

EXTERNAL (for general distribution)

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EXTRA 37/92 Fear of Torture

27 March 1992

TURKEY Hatice Duman (female), aged 17
 Haydar Duman, aged 28, brother of Hatice
 Ali R_za Duman, aged 30, brother of Hatice
 Deniz Duman, aged 16, cousin of the above

Continuing mass detentions are reported from the city of Gaziantep in the south of Turkey, which are said to have started after a demonstration on the occasion of Newroz, the Kurdish New Year, passed peacefully (see also UA EXTRA 32/92, EUR 44/33/92, 24 March 1992). In particular hundreds of students were detained on 26 March, from their schools, including a 17-year-old girl, Hatice Duman. Her brothers Haydar and Ali R_za Duman as well as their cousin Deniz Duman, aged 16, were detained in the evening from their homes by police officers. Police waited at the home of Ali R_za Duman for some time for possible visitors and left eventually after having cut the telephone line. Other members of the extended Duman family are also reported to be in detention, but their names are not known.

It is believed that the detainees are being held at the Gaziantep Police Headquarters and it is feared that they are subjected to torture while being interrogated in incommunicado detention.

BACKGROUND INFORMATION

Unprecedented violence erupted in the southeastern provinces under emergency legislation on the occasion of Newroz, the Kurdish New Year, which is traditionally celebrated on 21 March. At least 70 civilians and five members of the security forces lost their lives, hundreds were wounded during demonstrations and ensuing clashes.

Newroz celebrations had been banned until last year when they were allowed for the first time. This year the authorities feared that the threatened "spring offensive" by the Kurdish Workers' Party (PKK) might start a popular uprising and had sent massive troop reinforcements to the region where the PKK has gained wide popular support.

Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people, living mainly in southeastern Turkey. Frequent allegations of torture and ill-treatment have been received from the region. Since August 1984, when guerrillas of the 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. More than 3,000 lives have so far been lost on both sides and among the civilian population in the continuing fighting. Emergency legislation is in force in 10 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 1991), 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. Most allegations relate

to ill-treatment of detainees in police custody during their initial interrogation when
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 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. Emergency legislation is currently
in force in 10 provinces in the southeast, though not in Gaziantep.

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

- appealing that all detainees including those named above may be allowed to see their families and lawyers and that they are not subjected to any form of ill-treatment while being held;

- asking to be informed whether they have been charged and if so, what the charges are.

APPEALS TO

1) Chief of Gaziantep Police: **Dear Sir**
Mr Tezcan Özkanl_
Gaziantep Emniyet Müdürlü_ü
Gaziantep, Turkey
Telegrams: Gaziantep Emniyet Muduru, Gaziantep, Turkey

2) Governor of Gaziantep Province: **Dear Governor**
Mr Recep Birsen Özen
Gaziantep Valili_i
Gaziantep, Turkey
Telegrams: Gaziantep Valisi, Gaziantep, Turkey

3) Gaziantep State Prosecutor: **Dear Sir**
Mr Ünal Ar_k
Cumhuriyet Savc_l____
Gaziantep, Turkey
Telegrams: Cumhuriyet Savcis_, Gaziantep, Turkey

4) Minister of the Interior: **Dear Minister**
Mr _smet Sezgin
_çi_leri Bakanl____
06644 Ankara, Turkey
Telegrams: Interior Minister, Ankara, Turkey
Telex: 46369 IC SL TR
Fax: + 90 4 118 1795

COPIES OF YOUR APPEALS TO:

President of the Parliamentary Human Rights Commission
Mr Ahmet Türk
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 April 1992.