

EXTERNAL (for general distribution)

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UA 434/94 Possible "Disappearance"/Fear of extrajudicial execution

7 December 1994

**TURKEY** Ayhan Uzala, aged 35

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There is grave fear for the safety of Ayhan Uzala who left his parents' home at 10.45am on 29 November 1994 and has not been seen since.

On 2 December 1994, his parents report receiving an anonymous telephone call, telling them, "Ayhan Uzala is in custody at the Anti-Terror Branch" (Anti-Terror Branch of Istanbul Police Headquarters). On the second and third days of Ayhan Uzala's "disappearance", his parents had already received anonymous telephone calls, but nobody spoke when they answered the telephone. They stated that they had never received such calls in the past. Ayhan Uzala's parents believe that their son has been taken into police custody, but all their appeals to the authorities for information of his whereabouts have so far been unsuccessful.

After the military coup of 1980, Ayhan Uzala had been convicted of membership of the illegal Turkish Communist Party/Marxist-Leninist (TKP/ML) and sentenced to a term of imprisonment. In April 1993, Ayhan Uzala was detained again and held incommunicado at Istanbul Police Headquarters for 14 days. He later alleged that he and fellow-detainees had been tortured during interrogation with electric shocks, by being hoisted off the ground by the wrists which were tied behind the back, by death threats and by being kept in a small, dark, airless place between interrogation sessions. His lawyers saw him after he had been committed to prison to await trial and reported that the muscles in his left arm and neck were apparently torn from being suspended by the arms; that he could not use his arms even to feed himself; that his upper lip was broken and swollen; and that the hair on the front five centimetres of his scalp had been pulled out by tweezers (see UA EXTRA 40/93, AI Index: EUR 44/41/93 of 26 April 1993; and update of 17 May 1993, EUR 44/45/93). On 6 May 1993, Ayhan Uzala was charged with membership of TKL/ML and committed to prison to await trial.

In replies to Urgent Action appeals in 1993, the Istanbul Police Chief wrote about Ayhan Uzala, "This man ... is one of the leaders of the illegal organization ... " [TKM/ML TIKKO]. After the first trial hearing, the court released Ayhan Uzala while the trial continued. He told his family that the police said, when setting him free, "This time you won, Ayhan, but next time we shall win". In January 1994, Ayhan Uzala was acquitted.

It is reported that people detained in Istanbul between June and October 1994 in police operations against suspected members of TKP/ML - TIKKO (Turkish Workers and Peasants Liberation Army, the armed wing of TKP/ML) were shown a photograph of Ayhan Uzala by police, who alleged that he continued to be a leading member of the organization.

#### **BACKGROUND INFORMATION**

The conflict in southeast Turkey between government forces and guerrillas of the Kurdish Workers' Party (PKK) has claimed more than 13,000 lives since it began in August 1984. Police operations against suspected PKK supporters and other Kurdish activists are being carried out all over Turkey. Since 21 September the security forces have mounted a huge military operation in Tunceli province further north against the guerrillas of the PKK thought to be operating in

this mountainous region. Militants of TKP/ML TIKKO have for years been active in Tunceli province. A state of emergency remains in force in 10 provinces in the east and southeast, including Tunceli.

Detainees held on suspicion of political offences may be held without charge for up to 15 days. In the 10 provinces under emergency legislation the maximum detention period for political detainees may be doubled to 30 days.

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 not only extremely distressing for families, but it creates the conditions in which "disappearances" can occur and torture takes place. At least 50 people have "disappeared" during the first 10 months of 1994, three of them in Istanbul.

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

- expressing concern for the safety of Ayhan Uzala who has been missing since 29 November 1994; in an anonymous telephone call to his parents, a caller claimed that their son was being held at the Anti-Terror Branch of Istanbul Police Headquarters;
- urging that immediate steps are taken to establish his whereabouts;
- asking to be informed of the results of this investigation.

**APPEALS TO**

1) Chief Prosecutor at Istanbul State Security Court

Mr Ahmet Köksal

DGM Ba\_savc\_s\_

Devlet Güvenlik Mahkemesi

Istanbul, Turkey

**Telegrams: DGM Bassavcisi, Istanbul, Turkey**

**Salutation: Dear Sir**

2) State Minister with responsibility for Human Rights:

Mr Azimet Köylüo\_lu

Office of the Prime Minister

Ba\_bakanl\_k

06573 Ankara, Turkey

**Faxes: +90 312 417 0476**

**Salutation: Dear Minister**

3) Istanbul Chief of Police:

Mr Necdet Menzir

Istanbul Emniyet Müdürü

\_stanbul, Turkey

**Telegrams: Emniyet Muduru, Istanbul, Turkey**

**Telexes: 30811 IEHM TR; 30812 EMMH TR; 26177 IEMT TR**

**Fax: +90 212 272 8182**

**Salutation: Dear Sir**

**COPIES OF YOUR APPEALS TO:**

President of the Parliamentary Human Rights Commission:

Mr Sabri Yavuz

\_nsan Haklar\_ Ara\_t\_rma Komisyonu Ba\_kan\_

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 18 January 1995.