

EXTERNAL (for general distribution)

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EXTRA 62/94 Fear of "disappearance"/ Fear of torture 2 November 1994

TURKEY Sedat Akgün
 Abdullah Öner
 and a youth (name unknown)

 Yavuz Eken, aged 24

There is serious concern for the safety of Sedat Akgün, Abdullah Öner and an unidentified youth who are believed to be in incommunicado detention in Diyarbak_r. The whereabouts of Yavuz Eken, detained in a separate incident, also remain unclear and there are fears that he too is at risk of torture and "disappearance" while in unacknowledged detention.

The first three were detained at an identity check by security forces on 19 October 1994 as they were en route from Istanbul to Diyarbak_r. Their families repeatedly petitioned the prosecutor at Diyarbak_r State Security Court for information as to their whereabouts, but were unable to obtain any confirmation of their detention.

Meanwhile, the police searched the homes of Sedat Akgün and Abdullah Öner, but gave no information concerning the detainees. On 30 October after conducting a 5am search of Abdullah Öner's home and his family's shop, the police took his brother Abdulgani Öner away. The latter was released at midnight that evening. Since then Abdullah Öner's detention has been acknowledged, but Sedat Akgün and the youth detained with him remain unaccounted for.

In a separate incident on 20 October at 4am, 15 to 20 plainclothes police searched the house of Abdülbahri Eken in Diyarbak_r and detained his son Yavuz Eken. Reportedly, two policemen remained in the house for five days and beat up any visitors to the house. Abdülbahri Eken's inquiries to the prosecutor at Diyarbak_r State Security Court for information of his son's whereabouts have not met with any success.

BACKGROUND INFORMATION

The conflict in southeast Turkey between government forces and guerrillas of the Kurdish Workers' Party (PKK) has claimed almost 13,000 lives since it began in August 1984. Police operations against suspected PKK supporters are being carried out all over Turkey. A state of emergency remains in force in 10 provinces in the southeast, including Diyarbak_r, where police and gendarmerie have the right to hold political suspects incommunicado for up to one month.

Procedures laid down in the Turkish Criminal Procedure Code for the prompt and proper registration of detainees, and for notification of their families, are almost universally ignored in the southeastern provinces and increasingly disregarded in the rest of Turkey. Lack of proper registration and notification is extremely distressing for families, and creates the conditions in which "disappearances" and torture take place.

Turkey ratified the European Convention for the Prevention of Torture on 25 February 1988 and the UN Convention Against Torture on 2 August 1988. Following a programme of visits to Turkish police stations in 1990, 1991 and 1992, the European Committee for the Prevention of Torture (ECPT - established by the

Council of Europe) reported: *"In the light of all the information at its disposal, the ECPT can only conclude that the practice of torture and other forms of severe ill-treatment of persons in police custody remains widespread in Turkey and that such methods are applied to both ordinary criminal suspects and persons held under anti-terrorism provisions"*.

The ECPT also stated that in **Diyarbak_r Police Headquarters** they had found *"the equipment necessary for suspension by the arms in place and ready for use (ie a three metre long wooden beam which was mounted on heavily-weighted filing cabinets on opposite sides of the room and fitted with a strap made of strong material securely tied to the middle ... the delegation's discoveries caused considerable consternation among police officers present; some expressed regret, others defiance."*

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

- voicing concern for the safety of Sedat Akgön and an unidentified youth who were detained after an identity check on their way from Istanbul to Diyarbak_r on 19 October 1994; and of Yavuz Eken, detained at his home in Diyarbak_r on 20 October, who have since "disappeared" in unacknowledged detention;
- urging that immediate steps are taken to establish their whereabouts, and that their families are informed of these;
- seeking assurances that the detainees, including Abdullah Öner (whose detention has been acknowledged), are not subjected to torture or any other form of ill-treatment;
- mentioning the findings of the ECPT;
- asking to be informed of any charges brought against the detainees.

APPEALS TO

1) Chief Prosecutor at Diyarbak_r State Security Court:

DGM Ba_savc_s_
Devlet Güvenlik Mahkemesi
Diyarbak_r, Turkey

Telegrams: DGM Bassavcısı, Diyarbakir, Turkey

Salutation: Dear Sir

2) Deputy Prime Minister

Mr Murat Karayalç_n
Ba_bakanl_k
06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey

Telexes: 44061/44062/44063 bbmt tr; 42099 basb tr; 42875 bbk tr

Faxes: +90 312 417 04 76 PRIME MINISTER

+90 312 230 88 96 (attn: Prime Minister)

Salutation: Dear Deputy Prime Minister

3) Emergency Legislation Governor:

Mr Ünal Erkan
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 OF YOUR APPEALS TO:

Minister of Foreign Affairs:

Prof Mümtaz Soysal

D__i__leri Bakanl____

06100 Ankara, Turkey

Faxes: 90 312 287 1886

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 8 December 1994.