

EXTERNAL

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EXTRA 33/97

Fear of "disappearance" / Fear of torture

11 March 1997

TURKEY Fikri Özgen, Kurd, aged 73

There are grave fears for the safety of Fikri Özgen who is believed to be in detention in Diyarbak_r. A released detainee claims to have seen him at the Gendarmerie Headquarters (JITEM) in Diyarbak_r, but the authorities have so far failed to acknowledge that he is in their custody.

At about 9.30am on 27 February 1997, a relative and neighbours saw four armed men, believed to be plainclothes police officers, stop Fikri Özgen outside his house in the 5 April district of Diyarbak_r, check his identity and drive him away in a Toros car (registration: 34 BHV 60). His family have applied in vain for information as to his whereabouts to the Diyarbak_r Police Headquarters, the Detention Monitoring Office, the State Security Court, the Parliamentary Human Rights Commission and the Emergency Region Governor as well as the Diyarbak_r Provincial Governor.

Fikri Özgen and his family had lived in Kulp, province of Diyarbak_r, but moved to Diyarbak_r after their house was shelled by a tank. One of Fikri Özgen's sons, reportedly a member of the Kurdish Workers' Party (PKK), was killed in a clash with a military unit in Istanbul in 1992. Another son is a political prisoner in Çanakkale Prison, while a third son is said to be with the PKK.

Two of Fikri Özgen's nephews were killed, apparently as active PKK members, while Kerem Özgen, another nephew, was killed in an unsolved political murder in 1992.

In recent months a spate of "disappearances" have occurred in Diyarbak_r where people were either taken from their homes at night or picked up in the street in broad daylight by plainclothes police. In some cases their bodies have later been found. In all cases they were thought to have relatives "in the mountains" as active members of the PKK.

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 the conditions in which "disappearances" and torture can occur.

People suspected of offences under the Anti-Terror Law can be held in police custody without access to family, friends or legal counsel for up to 30 days in the nine provinces currently under State of Emergency, and for 15 days in the rest of Turkey. New provisions for detention procedures were voted on by parliament on 7 March 1997, but have not yet come into force.

When not being interrogated, detainees are held in cramped, airless and insanitary conditions. With no access to the outside world they are at the mercy of their interrogators. Torture is often applied to extract confessions, to elicit information about illegal organizations, to intimidate detainees into becoming police informers or as informal punishment for presumed support of illegal organizations. Torture methods include being stripped naked and blindfolded, hosing with pressurized ice-cold water, hanging by the arms or wrists bound behind the victim's back, electric shocks, beating the soles of the feet, death threats and sexual assault.

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

- expressing grave concern for the safety of 73-year-old Fikri Özgen, detained in Diyarbak_r on 27 February 1997 and since held in unacknowledged detention at an unknown location, presumably the Diyarbak_r Gendarmerie Headquarters;
- urging that an immediate investigation be carried out into his whereabouts and current state of health and asking to be informed of the findings;
- seeking assurances that he is not subjected to torture or any other form of ill-treatment;
- urging that he be promptly brought before a judge to be charged or released.

APPEALS TO:

1. Chief Prosecutor at Diyarbak_r State Security Court:

Mr Nihat Çakar

DGM Ba_savc_s_

Devlet Güvenlik Mahkemesi

Diyarbak_r, Turkey

Telegrams: DGM Bassavcisi, Diyarbakir, Turkey

Faxes: +90 412 228 7749

Salutation: Dear Prosecutor

2. Diyarbak_r Chief of Gendarmerie:

Diyarbak_r Jandarma Komutan_

Jandarma Komutanl____

Diyarbak_r, Turkey

Telegrams: Jandarma Komutanligi, Diyarbakir, Turkey

Salutation: Dear Commander

3. State of Emergency Regional Governor:

Mr Necati Bilican.

Ola_anüstü Hal Valisi

Diyarbak_r, Turkey

Telegrams: Olaganustu Hal Valisi, Diyarbakir, Turkey

Telex: 72110 OHVT TR; 72084 DYVA TR "please forward to the Governor"
72090 JASY TR

Faxes: +90 412 224 3572

Salutation: Dear Governor

4. Chief of Diyarbak_r Police:

Mr Yavuz Elbirler

Diyarbak_r Emniyet Müdürlü_ü

Diyarbak_r, Turkey

Telegrams: Emniyet Muduru, Diyarbakir, Turkey

Salutation: Dear Sir

COPIES TO:

State Minister with responsibility for Human Rights:

Mr Lütfü Esengün

Office of the Prime Minister

Ba_bakanl_k

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 15 April 1997.