

EXTERNAL (for general distribution)

AI Index: EUR 44/67/91

Distr: UA/SC

23 May 1991

Further information on UA 103/91 (EUR 44/37/91, 18 March 1991 and follow-up EUR 44/48/91, 29 April 1991) - Fear of Torture

TURKEY: Dr Cemal Kahraman, President of Human Rights Association,  
(HRA), Nusaybin branch  
Mecit Akgün, member of HRA, journalist of Ülke newspaper  
Süleyman Balan, HRA member, chief editor of Nusaybin newspaper  
Mehmet Baysal, HRA member  
Abdülhamit Aslan, HRA member, driver  
Muhittin Anter, HRA member, Nusaybin municipal council member  
ükrü Ekmen, Mardin municipal council member  
Aydin Do\_an, driver  
Mehmet Orhan  
Mehmet Ya\_iz (new name)

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Amnesty International has now learned more precise details about the events leading to the detention of those named above.

On Saturday 16 March 1991, five guerrillas were shot in the village of Ikitepe near Ömerli, Mardin, and, it seems, buried without ceremony. On 17 March the villagers exhumed the bodies and delivered them to their families who came from the nearby villages of Indi and Çölova. A religious funeral service was held. The group of Human Rights Association members from Nusaybin named above drove over to the village to pay their respects and to take part in the funeral service. They did not exhume the bodies, and it appears that the local prosecutor's permission was neither sought nor secured for their visit as indicated in the original UA. There was no demonstration or clash. The group from Nusaybin left the area to return home and was detained on the road.

During their detention, Fevzi Veznedaro\_lu, a lawyer who has power of attorney for Dr Cemal, went to Mardin and spoke to the duty prosecutor asking to see his client. The duty prosecutor reportedly said he had no authority to permit access to detainees as the Chief Prosecutor was in hospital, and that since lawyers were not usually permitted to see detained clients in Mardin, he thought that permission would not be granted on this occasion.

When the detainees were brought before the Mardin Chief Prosecutor on 12 April 1991, five of their number (Dr Cemal Kahraman, Mecit Akgün, Süleyman Balan, Mehmet Baysal, and Mehmet Ya\_iz (not mentioned in the original UA) made a formal complaint that they had been severely tortured while in custody. The methods included being suspended by the wrists, electric shocks, beating. It is reported that although they bore clear marks of torture, their injuries were not documented during the medical examination. They asked that legal action be taken against their torturers, but no investigation has yet been opened.

On 5 June 1991, they will appear in Diyarbakir State Security Court. Dr Cemal Kahraman is charged with membership of the Kurdish Workers' Party, (PKK) while another 12 defendants including all those mentioned above, are accused of supporting and sheltering members of that organisation.

**FURTHER RECOMMENDED ACTION: Telexes/faxes/express and airmail letters:**

- expressing dismay that once again incommunicado detention has resulted in allegations of severe torture;

- urging that, in future all detainees should be permitted access to legal counsel while in police custody, as required by Article 136 of the Turkish Criminal Procedure Code;

- urging an impartial investigation, not only into the allegations of torture, but also of the wholly improper practice of incommunicado detention.

**APPEALS TO:**

Mardin Chief Prosecutor:

Cumhuriyet Ba\_savcili\_i  
Office of the Chief State Prosecutor  
Mardin, Turkey

Minister of the Interior:

Mr Abdülkadir Aksu  
Ici\_leri Bakanli\_i  
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**COPIES TO:**

President of Parliamentary Human Rights Commission:

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Insan Haklari Ara\_tirma Komisyonu Ba\_kani  
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Ankara, Turkey

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Cumhuriyet Newspaper

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Ca\_alo\_lu 34334  
Istanbul, Turkey

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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 4 July 1991.