

EXTERNAL

AI Index: EUR 44/87/97

EXTRA 164/97

Fear of torture

5 December 1997

**TURKEYSad_k Ulumaskan, Kurd aged 70
Seyithan Ulumaskan, Kurd aged 28, son of Sad_k**

On the morning of 4 December 1997 Sad_k Ulumaskan and his son Seyithan, residents of the town of Viran_ehir, received a telephone call from their relative Aziz Düyükmaskan, asking them to meet him at a coffee house in Diyarbak_r. At about 7pm, when they had arrived at the appointed place, they were seen being detained by plainclothes security officers and taken away by car. It is believed that they are being held in Diyarbak_r police headquarters, where they are at risk of torture.

Aziz Düyükmaskan has been in prison for two years and is said to have become a "confessor" under the so-called "repentance law" which allows for a reduction of sentence for persons who agree to collaborate with the police. During the past year there have been many reports of prisoners being put under duress to force them to become "confessors". To carry out their assignments "confessors" reportedly have on many occasions been allowed out of prison and are known to have been involved in police operations. It appears that Aziz Düyükmaskan gave some credible explanations to his relatives in order to lure them to their meeting in Diyarbak_r.

About two years ago Sad_k and Seyithan Ulumaskan had to leave their village Gökviran, when it was destroyed by the security forces because the villagers refused to become village guards. They have since lived in Viran_ehir.

BACKGROUND INFORMATION

Procedures laid down in the Turkish Criminal Procedure Code for the prompt and proper registration of detainees, and for notification to their families, are almost universally ignored. Lack of prompt registration and notification is extremely distressing for the families of detainees and creates conditions in which "disappearances" and torture can more easily occur.

People suspected of offences under the Anti-Terror Law can now be held in police custody without access to family, friends or legal counsel for up to four days.

This period may be increased to 10 days in the six provinces currently under State of Emergency, such as Diyarbak_r, and to seven days in the rest of Turkey during which detainees would have to be granted access to a lawyer.

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

- expressing concern for the safety of Sad_k Ulumaskan and his son Seyithan Ulumaskan, detained in Diyarbak_r on 4 December 1997, and believed to be in the police headquarters there;
- urging immediate steps to confirm their whereabouts and to inform their family and lawyer without delay, and urging that they not be subjected to any form of torture or ill-treatment;
- asking to be informed of the results of this investigation and of any charges that may be brought against them.

APPEALS TO:

1. Chief Prosecutor at Diyarbak_r State Security Court
Mr Nihat Çakar

DGM Ba_savc_s_
Devlet Güvenlik Mahkemesi
Diyarbak_r, Turkey
Telegrams: DGM Bassavcısı, Diyarbakir, Turkey
Salutation: Dear Sir

2. Diyarbak_r Chief of Police
Mr Yavuz Elbirler
Diyarbak_r Emniyet Müdürlü_ü
Diyarbak_r, Turkey
Telegrams: Emniyet Muduru, Diyarbakir, Turkey
Salutation: Dear Sir

3. Emergency Legislation Governor
Mr Ayd_n Aslan
Ola_anüstü Hal Valisi
Diyarbak_r, Turkey
Telegrams: Olaganustu Hal Valisi, Diyarbakir, Turkey
Telexes: 72110 OHVT TR
72084 DYVA TR "please forward to the Governor"
72090 JASY TR
Salutation: Dear Governor

COPIES TO:

State Minister with responsibility for Human Rights
Mr Hikmet Sami Türk
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey
Faxes: +90 312 417 0476

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 5 January 1997.