

EXTERNAL (for general distribution)

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UA 196/93 Death threats/Fear of Extrajudicial Execution

15 June 1993

TURKEY: E\_ref Ya\_a

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Amnesty International is concerned for the safety of E\_ref Ya\_a who has been receiving death threats from the police. In January 1993 he was shot in the street and on 14 June was briefly detained and ill-treated immediately after his uncle was killed by unknown assailants in Diyarbak\_r.

E\_ref Ya\_a, married with three children, was the owner of a kiosk in the Ofis district of Diyarbak\_r. In 1992 he received threats from the police demanding that he should stop selling left-wing newspapers and publications. On 15 November 1992 his kiosk was burned down and he was then detained, interrogated and threatened by the police.

On 15 January 1993 E\_ref Ya\_a was shot in the street. "I was going to the shop in the morning with my son who was seven years old. He was behind me on a bicycle. I was about 300 metres from the Urfa Gate, and about 500 yards from the Mardin Gate Police Station, when a person drew a gun and shot at me. Another attacker was keeping watch. I did not recognize them. I fell to the ground, and my son ran away. Because I knew something like this was going to happen, I had acquired a pistol. I fired at the attackers but did not hit them. I was hit eight times. One bullet entered my thigh and then my stomach. I was hit on one arm, the middle finger of my left hand, and the end of my thumb was shot off. Three shots hit me in the back but did not go in. I do not know if anybody saw it, but nobody came forward to say what happened."

A taxi that was passing picked him up and took him to the hospital. The police came to the hospital and reportedly said: "This son of a prostitute has not died." The taxi driver was reportedly beaten by the plainclothes police officers who said "We will get you for this".

Later E\_ref Ya\_a was called to the prosecutor to give a statement. When he got there, he found that the prosecutor had opened an investigation against him for possession of an unlicensed weapon. He told him that he had been attacked but the prosecutor did not seem interested. So far no prosecutor has taken his statement about the attack and it appears that no investigation has been carried out.

His uncle Ha\_im Ya\_a subsequently took over the kiosk which in March 1993 was raided by the police who were searching for weapons. They found none. On the morning of 14 June 1993, at 7.30 am, Ha\_im Ya\_a was killed by unknown persons with three shots to his head, in the street 50 metres from his home in Diyarbak\_r. His seven-year-old son was the only witness. During preparations for his uncle's funeral later that day, E\_ref Ya\_a was detained and allegedly beaten up at the local police station. He was then taken to Diyarbak\_r Police Headquarters

where he was again beaten and told: "You survived last time, but you should have been finished off. We will kill you next time. It should have been you, not your uncle". He was taken to the forensic medicine institute where the doctor noticed a swelling on his forehead, but did not issue a certificate. E\_ref Ya\_a was released on the morning of 15 June.

Hundreds of political killings have been carried out over the last two years in the southeast of Turkey and although official complicity has not been proved conclusively, substantial evidence links the security forces to many of these.

#### **BACKGROUND INFORMATION**

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Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people, living mainly in southeastern Turkey. Since August 1984, when guerrillas of the Kurdish Workers' Party (PKK) started armed attacks against the security forces, more than 6,000 lives have been lost on both sides and among the civilian population in the context of their fight for an independent Kurdish state. In mid-March 1993 the PKK declared a unilateral ceasefire and its intention to end the fighting and to enter the democratic process as a political party. Operations by the security forces against the PKK continued. The ceasefire was broken when on 24 May guerrillas of the PKK ambushed a convoy of soldiers, reportedly travelling unarmed and in civilian clothes. They killed 33 soldiers and two civilians, and the security forces responded with large-scale military operations covering the entire region. A state of emergency continues to be in force in 10 provinces in the region 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 [preferred language] or in your own language:**

- expressing grave concern for the safety of E\_ref Ya\_a who has been receiving death threats from the police, was shot in the street in January 1993 and was briefly detained and ill-treated immediately after his uncle was killed by unknown assailants in Diyarbak\_r on 14 June 1993;
- urging that an immediate investigation be carried out into the above incidents and that those responsible are brought to justice;
- noting the fact that hundreds of people have been killed in mysterious circumstances in the Kurdish provinces leading to allegations of extrajudicial execution, and that no serious investigations appear to have been carried out into these unsolved murders;
- recommending that an independent commission is established to investigate such allegations according to the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions;
- urging that all necessary steps are taken to prevent such further killings.

#### **APPEALS TO**

1) Prime Minister:

Mrs Tansu Çiller

Ba\_bakanl\_k

06573 Ankara, Turkey

**Salutation: Dear Prime Minister**

**Telegrams: Prime Minister, Ankara, Turkey**

**Telexes: 44061/44062/44063 bbmt tr, 42099 basb tr, 42875 bbk tr**

**Faxes: + 90 4 417 04 76, + 90 4 230 88 96**

2) Chief of Diyarbak\_r Police:

Mr Ramazan Er

Diyarbak\_r Emniyet Müdürlü\_ü

Diyarbak\_r, Turkey

**Salutation: Dear Sir**

**Telegrams: Emniyet Muduru, Diyarbakir, Turkey**

3) President:

Süleyman Demirel

**Salutation: Your Excellency**

Office of the President

Devlet Ba\_kanl\_\_\_\_

06100 Ankara, Turkey

**Telegrams: President Demirel, Ankara, Turkey**

**Telexes: 42303 kosk tr**

**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 4 420 5394**

and to diplomatic representatives of Turkey accredited to your country. The World Conference on Human Rights is being held in Austria this month and you can enhance the power of your appeals by also sending copies to the diplomatic representative of Turkey in Austria during June at the following address:

TURKISH EMBASSY:

The Ambassador, Botschaft der Türkei

Prinz-Eugen-Strasse 40, 1040 Wien, Austria

**Faxes: + 43 1 505 36 60**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 27 July 1993.