

EXTERNAL (for general distribution)

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Fear of "Disappearance"/Torture

16 March 1994

TURKEY: Mahmut HAVUÇ, high school student, aged 16

Amnesty International is concerned for the safety of Mahmut Havuç, a high school student aged 16, who was detained at his home in Mersin on 15 March and is now held in unacknowledged police custody, presumably at Mersin Police Headquarters. It is feared that Mahmut Havuç is being tortured while under interrogation incommunicado detention.

At around 8p.m. on 15 March, police went to the home of the Havuç family in Mersin, southern Turkey, searched the house, confiscated some reading material and detained Mahmut Havuç. They reportedly beat Mahmut and his father before taking the boy away. When his father went to the police station that same evening, he was told that his son was not there. His mother was given the same answer when she went the following morning to inquire about her son's whereabouts.

In recent months there has been an alarming increase in reported cases of "*disappearance*" following detention. In view of this and the failure of the detaining authorities to adhere to proper registration and notification procedures as required by law, there is grave concern for the safety of Mahmut Havuç.

BACKGROUND INFORMATION

During 1993 and 1994 there has been a striking increase in reports of "*disappearances*" - particularly in the southeastern provinces. 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 where a State of Emergency is in force. They are becoming increasingly disregarded in the cities in the west and south of Turkey. Lack of proper registration and notification is not only extremely distressing for families, it also creates the conditions in which "*disappearances*" can occur and torture takes place.

The European Committee for the Prevention of Torture (ECPT) and the UN Committee against Torture (UN CAT), both of which are mechanisms of international human rights instruments to which Turkey is a state party, have both published reports to the effect that torture is widespread and systematic in Turkey. All information available to Amnesty International also indicates that torture is still widespread and systematic in Turkey. Most allegations relate to ill-treatment of detainees in police custody during their initial interrogation when they are usually denied access to relatives or a lawyer. The maximum period of 24 hours, for which a non-political detainee may be held before being formally charged or released, may be extended to eight days in cases of ordinary crimes involving three or more suspects. Detainees held on suspicion of political offences to be tried in State Security Courts may be held without charge for 15 days. This period may be extended to 30 days in provinces under emergency legislation or martial law. Emergency legislation is currently in force in 10 provinces in the southeast of Turkey, but not in Mersin.

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 16-year-old Mahmut Havuç who has been

held in unacknowledged police detention in Mersin since 15 March 1994;
 - urging that immediate steps be taken to establish his whereabouts and current state of health; and to notify his parents accordingly;
 - seeking assurances that he is not being subjected to torture or any other form of ill-treatment;
 - requesting to be informed of any charges that may be brought against him;
 - noting the findings of the ECPT and the UN CAT regarding the practice of torture in Turkey as published in their reports of December 1992 and November 1993, respectively.

APPEALS TO:

1) Minister of the Interior:

Mr Nahit Mente_e

_ci_leri Bakanl_

06644 Ankara, Turkey

Telegrams: Interior Minister, Ankara, Turkey

Faxes: +90 312 428 4346

Salutation: Dear Minister

2) Deputy Prime Minister:

Mr Murat Karayalçın

Ba_bakanl_k

06573 Ankara, Turkey

Telegrams: Deputy Prime Minister, Ankara, Turkey

Telex: 44061/44062/44063 bbmt tr

42099 basb tr

42875 bbk tr

Faxes: +90 312 417 0476 DEPUTY PRIME MINISTER

+90 312 230 8896 (attn: Deputy Prime Minister)

Salutation: Dear Deputy Prime Minister

3) Minister of Education and Sport:

Mr Nevzat Ayaz

Milli E_itim ve Spor Bakanl_

06648 Ankara, Turkey

Telegrams: Milli Egitim Bakanligi, Ankara, Turkey

4) Chief of Police in Mersin:

Mr Hasan Özdemir

Mersin Emniyet Müdürlüğü

Mersin, Turkey

Telegrams: Emniyet Muduru, Mersin, Turkey

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 27 April 1994.