

EXTERNAL

AI Index: EUR 44/27/97

EXTRA 51/97

Fear of torture / Fear of "disappearance"

10 April 1997

TURKEYIsmail Polat, Kurd aged 43, father of five

At 11pm on 7 April 1997, Ismail Polat was detained at his home in Gaziantep in the presence of his family. The family has since tried to find out where he is being held, but have so far not received confirmation of his detention or whereabouts. It is feared that he is being tortured and may "disappear" in incommunicado detention.

Ismail Polat is a member of the People's Democratic Party (HADEP) which is a legal party with a predominantly Kurdish membership. More than 100 members of HADEP and its now banned predecessor parties, HEP and DEP, have been killed in unclarified circumstances, others have "disappeared", and many are imprisoned and on trial. Reportedly, one of Ismail Polat's daughters is a journalist with the Kurdish-owned newspaper *Demokrasi*, while another daughter is serving a 14-year prison sentence for membership of the illegal Kurdish Workers' Party (PKK). A niece of his is said to be in prison on charges of PKK involvement.

Kanber Turunç, detained in Gaziantep on 15 October 1996, was held for more than 40 days in unacknowledged detention (see EXTRA 166/96, EUR 44/168/96, 29 October 1996) before his family learned of his whereabouts.

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 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 nine provinces currently under State of Emergency, and to seven days in the rest of Turkey during which detainees would have to be granted access to a lawyer, under recently amended legislation.

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 concern for the safety of Ismail Polat who was detained at his home in Gaziantep on 7 April 1997 and is thought to be held in unacknowledged police custody at the Anti-Terror Branch of Gaziantep Police Headquarters;
- calling for an immediate investigation into the whereabouts of Ismail Polat and for his family and lawyer to be promptly informed of his whereabouts;

- seeking assurances that he will not be subjected to torture or any other form of ill-treatment;
- asking to be informed of any charges brought against him.

APPEALS TO:

1. Gaziantep Police Chief:

Mr Hüseyin Çapk_n
Emniyet Müdürlü_ü
Gaziantep, Turkey

Telegrams: Emniyet Muduru, Gaziantep, Turkey

Salutation: Dear Sir

2. Gaziantep Chief Public Prosecutor:

Mr Ünal Ar_k
Cumhuriyet Ba_savc_s_
Hükümet Kona__
Gaziantep, Turkey

Telegrams: Cumhuriyet Bassavcısı, Gaziantep, Turkey

Salutation: Dear Chief Public Prosecutor

3. State Minister with responsibility for Human Rights:

Mr Lütfü Esengün
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey

Telegrams: Human Rights Minister, Ankara, Turkey

Telexes: 44061/44062/44063 bbmt tr; 42099 basb tr

Faxes: +90 312 417 0476

Salutation: Dear Minister

COPIES TO:

Minister of Foreign Affairs

Mrs Tansu Çiller
Ministry of Foreign Affairs
D__i_leri Bakanl____
06100 Ankara, Turkey

Fax: +90 312 419 1547

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 13 May 1997.