

EXTERNAL (for general distribution)

AI Index: EUR 44/01/92

Distr: UA/SC

6 January 1992

Further information on Extra 76/91 (EUR 44/147/91, 6 November 1991) - Fear of Torture

TURKEY:

From the town of Nusaybin, Mardin province

Ferzende Bar__
Abdurrahman Su_ut
Abdurrahman Cihan
Saadettin Aslan
Hizni Sayg_l_ [not Hüsnü Sayg_l_ as indicated on original action]
Emin Aslan

Hasan Bozkurt -chairperson of Nusaybin local committee of People's Labour Party (HEP)
Mehmet_erif Çetin)
Mahmut Oral) members of Nusaybin local
Hasan Bozdemir) committee of People's
Zinaver Ayaz) Labour Party (HEP)

From the village of Güremara (Kurdish name, official Turkish name not known), near Nusaybin, Mardin province:

Muhittin Yildiz
Mahmut Gündüz
Ahmet Fidan
Mehmet Emin ___k
Halil ___k
Ekrem Y_ld_z

From the village of Karata , Derik, Mardin province:

Adem Seyhan - village headman and his son
Musa Seyhan

and new names:

Hikmet Çetin
Nezir Çetin - headman of Yolindi village
Faysal Yavuz

On 25 November 1991, 26 people who had been in detention for between 26 and 32 days were taken to the Criminal Court in Mardin. While they were waiting to appear in court, they

were visited by Selim Sadak, the Social Democrat Populist Party Member of Parliament for __rnak. He said that they were all in a very poor physical state, and that one of the detainees Hikmet Çetin was unable even to lift his arm in order to shake hands, because of the effects on his muscles of hanging by the wrists. Selim Sadak said that a number of the detainees had signs of torture in various parts of their bodies - particularly on their hands and feet. Selim Sadak expressed his concern about the state of the detainees to police officers and went on to speak to the local governor, and to the prosecutor. At the hearing shortly after, all those detained were released. However, all with the exception of Hizni Sayg_l_ and four other detainees not mentioned in the original action - Süleyman Ari, Bedrettin Al, Abdullah Bozdemir, Gurnas Demir - were immediately re-arrested in the court and taken back to Mardin

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Police Headquarters where Hikmet Çetin, Nezir Çetin and Faysal Yavuz were allegedly beaten once again by police officers who said "What does your Member of Parliament think he is doing, coming to tell us off. Let him come and save you now."

They were brought before another judge by a different prosecutor later in the day and at 9pm that evening were committed to Diyarbak_r E-type prison, from where Hikmet Çetin, Nezir Çetin and Faysal Yavuz were later referred to Diyarbak_r State Hospital for treatment.

Subsequent to appeals against their arrests, a number of the detainees were released on 31 December 1991, though proceedings against them have not been dropped. Among those released were Mahmut Oral, Zinever Da_ and Abdurrahman Cihan. Mahmut Oral reported that he had been detained on 1 November and held naked and blindfold in a cell at the Political Branch of Mardin Police Headquarters. He said that he was tortured at various times over 13 of the 24 days of detention, by being hung by the wrists, subjected to a jet of cold water directed to sensitive parts of his body, falaka, and electric shocks. In particular he was questioned about his membership of the People's Labour Party, a legally authorised political party which is perceived as representing Turkey's Kurdish minority. He complained of his torture and showed grazes, bruises and other marks of torture to the prosecutor and to the court, but stated that the prosecutor and judge shouted and reprimanded him for making these allegations. Zinever Da_ and Abdurrahman Cihan reported similar experiences.

Ferzande Bar__, Hasan Bozkurt, Hasan Bozdemir, Zinaver Ayaz, Mahmut Gündüz, Ekrem Y_ld_z, Hikmet Çetin, Nezir Çetin, Faysal Yavuz, Adem Seyhan and Musa Seyhan remain in custody at Diyarbak_r E-type Prison awaiting trial. It is believed that they will be tried for harbouring and assisting members of the Kurdish Workers' Party under Article 169 of the Turkish Penal Code.

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

- urging an impartial and independent investigation of the allegations of torture of Hikmet Çetin, Nezir Çetin, Faysal Yavuz, Mahmut Oral, Zinever Da_, Abdurrahman Cihan;

- pointing out that the right of access to a lawyer, as laid down by Article 136 of the Turkish Criminal Procedure Code, can only effectively prevent torture if strictly monitored and enforced and therefore regretting that all those indicated above were held in incommunicado detention for four weeks or more;

- urging that, in line with the new government's declared objective to halt torture, every effort should be made to ensure that the right of access by lawyers to their clients is respected.

APPEALS TO:

1. Minister of the Interior

_smet Sezgin
_ci_leri Bakanl____
06644 Ankara, Turkey

Dear Minister

Telegrams: Interior Minister, Ankara, Turkey
Telexes: 46369 IC SL TR
Faxes: + 90 4 118 1795

COPIES TO:

President of Parliamentary Human Rights Commission:

Mr Ahmet Türk

nsan Haklar Ara_t_rma Komisyonu Ba_kan_
TBMM

Ankara, Turkey

Faxes: + 90 4 11 91 664 and + 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 17 February 1992.