

EXTERNAL (for general distribution)

AI Index: EUR 44/38/95
Distr: UA/SC

1 March 1995

Further information on UA 450/94 (EUR 44/157/94, 22 December 1994) and follow ups (EUR 44/04/95, 6 January 1995; EUR 44/12/95, 13 January; EUR 44/27/95, 6 February) - Prisoners of Conscience and new concern: Fear of Torture

TURKEYMahmut _akar, secretary of Diyarbak_r branch of the Turkish Human Rights Association (HRA)
Nimetullah Gündüz, lawyer, board member of Diyarbak_r HRA
Abdullah Ça_er, lawyer, board member of Diyarbak_r HRA
Melike Alp (f), board member of Diyarbak_r HRA

new names: Sinan Tanr_kulu, lawyer, member of Diyarbak_r HRA
F_rat Anl_, lawyer, member of Diyarbak_r HRA
Hanifi I_k, teacher, member of Diyarbak_r HRA
_erif Atmaca, member of Diyarbak_r HRA
Servet Ayhan, lawyer, member of Diyarbak_r HRA

On 27 February 1995, police entered the offices of Diyarbak_r HRA and detained five more members of the branch, namely Sinan Tanr_kulu, F_rat Anl_, Hanifi I_k, _erif Atmaca and Servet Ayhan, who had all been working to keep the office open since the first arrests. They are reportedly being interrogated at Diyarbak_r Gendarmerie Regimental Headquarters. Amnesty International considers all five detainees to be prisoners of conscience, detained because of their human rights work, and fears that they may be subjected to ill-treatment while in custody.

On 13 February, Mahmut _akar, Nimetullah Gündüz, Abdullah Ça_er and Melike Alp appeared at Diyarbak_r State Security Court where they were remanded in custody once again, until 17 April. At the hearing, which was attended by an Amnesty International delegate, as well as representatives from other non-governmental organizations and foreign diplomats, the State Security Court Prosecutor asked for terms of imprisonment of not less than 10 years for the defendants, who are accused of membership of the illegal armed organization, the Kurdish Workers' Party (PKK). In support of the charges, the indictment quotes extensively from two reports issued by the Diyarbak_r branch, and compares their allegations of human rights violations with accounts of the same incidents in the files held by the office of the Emergency Region Governor. The indictment claims that the allegations are partial, made as part of the PKK's strategy, in order to damage the interests of the Turkish state.

Three incriminating statements were used by the prosecution. One was formally repudiated by the person alleged to have made the statement, denying that he had ever made statements about the HRA in general or the defendants in particular. The other two witnesses appeared at the hearing, but stated that their statements had been signed under torture, and that they had not been given an opportunity to read the statements they were signing. One of the statements allegedly given under torture was signed four days after the defendants had been arrested - suggesting that the prosecutor may have been attempting to create evidence to justify the arrest.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters

- appealing for the immediate and unconditional release of Sinan Tanr_kulu, F_rat Anl_, Hanifi I_k, _erif Atmaca, and Servet Ayhan, currently held at

Diyarbak_r Gendarmerie Regimental Headquarters, who are considered by Amnesty International to be prisoners of conscience, detained because of their work for the Turkish Human Rights Association.

- asking that steps be taken to ensure that until their release, they are not subjected to ill-treatment or torture;
- expressing regret at the continued imprisonment of the Turkish Human Rights Association officials Melike Alp, Mahmut_akar, Nimetullah Gündüz, and Abdullah Ça_er currently imprisoned in Diyarbak_r;
- noting the allegations made by witnesses at the hearing in Diyarbak_r State Security Court on 13 February 1995 that they had been tortured to give evidence against the board members of Diyarbak_r HRA; and pointing out that Article 15 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment provides that no statement which is established to have been made as a result of torture shall be invoked as evidence in any court proceedings, except in prosecution of the alleged torturer.

APPEALS TO:

Emergency Legislation Governor:

Mr Ünal Erkan

Ola_anüstü Hal Valisi

Diyarbak_r, Turkey

Telegrams: Olaganustu Hal Valisi, Diyarbakir, Turkey

Telexes: 72110 OHVT TR; 72084 DYVA TR "please forward to the Governor"; 72090

JASY TR

Salutation: Dear Governor

Minister of Justice:

Mr Mehmet Mo_ultay

Adalet Bakanl____

06659 Ankara, Turkey

Telegrams: Justice Minister, Ankara, Turkey

Faxes: +90 312 417 3954

Salutation: Dear Minister

Deputy Prime Minister/Minister of Foreign Affairs:

Mr Murat Karayalç_n

Ministry of Foreign Affairs

D_i_leri Bakanl____

06100 Ankara

Faxes: +90 312 417 0476 (attn: Deputy Prime Minister)

Telegrams: Deputy Prime Minister, Ankara, Turkey

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

State Minister with responsibility for Human Rights:

Mr Azimet Köylüo_lu

Office of the Prime Minister

Ba_bakanl_k

06573 Ankara, Turkey

Faxes: +90 312 417 0476; 435 7615

and 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 20 April 1995.