

EXTERNAL (for general distribution)

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UA 329/94 Fear of Torture/"Disappearance"

9 September 1994

TURKEY

Dr. Mustafa Ersöz, medical doctor
Fevzi Ersöz, lawyer
Hikmet _enol

Amnesty International is concerned for the safety of Dr Mustafa Ersöz, his uncle Fevzi Ersöz, and Hikmet _enol, who were detained on 5 September 1994 and are believed to be held at the Regimental Gendarmerie Headquarters in Diyarbak_r, southeast Turkey.

On 4 September 1994, Dr Mustafa Ersöz, the lawyer Fevzi Ersöz and Hikmet _enol travelled from Elaz__ to Lice to retrieve the bodies of relatives killed in a clash between PKK militants and the security forces which occurred on 30 August in the village of Re_an, near Lice. In Lice they were reportedly told that, on the orders of the Lice State Prosecutor, the bodies could not be released to them. After informing relatives of this by telephone on the evening of Monday, 5 September, nothing more was heard from Mustafa Ersöz, Fevzi Ersöz, or Hikmet _enol.

Relatives of the three men applied to local police stations, including the Diyarbak_r Regimental Gendarmerie Headquarters, for information of their whereabouts, but it was repeatedly denied that they were in custody. On Wednesday 7 September, however, the Diyarbak_r Provincial Governor responded to inquiries from the Turkish Human Rights Association, saying that all three men were held at the Diyarbak_r Regimental Gendarmerie Headquarters and would remain in detention for 30 days. However, Diyarbak_r Regimental Gendarmerie Headquarters still deny holding the three men. The Prosecutor at Diyarbak_r State Security Court, where their detention should be registered, denies any knowledge of their custody, and there has been no written confirmation of their detention. Relatives are concerned that Mustafa Ersöz, Fevzi Ersöz, and Hikmet _enol are being interrogated under torture, and that they may be at risk of "disappearance".

BACKGROUND INFORMATION

There has been a striking increase in reports of "disappearance" since the summer of 1993 - particularly in the 10 southeastern provinces where a State of Emergency is in force and where police and gendarmerie have the right to hold political suspects incommunicado for up to one month.

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.

Turkey ratified the European Convention for the Prevention of Torture on 25 February 1988 and the UN Convention Against Torture on 2 August 1988. Following a programme of visits to Turkish police stations in 1990, 1991 and 1992, the European Committee for the Prevention of Torture (ECPT - established by the Council of Europe) reported: "In the light of all the information at its disposal, the ECPT can only conclude that the practice of torture and other

forms of severe ill-treatment of persons in police custody remains widespread in Turkey and that such methods are applied to both ordinary criminal suspects and persons held under anti-terrorism provisions".

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

- voicing your concern at the arbitrary detention of Mustafa Ersöz, Fevzi Ersöz, and Hikmet _enol;
- mentioning the ECPT's findings and seeking assurances that the three detainees are not subjected to torture or any other form of ill-treatment;
- urging that their families and lawyers are informed without further delay of their whereabouts and state of health;
- asking to be informed of any charges against them.

APPEALS TO

1) Chief Prosecutor at Diyarbakır State Security Court:

DGM Ba_savcısı

Devlet Güvenlik Mahkemesi

Diyarbakır, Turkey

Telegrams: DGM Bassavcısı, Diyarbakır, Turkey

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

3) Emergency Legislation Governor:

Mr Ünal Erkan

Ola_anüstü Hal Valili_i

Diyarbakır, Turkey

Telegrams: Ola_anüstü Hal Valisi, Diyarbakır, Turkey

Faxes: +90 412 224 3572

Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

Minister of Foreign Affairs:

Prof Mümtaz Soysal

D_i_leri Bakanl____

06100 Ankara, Turkey

Faxes: 90 312 287 1886

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 21 October 1994.