

EXTERNAL (for general distribution)

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Fear of Torture

Date 4 January 1991

TURKEY: From the town of Derik, near Mardin:

Mehmet _en (aged 45)
Abdülkadir Erdem (aged 35)
Yahya Deniz (aged 30)
Ali Atsay (aged 25)
Murat Atsay (aged 23) (Ali Atsay's brother)
Neymetullah _im_ek (aged 18)
Cahit Aktay (aged 24)
Hamdullah Aktay (aged 18) (Cahit Aktay's brother)
Hamit Alay (aged 40)
Mehmet Alay (aged 26) (Hamit Alay's brother)
Eyüp Demir (aged 32) Educational manager
Sinan Ayebe (aged 26)
Ali Atay (aged 26) Local authority janitor
Fethi Yükler (aged 25) Local water authority worker
Orhan Oru_ (aged 23) Restaurant manager
Mizgin Önen (aged 20)
Demiran Önen (aged 20)
Osman Karaka_ (aged 50)

From the village of Darbest, near Diyarbak r:

Mahmut Akta_ (aged 18)
Mehmet Salih Aplu (aged 18)
Mehmet Salih Dar
Berzam Aplu (aged 25)

On 2 January 1991 those named in the first list above were taken into custody from their homes in the small town of Derik, near Mardin in southeast Turkey, and are currently held in Mardin, probably at the Mardin Gendarmerie Headquarters.

On 25 November 1990, the body of another inhabitant of Derik, Yakup Akta_ (aged 24) who had been detained and taken to Mardin Gendarmerie Headquarters one week before, was delivered to his family who were informed that he had died of a heart attack. The family, who washed the body before burial, felt that the injuries were consistent with death as a result of torture and campaigned for a second post-mortem which, on 25 December, confirmed extensive bruising of the head and shoulders with cuts and abrasions. A verdict on the cause of death has not yet been received. The elder and younger brother of Yakup Akta_ (first names unknown) were also detained on 2 January in Derik.

On 3 January Mahmut Akta_ (18 years old, a student, believed to be Yakup Akta_'s cousin) was taken into custody in Darbest (Zarre) village just outside

Diyarbak_r, together with Mehmet Salih Aplu (aged 18, a student), his brother Berzam Aplu (aged 25) and Mehmet Salih Dar, a farmer.

It is believed that those detained may be subjected to torture.

BACKGROUND INFORMATION

Turkey has a Kurdish ethnic minority which is not officially recognized by the authorities, but is estimated to number some 10 million people. 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, where more than 2000 lives so far have been lost in the continuing fighting.

In May 1990 the Turkish government issued Decrees 424 and 425 (replaced by Decree 430 in December 1990) further extending the already extraordinary powers of the Emergency Legislation Governor, and subsequently, in August 1990, the government derogated from Articles 5, 6, 8, 10, 11 and 13 of the European Convention on Human Rights.

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. Allegations of torture have continued since the transfer of power to a civilian government in 1983. 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. 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 ten provinces, including Mardin and Diyarbak_r.

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

- urging that all those detained are given prompt access to their families and lawyers and that they should not be ill-treated while in detention;
- requesting to be informed of any charges against them.

APPEALS TO

Ola_anüstü Hal Valisi (Emergency Region Governor)

Hayri Kozakçio_lu

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COPIES 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 10 February 1991.