

EXTERNAL (for general distribution)

AI Index: EUR 44/37/91
Distr: UA/SC

UA 103/91

Fear of Torture

18 March 1991

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
Ayd_n Do_an, driver
Mehmet Orhan

On Saturday, 16 March, five guerrillas of the Kurdish Workers Party, PKK, were shot in a clash near the town of Ömerli and summarily buried. Dr Cemal Kahraman from Nusaybin, a medical doctor, and the other persons named above obtained permission from the prosecutor in Ömerli to go there and get the bodies. On 17 March they went as a group and eventually handed the bodies over to the parents. As they returned and were about to re-enter Nusaybin, they were detained and the two cars in which they were travelling were impounded. They are held incommunicado at the Gendarmerie Regimental Headquarters in Mardin and it is feared that they are being subjected to torture.

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.

page 2 of UA 103/91

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 Dr Cemal Kahraman and the people detained with him 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.

PLEASE ORGANIZE APPEALS FROM MEDICAL DOCTORS AND MEMBERS OF HUMAN RIGHTS ORGANIZATIONS

APPEALS TO

Mr Hayri Kozakç_o_lu (Emergency Legislation Governor)

Ola_anüstü Hal Valisi

Diyarbak_r, Turkey

Telegrams: Olaganustu Hal Valisi, Diyarbakir, Turkey

Telex: 72110 OHVT TR

72084 DYVA TR "please forward to the Governor"

72090 JASY TR

Fax: +90 831 26174

Jandarma Alay Komutanl____ (Gendarmerie Regimental HQ)

Mardin, Turkey

Telegrams: Jandarma Alay Komutanligi, Mardin, Turkey

Telex: 72004 JIMR TR

President Turgut Özal

Devlet Ba_kanli_i

06100 Ankara, Turkey

Telegrams: President Ozal, Ankara, Turkey

Telexes: 42875 BBK TR

Faxes: (via Press Office) + 90 4 168 5012

Minister of the Interior:

Mr Abdülkadir Aksu

_çi_leri Bakanl____

06644 Ankara, Turkey

Telegrams: Interior Minister Aksu, Ankara, Turkey

Telex: 46369 ICSL TR

Fax: +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 29 April 1991.