

EXTERNAL (for general distribution)

AI Index: EUR 44/61/91
Distr: UA/SC

UA 165/91

Fear of Torture

13 May 1991

TURKEY: Ismail Holcayaran, aged 21, student
 Fidan Yabaneri, aged 20, student

On 1 May 1991, Ismail Holcayaran and Fidan Yabaneri, both students at the Faculty of Education at Diyarbakir University, were detained. On 6 May they were taken to court. However, following the court hearing they were neither released nor are they currently in prison. It is thought that they have been taken back to police custody for further interrogation and it is feared that they are being tortured.

BACKGROUND INFORMATION

In May and June 1990, two deaths in custody were reported in Turkey and since the end of November Amnesty International has received reports of a further eight deaths which occurred in police custody or shortly after release and which are alleged to have been the result of torture. Another detainee, Yusuf Eri_t_i, taken into custody in Istanbul on 14 March 1991, is still unaccounted for in spite of inquiries by his father, lawyer and Amnesty International.

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 2,000 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 Diyarbakir.

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

- urging that, if Ismail Holcayaran and Fidan Yabaneri continue to be held in police custody, they are given prompt access to their families and lawyers and 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
Faxes: +90 4 168 5012
(via Press Office)

Emergency Legislation Governor:
Mr Hayri Kozakçio_lu
Ola_anüstü Hal Valisi
Diyarbakir, Turkey
Telegrams: Diyarbakir Valisi, Diyarbakir, Turkey
Telexes: 72110 OHVT TR;
72084 DYVA TR
("please forward to the Governor");
72090 JASY TR
Faxes: +90 831 26174

Diyarbakir Chief of Police:
Mr Ramazan Er
Diyarbakir Emniyet Müdürü
Diyarbakir, Turkey
Telegrams: Emniyet Muduru, Diyarbakir, Turkey
Faxes: +90 831 11956

Minister of the Interior:
Mr Abdülkadir Aksu
Içi_leri Bakanli_i
06644 Ankara, Turkey
Telegrams: Interior Minister Aksu, Ankara, Turkey
Telexes: 46369 ICSL TR
Faxes: +90 41 28 43 46

President of Parliamentary Human Rights Commission:
Mr Eyüp A_ik
Insan Haklari Ara_tirma Komisyonu Ba_kani
TBMM
Ankara, Turkey
Telegrams: IHA Komisyonu, TBMM, Ankara, Turkey
Faxes: +90 4 42 06 941

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 24 June 1991.