

EXTERNAL (for general distribution)

AI Index: EUR 44/34/91
Distr: UA/SC

UA 94/91

Fear of Torture

12 March 1991

TURKEY: Abdurrahman Yag_z, carpenter
Yusuf Dündar, clerk
Kemal Karaka_, lycee student, aged about 16
Metin Karaka_, lycee student
Havleci Dal, lycee student

During the past few days some 20 people have been detained in Nusaybin, Mardin province. Among them are the five people named above, who were detained from their homes on 9 March. The reasons for their detentions are not known. They are held incommunicado at Mardin Police Headquarters and it is feared that they may be subjected to torture. They have no lawyers and their families have been too frightened to attempt to see them.

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/faxes/express and airmail letters:

- urging that Abdurrahman Ya__z, Yusuf Dündar, Kemal Karaka_, Metin Karaka_, Havleci Dal and all those detained with them are given the opportunity to appoint and consult with a lawyer and that they are not ill-treated while in detention;
- requesting to be informed of any charges against them.

APPEALS TO

Mardin Chief of Police:
Süleyman _ahin
Mardin Emniyet Müdürü
Mardin, Turkey

Telegrams: Emniyet Muduru, Mardin, Turkey

President Turgut Özal
Devlet Ba_kanl____
06100 Ankara, Turkey

Telegrams: President Özal, Ankara, Turkey
Telexes: 42875 BBK TR
Faxes: (via Press Office) + 90 4 168 5012

Minister of the Interior:
Abdülkadir Aksu
_çi_leri Bakanl____
06644 Ankara, Turkey

Telegrams: Interior Minister Aksu, Ankara, Turkey
Telexes: 46369 IC SL TR
Faxes: +90 41 28 43 46

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 25 April 1991.