed him that a prosecution would not be appropriate in the case of the MIT officials. On 8 September 1999 the Office of the Under Secretary of the National Intelligence Agency (MIT) wrote to the Prime Minister's Office stating that "[the defendant's allegations are] without foundation and completely based on imaginary thoughts and that this is a method with the aim of undermining all organs of State to

which defendants apply and of creating doubt about prosecutions undertaken in connection with them.” Referring to this letter, the Prime Minister, Bülent Ecevit informed the Ministry of Justice in a letter dated 20 October 1999 that it was not appropriate to prosecute MIT personnel in this instance.

Cevat Soysal himself appealed against the prosecutor’s decision. His lawyers also lodged an appeal on his behalf. In his appeal, Cevat Soysal noted that the prosecutor’s decision not to prosecute had not been based on any serious investigation which either confirmed or denied the claims of torture. Cevat Soysal further argued that doctors at the hospitals to which he was referred at his request after he was remanded had written medical reports that he showed signs of torture, but that these reports had not been taken into account by the prosecutor, although they should have been kept in his prison and hospital files. The prosecutor had also failed to refer him from prison to the Institute of Forensic Medicine for examinations. However, the appeals were rejected by Kirikkale Heavy Penal Court on 12 January and 7 February 2000 respectively on the grounds that “no adequate or convincing evidence other than allegation had been put forward”.

Fair trial concerns and the trial against Cevat Soysal

A trial against Cevat Soysal commenced on 16 September 1999 and continues at Ankara State Security Court. He is charged with separatism under Article 125 of the Turkish Penal Code which carries the death penalty. He is accused of holding a position of leadership in the PKK, an illegal armed opposition group, and being one of those responsible for the organization in Europe. According to the indictment, Cevat Soysal ordered hundreds of attacks in Turkey after the arrest of the PKK leader Abdullah Öcalan, including an attack on a department store in Istanbul in March 1999 in which 13 people died.

Among the main evidence against Cevat Soysal is his statement taken at the Anti-terror Branch of Ankara Police Headquarters. Cevat Soysal has repeatedly claimed that this statement was taken from him after he had been tortured for nine days at MIT’s Ankara headquarters. He says that he was told by officers at the Anti-terror Branch that if he did not sign the statement that had been taken from him at MIT he would be tortured even more badly. Cevat Soysal signed the statements, although he put a note to object to parts of it. He rejected this statement when he was brought before the prosecutor.

Other evidence against Cevat Soysal includes tapes of telephone calls and statements incriminating him which were made by other individuals. Of these, reportedly, a number were statements taken under interrogation at police headquarters and later rejected before the prosecutor or judge. Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Turkey is required to ensure that no statement established to have been made as a result of torture is invoked as evidence in judicial proceedings.

Amnesty International is concerned that in addition to the admissibility of statements allegedly taken under torture, there are other reasons why Cevat Soysal may not be receiving a fair trial. Fair trial concerns start from the moment of apprehension and continue until the sentence is confirmed. Amnesty International's concerns about the trial of Cevat Soysal include the manner in which he was brought from Moldova, which may have been a violation of his right to liberty and security of the person as enshrined in Article 3 of the Universal Declaration of Human Rights and Article 9/1 of the International Covenant of Civil and Political Rights to which Moldova is a party. Statements made at the time of his detention by the Turkish Prime Minister Bülent Ecevit raise concerns with respect to the protection of the right to be presumed innocent. Other concerns include that Cevat Soysal was not brought promptly before a judge in Turkey, in violation of national law and international human rights standards. He was held incommunicado in Turkey for 11 days in violation of national law. Failure to grant access to a lawyer without delay violated his right to defence. His family was not notified of his apprehension and detention.

Application to the European Court of Human Rights

Cevat Soysal's lawyers have made an application on his behalf to the European Court Human Rights in Strasbourg. The application is under Article 2 of the European Convention which guarantees the right to life, Article 3 which prohibits torture and inhuman or degrading treatment or punishment, Article 5 which guarantees the right to liberty and security of person, Article 6 which safeguards the right to a fair trial and Article 13 which guarantees an effective remedy before a national authority. In its observations on the application, the Turkish government stated that Cevat Soysal "was chased for national security reasons on grounds of his anti-Turkish espionage activities and his responsibility in the organization of sabotage within this context which were aimed at the economic and social order of the country. He was arrested on 13.07.1999 while traveling abroad during an operation accomplished by MIT and transferred to Turkey on the same day." The Turkish government states that Cevat Soysal's arrest by MIT and transfer to Turkey were in accordance with Turkish law and within the context of MIT's counter-espionage duties. The government denies the allegations of ill-treatment and asserts that Cevat Soysal's treatment after his arrival in Turkey was legal. It says that he was held in detention for 48 hours at Ankara Police Headquarters, from 21 to 23 July in accordance with the law governing the maximum period of detention for an individual suspected of crimes within the remit of the State Security Courts. However, the government fails to account for the eight days from 13 July to 21 July during which Cevat Soysal was held in incommunicado and unacknowledged detention in the Ankara headquarters of MIT.

Background information

Torture has been a long-standing concern in Turkey, documented by Amnesty International for more than two decades. Failure by successive governments in Turkey to eradicate the practice of torture, including by bringing the perpetrators to justice, has led to a proliferation of torture and other human rights violations. The failure of Turkish officials to

investigate allegations of torture not only allows torturers to go unpunished, but contributes to unfair trial of the victims, and in some cases is the direct cause of miscarriage of justice. Judgments of the Turkish Appeal Court provide that convictions on uncorroborated testimony are invalid. However, statements declared by detainees to have been extracted under torture are still frequently read out in court and placed in the court file. Detainees are also frequently committed to prison on the basis of such testimony.

Law enforcement officials carry out torture and other gross violations with confidence that it is likely that they will escape punishment. Some elements in Turkish law, the tacit condonation of police and gendarmerie officers of high rank and inaction by prosecutors and courts combine to create conditions in which torturers go unpunished. Although maximum detention periods were reduced in March 1997, detainees can still be held incommunicado for four days and may not be registered for the first few days of their detention, thus extending the opportunity for law enforcement officials to inflict pain and hide the evidence.

Prosecutors and judges who fail to investigate allegations of torture thoroughly and impartially are a link in the system which perpetuates torture. Their failure to conduct investigations is a breach not only of the state's obligations under international law, but also of the requirements of national law. Turkish law requires that an investigation be opened by the prosecutor if he or she receives notice that a crime (in this case the crime of torture) has been committed (Article 153, Code of Criminal Procedure). As a party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Turkey is required to ensure that a prompt and impartial investigation is initiated upon receipt of a complaint or wherever there are reasonable grounds to believe that an act of torture has been committed (Articles 12 and 13), and to ensure that any statement established to have been made as a result of torture shall not be invoked as evidence in judicial proceedings except against a person accused of torture as evidence that the statement was made (Article 15).

The Law on the Prosecution of Civil Servants that dated from the Ottoman era (1913) was an extraordinary obstacle to bringing those responsible for human rights violations to justice. It gave a local administrative board established under the provincial governor the power to decide whether or not to prosecute members of the security forces for any offence other than murder. This outdated law was finally replaced by a new law by parliament on 2 December 1999. The new law has been presented by the Turkish authorities as a major reform. However, under the new law it is still not possible to open an investigation against a civil servant who commits a crime unless his superior grants permission. In the case of Cevat Soysal, the decision on whether to open an investigation into the alleged torture rested with the Prime Minister as the National Intelligence Agency is under his authority.² Based on advice supplied by the Office of

²In this case according to Article 26 of Law 2937 Law of the State Intelligence Services and National Intelligence Agency rather than the Law on the Prosecution of Civil Servants.

the Under Secretary of the National Intelligence Agency, the Prime Minister refused permission to open an investigation. Amnesty International strongly recommends that the decision whether or not to prosecute security officials for torture, “disappearance” or extrajudicial execution should be taken only by prosecutors and judges.

Amnesty International’s recommendations

Amnesty International urges the Turkish authorities to:

- enforce the absolute prohibition of torture and other forms of cruel, inhuman or degrading treatment of prisoners or detainees, incorporated into the Turkish Constitution, national law and international human rights treaties to which Turkey is a party, in particular: The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- thoroughly and impartially investigate Cevat Soysal’s allegations of torture without further delay and to review the decision not to prosecute so that any person reasonably suspected of having committed acts of torture or cruel, inhuman or degrading treatment, may be brought to justice in the course of proceedings which meet international standards for fairness.

Amnesty International urges the Moldovan authorities:

- to initiate an independent, prompt, thorough and impartial investigation into all the circumstances in which Cevat Soysal was forcibly returned to Turkey;
- to comply with their clear duty under international law not to expel, return, or extradite a person to another state where there are grounds for believing that he or she would be in danger of being subjected to torture.

Anyone wishing further details on Amnesty International’s recent concerns relating to alleged torture and ill-treatment in Turkey may refer to the report, *Turkey: Torture - A major concern in 1999* (AI Index: EUR 44/18/00) issued in March 2000. The report includes Amnesty International’s detailed recommendations to the Turkish government for the eradication of torture. Further information on Moldova may be found in the Amnesty International Annual Report 2000.

**APPENDIX II: Translation of the letter signed by Prime Minister Ecevit
refusing permission to investigate Cevat Soysal's allegations of torture**

SECRET

REPUBLIC OF TURKEY
PRIME MINISTER'S OFFICE

GENERAL DIRECTORATE OF PERSONNEL AND PRINCIPLES

Number: B.02.0.PPG.0.II-899

17392

20 October 1999

Subject:

TO THE MINISTER OF JUSTICE

Reference:

- a) Letter from the Ministry of Justice dated 25.8.1999 and numbered 1.92.30.1999
- b) Our letter dated 1.9.1999 and numbered 399/13606
- c) Letter from the Under Secretary's Office in the National Intelligence Agency dated 8.9.1999 and numbered 812/21251

Regarding allegations made by Lawyer Kenan Sidar, lawyer of Cevat Soysal who is remanded in Ankara Central Closed Prison on various charges including membership of the PKK terror organization, that his client was exposed to physical and psychological pressure during the period that he was held in detention, the Ministry of Justice's letter under reference a) and its enclosure, the file of investigation of Ankara State Prosecutor numbered Hz. 1999/65273, have been investigated.

In this regard, since the Under Secretary's Office in the National Intelligence Agency in its letter under reference c) has stated that the allegations that the defendant had been tortured or exposed to ill-treatment were without foundation and completely based on imaginary thoughts and that this was a method to which all defendants apply with the aim of undermining the organs of State and of creating doubt about prosecutions undertaken in connection with them, in accordance with Article 26 headed "Permission for Penal Legal Proceedings" of the Law No. 2937 on the State Intelligence Services and the National Intelligence Agency, it has not been considered appropriate to open penal legal proceedings relating to MIT personnel.

For your information and for action.

Bülent Ecevit
Prime Minister

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