

EXTERNAL (for general distribution)

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UA 408/94 Fear of Torture/"Disappearance"

18 November 1994

TURKEY **Murat Fani**

Amnesty International is concerned for the safety of Murat Fani, a Kurdish asylum seeker deported from Germany in March, who has now been detained in Mersin. His detention has not been acknowledged by the authorities.

On or about 9 November 1994, police came to the home of Murat Fani in Mersin.

They reportedly beat him and his wife, but not any of their five children. Police then detained him and took him away. His wife learned that he was being held in Mersin, but this was not confirmed when she made inquiries with the relevant authorities. He may be held for 15 days in incommunicado detention.

Murat Fani and his family were deported from Germany in March 1994. They had sought political asylum there, but their application was rejected and on 17 March 1994 they were flown under police escort back to Istanbul. Murat Fani was detained on arrival at Istanbul airport and held for nine days, before being released. The family then settled in Mersin in southern Turkey.

Reportedly, both Murat Fani and his wife, Ay_e, were imprisoned in Turkey before leaving the country to seek political asylum abroad. Ay_e Fani is said to still suffer from torture sequelae. In Germany, Murat Fani had been held for three months by the German authorities following a violent confrontation between Kurdish refugees and the police to prevent the deportation of another Kurdish family.

BACKGROUND INFORMATION

The conflict in southeast Turkey between government forces and guerrillas of the PKK has claimed more than 13,000 lives since it began in August 1984. Police operations against suspected PKK supporters and other Kurdish activists are being carried out all over Turkey. Since 21 September, the security forces have mounted a huge military operation in Tunceli province, further north, against PKK guerrillas thought to be operating in this mountainous region. A state of emergency remains in force in 10 provinces, although not in Mersin.

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 program 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".

Procedures laid down in the Turkish Criminal Procedure Code for the prompt and proper registration of detainees and 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.

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 Murat Fani, held in Mersin in unacknowledged detention, presumably at the Police Headquarters Anti-Terror Branch, since about 9 November 1994;
- urging that his family and lawyer are informed of his current whereabouts and state of health;
- seeking assurances that he is not subjected to torture or any other form of ill-treatment;
- asking for information about charges against him.

APPEALS TO

1) Chief of Mersin Police:

Mr Hasan Özdemir

Mersin Emniyet Müdürlüğü

Mersin, Turkey

Telegrams: Emniyet Muduru, Mersin, Turkey

Salutation: Dear Sir

2) State Minister with responsibility for Human Rights:

Mr Azimet Köylüoğlu

Office of the Prime Minister

Bakanlık

06573 Ankara, Turkey

Telegrams: Minister Azimet Köylüoğlu, Ankara, Turkey

Faxes: +90 312 417 0476

Salutation: Dear Minister

3) Minister of Justice:

Mr Mehmet Moğultay

Adalet Bakanlığı

06659 Ankara, Turkey

Telegrams: Justice Minister, Ankara, Turkey

Faxes: +90 312 425 4066 or 417 3954

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Minister of Foreign Affairs:

Prof Mümtaz Soysal

Dışişleri Bakanlığı

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 30 November 1994.