

**What the United Nations, European Parliament, the Council of Europe
and the US State Department have said about human rights in Turkey.**

"In light of all the information at its disposal, the [European Committee for the Prevention of Torture] 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. The words 'persons in police custody' should be emphasised".

**European Committee for the Prevention of Torture,
Public Statement on Turkey, 15 December 1992**

"...the existence of systematic torture in Turkey cannot be denied."

**United Nations Committee against Torture,
Report under Article 20, Convention against Torture, 9 November 1993**

"The European Parliament "condemns the PKK terrorist campaign...but stresses that indiscriminate and massive repression will only strengthen support for the PKK...[T]errorism cannot be combated by measures which strike blindly at the innocent as well as the guilty...The Turkish Government [must] insist that the army and police respect the human rights of all citizens".

European Parliament, Resolution of 15 July 1993

"despite the Government's good intentions, very serious human rights violations, including torture and disappearance, continue to occur in Turkey."

Council of Europe, Parliamentary Assembly, Resolution 985 (1992)

"Turkey's primary human rights problems in 1993 continued to be the torture of persons in police or security forces custody during periods of incommunicado detention and interrogation; use of excessive force against noncombatants by security forces; restrictions on freedom of expression and association; disappearances and "mystery killings" that appear to be politically motivated; and terrorist acts by armed separatists, Islamic extremists, and unknown persons."

US State Department, Human Rights Report for 1993

£TURKEY

@A time for action

1. Overview of human rights situation

Human rights violations in Turkey are widespread and systematic. Indeed, the situation has deteriorated dramatically in the last four years. Even in 1990 the indicators were poor: at least two deaths in custody because of torture, at least five alleged extrajudicial executions, although no reported "disappearances"; and arrests and trials of several prisoners of conscience. In 1993, however, no fewer than 24 people reportedly died in police custody as a result of torture, there were 26 reported "disappearances" and over 200 political killings, in many of which security forces were clearly implicated. The abuses have escalated despite several widely publicised government initiatives intended to give an impression of radical human rights reform.

There are also now more people in prison, or threatened with imprisonment, for expressing their non-violent opinions than in 1990. Journalists, lawyers and human rights activists face an unprecedented assault on their freedom of expression. With 10 newspapermen killed while covering human rights issues in the southeast in 1992 alone, Turkey has become one of the most dangerous countries in the world to be a journalist.

Torture is widespread, systematic and routine in Turkey, particularly in Istanbul, Ankara and in the southeast. It is not only non-governmental organizations making this conclusion. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT)¹ and the United Nations Committee against Torture², based on the most objective evidence, after missions to the country and an extensive dialogue with the government, have confirmed that torture is systematically practised in Turkey.

The southeast - a climate of fear

The Turkish Government is facing a serious problem of political violence in its fight against the Kurdish Workers' Party (PKK) in the southeast. But with each passing month the government's policy of "total conflict" is increasingly waged at the expense of the life and safety of ordinary civilians.

¹ Set up by the Council of Europe, this group of experts seeks to prevent torture by visiting places of detention in states which have ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and making confidential recommendations to the government. Turkey ratified the convention in 1988.

² The Committee against Torture carried out a three-year investigation under Article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Turkey ratified in 1988.

Civilians often suffer the most. The government has frequently admitted that the security forces have difficulty in distinguishing insurgents from non-combatants. The effort to make this distinction may have been abandoned. Many civilians have been driven from their homes by acts of brutality and intimidation. Precise information is not available, but it is clear that hundreds of villages have been partially or completely emptied after threats of violence. In some cases inhabitants flee after villagers are ill-treated or tortured or even extrajudicially executed or "disappeared". Evacuated villages are burned down or demolished with explosives, while the villagers move to cities further west or join the thousands in growing tent cities on the outskirts of Diyarbakır.

The increasing ferocity of the security force operations are often matched by those of the PKK, who are committing grave abuses in their attacks on settlements which participate in the village guard corps³. Captured village guards, often together with their wives and children, have been summarily "executed". Amnesty International has repeatedly called on the PKK leadership to fulfil their obligation to protect all prisoners and civilians.

Small PKK guerrilla groups or PKK militia have carried out hit and run attacks within towns in the region. The security forces have responded by launching punitive reprisals on residential areas, firing at random with small arms, mortars and even cannons from armoured vehicles. This has resulted in heavy casualties, with scores of men, women and children dying during the past 12 months.

The situation in the southeast is being hidden from scrutiny by the systematic intimidation of journalists, lawyers and human rights activists who now fear reporting the truth. Several have been killed, most report death threats and many are charged with crimes in an attempt to silence them. Many human rights monitors have been forced to leave the region and only one out of 13 branches of the Turkish Human Rights Association in the region still functions.

While the human rights violations are most intense in the southeast, the violence is reflected in the major cities of the west. The grave security situation permits police to act with increasing impunity, and the law is used to stifle dissent in the media. Torture is routine in the Anti-Terror Branches of Istanbul and Ankara Police Headquarters. Members of the Kurdish minority, easily identified by the birthplace marked on their identity cards, have been picked up in sweeps of poorer suburbs and many reportedly tortured. There were also credible reports of extrajudicial executions during raids on "safe houses" of the armed illegal organization *Devrimci Sol* in Istanbul, Ankara and Adana, in which over 50 people have been killed since 1991.

³ The village guard system is a civil defence corps armed and paid by the government to fight PKK guerrillas.

Turkish Government response

The Turkish government has consistently responded to well-documented reports of systematic human rights violations with flat denials or initiatives which are little more than public relations exercises (see Amnesty International *Walls of Glass*, November 1992, AI Index: EUR 44/75/92).

The US State Department, in its 1993 review of human rights in the world, recorded "credible reports" of torture by hosing with high pressure water, electric shocks, beating of the feet and genitalia, hanging by the arms, systematic beatings, and vaginal and anal rape with truncheons, and concluded that the "authorities do not consistently investigate allegations of such abuses, and perpetrators are rarely sanctioned". In a reply to this report the Turkish Foreign Ministry spokesperson Ferhat Ataman could only state on 2 February 1994 that "Turkey has realized important developments in the field of human rights and is continuously making progress".

Human rights in states of emergency

Amnesty International does not question the right of the Turkish Government to use military and other extraordinary means to deal with the conflict in the southeast. However, a state of emergency should be an extension of the rule of law, not an abrogation of it. Turkey is bound by international law which prohibits it from allowing security forces to torture or deliberately and arbitrarily kill people - under any circumstances. Amnesty International believes that the military and other security forces can be given the freedom to tackle political violence in a manner which also guarantees the most basic human rights of civilians and others who are *hors de combat*.

2. Political killings in the southeast

On average, there is a new victim of political killing in southeast Turkey every day. Some killings occur during feuding between the PKK and factions of the so-called Hizbullah⁴. However, in many cases, perhaps even the majority, the victims have previously been harassed, detained, tortured and threatened by the security forces. The killings are apparently intended to intimidate the local community from expressing separatist ideas or from resisting the government's policies in the region. Many of the victims have previously been accused or convicted of belonging to the PKK or they have relatives who have become guerrillas.

⁴ That is, various armed Islamic fundamentalist groups, not related to the Lebanese organization of the same name.

Other victims have been active in the legal political opposition. Over sixty members of the pro-Kurdish parliamentary Democracy Party (DEP) have been killed, including a member of parliament.

On 4 September 1993 Mehmet Sincar, parliamentary deputy for Mardin, and Metin Özdemir, a local DEP official, were shot dead by assassins in broad daylight in the city of Batman. The Turkish Revenge Brigade - a mysterious organization which has claimed responsibility for a number of other deaths, mainly of members of Kurdish opposition movements - claimed responsibility. However, it appears that heavy police surveillance was lifted on the morning of the attack. The killing may have been carried out by so-called "confessors". These are former PKK members who have become informers for the security forces in return for a reduction in their sentences. A commission established by the Turkish parliament to investigate political killings confirmed that "confessors" were being permitted to leave their prison cells and commit robberies and other crimes under police protection. The government has not responded to these allegations.

3. Kurdish villagers caught between two fires

Extrajudicial executions are also occurring during raids on Kurdish settlements which refuse to participate in the village guard system.

Kurdish villagers, who are clearly non-combatants are being forced into the firing line by both sides. Villagers are often reluctant to become village guards for fear of reprisals by the PKK. However, participation in the village guard corps is not voluntary. If they refuse to participate the village may be visited by PKK guerrillas seeking food and shelter. It will also be raided by the security forces who may carry out attacks against the families who refuse to participate.

Security raids are generally conducted by gendarmes (soldiers carrying out police duties), sometimes accompanied by village guards. Villagers are usually assembled and subjected to threats, insults, destruction of livestock, and in many cases torture. Homes are searched while men, and sometimes women and children, are made to stand or lie down outside in subzero conditions in winter or, in summer, in the full heat of the sun.

In February 1993 the State of Emergency Coordination Council decided that outlying settlements which might support the PKK should be evacuated, and in recent months it appears to have been routine for all or most of the houses in these villages to be burned. As a result of this policy, thousands of indigent villagers have been forced to move to Diyarbakır and other cities in the southeast. Assyrian Christian villagers who were driven out in this way were forced to sign statements saying that they had left because of PKK activity. There have also been many reports of extrajudicial execution and "disappearances" in the course of such raids.

A typical operation took place in the area west of Erüh in Siirt province in January 1994. Following clashes with guerrillas, the villages of Ta_konak, Demirbo_az, Geliosman, Çetinkaya, Çelik and Payaml_ were raided by gendarmerie and village guards. According to reports from villagers who contacted Amnesty International, Hizni Y_lmaz, brother of the head man of Ta_konak, was taken from a cave in the village where he had taken refuge, summarily shot and his body thrown into the flames of a burning building. Mumtaz Kaçar, a nomad woman in Ta_konak district, was reportedly shot dead when she tried to stop gendarmes who were killing her animals. A local shepherd, Mehmet Sait Timurta_, was also killed in similar circumstances.

4. "Disappearances"

Before 1993 there were few reported "disappearances" in the southeast, although several occurred in Istanbul. During 1993 the number of people who allegedly "disappeared" during security operations against Kurdish villages increased significantly. The current wave of suspected extrajudicial executions developed in a similar way, from about 30 reported killings in Mardin province in the summer of 1991 into a widespread phenomenon. Amnesty International fears that unless decisive action is taken now, the practice of "disappearances" will also become an entrenched tool of intimidation and elimination.

The victims of "disappearance" have mainly been men living in agricultural settlements in districts where there is intense PKK activity, such as the Hazro/Kulp area of Diyarbak_r province.

On 10 October 1993 the village of Alaca, near Kulp in Diyarbak_r, was raided by security forces. Eleven men, Turan Demir, Mehmet _ah Atala, Hasan Avar, Mehmet _erif Avar, Mehmet Salih Akdeniz, Nusretin Yerlikaya, Behçet Tutu_, Bahri _im_ek, Abdo Yamuk, Celil Aydo_du, and Behçet Taç were handcuffed and kept under guard in the village for 10 days. They told villagers who brought them food that they were being beaten. Finally they were taken away, since when their relatives have received no news. In response to petitions, the Emergency Region Governor and the local and State Security Court Prosecutors' offices have denied that these men are being held.

Hüseyin U_urlu of the town of Altinova, near Mu_, father of eight children was beaten severely by gendarmerie in front of dozens of townspeople, and then taken away for interrogation on 18 November 1993. Exhaustive efforts by his family have failed to establish his whereabouts, and it is feared that he died under torture.

On 24 December 1993 sister and brother Cemile _arl_ and Ramazan _arl_ were detained in the village of Ulusoy (Kurdish name: Vanik) near Tatvan in Bitlis province, in the early hours of the morning by gendarmes and special team members (heavily armed units

trained for close combat with guerrillas, and operating under the control of the Interior Ministry). Later in the day they were reportedly taken away from the village in a military vehicle. Their family, who witnessed the detention, applied to the Tatvan prosecutor who stated in a reply of 27 December that he had information indicating that the two had been abducted by members of Teko_in, an illegal Kurdish organization, and not by security forces. On 2 January 1994 the family received a further reply from the Tatvan prosecutor, denying that the brother and sister were in official custody, and saying that the matter had been referred to the Diyarbak_r State Security Prosecutor.

Earlier on 24 December, fire had been exchanged between special team members and villagers protecting the village school. The villagers of Ulusoy had refused to join the village guard corps and had been told by a gendarmerie captain that they would be held responsible if their school was burned down by PKK guerrillas. The villagers reportedly thought that approaching special team members were PKK guerrillas and opened fire.

5. Reprisals - civilians under fire

Much of the civilian population in the southeast lives in constant fear of random violence. During 1993 scores of men, women and children were wounded or killed when security forces fired indiscriminately in townships as reprisals for PKK attacks, particularly after the security forces sustained casualties during a guerrilla attack.

On 15 August 1993 PKK guerrillas attacked the town of Yüksekova in Hakkari province, seriously wounding a special team member and a gendarme. After the guerrillas had withdrawn gendarmerie troops reportedly moved about the town firing on houses and shops. They killed one towns person (described in official communiques as a PKK guerrilla) and wounded nine others. Further reprisal attacks in Yüksekova in the following months left three killed and four wounded. In Cizre on 11 September, following a clash in which two guerrillas and a special team member were killed, a curfew was announced and armoured vehicles patrolled the streets firing indiscriminately. Two children were killed.

One of the worst of such incidents occurred in Lice in Diyarbak_r province in October 1993. Following a series of guerrilla attacks, gendarmerie turned on residential areas of the town, burning buildings and firing at random. Reportedly 398 houses and 242 shops were damaged or destroyed. An estimated 30 inhabitants were killed and scores were injured, many suffering from burns.

Such reprisals have also taken place in rural areas. On 16 September 1993 two gendarmes were killed during a clash with PKK guerrillas near Koyungözü near Ovac_k in Tunceli province. The following day, helicopters overflew tents of Palamdüzü villagers which were pitched on the nearby Çet pasture. The migrant villagers were attempting to flee with

their animals when helicopters allegedly dropped explosive devices on the tents, as a result of which Beser Doğan and Yeker Güler were killed and seven others wounded.

The International Committee of the Red Cross Commentary to Common Article 3 of the Geneva Conventions describes reprisals, as "shocking to the civilized mind ... contrary to the modern idea of justice in that it is based on the principle of collective responsibility for a crime, and strikes at persons innocent of the crime which they are intended to prevent or punish".

6. Abuses by PKK guerrillas

During 1993, PKK guerrillas were responsible for over 200 arbitrary killings. Victims included children, teachers, local politicians, the families of village guards and other civilians. Many of those killed were captured village guards and people suspected of collaborating with the security forces.

In May, PKK guerrillas abducted and killed 32 unarmed members of the security forces and four civilians near Bingöl. In August PKK guerrillas killed nine people whom they had taken prisoner from the village of Yoncalıbayır in Elazığ province. In October, they killed 35 prisoners, including two children, in the Çat district of Erzurum. Sixteen women and children were killed by grenades thrown by PKK guerrillas into the building in which they were sheltering during an attack on village guards in Ormançık, Mardin province, on 22 January 1994. The PKK have also claimed responsibility for bomb attacks which were clearly directed at civilian targets. Ali Ertuğrul Tokaç and Ruhi Can Tul were killed by bombs placed on buses in Ankara on 14 January. On 25 January 1994 a six-year-old boy was killed by a bomb planted in the Diyarbakır governor's office.

Amnesty International has repeatedly condemned all summary "executions", attacks on civilian targets and hostage-taking. The organization has also publicly called on the leadership of the PKK to ensure that their forces respect internationally recognized humanitarian standards.

7. Torture - "regret and defiance"

Torture is widespread, systematic and routine in Turkey, particularly in Istanbul, Ankara and in the southeast. Torture is used for very clear reasons: to extract confessions, to elicit names of other members of illegal organizations, to force villagers to abandon opposition to the village guard system, to intimidate detainees into becoming police informants and as informal punishment for support of illegal organizations.

Victims of torture have included men, women and children - usually those accused of petty criminal offences, or detained under the Anti-Terror Law. Most of the 24 deaths in

custody reported in 1993 occurred in the southeast, but there were several in other parts of the country, including people interrogated on suspicion of ordinary criminal offences. But no citizen is immune - in November 1992 a counsellor to the Ministry of the Interior who had been severely beaten in a police station in Ankara in connection with a driving offence said, "If this is what happens to people like me, alas for the ordinary citizen".

The most common methods of torture are those which leave little or no medical evidence: hosing with cold water, hanging by the arms or by the wrists bound behind the victim's back, death threats, electric shocks, and sexual assault. When not being interrogated, detainees are held in cramped, airless and insanitary conditions, and kept on bread and water for up to four weeks.

Frequently families have no reliable information about where their relatives are being held. Improper registration (prosecutors are routinely informed of detentions late or not at all) subjects the families to mental anguish and increases the risk of "disappearance".

The case of Baki Erdo_an illustrates the features of the system which encourages torture, and its consequences:

Baki Erdo_an, a 29-year-old university graduate was detained in the Söke district of Ayd_n in western Turkey on 10 August 1993 and interrogated incommunicado in Ayd_n Police Headquarters for 11 days. On 21 August he was taken to hospital where he died the same day.

Baki Erdo_an's death was concealed by the police for two days. His father and lawyer were not permitted to attend the autopsy. The autopsy report gave a long list of cuts and bruises all over Baki Erdo_an's body, but did not attribute his death to these, giving the opinion that he died of "respiratory insufficiency".

A woman detained in Ayd_n Police Headquarters at the same time as Baki Erdo_an reported that she saw him being led to the toilet dressed only in underwear: "He was blindfolded, and could barely walk." She also claimed that she heard police interrogating Baki Erdo_an: "I heard thudding sounds. They made him scream. I covered my ears so as not to hear".

By January 1994, no trial had been opened against the alleged torturers of Baki Erdo_an.

United Nations & Council of Europe investigations

Both the UN Committee against Torture and the European Committee for the Prevention of Torture (ECPT) have concluded that torture is widespread in police stations in Turkey and that there are insufficient safeguards in Turkish law and practice.

On 15 December 1992 the ECPT took the unprecedented step of issuing a public statement about Turkey because of the failure of the authorities to implement ECPT recommendations:

"More than two years after the CPT's first visit, very little had been achieved as regards the strengthening of legal safeguards against torture and ill-treatment and no concrete steps capable of remedying the situation found by the Committee in the Anti-Terror Departments of the Ankara and Diyarbakir Police had been taken".

The ECPT visited Turkey three times between September 1990 and December 1992. Perhaps the most damning evidence was the discovery, during two impromptu visits to Ankara Police Headquarters and the Diyarbakir Police Headquarters, of equipment clearly used for torture. At Ankara Police Headquarters they discovered:

"a low stretcher-type bed equipped with eight straps (four each side), fitting perfectly the description of the item of furniture to which persons had said they were secured when electric shocks were administered to them. No credible explanation could be proffered for the presence of this bed in what was indicated by a sign as being an `interrogation room'...[T]he delegation's discoveries caused considerable consternation among police officers present; some expressed regret, others defiance."

The public report of the UN Committee against Torture, issued on 18 November 1993, was the culmination of a three-year investigation which included extensive confidential discussions with the government and a visit to the country in June 1992⁵. The statement noted that "inadequate legislation which in practice allows room for the use of torture may also add to the systematic nature of this practice" and made a number of recommendations:

- ◆ that the use of a blindfold during questioning should be expressly prohibited;
- ◆ that detainees should be permitted to consult with their legal counsel, that detainees should be permitted access to a doctor of their own choice;

⁵ The investigation followed submissions it received pursuant to Article 20 of the Convention against Torture, under which the Committee must investigate any reliable information it receives that torture is being systematically practised in the territory of a State Party.

- ◆ that prosecutors should act "promptly and effectively" to investigate allegations of torture or ill-treatment;
- ◆ that penalties for acts of torture should be re-assessed by the legislature;
- ◆ that "penalties imposed by courts on torturers should not be nullified by means of administrative promotions". The Committee stated that "Torturers should not feel that they are in a position of virtual immunity from the law".

Factors which facilitate torture

There are a number of factors - all of which could be changed by the Turkish Government - which facilitate torture:

- ◆ **Detainees are held for excessively long periods in police custody:**

Under Turkish law detainees accused of offences under the Anti-Terror Law can be held incommunicado for up to 30 days in the provinces under emergency legislation, or for 15 days elsewhere in Turkey. People detained on suspicion of ordinary criminal offences can be held for up to eight days before being formally charged or released. These periods of detention are clearly in breach of international law.

Revision of the Turkish Criminal Procedure Code in December 1992 did shorten detention periods for detainees charged with common criminal offences and direct that such detainees should have access to legal counsel. However, the same legislation made no reduction to the duration of police custody for those detained under the Anti-Terror Law, and explicitly withdrew the theoretical right of access which they previously had but which was in practice never recognized.

- ◆ **Government appointed doctors and authorized medical centres frequently issue misleading medical reports.**

Amnesty International has documented the practice of issuing misleading medical reports, and the government's failure to investigate this abuse (Amnesty International *Turkey: Torture, extrajudicial executions, "disappearances"*, May 1992, AI Index: EUR 44/39/92). Detainees have no right to see a doctor of their own choice while in police custody. Shortly before appearing in court, they are brought before a doctor appointed to work on behalf of the state-run Forensic Medicine Institute. Examination is usually perfunctory, and almost invariably with police officers present.

- ◆ **Complaints of torture are routinely ignored, delayed or suppressed.**

At least 13 detainees were alleged to have died as a result of torture in police custody in 1992. To Amnesty International's knowledge a prosecution was opened in only one case, not

yet concluded. Any allegation of ill-treatment or torture brought against a public servant (including police or gendarmerie) in the provinces under emergency legislation can be blocked from judicial examination by the office of the local governor, which is responsible for police and policing. A provision of the Anti-Terror Law which extended this provision throughout the whole country was cancelled by a ruling of the Constitutional Court. However, this impediment to the prosecution of torturers remains in place within the 10 southeastern provinces.

8. Gagging the journalists

The freedom of the press to report on human rights violations has been under constant attack from the government. At the beginning of February, 54 journalists and writers were in custody. Journalists writing about the situation in the southeast face the risk of torture and extrajudicial execution. Frequent detention, prosecution and the confiscation of journals are treated by many journalists and publishers as a routine part of the job.

The political newspaper *Özgür Gündem* (Free Agenda) consistently reports human rights violations in provinces under a state of emergency in the southeast. During the 18 months of its existence, six of the newspaper's journalists have been killed in circumstances that suggest security force involvement, and a female staff journalist has "disappeared" in Istanbul. Orders for the temporary closure of *Özgür Gündem* on the grounds that it had published "separatist propaganda" were passed by Istanbul State Security Court in December and January but have not yet been confirmed by the Appeal Court. Dozens of the newspaper's staff were detained in December and the General Publishing Manager Fahri Ferda Çetin alleges that while he was held in incommunicado detention at Istanbul Police Headquarters he was suspended by the arms, and given electric shocks to his sexual organs and feet, that his testicles were twisted and that he was hosed with ice-cold water. Staff member Necmiye Aslano_lu detained at the same time in Diyarbak_r reported that she had been stripped of her clothes and beaten, dragged by the hair and suspended by the arms while she was given electric shocks through her navel and toes.

Any person who advocates separatism, even when they have in no way advocated violence, may face prosecution under Article 8 of the Anti-Terror Law resulting in prison sentences of two to five years. Such prosecutions markedly increased during 1993. Trials have been opened against musicians, including the popular singer _brahim Tat_ses, tried under the Anti-Terror Law for offering to mediate in the Kurdish issue; the prominent publisher Murat Belge; the owner and chief editor of the centre-left newspaper *Cumhuriyet* (Republic). Trials against publishers and writers of more than 80 books are continuing in the State Security Courts or have already resulted in imprisonment.

The writer Günay Aslan, arrested in October 1993, is serving a term of two years as a prisoner of conscience for his book *33 Bullets - History in Mourning*, an examination of the

extrajudicial execution of 33 Kurdish villagers near the city of Van in 1943. Edip Polat is serving a two-year sentence under Article 8 for his prison memoirs *We Made Each Dawn a Newroz* [Newroz is the Kurdish New Year, lit. "new day"].

Many of those imprisoned have taken a clear stand against violence in their comments on the Kurdish issue. The lawyer Ahmet Zeki Okçuo_lu is serving an 18 month sentences under Article 8 for participating in a discussion on the Kurdish question which was published in a weekly review. Shortly before surrendering himself on 13 January 1994, he reportedly said "For years I have opposed terrorism, opposed violence, and clearly stated this. In my whole life I have never used a weapon. I have opposed those who have taken up arms. I invite Turkish and Kurdish intellectuals to overcome their fears. They must join hands against the practice of violence." (*Cumhuriyet*, 14 January 1994)

9. Lawyers and human rights activists tortured and killed

Amnesty International has frequently received accounts of various forms of intimidation of lawyers and human rights activists, including death threats. In February 1993 the lawyer Metin Can, president of the Elaz__ branch of the Turkish Human Rights Association, (HRA) was killed in circumstances which suggested possible security force involvement. Two other HRA officials have been shot dead by unidentified killers.

In November 1993 16 lawyers were detained and interrogated while being held incommunicado for four weeks in Diyarbak_r Gendarmerie Headquarters. The lawyer Meral Dan__ Be_ta_, secretary of the Diyarbak_r Branch of the HRA reported that during interrogation she was slapped, kicked, subjected to crude sexual insults, stripped of her clothes and hosed with freezing cold water in Diyarbak_r Gendarmerie Headquarters. Tahir Elçi, a lawyer in Cizre who has represented local villagers in numerous official complaints concerning human rights violations, said he was told by police that he would be killed if he continued this work. He reported that he was stripped naked and that his testicles were twisted, and that another of the lawyers was present when he was being hosed for several hours with cold water. Eight of the lawyers were committed to prison on charges of assisting the PKK, and possession of forbidden publications.

Amnesty International is currently investigating the circumstances of their arrest, but believes that the true reason for their imprisonment may be their activities as defence counsel and their work on human rights. All had acted as defence lawyers for defendants accused of membership of illegal organizations. Several had acted on behalf of victims (in some cases poor villagers) who wished to make personal petitions to the Council of Europe, complaining of torture, or the "disappearance" or extrajudicial execution of their relatives.

Constant intimidation and the fear of becoming another victim in the daily street killings is driving human rights activists out of the area. Only one of the 13 HRA branches in

the area are working at full strength. If the information blackout becomes complete, the security forces will be at liberty to commit violations uninhibited by any scrutiny from lawyers, journalists and human rights workers.

10. Amnesty International's recommendations

The international community must establish the mechanisms necessary to monitor closely the deteriorating human rights situation in Turkey. If violations persist, the international community must unambiguously express concern, and take steps to hold the Turkish Government to account.

In its turn, the Turkish Government has a duty to maintain proper scrutiny and control over the activities of its security forces, to ensure that those activities are conducted within the bounds of Turkish and international law.

Over many years Amnesty International has repeatedly made a number of recommendations for urgent measures the Turkish Government could take immediately to address the systematic human rights violations. The following paragraphs reiterate the most important measures:

Prevention of ill-treatment, extrajudicial execution and "disappearance" in operations against Kurdish villages

1. Operations in villages believed to be sheltering PKK guerrillas or their arms, should be supervised by a prosecutor, and proper records kept of the conduct of the operation, including names of the law enforcement officers who participated, and the names of any persons detained.
2. Village guards must be required to hand over all prisoners directly to a judicial authority. They should not be permitted to hold prisoners or to interrogate them.
3. Village guards should not participate as auxiliaries in security operations beyond the limits of their own settlements.

Prevention of torture and "disappearance":

1. All detainees must be given access to lawyers. The revision of the Criminal Procedure Code in December 1992 which provided such access for those detained for ordinary criminal offences must be extended to those detained under the Anti-Terror Law. Detainees' families and lawyers should be able to seek an urgent court order requiring the police to permit such access if it is being denied.

2. The date, time and duration of each period of interrogation should be clearly recorded, as well as names of all those present during interrogation. These records should be open to judicial examination and to inspection by detainees and their lawyers.
3. The practice of blindfolding detainees must be prohibited. Reports of the practice must be investigated and judicial proceedings taken against those who continue to use the blindfold.
4. Because detainees in Turkey are at gravest risk of torture while in police custody, and in the light of the right of those detained for criminal offences to have full access to their lawyer, Amnesty International urges the government to amend the law so that all detainees in all parts of the country are brought before a court within 24 hours of arrest and thereafter kept in detention only under the supervision of a court.
5. The Turkish Government should fulfil its legally binding obligation under Articles 7, 12 and 13 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to ensure that there is a prompt investigation by an independent and impartial authority wherever there is reasonable ground to believe that an act of torture has been committed, and to bring those responsible to justice.
6. All detainees must have the right in law to be medically examined by a doctor of their choice.
7. Examining magistrates should carry out their own investigations whenever a person brought before them alleges torture or ill-treatment. If a detainee bears signs of injury, the magistrate should inquire into the identity of those responsible for arrest and detention and the physical condition of the detainee.
8. Any law enforcement agent charged with an offence relating to torture or ill-treatment should be immediately suspended from duties directly relating to arresting, guarding or interrogating detainees, pending the court's decision.
9. The Law on the Prosecution of Civil Servants (which permits local governors to block prosecutions) should not be applied to allegations of killing, torture or ill-treatment by police or other civil servants.

Extrajudicial Execution and "Disappearance"

1. Commissions of investigation should be established as envisaged in the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

2. As a minimum, a separate commission should be established in each province which has produced a pattern of such killings - including Istanbul, Ankara, Diyarbak_r, Batman, Mardin, and __mak.
3. Each investigative commission should have the budgetary and technical resources to carry out its work, and should have the authority to issue summons to oblige officials allegedly involved to appear and testify (Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 10).
4. Those appointed as members of such commissions must be recognized for their impartiality, competence and independence. Complainants and witnesses should be protected from violence or threats of violence or other intimidation (Principle 15).
5. Family and lawyers should have access to all information relevant to the investigation (Principle 16).
6. Such commissions of inquiry should, within a reasonable period of time, make public a written report of their findings, to which the government is bound to reply (Principle 17), and to bring to justice any persons identified by the investigation as having participated in the killing (Principle 18).

Prisoners of Conscience

1. All prisoners currently held for the expression of their non-violent opinions must be unconditionally released.
2. Article 8 of the Anti-Terror Law, which provides for long terms of imprisonment for any form of separatist propaganda, irrespective of whether the writings or speeches in question contain any advocacy of violence, must be repealed or amended.