

EXTERNAL

AI Index: EUR 44/90/97

EXTRA 170/97 Fear of torture / Fear of "disappearance"

16 December 1997

**TURKEY** Imran Akdo\_an, Kurdish high school student aged 16  
and others, names unknown

---

On 9 December 1997, 16-year-old Imran Akdo\_an was at home in Diyarbak\_r with his older sister and her children when the police arrived. For the following two days, the police reportedly occupied the flat, monitoring all visitors and incoming telephone calls, and not allowing the family outside. On 11 December they left taking Imran Akdo\_an with them. He has since been held in police custody, presumably at Diyarbak\_r Police Headquarters. It is not known whether his detention has been acknowledged.

It has since become known that many of Imran Akdo\_an's friends have been detained as well - on or around 11 December. It is feared that they and Imran Akdo\_an are being interrogated under torture.

Other members of Imran Akdo\_an's family have been detained in the past, although none are currently in custody. Imran Akdo\_an himself is known to have sold the Kurdish-owned newspapers *Özgür Gündem* and *Özgür Ülke*, both subject to massive persecution and now closed down as a result. Imran Akdo\_an is also said to have been a sympathizer of HADEP, a legal party which represents Kurdish interests and also is heavily persecuted by the authorities.

#### **BACKGROUND INFORMATION**

According to Article 138 of the Turkish Criminal Procedure Code a lawyer must be provided for minors under 18 years of age during interrogation and when statements are taken. A lawyer for detainees under 18 years will be appointed by the Bar Association. In practice these safeguards are mostly ignored with impunity.

In 1995 Turkey ratified the UN Convention on the Rights of the Child which requires State Parties to make special efforts to protect children against human rights violations. Amnesty International has investigated and documented a number of cases of human rights violations against children as young as 12 in its report *Turkey: Children at risk of torture, death in custody and "disappearance"* (AI Index: EUR 44/144/96).

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 more easily 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 six provinces currently under State of Emergency, such as Diyarbak\_r, and to seven days in the rest of Turkey, during which detainees would have to be granted access to a lawyer.

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

- expressing concern for the safety of Imran Akdo\_an and others, detained in Diyarbak\_r on and around 11 December 1997, and believed to be in the police headquarters there;

- urging immediate steps to confirm their whereabouts and to inform their families and lawyers without delay, and urging that they not be subjected to any form of torture or ill-treatment;
- asking to be informed of the results of this investigation and of any charges that may be brought against them.

**APPEALS TO:**

1. Chief Prosecutor at Diyarbakır State Security Court

Mr Nihat Çakar

DGM Ba\_savc\_s\_

Devlet Güvenlik Mahkemesi

Diyarbakır, Turkey

**Telegrams: DGM Bassavcısı, Diyarbakır, Turkey**

**Salutation: Dear Sir**

2. Diyarbakır Chief of Police

Mr Yavuz Elbirler

Diyarbakır Emniyet Müdürlüğü

Diyarbakır, Turkey

**Telegrams: Emniyet Muduru, Diyarbakır, Turkey**

**Salutation: Dear Sir**

3. Diyarbakır Chief of Gendarmerie:

Diyarbakır Jandarma Komutanı

Jandarma Komutanlığı

Diyarbakır, Turkey

**Telegrams: Jandarma Komutanlığı, Diyarbakır, Turkey**

**Faxes: +90 412 237 7113**

**Salutation: Dear General**

4. Emergency Legislation Governor

Mr Aydın Aslan

Olağanüstü Hal Valisi

Diyarbakır, Turkey

**Telegrams: Olaganustu Hal Valisi, Diyarbakır, Turkey**

**Telexes: 72110 OHVT TR**

**72084 DYVA TR "please forward to the Governor"**

**72090 JASY TR**

**Salutation: Dear Governor**

**COPIES TO:**

State Minister with responsibility for Human Rights

Mr Hikmet Sami Türk

Office of the Prime Minister

Ba\_bakanlık, 06573 Ankara, Turkey

**Faxes: +90 312 417 0476**

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 16 January 1998.