

£TURKEY

@Mothers of "disappeared" take action.

PICTURE Emine Ocak, her son "disappeared" on 21 March 1995

On 11 April 1995 Emine Ocak, mother of Hasan Ocak, together with relatives of other "disappeared" people, protested in the court room of the State Security Court in Ankara shouting: "We want our sons". On 17 April Emine Ocak was sentenced to one month in prison by the Ankara State Security Court for contempt of court. She served 12 days' imprisonment in Ankara Central Closed Prison.

Since 1991 reports of "disappearance" in Turkey have increased alarmingly. Between 1980 and 1990 the Turkish Human Rights Association (HRA) registered about a dozen cases of "disappearances" in police custody. In 1991 there were a handful of reports, and several more in 1992. In 1993 there were at least 26. In 1994 there were at least 50 confirmed cases of "disappearances".

Many cases of "disappearance" follow the patterns found in the five cases described below. Many people "disappear" because of their suspected political activities, legal or illegal. Particularly at risk are those active in organizations working to foster rights for Turkey's Kurdish minority, estimated to number 10 million. Several victims had a history of repeated detention and ill-treatment by police. Some also reported prior to their "disappearance" that they received frequent threats. Other "disappeared" persons have refused to act as village guards. Although in many cases there is clear testimony from eye-witnesses that the victims were taken into custody by security forces, local police and prosecutorial authorities seem hardly interested investigating the case.

Very frequently "disappeared" persons are later found killed. Amnesty International observes that the practice of "disappearance" is, like that of extrajudicial execution, becoming established as a tool of intimidation and elimination.

Government's reaction to recent allegations of "disappearance"

At a press conference on 6 April 1995 Algan Hacalo_lu, the new State Minister responsible for human rights, announced that his office had investigated all cases of alleged "disappearance" following the disturbances which started on 12 March in the Gaziosmanpa_a district of Istanbul, and found that all allegations were without foundation. Paradoxically, however, the minister went on to appeal to the public to inform the authorities if they have any information about the 33 people listed by the Turkish Human Rights Association as

having "disappeared" following disturbances in the Gaziosmanpa_a quarter of Istanbul in March.

The aim of cooperation between government and public in order to solve cases of "disappearance" is obviously not shared by all members of the cabinet. According to the newspaper *Cumhuriyet (Republic)*, the Minister of Interior Nahit Mente_e stated, about three weeks after the Gaziosmanpa_a disturbances, that the names of two persons detained in subsequent operations were being intentionally withheld.

Patterns of "disappearance"

Amnesty International is still receiving reports of "disappearance" almost every day. Usually, after much delay and considerable distress to the family, the detainee is eventually acknowledged as being held in police custody. In other cases, nothing more is heard until the discovery of a body. Still others remain "disappeared". The following five cases illustrate a pattern of "disappearance" which extends throughout Turkey, and is not confined to the turbulent southeastern provinces where security forces are fighting armed members of the Kurdish Workers' Party (PKK). Four of the five are clearly related to the ten-year-old conflict, but the fifth - the "disappearance" of Hasan Ocak - took place in the context of civil disturbances in Istanbul.

PICTURE Hüseyin Koku

On 20 October 1994 at noon, **Hüseyin Koku**, president of the Elbistan branch of HADEP (People's Democracy Party), was walking in the centre of town together with his wife Fatma Koku. According to her, a car suddenly pulled up beside them. Men in plain clothes emerged from the car showed police identity cards, and then made Hüseyin Koku get into their car. Though the event was witnessed by several other persons, all of them are reluctant, for fear of possible reprisals to make a formal statement.

His wife, Fatma Koku, says that when she went to the Police Headquarters in Elbistan on the first day of Hüseyin Koku's detention, the police confirmed that he was being held. However, when she went again several times during the following days, the police denied holding her husband. The family then made inquiries at police stations in Af_in and Kahramanmara_, but did not receive an official reply about Hüseyin Koku's whereabouts.

On 19 October 1994, a day before Hüseyin Koku "disappeared", the now banned Kurdish-owned *Özgür Ülke (Free Land)* had published an article in which the local governor was strongly criticised for his repressive policy, particularly in those districts of the town mainly populated by Kurds. In the article Hüseyin Koku was quoted as saying: *"The members of the special team act under order of the local governor. Our party is constantly*

under pressure. Threats are made against our people under order of the district governor." Since 1991 more than 100 members of HADEP and its predecessor parties ÖZDEP, DEP and HEP have been killed in circumstances suggesting security forces involvement, "disappeared" or died in custody, apparently as a result of torture.

In an article published on 11 November 1994 in *Özgür Ülke*, the president of HADEP in Kahramanmaraş Ali Gökot, reported that Hüseyin Koku told him that he had been threatened by the local governor in Elbistan. Ali Gökot said: *"At our last meeting he (Hüseyin Koku) told me that the threats were going on."*

Hüseyin Koku was detained several times prior to his "disappearance" and was reportedly frequently followed by the police. Following his detention in March 1994 on the day of the local election, he was released by the State Security Court in Malatya after three months in custody. During interrogation in police custody prior to being sent to prison Hüseyin Koku was allegedly subjected to torture which may have caused a partial stroke for which he received constant medical treatment after his release.

His family reported that following Hüseyin Koku's "disappearance" there were constantly plainclothes police outside their house, and that the telephone line was sometimes cut off. On 5 November Hüseyin Koku's family received a telephone call. The 13-year-old daughter who picked up the phone first heard laughter, but recognized her father's voice saying: *"Do what you can to save me, they are going to kill me."* Then there was the sound of crying or screaming.

About two and a half months later the family were called to the Cumhuriyet district police station in Elbistan, where they were asked about this phone call. Fatma Koku asked the police why the police had not investigated her husband's case before. According to Fatma Koku one of the police officers told her: "I knew Hüseyin well, but if I saw him now, I would not recognize him and neither would you." She asked what he meant by this, but was then sent away.

In the face of considerable intimidation, family members and fellow party members of HADEP made efforts to find Hüseyin Koku. It appears that Mustafa Yeter and Hanan Güner, both members of the Elbistan branch of HADEP, were detained and tortured in January 1995, because of their repeated appeals to the district governor about Hüseyin Koku's "disappearance". Mustafa Yeter told Amnesty International that during seven days in incommunicado detention he was blindfolded and interrogated under torture on several occasions. He also stated that he was stripped of his clothes sprayed with a high-pressure jet of ice-cold water, hung up by his hands, beaten with truncheons, and that during the interrogation police repeatedly threatened to kill him. While still blindfolded he was allegedly forced to sign a statement that he was not permitted to read.

Interrogators also wanted him to make a statement to the effect that he helped Hüseyin Koku to leave Turkey. On 30 January 1995 an article appeared in the local newspaper *Elbistan Sesi* (Voice of Elbistan), claiming that Mustafa Yeter and Hanan Güner had told the police that the PKK (Kurdish Workers' Party) had sent Hüseyin Koku to Europe.

On 26 January 1995 Mustafa Yeter and Hanan Güner were brought before the local prosecutor, who charged them with supporting the PKK, but on 9 March 1995 they were acquitted by Malatya State Security Court and released. On 18 March Mustafa Yeter was abducted in Elbistan by three armed men who pulled him into a car. Recalling the death threats to which he had been subjected in police custody, Mustafa Yeter decided that his life was at risk. He managed to escape before the car left the town centre: *"I grabbed the driver around the body, and he had to brake hard just in front of a school. The local people came out thinking there had been an accident. I threw myself out of the car. The police swore at me. I shouted and shouted: 'They are kidnapping a man' and the people all looked. The police had no choice but to drive away."* Mustafa Yeter later fled from Turkey.

The maximum period of police detention permitted under the Turkish Criminal Procedure Code (TCPC) is 30 days in the southeastern provinces under emergency legislation and 15 days in the rest of Turkey. In abductions thought to be carried out by the security forces or their proxies, or the victim's body is usually found within a week or ten days. For this reason the relatives of the "disappeared" and other interested parties believe that searches in the first weeks are crucial. After the first month has passed, hope begins to fade. On 4 April 1995 more than five months after Hüseyin Koku "disappeared", his relatives, despairing that they would ever see him again, published an obituary.

On 27 April 1995 the family of Hüseyin Koku were informed by the police that a body in an advanced state of decay was found by a shepherd among some rocks near the town of Pütürge, in Malatya province, 150 km from Elbistan. The cause of death is not clear. On 28 April three relatives of Hüseyin Koku, including father-in-law Oruç Güzel and brother-in-law Ahmet Güzel, identified the body at Pütürge State Hospital. When they returned to Elbistan on the same day, police detained them and took them to Elbistan Police Headquarters, where they were allegedly beaten.

At the time of writing, two weeks after Hüseyin Koku's body was brought to Pütürge State Hospital, no proper autopsy had been conducted. In view of the circumstances of the case - in particular the suspicion that state agents from the Elbistan area were involved in his death - the family fear that evidence may be destroyed if the autopsy is carried out locally and have appealed to the authorities that the body should be transferred to Istanbul or Ankara where autopsy can be carried out by forensic experts with proper facilities for full examination.

PICTURE

On 13 November 1994 **Ali Tekda_**, aged 45, was detained by plain clothes police while he and his wife, Hatice Tekda_, were on their way to the market in the Da_kap_ district of Diyarbak_r. They had got of a minibus at the stop next to the "_eker Bank", when he told her to wait for him for five minutes. Hatice Tekda_ gives detailed testimony on the confusion of events leading to his "disappearance": *"I saw him coming back but he did not appear to see me. I called out, and he made a sign with his hands meaning "Go!" At that moment I noticed that there were some people following him with long barrelled guns and radios. At that moment, there was the sound of gunfire, and everyone threw themselves on the ground. When the gunfire ended everyone got up again. The soldiers who were guarding the Refah Party Headquarters and plain clothes police in the area came over. The police with guns came towards us with my husband between them. I noticed that he had blood stains on his forehead. At first I thought that he had been shot and I began to shout and cry. I learned later that in order to protect himself from being shot he had thrown himself to the ground and had cut his forehead. Because I had started shouting they dragged his jacket over his head and shoved him into a building. Two minutes later they took him out, put him in a car, and left. It was a police car."*

Hatice Tekda_ subsequently made repeated applications to the State Security Court Prosecutor in Diyarbak_r for information about her husband. After appearing every day for a month at the entrance of the State Security Court she was allowed to speak to the Chief Prosecutor personally. On a second meeting Hatice Tekda_ informed the Chief Prosecutor about a witness, Seyfettin Demir, remanded in Diyarbak_r E-type prison, who has reported that while he was detained at the Anti-Riot (*Çevik Kuvvet*) Police Headquarters between 1 and 20 December 1994, he shared a cell with Ali Tekda_. Seyfettin Demir also alleged that Ali Tekda_ told him that the police wished to "lose" him in custody, and begged him to notify his family. According to Hatice Tekda_'s account, the Chief Prosecutor took no interest in investigating Seyfettin Demir's allegations.

Asked about the political activities of Ali Tekda_, who had been imprisoned for four and a half years following the military coup d'état in September 1980, his wife gives the following picture: *"He had no connections with any [militant] organisation, but he was not someone who could keep quiet about what went on in the area. He worked to help people who had fled to Diyarbak_r during village evacuations in the surrounding area. For all these reasons he was often arrested."* She says that Ali Tekda_, formerly a member of DEP (Democracy Party), was detained and interrogated 19 times for periods between 15 and 30 days.

Ali Tekda_ and Hatice Tekda_ have four daughters and four sons. Their daughter Nuran Tekda_ had been active as a distributor for the newspaper *Özgür Ülke*. After having been detained for five times, she gave up her activities for the newspaper in 1994.

Ali Tekda_'s brother Mehmet Tekda_ was shot dead on the street in Diyarbak_r in 1992 by unidentified gunmen. Following this event Ali Tekda_ was detained several times and he moved without his family to Izmir, Western Turkey, where he worked in different jobs in order to support his and his brother's family. At this time he also changed his name. According to his wife, Hatice Tekda_, this was not meant to be a code name but rather to avoid the suspicion and harassment the name Tekda_ provoked. Two months before his "disappearance" he had come back to live in Diyarbak_r.

It is now more than five months since Ali Tekda_ was detained, but his detention was never confirmed, nor has there been any further news of him. Amnesty International wrote to the Turkish authorities on 13 January 1995 noting that were grounds to believe that Ali Tekda_ was held in custody and asking that urgent inquiries be made as to his whereabouts. By 1 May 1995 the Turkish authorities had not responded this letter.

PICTURE

Shortly after midnight on 27 January 1995, several men in plain clothes came to the house of **Faruk Dürre**, aged 33, in Adana. When his wife Hatun Dürre asked for their identity, they told her that they did not have to reveal it and that they were taking her husband away who would be their "guest" for a while. They then dragged Faruk Dürre away, beating him. When his family and lawyer sought information of his whereabouts, the prosecutor's office and the police in Adana first denied any knowledge of it. According to the newspaper *Özgür Ülke*, the prosecutor later told his wife that Faruk Dürre has been transferred to Mu_, the provincial city. However, authorities in Mu_ did not acknowledge his detention.

Faruk Dürre, father of two children, comes from the village of Keranl_k near Malazg_rt in Mu_ province. The village was burnt down by the security forces in the autumn of 1993, after the villagers, many of them members of the extended Dürre family, had refused to join the village guard militia. All 23 houses of the village were destroyed and all the families were forced to leave. Faruk Dürre settled with his family in Adana, where he was without work.

Reportedly Faruk Dürre himself was not politically active but his father, Abdurrahman Dürre, is a well-known intellectual, writer and activist on Kurdish and Islamic issues, now living abroad in political exile. It is thought that Faruk Dürre's detention may be in connection with his father's activities abroad. An interview with the father was published in *Özgür Ülke* the day before Faruk Dürre "disappeared".

PICTURE

Osman Künde_, married with six children, was abducted in front of his house and has not been seen or heard of since. Osman Künde_ is the President of the Municipal Workers' Union (Belediye-__ Sendikası) branch in the city of Batman, southeast Turkey, centre of Turkey's petroleum industry.

Osman Künde_ came home from his office at 4.30pm on 6 February 1995 in his trade union car. His 16-year-old son saw him arrive and went outside to greet his father. He then witnessed two men aged between 20 and 25, who approached his father asking him to come with them on urgent business. Osman Künde_ told them that he was hungry and would prefer to talk after the evening meal or better still the following day, but they insisted. Osman Künde_ asked his son to come with them. The son went briefly into the house to get his coat. When he came out a couple of minutes later, his father and the two men had gone. A woman who had observed the scene, later told that she saw Osman Künde_ sitting in the front passenger seat of his trade union car, while one of the men was driving and the other was sitting in the back. A second car was following them as they drove away. The car was found abandoned the following day about 70 kilometres away on the road between Batman and Kozluk.

Osman Künde_'s wife, Vesile Künde_, reports that a few days after her husband's "disappearance" someone rang them up, saying: "He is in the hands of the *Muslims*". His family therefore believes that he may have been abducted by members of the illegal armed organization *Hizbullah*¹.

Relatives of "disappeared" have told Amnesty International that they believe that *Hizbullah* is acting in collusion with the security forces. There have been several waves of arrests of *Hizbullah* members from both wings and trials opened against some *Hizbullah* defendants. Amnesty International has repeatedly written to the Turkish government asking for information about the progress of these trials, but received no reply. The Chief Prosecutor at Diyarbakır State Security Court made a public statement in October 1994 saying that he believed that *Hizbullah* was confining its attacks to other opposition groups in order to establish its credentials while avoiding a heavy government response. This confirms the impression that security forces were turning a blind eye to attacks by *Hizbullah* on people suspected of "separatist" activities.

PICTURE of Hasan Ocak

¹*Hizbullah* is not the branch of the Lebanon-based Shi'a *Hizbullah* which carried out acts of political violence in Turkey in the mid-1980s, but a shadowy organization established in Batman in 1987 and belonging to the Sunni branch of the Islamic faith, like most of the Muslim Kurdish population in that area. The movement is committed to the establishment of a fundamentalist Islamic state in Turkey. *Hizbullah* is divided between two wings - *_lim* and *Menzil* - named after bookshops which formed a meeting place for each group. Many political killings have been attributed to the *_lim* group.

Hasan Ocak, aged 30, has not been seen since 21 March 1995, when he was detained by police in Istanbul. This follows widespread evidence of police brutality during the recent disturbances in the Gaziosmanpa_a district of Istanbul. Video footage clearly show police firing into the crowd of demonstrators. 17 person were killed and more than 100 injured.

At 3pm on 21 March Hasan Ocak received a telephone call at his father's home. Reportedly, he then left the house, saying that he was going to the Aksaray district of Istanbul and did not return.

Suna Ya_ar was apparently the last person to see Hasan Ocak. After being released from 11 days' detention she told the press that she and Hasan Ocak were both tortured in Aksaray police station in Istanbul: *"I was tortured several times so I do not exactly remember the date. I was being taken back to my cell. I felt someone near me. I stole a glance under my blindfold and saw Hasan."*

Erdo_an Ocak, Hasan Ocak's father, told the newspaper *Cumhuriyet* (Republic) that a detainee, later remanded custody in Sa_malc_lar prison stated that he noticed Hasan Ocak's name listed at the Anti-Terror Branch of the Police Headquarters. Similar information has been given by other witnesses whose names are known to Amnesty International. Hasan Ocak's sister Maside Ocak reported that a police officer unofficially spoke to her and said that Hasan Ocak had been detained.

On 11 April 1995 Emine Ocak, mother of Hasan Ocak, together with relatives of other "disappeared" people, protested in the court room of the State Security Court in Ankara shouting: "We want our sons". Emine Ocak and Gül_en Birsen Gülünay, wife of Hasan Gülünay who "disappeared" on 20 July 1992 (see EUR 44/68/92), both participated in this action and were sentenced to one month in prison by the Ankara State Security Court for contempt of court. Both were sent to the Ankara Central Closed Prison, where they served 12 days' imprisonment.

PICTURE

The case of Hasan Ocak has received widespread attention within Turkey and in other European countries. On 4 April of Hasan Ocak's family held a press conference in Istanbul which coincided with actions by an alliance of groups in various parts of the country - including trade unions, women organizations, human rights organizations and youth organizations - in order to push the authorities to solve this alleged case of "disappearance". On 10 April 1995 Hasan Ocak's family and relatives of other "disappearances" organized a demonstration in the Kad_köy district of Istanbul, in which about 400 people participated.

The Legal Background and Practice:

The most important safeguards against "disappearance" are meticulous registration of detainees and prompt notification of their families as required by international human rights standards:

* Rule 7 of the UN Standard Minimum Rules for the Treatment of Prisoners, which deals with the registration of detainees, states:

(1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

- (a) Information concerning his identity;
- (b) The reasons for his commitment and the authority therefor;
- (c) The day and hour of his admission and release.

* Rule 92, which deals with untried prisoners, states:

"An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of administration of justice, and of the security and good order of the institution."

Similar provisions are contained in the European Prison Rules (Appendix Part II, No.8) by the Council of Europe of whom Turkey is a member.

Turkish domestic law contains restrictions on these international standards. Article 107 of the Turkish Criminal Procedure Code (TCPC) states: "Where the aim of the arrest will not be jeopardized, the arrested person may be permitted to notify his relatives or other persons with whom he is closely associated. Upon the request of the accused, these persons shall be given official notice of the arrest."

Under the revisions to the TCPC of December 1992 contact with family and legal counsel can be suspended for up to a month. People suspected of offences under the Anti-Terror Law (these include non-violent offenses as well as armed activities) can be held without access to family, friends or legal counsel for up to 30 days in the 10 provinces under a state of emergency, and for 15 days in the rest of Turkey. Those held for common criminal offences, can, with written approval by a prosecutor, be interrogated for a maximum of eight days.

"Disappearances" occur because the safeguards contained in the Turkish Criminal Procedure Code are not only insufficient, but are also being almost completely ignored. Detainees are very frequently not registered for several days after being taken into custody. Police records of detention are not available for inspection by relatives or lawyers. Amnesty International has no information on the standard or methods of record keeping in police

stations and gendarmerie. Police are required immediately to register detentions with the Public Prosecutor, or with the State Security Court Prosecutor. In practice such notification is almost invariably late - sometimes by a matter of days, sometimes by more than a week. It is only possible to guess at the reason for the delay. Since it is well established that torture usually takes place in the first days of police detention, the reason is possibly to delay registration until interrogation under torture is over, so that if the detainee should die, the police or gendarmerie can deny that the person was ever in their custody.

In the absence of any official notification, a family is only alerted to the fact that a family member has been detained when they fail to return home. Family members are often reluctant to check at the police station for fear of being detained themselves. Moreover, the best that can be hoped from the police station is verbal confirmation of the detention, which in some cases of "disappearance" was given and later denied. Until a detention is confirmed, the family is thrown into panic. They will alert local politicians, relatives in the civil service, and the media. Often attempts are made to bribe police officers or other police station staff to make discreet inquiries. A member of the Ankara Bar Association told Amnesty International: *"People do not worry so much about torture nowadays - if your son or daughter just comes out police detention alive, it is cause for rejoicing. Because police now habitually fail to register properly, every detention is a crisis - the Human Rights Association and lawyers are being worn down."* This, combined with official indifference has created the present conditions in which "disappearances" are proliferating.

Amnesty International, therefore, recommends the urgent implementation of the following steps to prevent further cases of torture and "disappearance"

1. Families should be informed immediately of any arrest (as required by Article 107 of the Turkish Criminal Procedure Code) and of the whereabouts of the detainee at all times.
2. All detainees should be registered in a bound book with numbered pages, and the time of and reason for the detention be noted therein. (Article 7 of the UN Standard Minimum Rules for the Treatment of Prisoners)
3. The date, time and duration of each period of interrogation should be clearly recorded, as well as the names of all those present during interrogation. These records should be open to judicial examination and to inspection by detainees and their lawyers.
4. All detainees must be given access to lawyers. The revision of the Criminal Procedure Code in December 1992 which provided such access for those detained on account of ordinary criminal offenses only must be extended to those detained under the Anti-Terror Law. Detainees' families and lawyers should be able to seek an urgent court order requiring the police to permit such access if it is being denied.

5. The practice of blindfolding detainees must be prohibited. Reports of the practice must be investigated and judicial proceedings taken against those who continue to use the blindfold.

6. Because detainees in Turkey are at gravest risk of torture and "disappearance" while in police custody, the law should be amended so that all detainees in all parts of the country are brought before a court within 24 hours of arrest and thereafter kept in detention only under the supervision of a court.

Amnesty International is appealing to the Turkish authorities to establish impartial and properly resourced commissions as a matter of urgency to investigate the fate of the "disappeared" in Turkey. Those appointed as members of such commissions must be recognized for their impartiality, competence and independence. It recommends that:

1. The methods and findings of such commissions should be made public.
2. Relatives of the victim should have access to information relevant to the investigation.
3. Complainants, witnesses, lawyers and others involved in the investigation should be protected from intimidation and reprisals.
4. Any official suspected of responsibility for a "disappearance" should be suspended from active duty during the investigation.

TURKEY:

Mothers of "disappeared" take action

Reports of "disappearance" in Turkey have increased alarmingly. In 1991 there were a handful of reports, and several more in 1992. In 1993 there were at least 26. In 1994 there were at least 50 confirmed cases of "disappearance".

Amnesty International appealed repeatedly to the Turkish authorities to set up an impartial and properly resourced commission to investigate the fate of the "disappeared" in Turkey.

Emine Ocak, her son "disappeared"

Hüseyin Koku

Osman Kunde_

Hasan Ocak

Hasan Ocak's family joining a rally

Ali Tekda_

Faruk Dürre

Women protesting
about "disappearance"
on 14 May 1995

Women protesting about "disappearance", on 14 May 1995

Women protesting
about "disappearance",
on 14 May 1995

Hüseyin Koku,
found dead after 6 month
of "disappearance"

Osman Künde_,
"disappeared" since 6 February 1995

Hasan Ocak,
"disappeared" since 21 March 1995

Hasan Ocak's family joining a rally

Ali Tekda_,
"disappeared" since 13 November 1994

Faruk Dürre,
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