

EXTERNAL (for general distribution)

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Fear of "Disappearance"/ Torture

27 November 1991

TURKEY: _smail Hakk_ Kocakaya, unemployed, father of seven children

At about 3pm on 23 November 1991, _smail Hakk_ Kocakaya, a member of Turkey's Kurdish minority, was detained in Diyarbak_r while walking with two relatives who witnessed his detention. His home had been observed for several days by plainclothes police officers in a vehicle with the registration number 21 ET 916. _smail Hakk_ Kocakaya's father applied to the Chief Prosecutor of Diyarbak_r State Security Court for information about his son's whereabouts and received a reply stating that no such person was being held in custody. There is no information as to the possible reason for the arrest.

It is feared that _smail Kocakaya is being interrogated under torture at Diyarbak_r Police Headquarters.

BACKGROUND INFORMATION

Turkey has a Kurdish ethnic minority which is estimated to number some ten million people. Any activity for a separate Kurdish political or cultural identity is punishable under Turkish law. The Kurdish population lives mainly in southeastern Turkey. Frequent allegations of torture and ill-treatment have been received from the region and the number of torture allegations increased substantially after the 1980 military coup. Since August 1984, when Kurdish guerrillas - members of the Kurdish Workers' Party (PKK) - started armed attacks, an alarming number of reports of ill-treatment of detainees by the security forces have come from the eastern and southeastern provinces. Some 3000 lives have so far been lost on both sides and among the civilian population in the continuing fighting. Emergency legislation is in force in ten provinces in the region and the Emergency Legislation Governor in Diyarbakir has extraordinary powers over three additional provinces. In May 1990 the Turkish government issued Decrees 424 and 425 (replaced by Decree 430 in December 1990), further extending the powers of the Emergency Legislation Governor.

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. In August 1990, the government derogated from Articles 5, 6, 8, 10, 11 and 13 of the European Convention on Human Rights, all of which contain important safeguards for human rights.

Under current legislation the maximum detention period 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. Emergency legislation is currently in force in Diyarbak_r.

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

- requesting information concerning the whereabouts of _smail Hakk_ Kocakaya, reportedly detained in Diyarbak_r on 23 November 1991;
- urging that, if _smail Hakk_ Kocakaya is being held in detention by police or gendarmerie, he should be given prompt access to his family and lawyer and should not be ill-treated while in detention;
- asking whether he has been charged and if so, what the charges are.

APPEALS TO:

Prime Minister

Dear Prime Minister

Mr Süleyman Demirel

Office of the Prime Minister

Ba_bakanl_k

06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey**Telex: 44061/44062/44063 BBMT TR or 42099 BASB TR or 42875 BBK TR****Faxes: +90 41 17 04 76 or +90 42 30 88 96 (attn: Prime Minister)**

Minister of the Interior

Dear Minister

Mr _smet Sezgin

_çi_leri Bakanl____

06644 Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey**Telex: 46369 ICSL TR****Fax: +90 4 118 1795**

Emergency Legislation Governor

Dear Governor

Mr Necati Çetinkaya

Ola_anüstü Hal Valisi

Diyarbak_r, Turkey

Telegrams: Olaganustu Hal Valisi, Diyarbakir, Turkey**Telex: 72110 OHVT TR or 72084 DYVA TR****marked "please forward to the Governor"****or 72090 JASY TR****Fax: +90 831 26174 (telephone first)**

Diyarbak_r Chief of Police

Dear Sir

Mr Ramazan Er

Diyarbak_r Emniyet Müdürü

Diyarbak_r, Turkey

Telegrams: Emniyet Muduru, Diyarbakir, Turkey**Fax: +90 831 11956****COPIES TO:**

State Minister

Mr Mehmet Kahraman

Devlet Bakan_, Ba_bakanl_k

06573 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 8 January 1992.