

EXTERNAL (for general distribution)

AI Index: EUR 44/14/91

Distr: UA/SC

UA 34/91

Fear of Torture

29 January 1991

TURKEY: Hizni Kurt, 56
Ziver Kurt, 27
Hüsamettin Kurt, 20
M Emin Kurt, 18
Ferat Kurt, 17

In the morning of 29 January, at about 6 o'clock, security forces carried out a raid in the village Güneybakan, between Akarsu and Nusaybin, in the province of Mardin. The five men named above were taken into police custody. They are reported to be held incommunicado at the Gendarmerie Regimental Headquarters in Mardin and it is feared that they are being subjected to torture during interrogation.

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 (in December replaced by Decree 430), further extending the already extraordinary powers of the Emergency Legislation Governor. Subsequently, 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.

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.

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

- appealing that the five men named above are given prompt access to their families, and an opportunity to appoint and consult with legal counsel;
- urging that they are not ill-treated while in detention;
- requesting to be informed of any charges against them.

APPEALS TO

President Turgut Özal
Devlet Ba_kanli_i
06100 Ankara, Turkey

Telegrams: President Ozal, Ankara, Turkey
Telexes: 42875 bbk tr

Jandarma Alay Komutanl____
Gendarmerie Regimental Headquarters
Mardin, Turkey

Telegrams: Jandarma Alay Komutanligi, Mardin, Turkey
Telexes: 72004 jimr tr

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 12 March 1991.