

EXTERNAL (for general distribution)

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Fear of Torture

13 April 1995

TURKEY

Ramazan Av_ar
Sait Av_ar
_Ihan Av_ar

Sedat Av_ar
Hasip Av_ar

On 7 March 1995, Sedat Av_ar and Hasip Av_ar were detained in Ku_adas_. Both are cousins of _erif Av_ar, who was abducted and killed, allegedly by members of the security forces, in April 1994 (see UFI 162/94 (EUR 44/29/94, 26 April 1994 and updates). Sedat Av_ar and Hasip Av_ar were both reported to have gunshot wounds prior to being taken into custody. They were apparently taken to Diyarbak_r for questioning, and on 10 April were brought by gendarmerie to the house of their aunt (_erif Av_ar's mother). On this occasion it was reported that they were "not in good health". Sedat Av_ar and Hasip Av_ar have not yet been brought to court, and it is believed that they are still in custody, probably at Diyarbak_r Gendarmerie Regimental Headquarters.

In a separate, but apparently related incident on 11 April 1995, Sait Av_ar, brother of _erif Av_ar, and Ramazan and _Ihan Av_ar, cousins of _erif Av_ar, were detained in Mersin, where they had fled following threats against the family in Diyarbak_r. It is thought that Sait Av_ar, Ramazan Av_ar and _Ihan Av_ar are held at Mersin Police Headquarters.

Amnesty International fears that the five defendants may be being interrogated under torture. Sedat Av_ar and Hasip Av_ar have been in police custody for five weeks, a week longer than the maximum of 30 days provided for in the Turkish Criminal Procedure Code.

BACKGROUND INFORMATION

On 22 April 1994, _erif Av_ar was forcibly abducted by a group of five armed village guards and two other men from the premises of the family business in Diyarbak_r. _erif Av_ar's brothers followed the car in which he had been taken until it entered Diyarbak_r Gendarmerie Headquarters, where they saw the abductors in the yard. The gendarmerie and other authorities denied that _erif Av_ar was in custody.

_erif Av_ar was reportedly not politically active in any way but his brother was the European representative of the Kurdish-owned newspaper *Özgür Gündem* (Free Agenda) which had been the target of dozens of prosecutions for "separatism", and lost seven of its journalists through political killing and "disappearance" during the 18 months that it was published. A number of members of the extended family have been arrested and charged with membership of the Kurdish Workers' Party (PKK).

The abduction was reported quite extensively in the Turkish press. Pressure for action increased until, on 5 May 1994, five village guards and one other person were detained. In court the village guards confirmed that they had indeed abducted _erif Av_ar, that they had killed him 10 days previously, and dumped his body some distance from Diyarbak_r. His body was found and identified on 7 May 1994. One of the village guards stated: "*The government authorizes us to take some people and we do it...if we had not obeyed orders we would have been sacked.*"

The Av_ar family and their lawyers have been subjected to death threats. Sait Av_ar witnessed the abduction of _erif

İlv_ar, and has testified as a prosecution witness in the trial of the alleged abductors. At the latest hearing earlier this month, an attempt was reportedly made to abduct Mehmet Ali İlv_ar, another brother _erif İlv_ar who is acting as a prosecution witness, as he left Diyarbakır Criminal Court, but he was able to elude his assailants.

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

- urging that Ramazan İlv_ar, Sait İlv_ar, İhan İlv_ar, Sedat İlv_ar and Hasip İlv_ar are brought promptly before a judge as required by Article 5/3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;

- appealing that while in police custody the detainees should be given permitted access to their families and lawyers, and that they should not be subjected to any form of ill-treatment;

- requesting information concerning the charges against the detainees.

APPEALS TO:

1) Prime Minister

Mrs Tansu Çiller

Office of the Prime Minister

Ba_bakanlık

06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey

Telexes: 44061/44062/44063 bbmt tr

42099 basb tr

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Faxes: +90 312 417 04 76 PRIME MINISTER

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

2) Minister of Justice

Mr Mehmet Mo_ultay

Adalet Bakanlık

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417 3954

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3) State Minister with responsibility for Human Rights

Mr İlhan İsaoglu

Ba_bakanlık

06573 Ankara, Turkey

Faxes: +90 312 420 6941

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

President of the Parliamentary Human Rights Commission:

Mr Sabri Yavuz

nsan Haklar Ara_tırma Komisyonu Ba_kanlık

TBMM

Ankara, Turkey

Faxes: +90 312 420 5394

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 25 May 1995.