

EXTERNAL

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Fear of "disappearance"/
Fear of extrajudicial execution

29 October 1997

TURKEY Fatih Turhall , Kurd aged 28, housepainter

There are grave fears for the safety of Fatih Turhall_ who was reportedly detained by six or seven plainclothes police officers at a bus terminal in Diyarbak_r as he was about to travel back to Istanbul on 24 October 1997. According to witnesses present he was specifically targeted for arrest from among fellow passengers. He is thought to be detained at the Çevik Kuvvet (Riot Police) Detention Centre, next to the Police College in Emek Caddesi in the 5 Nisan district of Diyarbak_r.

Another detainee at the centre, who was released on 27 October, informed the family of Fatih Turhall_ that he had occupied the cell adjacent to that of Fatih Turhall_. Fatih Turhall_ apparently communicated to him in a weak voice informing him that he had been tortured for three days and was going to be killed.

Fatih Turhall_ is a cousin of Hüseyin Turhall_, formerly president of the Diyarbak_r branch of HEP (People's Labour Party), a party representing Kurdish interests which was banned by the Constitutional Court in July 1993. More than 100 members and officials of this party and of its two successors, DEP and HADEP, have been killed in street shootings since 1992 including the parliamentary deputy Mehmet Sincar. One of those killed was S_dd_k Turhall_, a cousin of Fatih Turhall_, who was shot dead in the Saraykap_ district of Diyarbak_r in 1992. It is not known whether Fatih Turhall_ is a member of HADEP, but he is known to have frequently visited their headquarters in Istanbul.

Attempts made by the family of Fatih Turhall_ to ascertain his whereabouts have proved futile. On 27 October, Diyarbak_r Police Headquarters informed the family that they were not holding him. The next day the Chief Prosecutor at Diyarbak_r State Security Court, where detentions should be registered, again informed the family that Fatih Turhall_ was not in custody. On 29 October the chief prosecutor's office still had no record of his detention, neither under his proper name nor under the name of Çerkez Yarar, as given in the false identity card he carried at the time of his detention (apparently in order to avoid detection by police). His family fear for his life.

BACKGROUND INFORMATION

Procedures laid down in the Turkish Criminal Procedure Code for the prompt and proper registration of detainees, and for notification to their families, are almost universally ignored. Lack of prompt registration and notification is extremely distressing for the families of detainees and creates conditions in which "disappearances" and torture can more easily occur.

People suspected of offences under the Anti-Terror Law can now be held in police custody without access to family, friends or legal counsel for up to four days.

This period may be increased to 10 days in the six provinces currently under State of Emergency, such as Diyarbak_r, and to seven days in the rest of Turkey during which detainees would have to be granted access to a lawyer.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing grave concern for the safety of Fatih Turhall_, detained in Diyarbak_r on 24 October 1997, carrying an identity card in the name of Çerkez Yarar, and since held in unacknowledged detention;
- expressing concern also at reports that he has been tortured and threatened with death while being held at the Çevik Kuvvet interrogation centre in Diyarbak_r;
- urging immediate steps be taken to establish his whereabouts and to inform his family and lawyer without delay;
- asking to be informed of the results of this investigation and of any charges that may be brought against him.

APPEALS TO:1. Minister of the Interior:

Mr Murat Ba_eskio_lu
_çisleri Bakanl____
Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Faxes: +90 312 418 1795

Salutation: Dear Minister

2. Chief Prosecutor at Diyarbak_r State Security Court

Mr Nihat Çakar
DGM Ba_savc_s_
Devlet Güvenlik Mahkemesi
Diyarbak_r, Turkey

Telegrams: DGM Bassavcısı, Diyarbakir, Turkey

Salutation: Dear Sir

3. Diyarbak_r Chief of Police

Mr Yavuz Elbirler
Diyarbak_r Emniyet Müdürlü_ü
Diyarbak_r, Turkey

Telegrams: Emniyet Muduru, Diyarbakir, Turkey

Salutation: Dear Sir

4. Emergency Legislation Governor

Mr Ayd_n Aslan
Ola_anüstü Hal Valisi
Diyarbak_r, Turkey

Telegrams: Olaganustu Hal Valisi, Diyarbakir, Turkey

Telexes: 72110 OHVT TR

72084 DYVA TR "please forward to the Governor"

72090 JASY TR

Salutation: Dear Governor

COPIES TO:State Minister with responsibility for Human Rights

Mr Hikmet Sami Türk
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey

Faxes: +90 312 417 0476

and to diplomatic representatives of TURKEY accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 December 1997.