

PUBLIC

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UA 95/05 Possible "disappearance"/ fear of torture or ill-treatment

TURKEY Abdulkadir Bartan (m), alleged member of Kurdistan Workers' Party (PKK)

Abdulkadir Bartan was reportedly detained by the Turkish army on 15 April, during a military operation against the armed group the Kurdistan Worker's Party (the PKK). It is not known where he is being held and he may be at risk of torture or "disappearance".

On 19 April, the family of Abdulkadir Bartan informed the Diyarbakır branch of the İnsan Hakları Derneği (IHD), Human Rights Association, that they had been approached by members of the village guard militia (villagers armed and paid by the state to fight the PKK). The village guards had told the family that they had participated in operations with the Turkish army against the PKK on 15 April in the Besta district of Şırnak province, close to the border with Iraq. They claimed that Abdulkadir Bartan had been captured by the army.

Statements by the Turkish military and the Governor of Şırnak confirm that there have been military operations against the PKK in the area, and that some 21 members of the PKK had been killed during clashes. Three members of the Turkish army and a village guard are also reported to have been killed.

Contrary to Turkish detention regulations, Abdulkadir Bartan has apparently not been registered as being in detention, nor has his family been officially notified that he is in custody. This puts him at greater risk of torture, ill-treatment or even "disappearance". A lawyer acting on behalf of Abdulkadir Bartan's family has applied to the local State Prosecutor's office for information as to his whereabouts but has not yet received any reply.

BACKGROUND INFORMATION

In June 2004, the PKK announced that it was ending its unilateral ceasefire which had lasted since 1999. Since then, there have been regular reports of clashes between members of the PKK and Turkish military and security forces in the southeast of the country.

According to the new Turkish Criminal Procedure Code (CMUK) which came into force on 1 April 2005, detainees must be registered promptly and their families notified that they are in custody. According to the law, the length of police or gendarmerie detention may not exceed more than 24 hours from the time that they were detained. Where crimes have been perpetrated by several people, this period may be extended by 24 hours on the written order of the prosecutor up to a maximum of three days. In addition, detainees have the right of access to a lawyer. However, Amnesty International has received several reports of security forces ignoring the detention regulations and violating the rights of detainees.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of Abdulkadir Bartan, who was reportedly detained on 15 April;
- urging that immediate steps be taken to establish his whereabouts, and that the results should be made public without delay;
- urging that if he is in custody, he be granted immediate access to legal counsel, his family and any medical attention he may require;
- reminding the government of Turkey of its obligations under Article 3 of the European Convention of Human Rights, to which Turkey is a state party, which states: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

APPEALS TO:

Minister of the Interior

Mr Abdulkadir Aksu
Ministry of Interior
İçişleri Bakanlığı
06644 Ankara, Turkey

Fax: + 90 312 418 17 95
Email: aaksu@icisleri.gov.tr
Salutation: Dear Minister

Governor of Şırnak

Mr Osman Güneş
Valiliği
73100 Şırnak, Turkey

Fax: + 90 486 216 11 88
Email: bilgi@sirnak.gov.tr
Salutation: Dear Governor

COPIES TO:

Foreign Minister and State Minister for Human Rights

Mr Abdullah Gül,
Office of the Prime Minister,
Basbakanlik,
06573 Ankara, Turkey

Fax: + 90 312 287 8811

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 1 June 2005.