

PUBLIC

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Further Information on UA 95/05 (EUR 44/017/2005, 20 April 2005) Possible "disappearance"/ fear of torture or ill-treatment

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

Official statements from the security forces suggest that Abdulkadir Bartan, an alleged member of the Kurdistan Workers' Party (PKK—now renamed as Kongra-Gel), may have been killed following his capture by the army in Şırnak province, southeast Turkey on 14 or 15 April.

After Abdulkadir Bartan's father applied to the local State Prosecutor's office for information as to the whereabouts of his son, the Chief Prosecutor in Şırnak wrote to the provincial headquarters of the gendarmerie forces seeking information about his reported detention by members of the security forces. The Headquarters replied that:

"...During an armed clash that took place with a group of members of the terrorist organization the PKK in Şırnak on 13 April, a member of the terrorist organization was captured alive who identified himself by his code name of "Dijyar" and stated that that he was PKK member responsible for the Besta region... He declared that 'if the opportunity was given to him, he would help the security forces'... While he was showing a shelter belonging to members of the terrorist organization around 11.00 am on 14 April...an armed clash broke out with the terrorists and in the course of this clash "Dijyar" was shot by the terrorists and died. Because of the heavy shooting, the security forces retreated and because the area was precipitous, rocky and had been mined, as well as the fact that there were other clashes continuing in nearby areas, it was not possible for them to return to the area of the incident. Subsequently it was not possible to recover the body of "Dijyar" and the twenty other members of the terror organization [who had been killed in the clash in which "Dijyar" had been captured]...no information or documents have been found that identifies "Dijyar" as the individual named as Abdulkadir Bartan."

Though the Chief Prosecutor stated that the identity of "Dijyar" was not known, members of the village guard militia (villagers armed and paid by the state to fight the PKK) involved in operations on 13 April informed the Bartan family that Abdulkadir Bartan had been captured. This suggests that "Dijyar" is indeed Abdulkadir Bartan.

Regardless of the identity of "Dijyar", the case raises serious concerns about the activities of the Turkish security forces. Turkish law contains a number of safeguards vital to preventing "disappearances" or incidents of torture. For example, detainees must be registered promptly and their families notified that they are in custody. In addition, the prosecutor should be swiftly notified of the detention and detainees should be brought before a judge within 24 hours. In certain instances, this period may be extended by the written order of the judge. None of the safeguards appear to have been adhered to by the security forces that detained "Dijyar". Most strikingly, the prosecutor appears not to have known about the detention until seeking information from the gendarmerie at the request of Abdulkadir Bartan's family.

Many thanks to all who sent appeals. If possible, please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern at reports that an individual identified as "Dijyar" was captured by security forces in the Şırnak area on 13 May has been killed while in custody;
- expressing concern that this individual may be Abdulkadir Bartan;

- drawing attention to the fact that detention regulations were apparently violated with no attempt being made to register the detainee or to bring the individual before a prosecutor or judge;
- calling for a full, independent and impartial investigation into the incident with the results made public and anyone found responsible to be appropriately punished.

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

COPIES TO:

Foreign Minister and State Minister for Human Rights

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

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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 6 July 2005.