

PUBLIC

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19 October 2007

UA 265/07 Incommunicado detention/fear of torture or ill-treatment

TURKEY İhsan Tekeş (m)

İhsan Tekeş, an alleged member of the armed separatist group, the Kurdistan Workers Party (PKK), was reportedly detained by the Turkish Army on 19 September. It is not known where he is being held and he may be at risk of torture or other ill-treatment.

Satellite television channel *Roj TV* initially reported on 27 September that İhsan Tekeş had died during a military operation against the PKK on Kato Mountain, in the district of Beytüşşebap in southeastern Turkey. İhsan Tekeş' mother Remziye went to Beytüşşebap State Prosecutor's Office to identify her son but found that his body was not among the corpses.

On 9 October, further media reports stated that İhsan Tekeş had in fact been captured by the Turkish army. The website of the Head of the Turkish Armed Forces also stated that on 19 September one militant had been captured during the course of operations.

A village guard (village guards are a militia funded by the state to fight the PKK), who stated that he had participated in the operation, confirmed to Remziye Tekeş that her son had indeed been captured alive by the armed forces during the operation.

Despite making written applications to the Diyarbakır and Beytüşşebap branches of the State Prosecutor's office, Remziye Tekeş has not received any information on the detention of her son. According to Turkish detention regulations, families must be informed promptly when an individual is taken into custody. The fact that he appears to have been disappeared puts him at greater risk of torture, or other ill-treatment, or extra judicial execution.

BACKGROUND INFORMATION

In June 2004, the PKK announced that it was ending its unilateral ceasefire which had lasted since 1999. Since then, there have been regular reports of clashes between members of the PKK and Turkish military and security forces in the southeast of the country.

According to the Turkish Criminal Procedure Code, which came into force on 1 June 2005, detainees must be registered promptly and their families notified that they are in custody. According to the law, the length of police or gendarmerie detention may not exceed more than 24 hours from the time that they were detained. Where the detained person is suspected of terrorist offences, the detention period is 48 hours. Where crimes have been perpetrated by several people, this period may be extended by 24 hours on the written order of the prosecutor up to a maximum of three days. In addition, detainees have the right of access to a lawyer. However, Amnesty International has received several reports of security forces ignoring the detention regulations and violating the rights of detainees.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Turkish, or your own language:

- expressing concern that İhsan Tekeş is reported to have been detained by the Turkish army on 19 September, but that there has been no official confirmation of his fate or whereabouts;
- calling on the authorities immediately to inform the family of İhsan Tekeş of the place of his detention
- urging the authorities to investigate the circumstances of his apparent enforced disappearance, including the failure to notify his family, in violation of the Turkish Criminal Procedure Code;
- calling for İhsan Tekeş to be charged with a recognizably criminal offence or released immediately;
- calling for assurances that he is not subjected to torture or other ill-treatment, and urging that he be given immediate access to a lawyer, relatives and any medical treatment he may require.

APPEALS TO:

Şırnak Governor
Mr Selahattin Aparı
Şırnak Valiliği
Merkez Şırnak
73100, Turkey

Fax: + 90 486 216 11 88

Email: bilgi@sirnak.gov.tr

Salutation: Dear Governor

Minister of the Interior

Mr Besir Atalay

Ministry of Interior

İçişleri Bakanlığı

06644 Ankara, Turkey

Fax: + 90 312 418 17 95

Email: besir.atalay@icisleri.gov.tr

Salutation: Dear Minister

COPIES TO:

Foreign Minister

Mr Ali Babacan

Minister of Foreign Affairs, Ministry of Foreign Affairs

Disisleri Bakanligi, 06100 Ankara, Turkey

Fax: + 90 312 287 8811

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 2007.