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"Disappearance" / Fear for safety

3 May 1994

TURKEY Yavuz Y\_lmaz, lawyer, aged 40

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Kurdish lawyer Yavuz Y\_lmaz has "disappeared" after being detained at his office in Istanbul on 29 April 1994 by eight men in plain clothes. Amnesty International fears for his safety.

According to office staff, the eight men introduced themselves as members of the "political police" in Elaz\_\_, eastern Turkey. They took Yavuz Yilmaz to the Police Headquarters in Istanbul, where he was apparently held for one or two days before being transferred to the Police Headquarters in Elaz\_\_. However, when his lawyer, his family and the deputy Remzi Kartal made inquiries, the authorities denied that Yavuz Y\_lmaz was being held.

Yavuz Y\_lmaz, who is married with two children, was born in Karakoçan near Elaz\_\_. He worked in Karakoçan as a lawyer until August 1993. He is a member of the Contemporary Lawyers' Association and of the Elaz\_\_ Bar. He was president of the local branch of HEP (People's Labour Party) from the party's foundation until its closure in July 1993. He then became a member of the party's successor DEP (Democracy Party), which like HEP is a party defending the rights and interests of Turkey's Kurdish minority. In August 1991, Yavuz Y\_lmaz was detained for 68 days and reportedly seriously tortured. The State Security Court in Erzincan then ordered his release.

In August 1993, Yavuz Y\_lmaz was summoned to the Police Headquarters in Karakoçan and allegedly told that he should leave the town or he would be killed, and that this warning would only be issued once. He left his home town and has since been living in Istanbul where he set up a lawyer's practice.

#### BACKGROUND INFORMATION

The Democracy Party (DEP) is the only legal Kurdish party in Turkey. Six out of the 18 deputies which represent it in the Grand National Assembly had their immunity lifted in March 1994 and are currently awaiting trial on sedition charges which carry the death penalty. More than 60 leading officials and members of HEP and DEP have been assassinated in the past two years in a wave of killings which included the murder of parliamentary deputy Mehmet Sincar on 4 September 1993. None of these murders have been solved and the perpetrators punished. Scores of DEP members have been detained on charges of making separatist propaganda and supporting the guerrillas of the outlawed Kurdish Workers' Party (PKK).

During 1993 and 1994 there has been a striking increase in reports of "disappearances" - particularly in the southeastern provinces. 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 where a State of Emergency is in force, and increasingly disregarded in the cities in the rest of Turkey. Lack of proper registration and notification is not only extremely distressing for families, but creates conditions which facilitates "disappearances" and torture. The European Committee for the Prevention of Torture (ECPT) and the UN Committee against Torture (UN CAT), both of which are mechanisms of international human rights instruments to which Turkey is a State Party, have published reports to the effect that torture is widespread and systematic in

Turkey.

Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people, living mainly in southeastern Turkey. Since 1984, when guerrillas of the PKK started armed attacks against the security forces, more than 11,000 lives have been lost on both sides and among the civilian population in the context of fighting throughout the entire region. A state of emergency continues to be in force in 10 provinces in the region, but was lifted in Elaz\_\_ province, and the Emergency Legislation Governor in Diyarbakir has extraordinary powers over three additional provinces.

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

- expressing grave concern for the safety of lawyer Yavuz Y\_lmaz who "disappeared" after being detained at his office in Istanbul on 29 April and his subsequent transfer to Elaz\_\_ where the authorities deny holding him;
- urging that immediate steps are taken to establish his whereabouts;
- appealing that his interrogation should be conducted by the State Prosecutor only, in accordance with current legislation covering the legal profession;
- seeking assurances that Yavuz Y\_lmaz is not subjected to torture or any form of ill-treatment;
- requesting to be informed of his whereabouts and any charges brought against him.

**APPEALS TO**

1) Minister of Justice:

Mr Seyfi Oktay  
 Ministry of Justice  
 Adalet Bakanl\_\_\_\_  
 06659 Ankara  
**Telegrams: Adalet Bakanligi, Ankara, Turkey**  
**Faxes: +90 312 425 40 66**  
**Salutation: Dear Minister**

2) Minister of the Interior:

Mr Nahit Ment\_e  
 \_ci\_leri Bakanl\_\_\_\_  
 06644 Ankara, Turkey  
**Telegrams: Interior Minister, Ankara, Turkey**  
**Faxes: +90 312 428 4346**  
**Salutation: Dear Minister**

3) Prime Minister:

Mrs Tansu Çiller  
 Ba\_bakanl\_k  
 06573 Ankara, Turkey  
**Telegrams: Prime Minister, Ankara, Turkey**  
**Telex: 44061/44062/44063 bbmt tr; 42099 basb tr; 42875 bbk tr**  
**Faxes: +90 312 417 04 76 PRIME MINISTER**  
**+90 312 230 88 96 (attn: Prime Minister)**  
**Salutation: Dear Prime Minister**

**COPIES OF YOUR APPEALS TO:**

President of the Parliamentary Human Rights Commission:

Mr Sabri Yavuz

\_nsan Haklar\_ Ara\_t\_rma Komisyonu Ba\_kan\_

TBMM

Ankara, Turkey

**Faxes: +90 312 420 5394**

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 14 June 1994.