

£TURKEY

@Human rights defenders at risk

Meral Dan__ Be_ta_ is a lawyer whose practice is in Diyarbak_r. She has acted in many political cases, and has acted for clients making official complaints against the Turkish security forces for torture and other human rights violations. She was secretary of the Diyarbak_r branch of the Turkish Human Rights Association (HRA) in November 1993 when she was detained incommunicado for four weeks in Diyarbak_r Gendarmerie Headquarters. "For three days I was interrogated several times about my work for the HRA. I was blindfolded, slapped, kicked and subjected to crude sexual insults which I found very upsetting. The interrogators asked why the HRA did not defend soldiers. I answered that our position towards the army and to the PKK (Kurdish Workers' Party) was very clear - that we stood up for civilians and those not involved in the conflict. They brought me a statement and asked me to sign while still blindfolded. I said `I am a lawyer - I am not going to sign anything that I have not read'. They threatened to torture me. I told them that torture was a crime against humanity and that they should not do it, but they took off my clothes and soaked me for an hour with freezing water. I was terribly cold ... I was kicked and beaten and again subjected to an hour or more of ice-cold water." Diyarbakir State Security Court released her but her trial for supporting the PKK continues. Amnesty International believes that the real reason for her prosecution is her work for human rights.

Yavuz Binbay was president of the HRA branch in Van when he was nearly beaten to death by members of the security forces in March 1992. Yavuz Binbay was saved by the intervention of the Chief of Police in Van and an army major, but suffered six fractures to his skull and other injuries which required surgery. He still has many health problems as a consequence of this attack. In January 1994 he was detained from his shop by Anti-Terror Branch police, who subsequently denied holding him. Following swift intervention from foreign governments and organizations, he was released after 24 hours. He later said: "I am not sure what their plans were, but one of them said `This detention is not like the others, you had better watch your step'.

The HRA was founded by a group of lawyers, publishers, artists and human rights activists in 1986, after overcoming considerable official opposition. The HRA's centre is in Ankara, but it now has 56 branches and 10 representatives scattered throughout the country. It has a membership of 15,000. The HRA is not linked to any political party or movement. A sister organization, the Turkish Human Rights Foundation, runs three treatment centres for torture survivors in Ankara, Izmir and Istanbul, and a documentation centre in Ankara.

The HRA has organized campaigns on a variety of issues, including an action on pedestrians' rights, activities on women's concerns, the death penalty, workers' rights, and refugee rights. It has published many reports on general and specific human rights questions, and produces a bi-monthly newsletter.

The local branches have a heavy daily workload, monitoring human rights in their own provinces and, where appropriate, taking action. The branches receive many appeals from families or political publications and organizations whose members have been detained by the police. Turkish law, in contravention of international standards, permits detainees to be held for up to 30 days without access to family, friends or legal counsel. These detainees are held without the protection of the most basic safeguards against ill-treatment. The European Committee for the Prevention of Torture declared in December 1992 that they had found torture to be "widespread" in Turkish police stations, and a report in November 1993 by the UN Committee against Torture stated that "the existence of systematic torture in Turkey cannot be denied". Death in custody is common - at least 24 people died as a result of torture in 1993. Amnesty International knows of 30 people who "disappeared" during 1993. As a safeguard against "disappearance" human rights activists, who are often lawyers, go to police stations, gendarmeries and prosecutors' offices to ask for confirmation that detainees are being held, and to ask for access to the detainees. This duty is time consuming and frustrating, since police routinely forbid access and increasingly deny that they are holding the prisoner at all. In addition, HRA officials' inquiries are frequently met with insults and threats, or even slaps and kicks.

The Turkish Human Rights Association has received the following awards:

1989 and 1991 - Special prize given by *Nokta* (Item) magazine

1988 Hac_ Bekta_ Memorial Festival Committee Award

1989 Contemporary Lawyers' Association Award of Honour

1989 Denmark Peace Foundation Prize

1991 Dr Bruno Kreisky Human Rights Award

1991 Orhan Apayd_n Law and Human Rights Award

1994 Northern Caucasus Culture Association Award

In the 10 provinces of southeast Turkey, where an armed conflict between government security forces and the PKK has resulted in the loss of more than 12,000 lives on both sides, and among civilians, local HRA branches are also monitoring the policy of village burning and forcible evacuation of the Kurdish inhabitants. Extrajudicial execution and political killings are the major problem. In the emergency area, during 1993, nearly five hundred people were reportedly abducted by security forces and killed, or shot dead in street killings - often in circumstances which suggest security force involvement.

Many organizations in Turkey are working on human rights issues: other human rights organizations such as Mazlum-Der whose membership is mainly comprised of devout Muslims; organizations such as the Helsinki Citizens' Assembly, which deals with a broader range of concerns relating to democracy and civil liberties; professional organizations such as the Turkish Union of Bars and the Turkish Union of Medical Practitioners; and other organizations with strong political links. The HRA has often been outspoken in condemning specific violations of fundamental human rights by government institutions. Many of its members and officials have paid the price for their stand by loss of their liberty - in some cases they even paid with their lives.

Harassment and prosecution

In the western cities, HRA activities have been hampered by continual harassment. Branches have been searched by police and records removed. Publications have been banned and confiscated. In May 1994 a leaflet prepared by Izmir HRA to counter racism was prohibited by the prosecutor on the grounds that it contained "separatist propaganda". Included in the statement were the words: "Everyone with whom we share the world equally is our friend, regardless of their ethnic origin - Greek, Armenian, Kurdish, Laz or Jewish. We ourselves cannot exist without recognizing the identities of our friends. A society in which all can freely express their identity is a happy society." Although HRA meetings have been, without exception, orderly and without incident, proposed meetings are often forbidden by local governors on the grounds that offences might be committed, or that there would be a breach of the peace. At the

The aims of the Human Rights Association are described in the second article of its constitution:

1. To research and identify practices concerning human rights in our country, and to inform individual persons, the general public and relevant authorities of those practices.
2. To commission or carry out scientific research concerning human rights, to monitor developments in this area and to inform public opinion.
3. To hold open conventions, conferences, seminars, panel discussions, symposiums, all manner of meetings and demonstrations relevant to the aims of the association, to hold exhibitions and competitions, to publish, award prizes and to establish foundations.
4. To carry out research and to inform public opinion in order that convicted prisoners, remand prisoners, and those in police detention without discrimination as to race, colour, sex, language, religion, political views or beliefs, should be able to continue their lives in a humane manner.
5. To cooperate with organizations with the same aim.

moment, four branches are closed on the orders of local governors claiming that the branches have been acting outside their constitution. In 1993 the prosecutor of Beyo_lu 4th Primary Court brought an action for the closure of the Istanbul branch of the HRA on the grounds that "separatist" statements - punishable by up to five years' imprisonment under Article 8 of the Anti-Terror Law - had been made during the course of a panel discussion entitled "The Nationality Problem and Proposed Solutions" organized by the branch in December 1992. The discussion had been authorized by the Governor of Istanbul and no statements advocating violence were made in the course of the evening. Due to considerable international interest in the first hearing, attended by an Amnesty International delegate, the case was adjourned until 7 January 1994 when the branch was acquitted.

Members and officials of branches in the west of Turkey have received death threats by letter and telephone. In March 1993 Ye_im I_le_en reported that she had received a phone call from people who introduced themselves as police officers. They threatened repeatedly to kill her, and made her hear what they said were the cries of detainees being tortured. HRA members have also been detained and tortured. Yelda Özcan is a member of Istanbul HRA who had for a long time worked in the Human Rights Foundation's treatment centre for torture survivors in Istanbul. On 4 July 1994 her house was raided by police on the basis of a false accusation. After her release she filed an official complaint with the Public Prosecutor's Office saying that she had been taken to Beyo_lu Police Station where she was severely beaten by a Chief Commissioner. Her complaint was accompanied by a medical certificate from Taksim Emergency Hospital which showed that she had a perforated eardrum and would be unfit for work for 15 days.

In February 1993 Hac_ O_uz, president of the Siirt HRA branch, was reportedly beaten by police as he and his daughter Sevim O_uz were taken into detention at their home. In January 1994 he was again detained, with his daughters Sinem and Halime O_uz. His wife Hediye O_uz reported that her husband and her daughters were hit with rifle butts. He was later committed to prison on charges of supporting the PKK, but subsequently released. His trial continues.

Human rights activists throughout Turkey face possible prosecution for their activities. In July 1994 Seydi Bayram, president of the Kütahya branch of the HRA, was sentenced to 20 months' imprisonment by Konya State Security Court for using the word "Kurdistan" in an article in the local newspaper. He is at liberty, pending appeal.

In May 1994 Atilla Ayçin, president of Hava-I_, the air transport workers' union, and the lawyer E_ber Ya_murdereli, were each sentenced by Istanbul State Security Court to 20 months' imprisonment for "separatist" speeches during a public meeting organized by the HRA in Istanbul in 1991.

Dervi_ Altun, Naile Ero_luer, Haluk Dirik and Ismail Hakk_ Trkaslan of the Izmir branch of the HRA were detained on 22 September 1992 and held for 22 days for interrogation at Izmir Police Headquarters. They participated on that day in a non-violent demonstration in front of Buca Prison, near Izmir, concerning the ill-treatment of prisoners there. The four, together with the lawyer Kemal Bilgi, also a member of the Izmir branch, were sentenced on 27 May 1994 by Izmir Criminal Court No 5 to 18 months' imprisonment for breach of the Law on Assemblies and Demonstrations. At the time of writing, they were still free pending appeal.

On 27 May 1993 Sedat Aslanta_, former president of Diyarbak_r HRA, signed a joint declaration on the human rights situation in southeast Turkey, together with 23 leading members and representatives of various associations, trade unions and publications in Diyarbak_r. The statement complained that the Kurdish people were being subjected to the burning of their villages, torture, death in custody and extrajudicial executions. The declaration called on the press to report the human rights violations which were being committed. The Diyarbak_r State Security Court Prosecutor prepared an indictment which claimed that the declaration was "separatist propaganda from its first word until its last". On 13 April 1994, giving judgment that "it is plain that the declaration contains separatist propaganda in that it speaks of there being two separate nations and peoples", Diyarbak_r State Security Court convicted 15 of those who had signed, including Sedat Aslanta_, and sentenced them to 20 months' imprisonment for "separatist propaganda". He was briefly detained in June 1994 and is currently at liberty pending appeal.

The lawyer Hsni_ ndl, general secretary of the HRA, was sentenced to six months' imprisonment for publishing an article in the HRA's July 1993 newsletter which described the alleged extrajudicial execution of four people and the sexual assault of a detainee in southeast Turkey. The article was written by Ismail Be_iki, who received a three-year sentence. The sentences have yet to be approved by the Court of Appeal.

Ak_n Birdal, national president of the HRA, faces possible imprisonment on a number of charges, including two counts of "separatist propaganda" under Article 8 of the Anti-Terror Law at Ankara State Security Court in connection with a speech he made on Human Rights Day in 1993, and with the publication of the HRA Regional Report - "A profile of the burning villages", published in April 1994.

Abduction and extrajudicial execution

In addition to the risk of prosecution, HRA officials and members of branches in the southeast - and particularly those provinces under emergency legislation - are confronted with the risk of abduction and extrajudicial execution. At least 10 HRA members have been killed - the most recent Muhsin Melik, a founder of the _anl_urfa branch of the HRA, and former president of the local Democracy Party (DEP) branch, who, on 2 June 1994, was shot by

four assailants whom he said he recognized as police officers. He died shortly after the shooting.

In 1991 there was a series of bomb attacks on officials of the HRA. On 18 June an explosive device destroyed the car of the lawyer Mustafa Özer, a member of the Diyarbakır HRA branch. On 25 June the premises of Diyarbakır HRA branch were completely destroyed by an explosion. On 2 July a bomb exploded in Batman in the car of Sıddık Tan, board member of Batman HRA branch, shortly after he had parked it in front of his shop. Sıddık Tan and his 10-year-old son escaped injured. One year later, on 20 June 1992, Sıddık Tan was shot and killed by an unidentified assailant.

On 5 July 1991 Vedat Aydın, a member of the Diyarbakır HRA branch, and president of the local branch of the People's Labour Party (HEP - later closed down by the Constitutional Court for "separatism") was abducted by armed men claiming to be police. His body, which showed signs of torture, was found on 8 July. There was an official attempt to "lose" the body and bury it before a proper autopsy was carried out. There are serious doubts as to the thoroughness of subsequent police investigations into the circumstances of his killing. Nobody has ever been charged with the murder.

Since then three further officials of the HRA have been murdered in circumstances that have not been clarified. Metin Can, president of the Elazığ HRA branch, in February 1993; Kemal Kılıç, board member of Şanlıurfa HRA, in February 1993; and Evket Epözdemir in November 1993, Tatvan HRA representative and local president of DEP (successor to HEP and in 1994 also closed down by the Constitutional Court for "separatism").

In May 1992 a death list of 28 names, issued by unidentified persons, was widely circulated in southeast Turkey. Two years later, two of the 28, a Kurdish parliamentarian and a Kurdish writer, have been killed by unidentified assassins in circumstances suggesting security force involvement, eight others are in prison on trial for "attempting to separate part of the territory of the Turkish state", a charge which carries the death penalty. Five others are still active members of the HRA.

Unwelcome observers - guilt by association

There are two principle reasons for the intense pressure on the HRA.

Firstly, the government and its security forces do not, for obvious reasons, welcome the scrutiny of the HRA activists. The efforts of the HRA have helped to document and limit the systematic violation of human rights, by interviewing victims, by acting as observers at times of confrontation between the civilian population and the police or gendarmerie, by

assisting foreign delegations, and by making representations to police, prosecutors and governors. These activities have won the HRA no friends in government circles or among the security forces. In October 1991 the Turkish Government organized an international conference on human rights but pointedly failed to invite any representatives from the HRA. During 1992, the police staged a number of demonstrations, some violent, in which police officers were seen chanting "Damn human rights" (Kahrolsun insan haklar_). The government neglected to condemn such slogans.

Secondly, in the highly charged atmosphere engendered by political violence, those who question any action of the security forces are frequently viewed as collaborators of the armed opposition groups. Those who oppose the torture or extrajudicial execution of suspected members of armed groups are perceived, wrongly, as actively supporting those groups.

The lawyer Eren Keskin, secretary of the Istanbul HRA branch, told Amnesty International : "The police see us defence lawyers as members of the PKK ... I was once in Istanbul State Security Court with my lawyer's gown on. I asked if my client [accused of membership of the PKK] had any requests. A policeman grabbed me by the waist and wrestled me from side to side several times, dragging me right off my feet. The police are particularly offended by the fact that a female lawyer should take up the case of a PKK defendant. I complained to the prosecutor but he did nothing." The president of one branch of the HRA in the southeast represented a person in a civil suit for compensation against gendarmes who had destroyed his property. The provincial governor advised the Interior Ministry on the case, and the Interior Ministry refused the claim on the grounds that the claimant and his lawyer were "members of a clandestine organization". When challenged by the local bar association for proof of the serious allegation, he admitted that there was no proof, but that this was his considered opinion. It would appear that this opinion was based on the branch president's work for the HRA.

A number of HRA officials have been prosecuted for allegedly giving assistance to armed organizations, but in several cases examined by Amnesty International, it appeared that the real motive for prosecution was the accused's work for the HRA. Sekvan Aytu, then President of the __mak branch of the HRA, was detained on 14 May 1992 and held incommunicado in police detention where he was reportedly severely beaten. On 29 May he appeared before a judge and was committed to prison on charges of assisting the PKK. The indictment stated that he had participated in an illegal demonstration on the occasion of the funeral of the journalist Halit Gungen who had been killed by unidentified assassins, and that he had encouraged people attending the Nevruz (Kurdish New Year) celebrations on 21 March 1992 to resist being searched and to march on the gendarmerie headquarters. Amnesty International interviewed a number of credible informants who stated that Sekvan Aytu had been congratulated by the then Chief of Police of __mak on his activities in preventing a confrontation between the populace and the security forces at Halit Gungen's

funeral. They reported also that he had intervened strenuously on the morning of 21 March 1992 to avoid confrontation when male security force members insisted on body-searching female villagers. It was this episode that provoked disturbances which ended in the killing of 38 people, including at least 10 women, five children, and three members of the security forces. Sekvan Aytu's case was submitted to the UN Working Group on Arbitrary Detention, which received information on the case from the Turkish Government. He was released on 16 February 1993, although his trial continues. On 29 April 1993, the UN Working Group on Arbitrary Detention ruled that Sekvan Aytu's detention has been arbitrary.

The HRA's position on human rights abuses by armed opposition groups

The HRA has on numerous occasions condemned human rights abuses by armed opposition groups. In July 1993 HRA Secretary General Hüsni Öndül issued a public statement concerning the killing by PKK guerrillas of a group of unarmed soldiers whom they had taken prisoner near Bingöl in May: "The PKK, as well as the state, must abide by the requirements of humanitarian law. According to Common Article 3 of the Geneva Conventions, the PKK must not kill, wound or ill-treat any Turkish soldiers it takes prisoner. We condemn the killing of the 33 soldiers."

In August 1993 Ercan Kanar, president of the Istanbul branch of the HRA made a statement calling on the PKK to release Alaaddin _eref, a civilian they were holding prisoner. Alaaddin _eref was subsequently released. Following a series of bomb attacks by the PKK on buses in January 1994, the HRA issued a public statement: "No ideological or political struggle and no lofty purpose can justify the bombing of a bus. Such acts cannot be defended or accepted."