

EXTERNAL (for general distribution)

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Fear of "disappearance" / Fear of Torture

26 August 1994

TURKEY

Bi\_ar Kurt, aged 49

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Bi\_ar Kurt was detained in Midyat on 6 August 1994 and has since "disappeared" in unacknowledged detention.

After the destruction of his village (Çayerli, Kurdish: Kevenaz, in the province of Mardin) by the security forces four years ago, Bi\_ar Kurt moved with his wife and children to Midyat where they have lived ever since. Shortly after the move, their 15-year-old son went missing. On inquiring at the gendarmerie and other local authorities, Bi\_ar Kurt was told, "Your son is with the PKK" (Kurdish Workers' Party). His further efforts to establish his son's whereabouts also failed. The gendarmerie then demanded that he report to the local gendarmerie post once a week. Bi\_ar Kurt reportedly complied with this request over the years which followed.

On 6 August 1994 towards evening Bi\_ar Kurt was detained at his home in Midyat by members of the Special Team (*Özel Tim*: heavily armed units, trained for close combat with guerrillas, and under the control of the Interior Ministry). Since then his family has heard nothing of him. When relatives and friends made inquiries, the authorities denied holding him. Bi\_ar Kurt's family fears for his life.

#### BACKGROUND INFORMATION

There has been a striking increase in reports of "disappearances" 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 extremely distressing for families, and creates the conditions in which "disappearances" and torture take place. The European Committee for the Prevention of Torture (ECPT) and the UN Committee against Torture (UN CAT), both mechanisms of international human rights instruments to which Turkey is a State Party, have published reports to the effect that torture is widespread and systematic in Turkey. 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 such as Diyarbak\_r province.

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/telexes/faxes/express and airmail letters either in English or in your own language:**

- expressing concern for the safety of Bi\_ar Kurt from Midyat who has been held in unacknowledged detention since 6 August 1994, presumably in Mardin;
- urging that immediate steps are taken to establish his whereabouts;
- appealing that Bi\_ar Kurt's family be informed of his whereabouts and state of health without further delay;
- asking to be informed of the results of the investigation into his whereabouts and of any charges brought against Bi\_ar Kurt.

**APPEALS TO**

1) Chief Prosecutor at Mardin State Security Court:

DGM Ba\_savcisi

Devlet Güvenlik Mahkemesi

Mardin, Turkey

**Telegrams: DGM Bassavcisi, Mardin, Turkey**

**Salutation: Dear Sir**

2) Minister of the Interior:

Mr Nahit Ment\_e

\_çi\_leri Bakanl\_\_\_\_

06644 Ankara, Turkey

**Telegrams: Interior Minister, Ankara, Turkey**

**Faxes: +90 312 428 4346**

**Salutation: Dear Minister**

3) Prime Minister:

Mrs Tansu Çiller

Ba\_bakanl\_k

06573 Ankara, Turkey

**Telegrams: Prime Minister, Ankara, Turkey**

**Telexes: 44061/44062/44063 bbmt tr**

**Faxes: +90 312 417 04 76 PRIME MINISTER**

**+90 312 230 88 96 (attn: Prime Minister)**

**Salutation: Dear Prime Minister**

**COPIES OF YOUR APPEALS TO:**

Minister of Foreign Affairs:

Prof Mümtaz Soysal

Ministry of Foreign Affairs

D\_\_i\_leri Bakanl\_\_\_\_

06100 Ankara

**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 6 October 1994.