

EXTERNAL

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Open Letter to All Ambassadors to the Organisation for Security and Cooperation in Europe (OSCE) on the case of Mehmet Gökalp

Dear Ambassador,

Amnesty International wishes to draw to your attention the case of Turkish human rights defender, Mehmet Gökalp, a retired teacher and representative of the Turkish Human Rights Association in Derik, Mardin province. After being subjected to severe ill-treatment in detention and death threats over a number of years, Mehmet Gökalp now faces possible imprisonment on charges which appear not to be well-supported evidentially.

Amnesty International has a special concern for those who, after committing their time and energy to the promotion of human rights, face harassment or worse from the official authorities whose activities they have attempted to monitor. Amnesty International believes that Mehmet Gökalp has been targeted because of his legitimate activities on behalf of the Turkish Human Rights Association and, if imprisoned, would consider him to be a prisoner of conscience.

We hope you will agree that the protection of human rights defenders such as Mehmet Gökalp should be a prime concern of OSCE participating states. Amnesty International therefore requests your assistance in raising Mehmet Gökalp's case in appropriate OSCE fora such as the Permanent Council, calling on the Turkish authorities to conduct a full and impartial investigation into the campaign of intimidation against Mehmet Gökalp and urging that the findings of such an investigation are submitted to the court currently reviewing his conviction.

On 23 January 1996 Mehmet Gökalp, a retired teacher who is married and the father of six children, was sentenced to three years' imprisonment by Diyarbakır State Security Court No.3. He had been convicted under Article 169 of the Turkish Penal Code of aiding and abetting the illegal Kurdish Workers Party (PKK). Mehmet Gökalp is currently awaiting the decision of the Appeal Court. The first hearing of his appeal will be on 5 February 1997 at the Ninth Chamber of the Court of Appeal.

The charges on which he was convicted are very serious indeed, but appear not to be well-supported evidentially. It appears that the only evidence against him is an uncorroborated statement made by a man who was himself accused of notarizing false identity documents for alleged PKK members, but against whom charges were later dropped.

The specific allegation in the trial was that Mehmet Gökcalp had intimidated Abdurrahman Aktay, a *muhtar*, to notarize false identity documents for alleged PKK members on two occasions. Although Mehmet Gökcalp strenuously rejected and denied the charges against him both in his statement to the police and in court, the *muhtar* Abdurrahman Aktay, who was himself acquitted, gave evidence in court against him. Mehmet Veysi Karagül, who had been the local representative of the Democracy Party (DEP), was found guilty on the same charge as Mehmet Gökcalp. Mehmet Gökcalp asserts that expert reports on handwriting, not mentioned in the court's judgment, proved that he was not involved in the forgery, which he himself never admitted despite being tortured.

The circumstances leading up to the opening of the trial reinforce the impression of a highly dubious prosecution. Mehmet Gökcalp was detained on 23 November 1993 at the Anti-Terror Branch of Mardin Police Headquarters and formally arrested on 10 December 1993. Mehmet Gökcalp and Mehmet Veysi Karagül were held incommunicado in police custody for terms far in excess of those acceptable under the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Mehmet Gökcalp has also complained that he was tortured while in detention, but did not lodge a formal complaint in court. He was released from custody on 31 March 1994 but his trial continued. Amnesty International is not aware of any investigation into Mehmet Veysi Karagül's allegation that he was subjected to torture in police custody.

Prior to Mehmet Gökcalp's trial and conviction, he had contacted Amnesty International on several occasions to complain that he was being intimidated by local security officials because of his work for the Human Rights Association in Derik, in the course of which he reported incidents of torture and the destruction of villages to the Association, and showed the abandoned villages to delegations from abroad. Amnesty International took up a number of these incidents with the Turkish Government. In the past two years, due to the intensity of threats and close monitoring of himself and his home by the security forces, Mehmet Gökcalp has been unable to continue his work as representative of the Human Rights Association.

Since May 1992 he has received numerous death threats by telephone, and in December 1995, shortly before the court announced its verdict, his family home was one of 15 houses in Derik marked with a red cross, which their inhabitants took to be a threat against their lives. By March 1994 he had been forced to leave Derik and to settle in Izmir where he was treated for the effects of torture by the Turkish Human Rights Foundation.

Mehmet Gökcalp has been repeatedly detained and frequently tortured in detention. He was first detained and interrogated for seven days in Mardin police headquarters in October 1991, shortly after he had become the Human Rights Association representative in Derik. In March 1992 he was detained for a further two days in Derik police headquarters, and again in early August 1992 he was held for four days in Derik Tepeba_ battalion headquarters. In December 1992 he was detained and interrogated for seven days in police headquarters. In February 1993 he was again detained for four days after attending the funeral of an armed PKK member who had been killed in a clash with security forces. Mehmet Gökcalp told Amnesty International that he felt obliged to attend to act as mediator between the local populace and security forces in order to prevent incidents which might have cost lives.

In detention he was threatened that he and his children would be killed if he did not resign from the Human Rights Association. He reported that he was tortured for three days: *'During those three days they beat me, hung me up - they also fired guns around me. I could barely walk when I saw the prosecutor - I was taken home in a vehicle.'* Following this Mehmet Gökalp was convicted of organizing an illegal demonstration (the funeral) and given a two-year suspended sentence. He was detained and interrogated under torture yet again in July 1993 and told to resign from the Human Rights Association.

Many officials of the Turkish Human Rights Association face harassment or worse from the Turkish authorities whose activities they attempt to monitor. At least 10 officials of the Association have been killed since 1991. In recent years there has been an increase in the number of manifestly unfounded prosecutions brought against officials of that organization.

On 6 December 1996 Derek Evans, Deputy Secretary General of Amnesty International, wrote to Mr Lütfü Esengün, Turkey's State Minister with responsibility for Human Rights, concerning the case of Mehmet Gökalp. In this letter, Amnesty International urged the State Minister to ensure that a full and impartial investigation was conducted into the campaign of intimidation against Mehmet Gökalp, and that the findings of the investigation were submitted to the court currently reviewing his conviction. Amnesty International received no reply or acknowledgement of its letter.

Given this lack of a reply or acknowledgement, and the fact that the first hearing of Mehmet Gökalp's appeal will be on 5 February 1997 at the Ninth Chamber of the Court of Appeal, Amnesty International urges all Ambassadors to the OSCE to raise this matter in the appropriate OSCE fora such as the Permanent Council.

We remind you that the 1996 Lisbon Document states plainly that "the OSCE's comprehensive approach to security requires improvements in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms." Furthermore, it is stated explicitly in the 1994 Budapest Document that the OSCE participating states "...emphasize the need for protection of human rights defenders and look forward to the completion and adoption, in the framework of the United Nations, of the draft declaration on the "Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms."

These statements make clear that a violation against a particular human rights defender, whether an individual or group, is an attack on the OSCE system. We encourage you to take this opportunity to demonstrate that these statements are not merely fine sentiments, but a declaration of the OSCE's willingness to act promptly and effectively on behalf of threatened or endangered human rights defenders in another OSCE participating state.

Thank you for your attention to this matter.

Pierre Sané
Secretary General

