

£TURKEY

@More people "disappear" following detention

During 1993 and the first two months of 1994 there has been a striking increase in reports of "disappearances" in detention - particularly in the southeastern provinces where a State of Emergency is in force -, while in Istanbul the fifth "disappearance" within 12 months occurred in January. The victims of "disappearance" have mainly been men living in agricultural settlements in districts where there is intense activity by guerrillas of the Kurdish Workers' Party (PKK). In total, there were at least 26 "disappearances" throughout Turkey in 1993.

Ahmet _ahin was detained as he walked into Hazro on 18 March 1993 and after four days was reportedly transferred to the Gendarmerie (soldiers carrying out police duties in rural areas) Headquarters in Lice. The family was not informed of his whereabouts and applied to the authorities for information. On 20 April they received a reply from the

prosecutor at Diyarbak_r State Security Court stating that Ahmet _ahin had been detained on suspicion of harbouring and assisting members of an illegal organization, but that he was released by the Public Prosecutor in Lice on 27 March 1993. This would be an unusual release date since it fell on a Saturday during the religious festival marking the end of the holy month of Ramadan.

A Kurdish villager is detained

Ahmet _ahin did not reappear, although an inhabitant of Oyuklu village, whose identity is known to Amnesty International, reportedly claims that he saw Ahmet _ahin being brought out of Lice Gendarmerie Headquarters and put in a minibus at about 8.30am on 10 April, and that when asked about the destination of the minibus, the gendarmes said that it was going to Diyarbak_r. On 13 April, gendarmes accompanied by a lieutenant from Lice Gendarmerie Headquarters, reportedly came to Oyuklu village and searched Ahmet _ahin's house causing

considerable damage to property and smashing the windows. Amnesty International wrote to the Turkish authorities on 26 April noting that there were grounds to believe that Ahmet _ahin was still in custody and asking that urgent inquiries be made as to his whereabouts. By 1 March 1994 the Turkish authorities had not responded to this letter.

On 12 May 1993 Ebedin Ya_l_ "disappeared" after being called to Dicle Gendarmerie Headquarters to give a statement. In early 1993 the village guards of Kurtulu_ village, near Dicle in Diyarbak_r province, had expressed their intention to resign as village guards. On 12 May Ebedin Ya_l_, a village guard at Kurtulu_, was called to Dicle Gendarmerie headquarters to give a statement. He went to Dicle with two other village guards from Kurtulu_, who returned to tell Ebedin Ya_l_'s family that he was being taken to Diyarbak_r, and that he had asked for his licenced weapon to be taken back to the family. The gendarmerie refused to accept a petition submitted by the family, inquiring where and why Ebedin Ya_l_ had been taken away. One officer confirmed that Ebedin Ya_l_ had been detained, while a more senior officer denied it. The State Security Court Prosecutor said that Ebedin Ya_l_'s name did not appear on their records. The family have since received no information concerning his whereabouts.

Abdülvahap Timurta_

When arrests and detentions are carried out by village guards the risks for the detainees are further increased. Village guards (villagers armed and paid by the government to fight the guerrillas of the PKK) are frequently illiterate or semi-literate, with an ill-defined (often tribal) command structure. These heavily-armed paramilitary forces may be involved in legitimate defence activities, but it is clear that they are also able to act with a great deal of impunity in carrying out non-legitimate reprisal raids on neighbouring civilian populations, or subjecting neighbouring populations to extortion. It is therefore clearly inappropriate that village guards should be permitted to hold or interrogate detainees.

Abdülvahap Timurta_ "disappeared" after being detained by gendarmerie and village guards carrying out a security raid on the village of Yeniköy in the province of __mak, southeast Turkey on 14 August 1993, since when his family have received no news of his whereabouts. After being taken into custody, Abdülvahap Timurta_ was taken to neighbouring villages for identification. According to other sources, he was then taken to __mak Gendarmerie Brigade Headquarters where he was held for at least 20 days. However, the local prosecutor denied that he was in custody. The family have received no

further information concerning his whereabouts. Abdülvahap Timurta_'s brother, Mehmet Tevfik Timurta_, died in 1991, apparently as a result of torture, after interrogation in Cizre Police Headquarters and __rnak Gendarmerie Brigade Headquarters. In response to a parliamentary question on Abdülvahap Timurta_'s "disappearance", the Interior Minister Nahit Mente_e replied flatly that there was no record of his detention.

Ümit Ta_ "disappeared" on or around 23 September when he was detained at an identity check being carried out by police while travelling by bus from the Çöl district of Hamzal_ village to Kulp in Diyarbak_r province. Ümit Ta_'s brother and uncle went to Kulp Police Headquarters to ask for him but were told that his interrogation was continuing and that he would not be released for a few days. When Ümit Ta_ failed to return after a few days the family applied once again to the police, but were told that he had already been released. The family, hearing a rumour that Ümit Ta_ was being interrogated by the local commando unit, applied to Kulp Mechanized Division Headquarters on 13 October, and on 20 October to Diyarbak_r State Security Court Prosecutor, both of whom denied holding him.

On 10 October 1993 the village of Alaca, near Kulp in Diyarbak_r, was raided by security forces. Eleven male villagers, Turan Demir, Mehmet _ah Atala, Hasan Avar,

Turan Demir, Mehmet _ah Atala and Bahri _im_ek, of Alaca village, near Kulp, Diyarbak_r province

Mehmet _erif Avar, Mehmet Salih Akdeniz, Nusrettin Yerlikaya, Behçet Tutu_, Bahri _im_ek, Abdo Yamuk, Celil Aydo_du, and Behçet Taç were taken into detention and held handcuffed under guard for 10 days in the village. They told villagers who brought them food that they were being beaten. Finally they were taken away, since when their relatives have received no news of them. In response to petitions, the Emergency Region Governor in

Diyarbakır and the offices of the local prosecutor and of the State Security Court Prosecutor in Diyarbakır have denied that these men are being held.

Ahmet Çakır "disappeared" reportedly after being detained by gendarmerie in an operation at his village of Çiftlibahçe (Kurdish name: Haha), near Hazro in Diyarbakır province. A prisoner now held in Diyarbakır prison informed a representative of the Turkish Human Rights Association that he had been detained in November 1993 and held in Hazro Gendarmerie Headquarters for 57 days, before being transferred to Diyarbakır Gendarmerie Headquarters where he was held for a further 20 days. When he complained about the length of detention (the maximum under Turkish law is 30 days) and asked to be brought before a judge, he was told by a person on the staff of Diyarbakır Gendarmerie that another detainee who was still there - "Ahmet from Haha village" - had been in detention for even longer.

Ahmet Çakır's family have tried in vain to find out his whereabouts.

Üzeyir Kurt "disappeared" after being detained by gendarmerie in the village of Ağıllı (Birik), near Dicle in Diyarbakır province on 24 November 1993. On the preceding day, PKK guerrillas had attacked the nearby security post at Tepe and killed a gendarmerie officer. According to an eye-witness account received by Amnesty International, soldiers from Bismil Central Gendarmerie Headquarters and from the Tepe outpost surrounded the village on the evening of 23 November and opened fire with small arms and rocket launchers. The soldiers then entered the village, gathered the villagers together and beat them. Soldiers took Mehmet Çelik of the neighbouring village Ağaçlı Kavuztepe, visiting his married elder sister, into custody and reportedly shot him dead. The soldiers burned four of the houses that evening. On the morning of 24 November the soldiers again assembled the villagers and subjected them to insults and beatings. At about 9am Mahmut Çakmak was taken from the group and shot to death in the courtyard of his own home. Seventeen of the villagers were detained, while the rest of the inhabitants, including women and children, were made to remain outside under the rain until evening when they were permitted to shelter in those houses which had not been burned. No news of Üzeyir Kurt, who was detained during this operation, has been heard since he was taken away by gendarmerie.

Hüseyin Uralı of the town of Altınova, near Muğla, father of eight children, was beaten severely by gendarmerie in front of dozens of townspeople on 18 November 1993, and then taken away to the Gendarmerie Headquarters in Muğla for interrogation. Seventeen men detained at the same time were all released days later after allegedly being severely tortured. Hüseyin Uralı, who was elderly and in ill health, never returned. Exhaustive efforts by his family have failed to establish his whereabouts, and it is feared that he may have died under torture.

On 24 December 1993 Cemile _arl_ and her brother Ramazan _arl_ were detained at their home in the village of Ulusoy (Kurdish: Vanik) near Tatvan, in the province of Bitlis, in the early hours of the morning by gendarmes and special team members (heavily armed units trained for close combat with guerrillas, operating under the control of the Interior Ministry). The brother and sister were initially taken to the village school for interrogation. Reportedly, they were later taken away from the village in a military vehicle. The family applied for information of their whereabouts to the Tatvan prosecutor who stated in a reply of 27 December that he had information indicating that Cemile _arl_ and Ramazan _arl_ were abducted by Teko_in (an illegal Kurdish organization) and were not detained by the security forces. However, family members and neighbours were witnesses to their detention. The family have meanwhile left the village for fear. On 2 January the chief prosecutor in Tatvan wrote a reply to the family saying that the case had been referred to the prosecutor at the State Security Court in Diyarbak_r, but insisted that the two were not being held. Neither Ramazan _arl_ nor his sister Cemile had been detained previously.

Cemile _arl_

Prior to their detention on 24 December, fire had been exchanged between special team members and villagers protecting the village school. The villagers have not accepted village guards and were told by a gendarmerie captain that they would be held responsible if their school was burned down by PKK guerrillas. The villagers reportedly thought that the approaching special team members were neighbouring village guards who had come to burn down the school in order to get them into trouble, and opened fire. This had occurred earlier on 24 December.

Ramazan _arl_

Fethi Y_ld_r_m, a local board member and the treasurer of the pro-Kurdish Democracy Party (DEP) in Viran_ehir, "disappeared" after being detained on 5 January 1994 at the house of Ahmet Öner, where he had gone for a visit together with Ali Kuran, another board member, and Lamih Kapanc_lar. At around 8pm, police officers of the Anti-Terror Branch surrounded the house, brought everybody out into the yard to check their identity, and detained those named above plus Abdo Mutlu, another visitor. The detainees were then taken to the Police Headquarters in Viran_ehir, province of Urfa. Two hours later, all were released except Fethi Y_ld_r_m.

They reported that they were blindfolded, but overheard one officer saying to Fethi Y_ld_r_m, "So it is you", to which he replied, "Yes, it is me". The family then sent a petition

to the prosecutor's office, seeking confirmation of the detention. The prosecutor replied that he had not been informed of the detention and that they should contact him again in 48 hours. When they did so on 7 January, the prosecutor told them that Fethi Y_ld_r_m was not being held. Upon their questioning, a police officer told the family: "JITEM [intelligence service of the gendarmerie, that is soldiers carrying out police duties in rural areas] has taken him - we don't know exactly where to". A DEP official in Urfa who contacted the police headquarters there was later told that Fethi Y_ld_r_m had been sent to Ankara. Another DEP official, this time in Ankara, upon making inquiries, was told by the prosecutor in Ankara that Fethi Y_ld_r_m was not being held there. Fethi Y_ld_r_m, who is a bachelor and unemployed, was previously detained in 1992 and held for two months. He was then released and no court case was brought against him. In 1979 he stood trial for membership of a Kurdish youth organization and spent five years in prison.

"Disappearances" have also occurred in Istanbul during the same period.

Ali Efeo_lu was last seen on 5 January 1994. He had been detained and tortured on previous occasions, and was wanted by the police. In 1990 he was given a doctor's certificate stating that he would be unfit for work for seven days, after resisting arrest by police officers for hanging an illegal political poster. Although no one saw him being detained, his family believe that he has "disappeared" in police custody in Istanbul like his younger brother Ayhan. Ayhan Efeo_lu "disappeared", apparently after being detained by Istanbul police, on 6 October 1992.

The 22-year-old journalist Aysel Malkaç went missing in Istanbul on the morning of 7 August 1993 after she left her newspaper's office on business. She was then working as a reporter on the Kurdish-owned newspaper *Özgür Gündem*. Eye-witnesses reportedly saw her being detained in the street by plainclothes police officers but are too frightened to come forward. During the week before her "disappearance", *Özgür Gündem's* offices and staff had been under heavy surveillance by the police, who were patrolling streets in the neighbourhood and monitoring the newspaper's telephone calls. All efforts to establish Aysel Malkaç's whereabouts have been unsuccessful, although a man who had been in custody at the time of her "disappearance" made a public declaration that he had seen her in police custody on about 8 August.

After the newspaper's office was raided by the police in December and scores of its staff detained, one of the women reportedly said later that she had been punched by a policeman who shouted: "We killed Aysel Malkaç and we are going to kill you."

Since *Özgür Gündem* was launched in May 1992 it has consistently reported human rights violations in the south east, where most of Turkey's Kurds live. The authorities are trying to close the paper permanently on the grounds that it makes "separatist propaganda" and "praises" the PKK. Six of the newspaper's journalists, and nine of its distributors and

sellers have been murdered in the past 18 months in circumstances which suggest possible security force involvement or collusion.

In southeast Turkey where a State of Emergency is in force, police and gendarmerie have the right to hold people completely incommunicado for a month, if they are suspected of having committed a political offence. The detainee has no right to see a lawyer, family, friends or doctor. 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 Istanbul and Ankara. The European Committee for the Prevention of Torture and the United Nations Committee against Torture, which are mechanisms of international instruments to which Turkey is a State Party, have both published reports to the effect that torture is widespread and systematic in Turkey. Against this background, lack of proper registration and notification is not only extremely distressing for the families of those detained, but also creates the conditions in which "disappearances" can occur. Amnesty International fears that unless decisive action is taken now, the practice of "disappearance", like that of extrajudicial execution, will become an established tool of intimidation and elimination.

Amnesty International, therefore, recommends the urgent implementation of the following steps to prevent further cases of torture and "disappearance"

1. Operations in villages, which are suspected of sheltering PKK guerrillas or their arms, should be supervised by a prosecutor, and proper records should be kept of the conduct of the operation, including the names of the law enforcement officers who participated in the operation, and the names of any persons detained.
2. Village guards must be required to hand over all prisoners immediately to a judicial authority. They should not be permitted to hold prisoners or to interrogate them.
3. Village guards should not participate as auxiliaries in security operations beyond the limits of their own settlements.
4. Families should be informed immediately of any arrest (as required by Article 107 of the Turkish Criminal Procedure Code) and of the whereabouts of the detainee at all times.
5. All detainees should be registered in a bound book with numbered pages, and the time of and reason for the detention be noted therein. (Article 7 of the UN Standard Minimum Rules for the Treatment of Prisoners)
6. The date, time and duration of each period of interrogation should be clearly recorded, as well as the names of all those present during interrogation. These records should be open to judicial examination and to inspection by detainees and their lawyers.

7. All detainees must be given access to lawyers. The revision of the Criminal Procedure Code in December 1992 which provided such access for those detained on account of ordinary criminal offences only must be extended to those detained under the Anti-Terror Law. Detainees' families and lawyers should be able to seek an urgent court order requiring the police to permit such access if it is being denied.

8. The practice of blindfolding detainees must be prohibited. Reports of the practice must be investigated and judicial proceedings taken against those who continue to use the blindfold.

9. Because detainees in Turkey are at gravest risk of torture and "disappearance" while in police custody, the law should be amended so that all detainees in all parts of the country are brought before a court within 24 hours of arrest and thereafter kept in detention only under the supervision of a court.

Amnesty International is appealing to the Turkish authorities to establish impartial and properly resourced commissions as a matter of urgency to investigate the fate of the "disappeared" in Turkey. Those appointed as members of such commissions must be recognized for their impartiality, competence and independence. It recommends that:

1. The methods and findings of such commissions should be made public.
2. Relatives of the victim should have access to information relevant to the investigation.
3. Complainants, witnesses, lawyers and others involved in the investigation should be protected from intimidation and reprisals.
4. Any official suspected of responsibility for a "disappearance" should be suspended from active duty during the investigation.