

EXTERNAL (for general distribution)

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Fear of "Disappearance"/Fear of Torture

6 January 1993

TURKEY: Serdar AY

Amnesty International is concerned for the safety of Serday Ay who was detained in Diyarbak_r on 18 December 1992 and whose detention has not been acknowledged by the authorities.

On the night of 18 December 1992 at 1.30am, Serdar Ay was detained at his home in Diyarbak_r by members of the gendarmerie and the police force. Serdar Ay runs a minibus service and they ostensibly wanted him to assist them as a guide. Nothing has been heard of him since.

Ali Ihsan Ay, Serdar's father, has been trying to locate his son. Initially he made inquiries with the Diyarbak_r Chief Prosecutor's Office, where he was told that his son was being held by the gendarmerie in the Ofis district of Diyarbak_r. However, the gendarmerie there denied holding him. On 21 December, he submitted a written request to the Prosecutor's Office at the Diyarbak_r State Security Court and received a written reply the same day to the effect that no person by the name of Serdar Ay was registered as being held in custody.

Reportedly, there have been complaints against Serdar Ay for playing cassettes with Kurdish music on his minibus. About two months ago he was taken into detention by the gendarmerie in Piriçlik, near Diyarbak_r, and held for one day.

It is now 19 days since Serdar Ay was taken into custody and, in view of the large number of political killings and alleged extrajudicial executions in the region, there is grave concern for his safety.

BACKGROUND INFORMATION

Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people, living mainly in southeastern Turkey. Since August 1984, when guerrillas of the Kurdish Workers' Party (PKK) started armed attacks against the security forces, an alarming number of reports of ill-treatment of detainees by the security forces have come from the eastern and southeastern provinces. Furthermore, allegations of over 100 extrajudicial executions have been received during the past 12 months. More than 5,000 lives have so far been lost on both sides and among the civilian population in the context of the continuing fighting. Emergency legislation is in force in 10 provinces in the region and the Emergency Legislation Governor in Diyarbakir has extraordinary powers over three additional provinces.

Turkey ratified the European Convention for the Prevention of Torture on 25 February 1988 and the UN Convention Against Torture on 2 August 1988. However, all information available to Amnesty International indicates that torture is still widespread and systematic in Turkey. Most allegations relate to ill-treatment of detainees in police

custody during their initial interrogation when they are usually denied access to relatives or a lawyer. New legislation to shorten the maximum detention period came into force on 1 December 1992. Now the normal maximum period of 24 hours, for which a non-political detainee may be held before being formally charged or released, may be extended to eight days in cases of ordinary crimes involving three or more suspects. Detainees held on suspicion of political offences to be tried in State Security Courts may be held without charge for 15 days. This period may be extended to 30 days in provinces under emergency legislation or martial law. Emergency legislation is currently in force in Diyarbak_r province.

Page 2 of EXTRA 01/93

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

- expressing concern that Serdar Ay has been held in unacknowledged police detention since 18 December 1992 when he was detained in Diyarbak_r;
- requesting to be informed of his present whereabouts;
- urging that his family be informed without further delay of his place of detention and be granted access to him;
- seeking assurances that he is not subjected to any form of torture or ill-treatment.

APPEALS TO

1) Chief of the Turkish General Staff:

General Do_an Güre_
Bakanl_klar
06100 Ankara, Turkey

Salutation: Dear General

Telegrams: General Gures, Bakanliklar, Ankara, Turkey

2) Minister of the Interior:

Mr _smet Sezgin
_çi_leri Bakanl____
06644 Ankara, Turkey

Salutation: Dear Minister

Telegrams: Interior Minister, Ankara, Turkey

Telexes: 46369 ICSL TR

Faxes: + 90 4 418 1795

3) Prime Minister:

Mr Süleyman Demirel
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey

Salutation: Dear Prime Minister

Telegrams: Prime Minister, Ankara, Turkey

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

Faxes: + 90 4 417 04 76

+ 90 4 230 88 96

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

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 1993.