

UA 303/91

Fear of Torture

6 September 1991

TURKEY: Mustafa Dalg_ç
Mehmet Oral, People's Labour Party (HEP) branch official
Fato_Yener (female), HEP Iskenderun branch executive
Erdo_an Yener
Faruk Söylemez, HEP Iskenderun branch executive
Hüseyin Gökalp, Socialist Party (SP) Iskenderun branch
President
Elif Reyhan (female)
Nevruz Aydar (female)
Teyibet Aydar (female)

and some 35 others

Salih Dalg_ç, a militant of the Kurdish Workers' Party (PKK) was killed in an armed clash near Bilgili village in Siirt province at the end of August 1991. He was buried in Iskenderun, his home town, on 2 September 1991. Police detained more than 40 people who attended his funeral, including his father, Mustafa Dalg_ç, and the others named above. Elif Reyhan's 12-month-old daughter Bersin was also taken to Iskenderun Police Headquarters, but released into the care of relatives the following day. It is reported that the Prosecutor's Office in Iskenderun gave orders for the detainees to be kept in police custody until 14 September 1991. They are held incommunicado at Iskenderun Police Headquarters and it is feared that they may be subjected to torture.

In recent months there have been a number of occasions in the region where people attending the funeral of killed PKK guerrillas or paying their respects to the family of the deceased have been detained.

BACKGROUND INFORMATION

Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people. Any activity for a separate Kurdish political or cultural identity is punishable under Turkish law. 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. Some 3000 lives have so far been lost on both sides and among the civilian population in the continuing fighting. Emergency legislation is in force in 10 provinces in the region and the Emergency Legislation Governor in Diyarbakir has extraordinary powers over three additional provinces. In May 1990 the Turkish government issued Decrees 424 and 425 (in December replaced by Decree 430), further extending the powers of the Emergency Legislation Governor.

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. 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.

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.

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

- expressing concern for the well-being of some 40 people including those named above, held in incommunicado detention since attending a funeral in Iskenderun on 2 September 1991;
- requesting assurances that they are being humanely treated while in custody;
- appealing that they are granted permission to see their lawyers and relatives;
- asking to be informed if they have been charged.

APPEALS TO:

1.

Prime Minister Mesut Y_lmaz
[Salutation: Dear Prime Minister]
 Office of the Prime Minister
 Ba_bakanl_k
 06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey
Telexes: 44061/44062/44063 bbmt tr; 42099 basb tr;
42875 bbk tr
Faxes: + 90 41 17 04 76 PRIME MINISTER;
+ 90 42 30 88 96 (attn: Prime Minister)

2.

Governor of Hatay province:
 Mr Utku Acun
[Salutation: Dear Governor]
 Hatay Valili_i
 Antakya, Turkey

Telegrams: Hatay Valisi, Antakya, Turkey

3.

Minister of Justice:
 Prof. Suat Bilge
[Salutation: Dear Minister]
 Adalet Bakanl____
 06659 Ankara, Turkey

Telegrams: Adalet Bakanligi, Ankara, Turkey

Faxes: + 90 41 25 40 66

COPIES TO:

President of Parliamentary Human Rights Commission:

Mr Eyüp A_k

nsan Haklar Ara_t_rma Komisyonu Ba_kan_

TBMM

Ankara, Turkey

Faxes: + 90 4 11 91 664; +90 4 42 06 941

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 18 October 1991.