

EXTERNAL (for general distribution)

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Fear of Torture/Health Concern
Death in Custody

2 July 1992

TURKEY: Cemal Çakmak
_smail Bulut

Conflicting reports have been received concerning an incident on 20 or 21 June 1992 near _av_at village in the province of Artvin, northeast Turkey, in which at least one person was killed and two were wounded and captured by the security forces. All three are thought to be members of T_KKO (Turkish Workers and Peasants' Liberation Army), the armed wing of the illegal organization TKP/M-L (Turkish Communist Party/Marxist-Leninist).

The circumstances of the incident are still unclear. According to newspaper reports it happened when a bomb exploded prematurely in a hideout near _av_at; according to another source there was a clash between guerrillas and the police, and according to a third report the security forces laid an ambush in which Do_an Karada_ was killed and _smail Bulut and Cemal Çakmak were wounded and captured alive by the security forces. According to a statement issued by the Central Committee of TKP/M-L on 27 June 1992, _smail Bulut died after having been detained wounded and a newspaper reported on 1 July that he was buried in Hozat on 30 June. It is believed that Cemal Çakmak is being held incommunicado and interrogated at Artvin Regimental Gendarmerie Headquarters.

It is feared that Cemal Çakmak, who was reported to be wounded, may be subjected to torture during interrogation at Artvin Regimental Gendarmerie Headquarters. He may be held legally for up to 15 days in police custody.

BACKGROUND INFORMATION

In a previous incident, three people, also suspected to be members of T_KKO, were detained in _av_at on 23 May 1992. Two of them, who are now in prison, alleged severe torture at Artvin Regimental Gendarmerie Headquarters including the death in custody possibly as a result of torture of the third detainee, carrying identity papers in the name of Hasan Güldal but whose true identity is unclear. They alleged that they were physically and psychologically tortured between 23 May and 1 June and that "Hasan Güldal" went into a coma as a result on 28 May, vomiting blood. They never saw him again and when they inquired about his fate allegedly were told: "We shot him while he was trying to escape and threw his body into the Çoruh river. We will say that he died in a clash, and we will say the same about you." The two detainees, Hüseyin Göçer and Rami Polat, also alleged that they were shown pictures indicating that "Hasan Güldal" had been killed. According to one newspaper, the Commander of Artvin Regimental Gendarmerie Headquarters stated that the detainee had died of a stomach haemorrhage. The lawyer of the other two detainees claimed that he saw bruising on their shoulders, arms and backs 25 days after their incommunicado detention ended. Amnesty International has taken up their cases with the Turkish authorities.

Turkey ratified the European Convention for the Prevention of Torture on 25 February 1988 and the UN Convention Against Torture on 2 August 1988. However, all information available to Amnesty International indicates that torture is still widespread and systematic in Turkey. Most allegations relate to ill-treatment of detainees in police custody during their initial interrogation when they are usually denied access to relatives or a lawyer. In August 1990, the government derogated from Articles 5, 6, 8, 10, 11 and 13 of the European **Page 2 of EXTRA** Convention on Human Rights, all of which contain important safeguards for human rights. Under current legislation the maximum period a detainee may be held before being formally charged or released is 24 hours; in cases involving three or more suspects or due to the 'nature of the crime' it may be extended to 15 days. This period may be extended to 30 days in areas under emergency legislation or martial law.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- seeking confirmation as to the exact whereabouts of Cemal Çakmak and information as to his state of health;
- urging that he is given all medical attention he may require;
- appealing that he may be allowed access to his family and lawyer and that he is not subjected to any ill-treatment while being held;
- asking to be informed whether he has been charged and if so, what the charges are;
- inquiring about the circumstances of Ismail Bulut's death.

APPEALS TO

1) Artvin Gendarmerie Commander:

Jandarma Alay Komutan_

Mehmet Sezibilabban

Artvin Jandarma Alay Komutanl____

Artvin, Turkey

Salutation: Dear Commander

Telegrams: Jandarma Alay Komutani, Artvin, Turkey

2) Artvin State Prosecutor:

Mr Hüseyin Avni Özcan

Cumhuriyet Savc_l____

Artvin, Turkey

Salutation: Dear Sir

Telegrams: Mr Ozcan, Savc_l____, Artvin, Turkey

3) Governor of Artvin province:

Mr Selahattin Onur

Artvin Valisi

Artvin, Turkey

Salutation: Dear Governor

Telegrams: Mr Onur, Artvin Valili_i, Artvin, Turkey

4) Minister of the Interior:

Mr _smet Sezgin

_çi_leri Bakanl____

06644 Ankara, Turkey

Salutation: Dear Minister

Telegrams: Interior Minister, Ankara, Turkey

Telexes: 46369 IC SL TR

Faxes: + 90 4 418 1795

COPIES TO:

President of the Parliamentary Human Rights Commission:

nsan Haklar Ara_t_rma Komisyonu Ba_kan_

TBMM

Ankara, Turkey

and to diplomatic representatives of Turkey in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 July 1992.