

EXTERNAL

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EXTRA 188/96

Fear of "disappearance" / Fear of torture 6 December 1996

TURKEYRamazan Yaz\_c\_, Kurd, aged 36

Hakk\_Kaya, Kurd, aged 30, truck driver

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Amnesty International fears for the safety of two men from Diyarbak\_r who were detained in the city within four days of each other and have since been held in unacknowledged detention at an undisclosed location, presumably the Anti-Terror Branch of Diyarbak\_r Police Headquarters.

On 18 November 1996, Hakk\_Kaya, a driver with his own truck, originally from Lice, was detained in front of the Forestry Directorate. He was with two friends, one of them Ahmet Ya\_ar, when a car containing three people with walkie-talkies drove up behind them. The occupants of the car forced Hakk\_Kaya and his two friends to get into the vehicle, but after driving some 100 metres released Ahmet Ya\_ar and the other friend, before driving off with Hakk\_Kaya. His family have applied to Diyarbak\_r State Security Court for information of his whereabouts, but received none.

On 22 November 1996 Ramazan Yaz\_c\_, married, a worker with no permanent job, originally from Silvan, was waiting at the Silvan bus station in the Melikahmet district of Diyarbak\_r. At 8.30am, a time when there were many people around, plainclothes police officers forced Ramazan Yaz\_c\_ into a red ahin car with the numberplate 21 DZ 490, and drove off.

His family submitted three applications for confirmation of his detention to Diyarbak\_r State Security Court, with no result. On 29 November 1996 the Diyarbak\_r branch of the Human Rights Association requested information on his whereabouts from the Detention Monitoring Unit, established by the government. They received the reply, "*There is no such person on our records*". A second query on 2 December produced the same reply.

#### BACKGROUND INFORMATION

Fears for people in unacknowledged detention are heightened by the discovery of nine corpses in the Diyarbak\_r region. On 14 September, five bodies were discovered around Baharl\_village near Bismil, province of Diyarbak\_r. They had their hands tied behind their backs and had been killed with a single bullet to the head. One of them was later identified as Esat Ya\_ar who reportedly had been detained in the Lice district of Diyarbak\_r on 6 September 1996. Others were identified as Faik Orak, Nas\_r Alan (19) and Nuri Yi\_it. Faik Orak had been detained in Kürekli village near C\_nar on 8 September, and Nas\_r Alan and Nuri Yi\_it had been detained at their homes in Diyarbak\_r. Faik Orak's father reported that his son had been detained by Special Team members and that his detention had been denied.

According to Nas\_r Alan's father, armed men in plain clothes carrying two-way radios had raided their house on 9 September and taken his son away. Nas\_r Alan telephoned his parents about an hour later saying "*I am going to testify, I'll be home in an hour*". When he did not come back, his father applied for information to the police who denied holding Nas\_r Alan, and three times to the prosecutor's office, in vain. When he saw his son's corpse in the morgue, it was without clothes except for an undershirt, bore burn marks of cigarettes having been extinguished on the body, and the skin was torn as if it had been dragged on the ground.

Four more bodies were reportedly discovered between 15 and 17 September. They included the body of a man found between Ka\_tl\_ and Ba\_dere police stations near Diyarbak\_r Kacaköy. Villagers reportedly stated that they had witnessed the detention of a man and two women and the execution by shooting of the young man. The discovery also included the corpses of a man and a woman found on 17 September near So\_anl\_ village in the district of Diyarbak\_r. According to one newspaper report they were unrecognizable because their heads had been burned.

People suspected of offences under the Anti-Terror Law can be held in police custody without access to family, friends or legal counsel for up to 30 days in the nine provinces under State of Emergency, such as Diyarbak\_r, and for 15 days in the rest of Turkey. When not being interrogated, detainees are held in cramped, airless and insanitary conditions. With no access to the outside world they are at the mercy of their interrogators. Torture is often applied to extract confessions, to elicit information about illegal organizations, to intimidate detainees into becoming police informers or as informal punishment for presumed support of illegal organizations. Torture methods include being stripped naked and blindfolded, hosing with pressurized ice-cold water, hanging by the arms or wrists bound behind the victim's back, electric shocks, beating the soles of the feet, death threats and sexual assault.

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. Lack of prompt registration and notification is extremely distressing for the families of detainees, and creates the conditions in which "disappearances" and torture can occur.

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

- expressing concern for the safety of Hakk\_Kaya, detained in Diyarbak\_r on 18 November 1996, and Ramazan Yaz\_c\_, detained in Diyarbak\_r on 22 November 1996, both since held in unacknowledged detention, presumably at the Anti-Terror Branch of Diyarbak\_r Police Headquarters;
- urging that their whereabouts be established without delay, their detention registered and their relatives informed without further delay;
- seeking assurances that they are not being subjected to torture or any other form of ill-treatment;
- calling for the detainees to be promptly brought before a judge or released;
- asking to be informed of any charges brought against them.

**APPEALS TO:**

1. Chief Prosecutor at Diyarbak\_r State Security Court:

Mr Bekir Selçuk

DGM Ba\_savc\_s\_

Devlet Güvenlik Mahkemesi

Diyarbak\_r, Turkey

**Telegrams: DGM Bassavcisi, Diyarbakir, Turkey**

**Salutation: Dear Prosecutor**

2. State Minister with responsibility for Human Rights:

Mr Lütfü Esengün

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**  
**Faxes: +90 312 417 0476**  
**Salutation: Dear Minister**

3. Diyarbakır Chief of Police:

Mr R\_dvan Güler  
Diyarbakır Emniyet Müdürü  
Diyarbakır, Turkey  
**Telegrams: Emniyet Muduru, Diyarbakir, Turkey**  
**Salutation: Dear Sir**

**COPIES TO:**

President of Parliamentary Human Rights Commission:

Mr Demir Berbero\_lu  
\_nsan Haklar\_ Inceleme Komisyonu Ba\_kan\_  
TBMM  
Ankara, Turkey  
**Fax: +90 312 420 5394**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 5 January 1997.