

TURKEY

Student killed in extrajudicial execution

On 4 July 1995 Serdar U_ra_, a 20-year-old university student at the Trakya University in Edirne, was shot dead in his home town Nusaybin in southeast Turkey. The student, who had come home for the summer holidays, was reportedly executed in front of his father by members of the Special Operations Team, pretending that this happened as part of a clash between the security forces and armed members of the Kurdish Workers' Party (PKK). In fact, the unarmed student, who had been taken into detention the day before at a friend's home in a nearby town and brought back to his father's house by the security forces, was apparently killed in the street outside by machine-gun fire and a final single shot to the head.

His execution followed the shooting of two soldiers, presumably by PKK members, in the Kanika district of Nusaybin on 30 June 1995, after which plainclothes police came searching for Serdar U_ra_ at his home on the evening of 3 July. The previous day, however, he had gone to Ceylanp_nar to stay with an old schoolfriend. The police took his father, a retired teacher, to Nusaybin Police Headquarters where he was blindfolded and interrogated about his son's whereabouts. Later that evening they also detained his wife and 13-year-old daughter who were held with him overnight.

On the evening of the following day at about 10.30pm police and members of the Special Operations Team broke into Serdar U_ra_'s father's house and carried out a search, but found nothing. According to an eye-witness account, they brought Serdar U_ra_, whom they had detained in Ceylanp_nar, with them. Outside the house there were about 60 police and Special Operations Team officers. They were in radio contact with their headquarters and pretended that they were in the middle of a clash with armed members of the PKK. The security forces made Serdar U_ra_ run off and then shot him repeatedly from behind before finally killing him with a bullet to his head. His father was then taken in a police car to the police station and later to the morgue where he had to identify his son's body before it was buried in an unmarked grave.

His father was detained by the security forces for a further 26 days and was reportedly warned not to make any statement about what had happened and threatened that if he did so, his elder son in military service might be harmed. After Serdar U_ra_'s death his sisters and elder brother came home, and the sisters were also detained for three days and allegedly subjected to ill-treatment, abuse and assault while in detention, apparently for reporting the killing to the media. The two sisters were later put on trial and finally acquitted on 22 April 1996. Another brother, also a student at Trakya University in Edirne, was detained on 3 May 1996 and is currently on trial on charges of belonging to the youth organization of the PKK. The indictment against him contains the sentence that his brother Serdar had "gone up to the mountains and died in a clash with the security forces in 1995".

Reportedly a person has been arrested for the killing of the two soldiers and is on trial.

This is how Serdar U_ra_'s father, a retired teacher, described how his son was killed:

"Events started on 30 June 1995 with the shooting of two soldiers who were on duty on the border in the Kanika district of Nusaybin. I learnt about the shooting when I was in the market. At

midday I went home to have lunch. When I got home my son Serdar was still asleep. We woke him for lunch. I told him myself about the shooting of the two soldiers. His reply was, 'It's a shame. What do they want with the soldiers? My older brother is a soldier like them, doing military service.' Even as we were speaking, the security forces had already gone into action to find the perpetrators of the crime. My son ate his lunch, unaware that this incident was to be placed at his door.

"On 2 July 1995 my son Serdar told me, 'My friend has invited me to Ceylanp_nar for a few days. If you allow, I'd like to go.' My reply was, 'You have only just come back from college [in Edirne]. It would be better if you don't go.' But he did go, saying that he didn't want to disappoint his friend. On 3 July 1995 we were sitting at home and at about 10pm a group of plainclothes police came to the house and asked for Serdar. I told them that he was not at home, and they apologized for disturbing us and went away. Half an hour passed and then they returned and told me, 'You must come with us to headquarters'. 'As you like', I said and went with them. I entered police headquarters full of confidence, both in them and in myself as a civil servant. At the entrance they made me lean against a wall and they bound my eyes. I was taken aback. This was the first time in my life I had encountered anything like this. Before I had had time to get over my feeling of surprise, they had taken me down to a damp-smelling room. This was the basement of police headquarters. They asked me again about my son Serdar. Surprise gave way to anxiety. I was being treated as if I was guilty. With these feelings, I told them that I did not know where my son was. Then they brought someone into the interrogation room. 'Do you know this man?', they asked. He replied, 'He is the father of Serdar U_ra_.' And he said that Serdar was in Nusaybin and that he had seen him. Feeling a mixture of surprise, fear, and anxiety and with the instinct of protecting my son, I said, 'My son is studying at Thrace University, which is in Edirne. He has not yet come from there.' The police official questioning me said that Serdar was not in Edirne but in Ceylanp_nar. I was silent. At this point, the police officer took my hand and said, 'I give you my word of honour. Your son is not wanted for political reasons. His name is mixed up in a quarrel and that is why we are looking for him. We will get a statement from him and release him. Do you know the address of his friend in Ceylanp_nar?' I said, 'No, I don't get involved in his friendships and I have no dialogue with them.' They insisted. Then in the same tone of voice he said, 'Do you keep a list of telephone numbers at home?' I said that we did. At this he immediately ordered them to bring the list from the house. I intervened and said that my wife and 13-year-old daughter were alone at home, and that I wished to go with them. They agreed. We went to the house. They looked at the list of telephone numbers, and did not find what they wanted. Then they said that they had changed their plans and that they would take my wife and daughter. I could not understand what was going on. Why so much fuss over an ordinary quarrel? I couldn't oppose what they were doing because this was the OHAL [State of Emergency]. So a 50-year-old woman and a 13-year-old girl were taken into detention, no questions asked. We went to police headquarters. They bound the eyes of my wife and daughter. They took us downstairs and shut us into a cell. That a child aged 13 should have her eyes bound and be thrown into a cell! In all my 33 years as a teacher I had never felt a greater sense of shame. And, more than anything, that she should be my daughter. As a teacher and as a father my honour was shattered. As if all this was not enough, we were thoroughly shaken by the sounds we heard of people screaming, the sounds of crying and shrieking. It was not possible! People were being tortured. Fellow citizens were being tortured. And brutally. We waited until morning among the screams of torture. We were cold. We were hungry and tired. We didn't know why we were being held here. I thought of my daughter. Who, with what right, saw fit to do this?

“On 4 July 1995 at about 11am we were released. We went home and started to wait. (Later we found out the reason why we were released. Serdar had been detained.) We were anxious. In the evening of the same day at about 10.30pm, the doorbell was suddenly rung in an abrupt way. Without giving us a chance to open the door, they rushed in over the wall. This time it was members of the Special Operations Team. They opened the door, that is the door into the garden, themselves. Inside was filled with Special Team members and the police. I began to feel thoroughly frightened. Some of the police went inside the house and while they were searching it, the others stayed outside in the courtyard. Just at that moment I noticed Serdar being brought into the courtyard by two policemen. They told him to lean against the wall and not to move. They asked me a lot of questions about our house. They went over to the area which we used as a woodpile. They took me by the arm and pushed me at the woodpile, ‘Go on then, is there anyone there? If there is they can kill you and then we’ll finish them off.’ When I said, ‘This is the woodpile, who can there possibly be there?’ they began to swear and get at me. They pushed and pulled at the woodpile. Then they climbed into it themselves. They made a dreadful mess of it. I couldn’t think what they were looking for. Then one of the Special Team men inside the woodpile started to shout, ‘I’ve found it, Sir, I’ve found the bombs’. Actually what he had found was the hydraulic oil belonging to my car. The oil can had been put in a black bag and hung on the wall. This is what he had found. Furious that they had been unable to find anything, they turned on me. They hit me and abused me in front of my son and the other members of my family. My son Serdar called out, ‘Leave my father alone, don’t hit him’. They turned on him. They were hitting us both as hard as they could. Then the police inside the house came out. ‘There isn’t a thing in the entire house’, they said, putting a stop to the beating. (Later I learnt from my wife that they had taken photographs belonging to my children and their private letters, none of which I have subsequently been able to retrieve.)

“‘You come with us’, they said. Without giving me a chance to put on any other clothes, they forced me outside with kicks and punches in my pyjamas and a sweatshirt. The beating became more intense. In the middle of the street, before my eyes, they began to beat my son with their rifle butts. I fell to the ground. And at my son’s feet. My son was crying out, ‘Leave my father alone, don’t bother him’. Just at that moment our eyes met. This was to be the last time I looked at him. Now the scenario they had planned had come to its final stages. They stopped the beating. When I got to my feet I could scarcely believe my eyes.

Both sides of the street had been cut off with armoured vehicles, and there was a minibus, a police car, and two troop carriers. There were easily sixty people in the street, most of them Special Team and police. It was a fairly excessive precaution for one who was unarmed and defenceless and, above all, in detention. In other words, this was part of the scenario. We waited about half an hour in the street. Why were we waiting? During the wait there were conversations by wireless. The other side asked, ‘Have you begun the operation?’ and I heard the policeman beside me with the wireless reply, ‘Not yet, but they are attacking and firing on us.’ In fact there was no one opening fire and no one there. Other than us. This was all part of the scenario they had planned. They had decided on another execution and they were faking the cover for it. Then they took me to the foot of the wall. They made me stand leaning against the wall by my hands. They all lay down on the ground. They made an announcement on the wireless, ‘They are firing on us. We are in a clash. Send reinforcements.’

Then I saw Serdar being dragged along on a policeman's arm. They stopped and told him to run. He panicked. He stood there with his back turned. He had realized what was going to happen. The machine guns began to rattle. Bullets rained onto my son. In fact he had fallen to the ground after the first bullets hit him. They were firing in all directions from the armoured cars and the troop carriers. It gave the impression of a large clash. But the reality was that it was only them who were firing. As they continued to fire, they asked each other, 'Was he hit? Has he fallen?' This went on for about twenty minutes and then suddenly stopped. They stood up. I heard one of them saying, 'Hey, he's not dead yet, he's still alive'. I was icy cold. I couldn't feel a thing. I was on the verge of going mad. All I could do was hear what they were saying.

One of the Special Team went over to my son where he was lying on the ground choking on the verge of death. He kicked my son. This was a horror. He kicked my son and said, 'What did your family feed you, have you got nine lives? Why don't you snuff it?' Another Special Team member said, 'What are you waiting for? Finish him off.' After a few minutes there was the sound of a single weapon. My son's life had been ended. Later in the hospital I would see that the final bullet had been shot at my son's head. One of the state's paid murderers took a truncheon from the ground and started to hit me. As he beat me, he said, 'You get an income of 20 million lira from the state and you raise a terrorist.' Then I heard them talking on the wireless again: 'The operation has been concluded successfully. We've disposed of the son. Shall we clean up the father as well?' 'No', came back the answer, 'bring the bastard here.' We waited a little longer. They contacted the hospital. 'We've got a carcass here, send an ambulance.' The ambulance arrived. They threw Serdar into the back like a piece of rubbish. They made me get into the police car.

First they took me to the police station. After waiting for 30 to 40 minutes, they took me to a place which I cannot even remember now. The prosecutor was called there. I could not see anything from inside the police car. I could guess what was going on from the voices saying things like, 'A bit more light, move him to the right, fine, you can film now.' The camera was filming. They were going to make a broadcast such as we have been accustomed to see for years to the effect that 'after a clash a terrorist was captured dead together with his weapons' and they would thereby legalize the extrajudicial execution. The incident was not broadcast by the private television stations and we do not know whether or not it was broadcast by state television.

"After the filming I was taken to hospital. We got out at the morgue. They wanted me to identify the body. My son had been shot in front of my eyes. They had placed weapons and bombs etc beside him to give the impression of a clash, all this with the connivance of the prosecutor, and now they wanted me to identify the body. Can there be any greater torture than this? The cover over my son had been lifted. I could clearly see the bullet wound above his left eyebrow. I wanted to touch my son again, to kiss him for a last time. They took me by the arm and pulled me away. 'Is it him?' they said. I nodded my head to signify yes. The body was taken from the morgue and we set out for the graveyard. We arrived. They put the body in a hole they had dug and filled it in. They had shot him. They buried him. They had not even let me touch him.

"After the burial was completed, they took me back to police headquarters. I was held in detention for a full 26 days. As if it was not enough to murder my son, they held me for 26 days. In the following days they also detained other members of my family. While I was in detention I was not subjected to any physical torture. The torture I had already gone through was enough. But

during the first days in detention, they asked me a lot of questions about my son and his friends. After realizing that I knew nothing they warned me not to say anything to anyone about this matter, and told me with particular emphasis that if I made a complaint my son doing military service would suffer. They made threats, saying, 'Your son is in the army, he is in our hands, you probably don't want to lose him as well'. And, going even further, 'If need be, we'll shoot your other son as well'. They said that if I made no further complaint they would not interfere any further with either myself or my family."

The family are now suing the government for compensation, but have not filed a complaint against the security forces.

BACKGROUND INFORMATION:

In the late 1980s Amnesty International had received occasional allegations of extrajudicial execution, but in the spring of 1991 the organization began to receive a large number of reports of "death squad" style killings of Kurdish villagers in the Midyat area of _irnak province. The security forces were clearly involved in the killings. The perpetrators were able to pass through military checkpoints and were sometimes moved around using military vehicles or helicopters. These killings occurred in the context of the armed conflict between the security forces and the Kurdish Workers' Party (PKK) in southeast Turkey where most of the estimated 12 million Kurds live. In August 1984 the PKK had begun attacking military installations with the aim of establishing a separate Marxist Kurdish state, later reduced principally to a degree of autonomy for the southeast.

In mid-1991 Kurdish political leaders began to be targeted and by early 1992 scores of people were being gunned down in the first of hundreds of street killings by small groups of assassins in the cities of the southeast. In most cases the killers were never identified but there is evidence that the security forces were orchestrating the killings by arming and paying the assassins. Most of the victims were perceived by the security forces as potential enemies of the state. They were people who worked for left-wing or Kurdish nationalist publications, and people who had previously been detained or imprisoned on suspicion of membership of the PKK or other illegal Kurdish groups. They even included a member of parliament, Mehmet Sincar, deputy for Mardin, who was shot in the street in Batman on 4 September 1993. Nobody was ever prosecuted for the murder.

More than 1,000 people have died in these political street killings since 1991.

Many allegations of extrajudicial execution have been made against members of Special Operations Teams. These are technically police officers under the authority of the Interior Ministry, heavily armed for close combat with the PKK. Special Operations Team members frequently accompany village guards and gendarmes in security raids on villages. Regular army and air forces also participate in large operations in the southeast.

When martial law was lifted in 1987, a state of emergency was declared in the 10 provinces in the southeast most affected by the conflict. However, it was lifted in Mardin province at the end of November 1996. The state of emergency gives the security forces wide-ranging powers. The

State of Emergency Region Governor controls the armed and police services in the region and can assume control of any functions of the civil administration. The governor and the forces at his disposal also enjoy a high degree of official immunity from prosecution.

Amnesty International has made the following recommendations to the Turkish authorities:

- ◆ All reports of extrajudicial execution should be fully investigated in accordance with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.
- ◆ The Government should publicly express concern about the increase in allegations of extrajudicial executions and extend an invitation to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country in 1997.
- ◆ The Turkish authorities should ensure that the Law on the Prosecution of Civil Servants (which permits local governors to block prosecutions of security force personnel) is not applied to allegations of extrajudicial execution by police or other civil servants.