

EXTERNAL

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Fear of "disappearance"/Fear of extrajudicial execution 7 January 1998

TURKEY Mehmet Özdemir, Kurd

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On 26 December 1997, Mehmet Özdemir was arrested by four plainclothes police officers carrying weapons and walkie-talkies at a coffeehouse in the Sebzehal\_ district of Diyarbak\_r. There are eye-witnesses to his being detained. Mehmet Özdemir reportedly resisted being taken and was dragged away. His family now fear for his life.

His wife, Enzile Özdemir, submitted a petition requesting information concerning his whereabouts to the State Security Court prosecutor's office, where detentions have to be registered. This petition of 29 December was stamped "detained by police" by the prosecutor's office. However, when Enzile Özdemir returned to the prosecutor's office, not having received any information, the secretary claimed that the petition had been stamped by mistake, and that the stamp was not valid, as it had not been signed. Mehmet Özdemir's detention is now being denied by the prosecutor's office.

The family's lawyer contacted the recently established Disappearance Investigation Bureau, operating under the State Security Court prosecutor's office, for information, but was told that they could not help in any way.

Mehmet Özdemir, who is married with seven children aged between two and 15, is from Lice, a town which has suffered much destruction and repression in the ongoing conflict between the security forces and the PKK. In 1990, the family moved to Ba\_var, a town 15 kilometres outside Diyarbak\_r, where Mehmet Özdemir is the local delegate for HADEP, a legal political party with a predominantly Kurdish membership which is much persecuted by the authorities.

In 1991, Mehmet Özdemir was detained for the first time. He has since been detained some seven or eight times. After one period of detention, he is said to have been bedridden for a week as a result of torture. He has also received death threats.

There is grave concern that Mehmet Özdemir has not been brought before the prosecutor, nor even his detention acknowledged, although 13 days have passed since he was detained.

#### **BACKGROUND INFORMATION**

Procedures laid down in the Turkish Criminal Procedure Code for the prompt and proper registration of detainees, and for notification to their families, are almost universally ignored. Lack of prompt registration and notification is extremely distressing for the families of detainees and creates conditions in which "disappearances" and torture can more easily occur.

People suspected of offences under the Anti-Terror Law can now be held in police custody without access to family, friends or legal counsel for up to four days. This period may be increased to 10 days in the six provinces currently under State of Emergency, such as Diyarbak\_r, and to seven days in the rest of Turkey, during which time detainees would have to be granted access to a lawyer.

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

- expressing grave concern for the safety of Mehmet Özdemir, detained in Diyarbak\_r on 26 December 1997, and since held at an undisclosed location;

- urging that immediate steps be taken to establish his whereabouts and to inform his family and lawyer without delay;
- appealing that he not be subjected to torture or any other form of ill-treatment;
- asking to be informed of the results of this investigation and of any charges brought against Mehmet Özdemir.

**APPEALS TO:**1. Chief Prosecutor at Diyarbakır State Security Court

Mr Nihat Çakar

DGM Ba\_savc\_s\_

Devlet Güvenlik Mahkemesi

Diyarbakır, Turkey

**Telegrams: DGM Bassavcısı, Diyarbakır, Turkey****Salutation: Dear Sir**2. Diyarbakır Chief of Police

Mr Yavuz Elbirler

Diyarbakır Emniyet Müdürlüğü

Diyarbakır, Turkey

**Telegrams: Emniyet Muduru, Diyarbakır, Turkey****Salutation: Dear Sir**3. Diyarbakır Chief of Gendarmerie:

Diyarbakır Jandarma Komutanı

Jandarma Komutanlığı

Diyarbakır, Turkey

**Telegrams: Jandarma Komutanlığı, Diyarbakır, Turkey****Faxes: +90 412 237 7113****Salutation: Dear General**4. Emergency Legislation Governor

Mr Aydın Aslan

Olağanüstü Hal Valisi

Diyarbakır, Turkey

**Telegrams: Olaganustu Hal Valisi, Diyarbakır, Turkey****Telexes: 72110 OHVT TR****72084 DYVA TR "please forward to the Governor"****72090 JASY TR****Salutation: Dear Governor****COPIES TO:**State Minister with responsibility for Human Rights

Mr Hikmet Sami Türk

Office of the Prime Minister

Ba\_bakanlık, 06573 Ankara, Turkey

**Faxes: +90 312 417 0476**

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 17 February 1998.