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Prof. Hikmet Sami Turk  
Minister of Justice  
Ministry of Justice  
06573 Ankara  
Republic of Turkey

September 26, 2001

Dear Minister,

On behalf of the Lawyers Committee for Human Rights, I would like to express serious concern about the unlawful search of the offices of the Human Rights Foundation of Turkey (HRFT) on 7 September 2001, and the seizure of confidential documents belonging to that organisation. This search and seizure, conducted in contravention of Turkish law and in violation of international human rights law, constitutes further evidence of a pattern of harassment of human rights organisations and persons working to secure respect for basic human rights in Turkey. The Lawyers Committee once again condemns this continued attempt to prevent those who document and expose serious human rights violations from engaging in their highly commendable work.

On 7 September, 2001, at 15:00 hours, the Treatment Center of the HRFT office in Diyarbakir was raided by the police. Upon complaint by representatives of the HRFT present in the Center that this raid was unlawful, the police sought an official warrant from Diyarbakir State Security Court No. 4, which was granted at 17:30 hours. The seeking and obtaining of a search warrant subsequent to the initiation of a raid is in blatant violation of Turkish and international law.

Upon obtaining a warrant to search the Treatment Center and identify the "illegal activities" of the HRFT, including the seizure of the medical records of torture victims who attend the center, the police removed documents, journals and computer records. The HRFT is extremely concerned about the use that will be made of these documents and records, which contain confidential medical information.

The Lawyers Committee has been monitoring the human rights situation in Turkey for several years and has had the privilege to meet with you and other Ministry of Justice officials to discuss your efforts to combat the practice of torture in detention. In the course of these exchanges we have been pleased to note your commitment to take affirmative steps to limit mistreatment of all persons held in detention. We have, however, had reason on a number of occasions to contact

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you with regard to the emergence of a pattern of harassment of those who work with torture victims, and who seek to publicize the incidence of torture in Turkish detention centers.

Most recently, we wrote to you in connection with the attempts to prosecute Democratic Left Party (DSP) Aydin Deputy Sema Tutar Piskinsut (see our letter of 27 July 2001) for her activities in revealing torture and mistreatment in police stations throughout Turkey. In the past, we have also expressed our concern at attacks on members of the HRFT, notably the mistreatment and detention of Günseli Kaya, Dr. Alp Ayan and others in October 1999.

Under international human rights law, all persons have a right to seek, receive and impart information concerning human rights, as well as to associate in groups for that purpose. Article 6 of the *United Nations Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* specifically provides that,

“Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms ...

(b) ... freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.”

Moreover, Article 12 of the Declaration provides that States must take “all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action” as a consequence of his or her activities to promote and protect human rights. As a legitimate and well-respected human rights organisation, the HRFT is entitled to this protection by the Turkish State.

In addition, the victims of torture, an extremely serious violation of international human rights law, are entitled to special protection. Under the *Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, victims of torture have a right to complain and have their cases determined quickly by the competent authorities. The Convention recognises the vulnerability of torture victims and requires that they be protected “against all ill-treatment or intimidation as a consequence of [their] complaint or any evidence given.” (Article 13) The Human Rights Committee, the independent committee of experts which monitors the implementation of the *International Covenant on Civil and Political Rights*, has also emphasized that victims of torture have the right to an effective remedy and to such full rehabilitation as may be possible (see Human Rights Committee General Comment 20). The role of treatment centers such as that run by the HRFT in Diyarbakir is crucial to this rehabilitation process.

We respectfully urge you to ensure that all material seized during the 7 September raid on the HRFT Treatment Center in Diyarbakir is returned immediately and the confidentiality of the information contained therein is fully respected. We further request that you make clear to all

police and law enforcement officials that the HRFT and other human rights organisations must not be targeted for harassment in this manner, but rather must be protected due to the important function that they perform in ensuring Turkey's compliance with its international human rights obligations.

We would appreciate any information concerning measures taken to address our concerns in this matter and thank you for your attention.

Sincerely,

Neil Hicks  
Director of Protection