

EXTERNAL

AI Index: EUR 44/93/95

EXTRA 106/95

"Fear of "disappearance"/Torture" 14 September 1995

TURKEY Zafer K_rb_y_k, student aged 24

Zafer K_rb_y_k, a student, was detained in Mersin on 12 September 1995 and has "disappeared" in police custody. Amnesty International fears that he may be subjected to torture .

On 12 September a local bus was stopped by armed men in plainclothes in the Pozcu district of Mersin near the Cumhuriyet police station. The men boarded the bus and after a struggle, Zafer K_rb_y_k either jumped out or was pushed out. He shouted to passers-by: "My name is Zafer K_rb_y_k, tell the Human Rights Association!" He was then bundled into a car with the registration number 33 SS 70? [the last letter could not be established] and the car drove off. Witnesses to the incident informed the Human Rights Association office in Mersin.

After making inquiries at the State Prosecutor's Office, Zafer K_rb_y_k's lawyers were told that no one by the name of Zafer K_rb_y_k had been registered as detained. The lawyers have been unable to establish contact with anybody at Mersin Police Headquarters. The Detention Monitoring Office at Ankara General Police Headquarters, in operation since 1 August 1995, replied that they have no information about his detention. No Detention Monitoring Office has been set up in Mersin so far.

Zafer K_rb_y_k was one of 21 people detained in Ankara on 17 April 1994 (see UA EXTRA 24/94, 22 April 1994 and update of 6 May 1994) in connection with the legal magazine *Alinteri* (Toil) which had not been granted permission to display posters in preparation for 1 May. Zafer K_rb_y_k was caught with six others as they were hanging the posters without permission in the Etlik district of Ankara and were handed over to the Anti-Terror Branch of Ankara Police Headquarters. His house was raided by the police that same night and his sister Firdevs detained as well. All detainees later alleged that they had been tortured in police custody. On 2 May he and one other were committed to prison and charged with membership of an illegal armed organization. Zafer K_rb_y_k was released on 12 September 1994 at the first hearing before Ankara State Security Court.

On 11 December 1994 he was detained again with three other people for putting up posters for *Alinteri* in Ankara. They later stated: "We were taken to Ostim Police Station. There they started to beat us. For two and a half hours we were subjected to degrading treatment by uniformed police. We were taken by plainclothes officers to Ankara Anti-Terror Branch. In the car I was hit and insulted. Some of us were hosed with water under pressure, and our heads were beaten against the wall. Two friends were hit on their eyes and ears, another was bleeding from nose and head. We were not properly examined at the Forensic Medicine Institute. One of us was threatened with 'disappearance'." They were released again on 12 December 1994. On 16 February 1995 Zafer K_rb_y_k was sentenced *in absentia* to 12 years' imprisonment, and the same day a warrant was issued for his arrest.

BACKGROUND INFORMATION

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. Lack of prompt registration and notification

is not only extremely distressing for the families of detainees, but also creates the conditions in which "disappearances" and torture can occur.

After cases of "disappearance" in police custody began to provoke concern among the general public, the General Director of Police, Mehmet A_ar, announced that a unit would be set up, as from 1 August, to track detained persons. Unfortunately, Detention Monitoring Offices are presently only operating in part of the country. In Diyarbak_r or Mersin, for example, no Detention Monitoring Office has yet been established. In Ankara, however, a Monitoring Office has been set up with a public telephone number and staff. A lawyer who applied to the office on several occasions in August to track people lost in police detention told Amnesty International that the staff at the office "try to be helpful, but unfortunately they seem to be denied information by other branches of the police force - the Anti-Terror Branch in particular".

Any person suspected of supporting the PKK or any other illegal armed organization is at serious risk of torture, "disappearance" or extrajudicial execution. In 1994 there were more than 55 confirmed "disappearances", and more than 400 people were killed in unclarified circumstances. At least 20 cases of "disappearance" in police custody have been reported in 1995 so far.

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

- expressing concern for the safety of Zafer K_rb_y_k, detained in Mersin on 12 September 1995 and since held in unacknowledged police custody;
- urging that immediate steps be taken to establish his whereabouts and that his family or lawyers be informed without delay;
- appealing that Zafer K_rb_y_k should not be subjected to torture or any other form of ill-treatment;
- asking to be informed of the results of the investigation.

APPEALS TO:

1. Mersin Chief of Police:

Mr Hasan Özdemir
Mersin Emniyet Müdürlü_ü
Mersin, Turkey

Telegrams: Emniyet Muduru, Mersin, Turkey

Salutation: Dear Sir

2. Mersin State Prosecutor:

Cumhuriyet Ba_savc_s_
Hukuk Kona__
Mersin, Turkey

Telegrams: Cumhuriyet Ba_savcisi, Mersin, Turkey

Salutation: Dear Sir

3. State Minister with responsibility for Human Rights:

Mr Algan Hacalo_lu
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey

Faxes: +90 312 417 0476

Salutation: Dear 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 12 October 1995.