

EXTERNAL (for general distribution)

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EXTRA 42/94      "Disappearance"/Fear of Torture

29 July 1994

TURKEY

\_mam Do\_an  
Mustafa Aslan

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Amnesty International is concerned for the safety of \_mam Do\_an, a former executive member of the Democracy Party (DEP) in Istanbul, and for his friend Mustafa Aslan.

According to neighbours, the two men were reportedly detained in \_mam Do\_an's house, in the Avc\_lar quarter of Istanbul on the night of 25 July 1994.

The Anti-Terror Branch of Istanbul Police Headquarters have denied holding the two men, following inquiries by \_mam Do\_an's lawyer. The office of the state prosecutor replied that no such detainees have been registered as being in police custody. There is grave fear for the lives of \_mam Do\_an and Mustafa Aslan.

#### BACKGROUND INFORMATION

More than 70 leading officials and members of DEP and its predecessor HEP (People's Labour Party - banned by the Constitutional Court in July 1993), 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 or 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).

The Democracy Party (DEP) was the only legal Kurdish party in Turkey until it, too, was banned by the Constitutional Court on 16 June 1994 which meant that all its parliamentary deputies lost their seats. Already six of the Kurdish deputies, who originally represented it in the Grand National Assembly, had their immunity lifted and were arrested in March 1994. Two further deputies were detained on 1 July. All eight imprisoned deputies are currently awaiting trial on sedition charges which carry the death penalty.

The security forces have been engaged in conflict with Kurdish guerrillas in the southeast of the country since August 1984, when the Kurdish Workers' Party (PKK) started armed attacks. More than 12,000 lives have so far been lost on both sides, including civilians. 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. Massive military operations have been intensified since the beginning of the year. In addition to armed clashes which occur every day, the security forces are carrying out intense operations against villages which refuse to participate in the system of village guards. These operations have resulted in countless allegations of torture, "disappearance" and extrajudicial execution.

Turkey ratified the European Convention for the Prevention of Torture in February 1988 and the UN Convention Against Torture in August 1988. However, all information available to Amnesty International indicates that torture is still widespread and systematic. Most allegations relate to ill-treatment of detainees in police custody during their initial interrogation when they are usually denied access to relatives or a lawyer. Detainees held on suspicion

of political offences to be tried in State Security Courts may be held without charge for 15 days. This period may be extended to 30 days in the provinces under emergency legislation.

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 and increasingly disregarded in the rest of Turkey. Lack of proper registration and notification is not only extremely distressing for families, but it creates the conditions in which "disappearances" can occur and torture takes place. The European Committee for the Prevention of Torture (ECPT) and the UN Committee against Torture (UN CAT), both 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.

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

- expressing concern for the safety of \_mam Do\_an and Mustafa Aslan, who have reportedly "disappeared" following unacknowledged detention in Istanbul on 25 July 1994;

- urging that steps be taken to establish their whereabouts without further delay;

- seeking assurances that they are not tortured or subjected to any other form of ill-treatment;

- requesting to be informed of the charges against them.

#### **APPEALS TO**

##### 1) Istanbul Chief of Police:

Mr Necdet Menzir

Istanbul Emniyet Müdürlü\_ü

Istanbul, Turkey

**Telegrams: Emniyet Muduru, Istanbul, Turkey**

**Telex: 26177 IEMT TR**

**Salutation: Dear Sir**

##### 2) Minister of the Interior:

Mr Nahit Mente\_e

\_çi\_leri Bakanl\_\_\_\_

06644 Ankara, Turkey

**Telegrams: Interior Minister, Ankara, Turkey**

**Faxes: +90 312 428 4346**

**Salutation: Dear Minister**

#### **COPIES OF YOUR APPEALS TO:**

##### Minister of Foreign Affairs:

Prof. Mümtaz Soysal

Ministry of Foreign Affairs

D\_\_i\_leri Bakanl\_\_\_\_

06100 Ankara, Turkey

**Faxes: 90 312 287 3869**

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 26 August 1994.