

**What the United Nations, the European Union and the Council of Europe have said about human rights in Turkey.**

*"...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 Union expresses its concern at the aggravation of the human rights situation in Turkey...It has repeatedly condemned terrorist acts in Turkey, but it believes that the fight against terrorism should be conducted within the law and with full respect for human rights".* **Statement of the Council of the European Union, 31 March 1994.**

*"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".*

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

*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 has not, frankly, done much to improve its record on human rights in the last two or three years and moreover it resents any advice on the issue."*

**Michael Lake, European Commission representative to Turkey, November 1994**



# £TURKEY

## @A policy of denial

Gross human rights violations are being inflicted on civilians in southeast Turkey in the context of the 10-year-old conflict between Turkish Government forces and the Kurdish Workers' Party (PKK). Throughout the rest of the country too, the human rights situation is deteriorating. During 1994 there were more "disappearances" than ever before. No reforms were planned or enacted to combat the widespread and systematic practice of torture, while the annual toll of deaths in custody rose once again. This report presents compelling evidence that the security forces have been involved in at least some of the hundreds of political killings which have been committed in the cities of southeast Turkey. Rather than confront the fact of these violations and take steps to end them, the Turkish Government is choosing to deny that they are taking place at all.

Kurdish villagers are bearing the brunt of human rights abuses committed by both government forces and guerrillas of the PKK in the southeastern provinces which are under a state of emergency. Gendarmes have reportedly tortured, "disappeared" and extrajudicially executed villagers in the course of security raids on rural settlements. The PKK, on the other hand, pays lip-service to the Geneva Conventions, which safeguard non-combatants such as prisoners and civilians, while "executing" captured village guards (Kurdish villagers paid and armed by the government to fight the PKK) and killing their wives and children. The PKK has a declared policy of "executing" teachers and other non-military government officials.

### International community concern about Turkey

The last three years has seen a growing tide of concern, expressed publicly by intergovernmental organizations [see opposite] about escalating human rights violations in Turkey. As the five Nordic countries said on 30 June in the Permanent Committee of the Conference on Security and Co-operation in Europe (CSCE), "these [human rights] commitments are of direct and legitimate concern to all of us...[and] should be natural subjects for contacts and cooperation between Governments". Turkey continues to flout legally and politically binding commitments it has voluntarily entered into as a member of the United Nations (UN), the CSCE and Council of Europe.

The intergovernmental expressions of concern must now be translated into concrete action by the relevant political organs of the UN, European Union, CSCE and Council of Europe. Despite the patterns of gross and systematic violations of human rights in the country and a public statement by the UN's own Committee against Torture [see opposite], the UN Commission on Human Rights - the main human rights body of the UN - has never dealt with human rights in Turkey. Despite an earlier public statement by independent experts - this time the European Committee for the Prevention of Torture [see opposite] - the Committee of Ministers of the Council of Europe has also failed in its duty to act.

As a first step, a CSCE expert mission under the so-called Moscow mechanism should go to Turkey to investigate at least torture and attacks on freedom of expression, and make clear recommendations. Many states, including the European Union as a group and the five Nordic countries collectively, have urged Turkey voluntarily to invite such a mission in a spirit of openness

and cooperation. However, if the Turkish Government does not respond positively, the other CSCE states should not shy away from using the power they have to require Turkey to receive a mission.

Governments which have longstanding relations with Turkey have also been concerned about the persistence of human rights violations in Turkey.

*"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 on Turkey (published February 1994)**

*"Unfortunately there has been no improvement in the human rights situation in Turkey. Things are getting worse."* **Klaus Kinkel, German Foreign Minister, quoted in *Frankfurter Rundschau*, 9 May 1994**

*"When Turkey originally applied to join the European Community, the application was turned down and it was pointed out that its human rights record did not come up to the required European standards. I believe that is the case even today."*

**United Kingdom Government, reply to questions in Parliament, 2 March 1994**

*"We are concerned about human rights in Turkey, and our Embassy in Ankara monitors developments closely. Unfortunately there is little sign of improvement."*

**United Kingdom Foreign and Commonwealth Office, written reply to Member of Parliament, 7 July 1994**

*"Turkey is a member of the Council of Europe and must respect the principles concerning human rights and fundamental freedoms."*

**French government, statement to National Assembly, 30 June 1994**

*"The Swedish Government has closely followed the human rights situation in Turkey. After having learnt of reports regarding abuses of human rights, including the use of torture, Sweden has on various occasions taken up this matter bilaterally with Turkey."*

**Swedish Ministry of Foreign Affairs, 3 August 1994**

*"The Minister has...been constantly in touch with his Turkish counterpart in order to bring our concerns on gross human rights violations to his attention."*

**Austrian Foreign Ministry, 29 August 1994**

*"Over the last months reports from credible international sources have indicated that the human rights situation in Turkey has deteriorated. These reports, in particular indications of the use of torture, have given our Governments and our publics cause for concern".* **Statement by Denmark on behalf of the five Nordic countries, CSCE Permanent Committee, 30 June 1994**

Other governments, in Europe and elsewhere, have made similar statements.

The international community should translate expressions of concern over human rights violations in Turkey into practical action through a variety of means. Those countries which are involved in security cooperation or exchange of military or security equipment or expertise have a special duty of vigilance.

## **Military, security and police transfers and human rights**

Amnesty International takes no stand on the legitimacy of military or security relations being maintained with countries where human rights are being violated, but Amnesty International does oppose the transfer of military, security or police equipment, personnel, training or logistical support from one country to another whenever it has reason to believe that such transfers contribute to human rights violations such as "disappearances", extrajudicial executions or torture. Recent reports indicate that some types of military and security equipment supplied to Turkey by other countries may have been used by Turkish security forces to commit such violations.

On 9 October 1994, it was reported by villagers that Turkish security forces had burned down 17 villages in eastern Turkey in mountainous terrain during a three week offensive against guerrillas. The *Reuter* news agency reported that US-made Sikorsky and Super Cobra helicopters flew over Tunceli town that day, ferrying in troops and launching rocket attacks. During these operations Ali Karaca, a miller from the Kom district of the village of *\_bimahmut* was detained, according to his family. A relative is reported in the Kurdish-owned newspaper *Özgür Ülke* (New Land) of 25 October 1994 as saying: *"On the day in question [apparently early October] Ali Karaca was dealing with his livestock. Soldiers attached to Ataç\_nar\_ Gendarmerie Post carried out a security raid on the district...They tortured Ali Karaca near his house. Then they called a helicopter by radio. They put him in the helicopter and took him first to Ataç\_nar\_ Gendarmerie Post, and then to Tunceli. We found him at Tunceli State Hospital. There we learned that the police had found Ali Karaca in his vest and pants by the road and that they took him to hospital. As his condition was serious, we moved him to Elaz\_\_ State Hospital. After three days in a coma, he died...At the hospital they first told us that there were signs of blows on his body, and that he had died of blows to the head. Then the soldiers intervened, and then the hospital said that he had died of meningitis and high blood pressure. They did not give us the x-rays."*

On 7 July 1994 the village of Akçayurt was forcibly evacuated following a clash between PKK guerrillas and security forces. Mehmet Gürkan, headman of the village, was detained by security forces, together with the population of Akçayurt and a number of neighbouring villages, in a containment area set up adjacent to the nearby Topçular gendarmerie post.

While held at Topçular gendarmerie post, on 13 August 1994, Mehmet Gürkan made a statement to television reporters that the PKK had burnt his village. On his release from the containment area, he held press conferences retracting the statement made in the television interview, claiming that the statement was made under threat of torture and that in fact Akçayurt had been burned down by the security forces and not the PKK. Mehmet Gürkan told a local newspaper on 3 August 1994, *"They took me to the Topçular Gendarmerie station and tortured me. My ribs were broken. They collected the people outside the village and gave them nothing for four days. A total of*

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*430 people of my village have now gone to Adana, Diyarbakır and nearby villages. We have nothing to eat. They also burned all of our crops. I came to Ankara to ask help from the government".*

On 18 August 1994 Mehmet Gürkan returned to the village to collect some remaining pieces of furniture from his home. According to eye-witnesses, Mehmet Gürkan was detained by security forces in the village and taken away by helicopter. He has not been seen since.

On 10 October 1993 the village of Alaca, near Kulp in Diyarbakır, was raided by security forces. Eleven male villagers, Turan Demir, Mehmet Şah Atala, Hasan Avar, Mehmet Şerif Avar, Mehmet Salih Akdeniz, Nusrettin Yerlikaya, Behçet Tutu, Bahri Şimşek, Abdo Yamuk, Celil Aydoğdu, and Behçet Taç were taken into detention and held handcuffed under guard for 10 days in the village. They told villagers who brought them food that they were being beaten. Witnesses reported that on 20 October, *"They were loaded into two helicopters and taken away. Virtually the whole village saw the men being loaded into the helicopters. The village is now empty. It was burned down."*

Since then the relatives of the 11 men have received no news of them. In response to petitions, the Emergency Region Governor in Diyarbakır and the offices of the local prosecutor and of the State Security Court Prosecutor in Diyarbakır have denied that these men are being held. On 28 September 1994, Amnesty International received a reply on the case from the Turkish authorities which stated that the allegations concerning Mehmet Salih Akdeniz, Nusrettin Yerlikaya and Behçet Tutu had been conveyed to the relevant authorities and that further information would be forwarded at a later date. The remaining eight villagers had *"not been detained at all, either on 10 October 1993 or before or after this date."* A relative of one of the "disappeared" told Amnesty International, *"We still believe that our loved ones are alive somewhere. There were thousands of soldiers in our village with tanks and vehicles. We all saw them being taken away. How can the authorities now deny that they have them?"*

Amnesty International has received other reports that helicopters and other aircraft have been used by the Turkish security forces when human rights violations were committed. Helicopters were reportedly used to ferry troops in village raids in which "disappearances" occurred - for example, the "disappearance" on 24 May 1994, of Mehmet Selim Örhan, Hasan Örhan and Cezair Örhan (see below, page 11). On 26 March 1994, several villages in Şırnak were bombed, reportedly by jet aircraft, resulting in the killing of at least 17 children and the wounding of 16 other children, including six-year-old Ercan Bayır. Official statements claimed that the bombing was accidental, but local inhabitants said that just days before the bombing they had been subjected to death threats from security forces for refusing to join the village guards.

In August 1994 a Turkish Defence Industry spokesperson stated that Turkey had received 45 US-built Sikorsky Black Hawk military helicopters by the end of 1993. A co-production deal involving 50 more such helicopters was due to start in 1994, but is suspended, "in the light of helicopter purchases from Italy and Russia." In November 1992 the Turkish Government signed an agreement with the Russian Federation to import an undisclosed number of multipurpose Mi-17 transport helicopters. According to the United Nations Register of Conventional Arms for 1993 and 1994, the only country which provided Turkey with military helicopters equipped with integrated air-to-surface weapons was the United States which supplied 31 attack helicopters. These included Super Cobra

helicopters. It is also reported that a joint Franco-German company, Eurocopter, will begin delivery of multi-purpose Puma helicopters to Turkey next year.

Other types of military equipment provided by foreign countries to Turkey may have also been used by the Turkish security forces to commit serious human rights violations. For example, on 21 March 1993 security forces were filmed driving an armoured personnel carrier into a crowd in the town of Cizre and shooting at people gathered on a roof. The soldiers were witnessed striking an unarmed man with the butts of their weapons and beating his head against the vehicle before driving him away. The vehicle used in this operation has been identified as almost certainly a US-built Cadillac-Gage V-150 Commando armoured combat vehicle. Turkey bought 74 Cadillac-Gage armoured vehicles from the USA in 1993. On 2 November 1992, Resul Sakar was abducted by security forces using an armoured vehicle in the same town. He was later found dead.

According to the United Nations Register on Conventional Arms for 1993 and 1994, the USA supplied 250 armoured combat vehicles to Turkey during 1992-93, while Germany supplied 187 and the Russian Federation supplied 115 during the same period. Turkey now coproduces an "armoured infantry fighting vehicle" with parts from the USA and France. However, data on such transfers may not be complete.

Since 1987 a Turkish company has assembled Land Rovers under licence from the United Kingdom parent company for sale to the military and civilian markets in Turkey. In June 1994 production began in Turkey of a new type of Land Rover, using imported automotive parts, and designed for transporting troops for counter-insurgency and light attack. About 2,500 will be assembled per year for use by the Turkish army and security forces. The new vehicle was tested in both the UK and Turkey.

On 13 September 1994 Bedri Tan, father of eight and headman of the village of Kad\_köy (Kurdish name: Qadiya), was detained at his home by gendarmes from the Diyarbakır Regimental Gendarmerie Headquarters and the Hani Gendarmerie Headquarters. According to his family, he was taken into a separate room in the house, interrogated under torture, and taken away in a gendarmerie Land Rover. On 14 September Bedri Tan's family received a telephone call from Hani Gendarmerie Headquarters telling them to collect his body. When they arrived at the Gendarmerie they were shown the body in a bag in the courtyard. The upper half of the body had been dismembered. According to the gendarmes, Bedri Tan had been killed by a land mine while showing them the location of a PKK hide-out. However, the condition of the body collected from the Gendarmerie was not consistent with that of someone killed by a land mine. The worst injuries were to the upper half of the torso, not the lower half and feet, the parts most likely to be injured by stepping on a mine. According to his family, Bedri Tan had no previous involvement in politics and had never been detained before.

In March 1994, after the Commander of the Turkish Gendarmerie visited the United Kingdom, the British Government stated that: *"During his visit to Northern Ireland, General Iler received briefings by government officials and representatives of the RUC [Royal Ulster Constabulary] and Army on the principles underlining the government's security policy...action against terrorism must be constrained by the need to protect human rights...we stress the need for members of the security forces and police who commit human rights abuses to be brought to justice."*

When questioned whether arms supplied to Turkey are being used against the civilian population, the British government stated *"We do not grant licences for the sale of equipment which we believe is likely to be used for internal repression...All countries, including the UK, which are members of the EU [European Union], NATO [North Atlantic Treaty Organization] and CSCE are guided by common principles on arms sales..."*

In 1994 the US Congress voted to suspend 10 per cent of military aid to Turkey pending a State Department report on the country's human rights record.

Amnesty International is concerned by reports such as those above which indicate that military and security equipment may be used for human rights violations. Laws should prohibit such transfers from taking place unless it can be reasonably demonstrated by the Turkish and supplying governments that such transfers will **not** contribute to human rights violations such as "disappearances", extrajudicial executions and torture. Paragraph 4, (b), [i] of the *Principles Governing Conventional Arms Transfers*, a recommendation adopted on 24 November 1993 by the Special Committee of the CSCE Forum for Security Co-operation, states: *"Each participating State will avoid transfers which would be likely to be used for the violation or suppression of human rights and fundamental freedoms."*

## **An open secret - villages burning in Tunceli**

Determined to maintain total denial of the practice of forcible evacuation and burning of Kurdish villages, the Turkish Government was forced in the autumn of 1994 to adopt a series of almost absurd postures, culminating in a claim by the Prime Minister that the PKK has an airforce!

Villages have been burned down by security forces at least since 1990<sup>1</sup>. The population of Diyarbakır is growing fast as thousands of villagers forced out of their homes and livelihoods flee to the relative safety of the city. In April 1994 the Turkish Human Rights Association (HRA) published a 250-page document on this and other human rights violations in the emergency region. Akın Birdal, national president, and two other HRA officials are now being prosecuted at Ankara State Security Court for this publication. They face possible imprisonment for "separatist propaganda" under Article 8 of the Anti-Terror Law. The Interior Minister Nahit Menteşe admitted in May 1994 that 871 villages had been evacuated since July 1987, but continued to deny that villages were emptied at gunpoint and burned.

In September 1994 a huge military operation was launched against PKK guerrillas in the Tunceli area. Early in the operation, on 24 September, PKK guerrillas abducted two soldiers, killed them and burned their bodies. This may have contributed to the ruthlessness of the security forces' subsequent actions.

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<sup>1</sup> The exact number of evacuated or burned villages is almost impossible to establish, since some villages are comprised of several settlements, each with its own name, spread over many square miles. Some districts of a village might be burned while others are spared. Some burned villages have later been reoccupied. In October 1994, the HRA stated that 1,334 villages had been evacuated or destroyed.

Dozens of villages were burned while several villagers "disappeared" or were found dead in the course of security operations. Similar violations have been occurring in the emergency region for over four years without raising comment in the Turkish daily press. However, Tunceli's deputy, Sinan Yerlikaya, is a member of the Social Democrat Party (junior partner in the ruling coalition) and a native of the area. He asked questions in parliament and was joined in uncovering and condemning the brutality by a non-political but highly vocal Tunceli Association in Istanbul. The allegations were countered with official statements that the PKK had burned the villages<sup>2</sup>, but on 11 October 1994 the State Minister for Human Rights Azimet Köylüo\_lu confirmed that security forces were burning villages in the Ovac\_k area of Tunceli province.

On 8 October Deputy Prime Minister Murat Karayalçın visited the province, but was prevented by a military commander "for safety reasons" from visiting the areas where villages had been burned. On 14 October the Interior Minister announced that the villagers had burned their own houses in order to win state compensation. On 21 October, according to *Cumhuriyet* (Republic), official sources in the Interior Ministry stated that, "*Researches are being made into the source of the allegations. Step by step we are getting there*", but went on to pre-empt the findings of these researches: "*Certain people are trying to create scenarios. The state has definitely not, as it has been declared, burned any houses*".

On 25 October *Reuter* reported that refugees from the village of Gürkürük had arrived in Tunceli with stories that soldiers had smashed their windows and stolen valuables before forcing them to leave. On 26 October the Interior Minister announced on TRT (state television) that villages had been set on fire by terrorists wearing the captured uniforms of soldiers. The same day Prime Minister Tansu Çiller met a delegation of 10 headmen from villages in the Ovac\_k area of Tunceli province. They told her that soldiers had burned their villages and that the operations had been supported by helicopters. The Prime Minister replied, "*Even if I saw with my own eyes that the state had burned a village, I would not believe it. Do not think that every helicopter you see is ours. It could be a PKK<sup>3</sup> helicopter. It could also be a Russian, Afghan or Armenian helicopter*" (*Cumhuriyet* of 28 October).

On 2 November Gazel Y\_ld\_z wrote a petition to the State Minister for Human Rights: "*My husband Aslan Y\_ld\_z, my son Ula\_ Y\_ld\_z, Haydar Ye\_il from Akta\_ village and the head man of Bilekli village, Müslüm Kavut, were detained by security forces. Haydar Ye\_il was released after one day, my son Ula\_ was released on the second day, but in spite of all our efforts, we have received no news of Müslüm Kavut or Aslan Y\_ld\_z. I am afraid for their lives*". On 4 November, 20 days after Müslüm Kavut and Aslan Y\_ld\_z were taken into custody, their bodies were found in the Karao\_lan district of Ovac\_k.

In mid-November, security forces' operations in Tunceli province were continuing.

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<sup>2</sup> The PKK was responsible for burning at least one village in Tunceli province, Ulukaya, a village which participated in the village guard system and which was burned in mid-October, according to *Reuter* of 17 October 1994.

<sup>3</sup> The PKK has no helicopters. Foreign helicopters would be unable to penetrate hundreds of miles into Turkish territory unidentified and unchallenged.

## Kurdish villagers caught between two fires

Government forces are fighting the PKK guerrillas over some of the most rugged terrain in the country. PKK guerrillas frequently visit villages to collect food and other supplies, which are given willingly or unwillingly. The village guard system is used as a method of holding down territory. Villagers are offered a salary in exchange for bearing arms against the guerrillas. When the system was established in the mid-1980s, village guards were supposed just to defend their own village. Now, village guards are deployed as a paramilitary force to participate in operations against other villages, carry out identification checks on roads, and other duties.

In theory, membership of the village guard corps is voluntary, but in practice villagers are caught between two fires. Many are reluctant to serve as village guards for fear of being killed by the guerrillas. However, those who refuse to join are subject to reprisals by the security forces, or village guards from neighbouring villages, who accuse them of actively or passively supporting the guerrillas. Security operations in villages are usually carried out by gendarmes (soldiers carrying out police duties in rural areas), members of special teams or Special Operations Army (heavily armed units trained for close combat and operating under the control of the Interior Ministry), or village guards, or all three acting together. Normally no judicial authority (such as a judge or prosecutor) is present. The inhabitants of the village are assembled in the village square, and those selected for interrogation are taken away to a police station, gendarmerie or other place of detention, or are interrogated in the village itself. Unprotected by the most basic safeguards against torture, such villagers are frequently exposed to the most brutal treatment - sometimes resulting in terrible injuries or even death.

The village of Yolçat\_ in Lice province had refused to participate in the village guard system. Early on the morning of 13 May 1994 soldiers from Bolu Commando Brigade and gendarmes from Lice Gendarmerie Headquarters surrounded the village. Abdullah Mente\_e described to Amnesty International what happened: *"My son Kamil Mente\_e was going out to the fields with the animals. The soldiers looked at his identity card and let him go. Later the soldiers gathered the rest of the villagers in front of the mosque and then began to set light to the houses. Kamil was worried about the children and came back to the village. Seeing that we were gathered in front of the mosque, he tried to get away, but the soldiers caught him. As they took him away by the arms he shouted, 'If you are going to kill me, why don't you kill me here'. They took him away with three other men of the village: Re\_it Demirhan, Sabri Akdo\_an and Vahap Maço."* All of the houses in the village, but one, were burned. When the soldiers left, Abdullah Mente\_e applied to the prosecutor in Lice, the police headquarters and the gendarmerie to find out if his son was in custody. Meanwhile Re\_it Demirhan's father went out into the countryside and found the bodies of three of the detained villagers together with a fourth body, that of Hasan Bayram, also a member of the village. On 18 May, Abdullah Mente\_e found his son's body and that of a mentally ill villager, Yusuf Bozku\_. A seventh body found some distance away a month later was that of Mehmet \_lkkaya who lived in an outlying district of the village. All had been shot.

Hatun Demirhan, wife of Re\_it Demirhan, gave a statement to Amnesty International about the abduction of her husband. She also described what happened in the two days before her father-in-law went to find the bodies: *"The soldiers told us to go to Lice. We walked for 2.5 kilometres and there they stopped us. For two days we were kept there - women, children and men over the age of 60. We had nothing to eat or drink. The soldiers would call the children to them and offer them*

*food, and then throw the food on the ground, saying 'No, you give everything to the guerrillas'. Some of the soldiers, when their commander was not near, tried to give the children food. While we were there, \_irin Y\_ld\_r\_m's six-month-old baby died. Some of the soldiers who had wanted to give the children food cried."*

An inhabitant of a village in Bitlis province, which had not joined the village guard system, survived an attempted extrajudicial execution, but his brother and uncle were killed. The villager, whose name is withheld for his own safety, described what happened: *"Two days before the election [the local elections of 27 March 1994] an operation was carried out against our village. The soldiers came and they went. Then about two hours after evening prayer at 7pm a group of armed men came to our village. They came to the centre of the village and assembled the villagers. They searched our village, and they wanted us to show them PKK hideouts. They said that a group of PKK guerrillas had come to our village, and they asked where they were. We said that they had not come to the village. We said that there were tanks below the village, and nobody had come to the village, nothing like that had happened. They searched our houses, and they did not want us to watch. They made us turn our backs and they assembled all the villagers like this. Then they took out a list, read out the names of three people, including me, and separated us off. 'Show us the road to F... village', they said, and putting us in front of them, they took us straight to F... village. They took us about 500 metres outside of this village, and having told us to stop on a piece of waste ground, they said, 'Move together, some of our friends are coming.' Then they opened fire on us. After this, my brother and my uncle, who was also the headman of the village, fell to the ground. I tried to escape. Having taken a couple of steps they began to fire at me. I saw that there was no hope of saving myself so I threw myself face down on the ground. They shot at me again, and I was hit in the leg and in the back. I lay on the ground and pretended to be dead. They went back to the other two and fired a couple of shots from a handgun. Then they turned around and left. I stayed there until morning. In the morning the villagers followed the direction in which we had been taken, and they found me."*

## **Human rights abuses committed by PKK guerrillas**

The PKK pursues its military objectives with a blatant disregard for humanitarian law. Common Article 3 of the Geneva Conventions (1949) forbids warring parties to harm those who are not taking part in a conflict. In particular, it outlaws the killing of prisoners and civilians - which PKK guerrillas do almost every day.

In 1993 the PKK was responsible for more than 200 killings of prisoners and civilians, and claimed at least 167 such victims during the first 10 months of 1994. Most of their victims are Kurdish villagers who participated in the system of government-armed village guards. Village guards captured by PKK during the course of attacks are frequently "executed".

Members of the extended families of village guards, including women and children, have also frequently been killed by the PKK. Eleven children were killed when PKK guerrillas attacked the village of Daltepe, near Siirt, on 4 October 1993. On 27 October 1993 PKK guerrillas abducted 32 males, including six children, from Yavi, in the Çat district of Erzurum, and killed them.

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 Ormanç\_k, Mardin province, on 22 January 1994.

The PKK have also claimed responsibility for bomb attacks which were clearly directed at civilian targets. Ali Ertu\_rul Tokaç and Ruhi Can Tul were killed by bombs placed on buses in Ankara on 14 January 1994. On 25 January 1994 a six-year-old boy was killed by a bomb planted in the Diyarbak\_r governor's office. On 22 June 1994 Joanna Griffiths, a British citizen, was among 11 foreign tourists injured by a bomb for which the PKK claimed responsibility. She died one week later as a result of her injuries.

Challenged by Amnesty International on its record of abuses, the PKK claimed that it fully accepted the requirements of the Geneva Conventions. However, its declared intention to kill teachers in southeast Turkey (declared in a PKK public statement in October) suggests that, contrary to the assurances given to Amnesty International, the PKK has established the murder of civilians as open policy (see attached appeal case concerning PKK killings of teachers).

## "Disappearances"

Four years ago, people did not "disappear" in custody in Turkey. In 1991 there were a handful of reports, and several more in 1992. In 1993 there were at least 26. In 1994 there were more than 50 reported "disappearances". These are cases in which the person who has "disappeared" was last seen in police custody, or there is reason to believe that they had been taken into police custody.

The victims are civilians and include local politicians and journalists. Most of the "disappeared" are Kurdish villagers with no history of political activity, detained during the course of security raids because they were suspected, rightly or wrongly, of giving food or shelter to PKK guerrillas. In many cases, families suspect that their relatives died under torture, or that they were killed as a reprisal by soldiers when their comrades were killed in clashes with PKK guerrillas.

A typical case is that of three Kurdish villagers - the brothers Mehmet Selim Ö\_rhan and Hasan Ö\_rhan and their nephew Cezair Ö\_rhan - from the village of Deveboyu, near Kulp, in Diyarbak\_r province. They "disappeared" on 24 May 1994. According to an account received from an inhabitant of Deveboyu, soldiers who had passed through the village two weeks before, arrived in the early morning of 6 May 1994 from the direction of Mu\_. It was a large contingent of soldiers - most from Bolu Commando Brigade. The soldiers called together the villagers using the loudspeaker on the minaret of the village mosque. The commander ordered the villagers to collect their belongings as the village was to be burned. A villager reported: *"While the village was burned, four helicopters were circling above. Afterwards, the soldiers warned us that we should quit the village within three days, and then they set off for Kulp. After the soldiers had gone we tried to get what remained of our partially burnt furniture out of the smoking ruins, but very little was left. Most of it was so damaged by the fire that it was unusable."* However, the crops in the surrounding fields had not been burned. The following day the villagers went to Kulp Gendarmerie Headquarters and obtained permission to stay in the ruins of the village and in tents, until they could harvest their crops.

On 24 May 1994 Mehmet Selim Örhan, Hasan Örhan and Cezair Örhan were taken into custody by four soldiers who said they wanted the men to guide them. On 25 May 1994, worried relatives went to the local security post at Zeyrek to make inquiries, and were told that the three had been taken to Kulp. Kulp Gendarmerie Headquarters denied any knowledge of the villagers' whereabouts. Relatives applied to the Kulp prosecutor, Diyarbakır State Security Court, the State of Emergency Governor and the Diyarbakır Police Chief, but all denied holding the men. A month later, the relatives spoke to a person [whose name is known to Amnesty International but withheld for their protection] who had been interrogated at Lice District Boarding School. He said that he had seen the three men in a very poor condition. The three villagers have not been seen again.

In another clearly defined group of "disappearances", the victims had a history of political activity which would be regarded by the authorities as "separatist". Several had often appeared in court on political charges, or had been repeatedly detained. Fethi Y\_ld\_r\_m, an official of the local board of DEP in Viranşehir, Şanlıurfa province, "disappeared" after being detained on 5 January 1994 at the house of Ahmet Öner, where he had gone for a visit, together with two other board members. At 8pm that evening Anti-Terror Branch police officers surrounded the house, brought everybody out into the yard to check their identity and detained five males from the house, including Fethi Y\_ld\_r\_m. The detainees were then taken to the Police Headquarters in Viranşehir. Two hours later all were released except Fethi Y\_ld\_r\_m.

The other detainees reported that they had been blindfolded, but had overheard one officer saying, *"So it is you"*, to which Fethi Y\_ld\_r\_m replied, *"Yes, it is me"*. The family sent a petition to the prosecutor's office, seeking confirmation of the detention. The prosecutor replied that he had not been informed of the detention and that they should contact him again in 48 hours. When they did so on 7 January, the prosecutor told them that Fethi Y\_ld\_r\_m was not being held. A police officer told the family that he was being questioned by the gendarmerie intelligence service. A DEP official in Şanlıurfa who contacted the police headquarters there was later told that Fethi Y\_ld\_r\_m had been sent to Ankara.

Fethi Y\_ld\_r\_m, who is a bachelor and unemployed, was previously detained in 1992 and held for two months. He was then released and no court case was brought against him. In 1979 he stood trial for membership of a Kurdish youth organization and spent five years in prison. In reply to inquiries concerning Fethi Y\_ld\_r\_m's whereabouts, on 11 April 1994 Amnesty International received a reply from the Turkish authorities which said: *"Certain PKK terrorists who were later apprehended stated that they had actually seen Mr Y\_ld\_r\_m attending a meeting of the so-called Kurdistan National Assembly in Erbil, Iraq. In view of the foregoing and since Mr Y\_ld\_r\_m has been out of the country, it is simply impossible for him to have been detained in Turkey as of January 5, 1994."* The government reply also stated that on 15 August 1993, Fethi Y\_ld\_r\_m had been detained for some days on charges of *"forcing local shop owners to close their shops on behalf of the PKK in order to protest government policies, extorting money, and coercing the local population to participate in unlawful demonstrations,"* but that he had been released because of lack of evidence. Fethi Y\_ld\_r\_m's relatives insist that he was taken into police custody in January 1994, and that they have heard no news of him since that date.

"Disappearances" are not confined to the southeast, but have also occurred in Istanbul, Ankara<sup>4</sup>, Adana and Elbistan. Kasim Alpsoy "disappeared" in Adana after being detained by gendarmerie in Adana on 15 May 1994. His cousin Halil Alpsoy had been killed following his detention in Istanbul three days previously. Both are said to have been members of DEP.

On 12 May 1994 three men and a woman came to the house of Halil Alpsoy in Istanbul, saying they were from the police. They took Halil Alpsoy with them and put him in a car. Nothing more was heard of him until his body was found on 24 May in the Yah\_ihan area near K\_r\_kkale, 600 kilometres from Istanbul. He had been detained previously for a short period early in 1994 at Kanarya Police Station in Istanbul and told relatives that he had been accused of "making propaganda against the state" because he was a member of DEP.

On 15 May 1994, at about 4am, members of the gendarmerie came to the house of Kasim Alpsoy in Adana and detained him. The following night, at about 1am, he returned home, saying that he had been detained in order to give a statement. Kasim Alpsoy said that he had been tortured and that the gendarmerie had kept his identity card and valuables when they released him. He was told to come back the following day when his belongings would be returned to him. On 16 May Kasim Alpsoy went back to Adana Provincial Gendarmerie Headquarters together with a relative, who waited for four hours for Kasim Alpsoy to come out again. He was finally chased out of the gendarmerie station and told that no person by the name of Kasim Alpsoy was being held there. Kas\_m Alpsoy has not been seen since.

Kasim Alpsoy's wife, Fatma Erdo\_an Alpsoy, submitted a petition to Adana Police Headquarters and to the Public Prosecutor, but received no information about her husband's whereabouts. She told Amnesty International: *"I can bear it no longer. I want them to give me back my husband, whether he is dead or alive. Somebody disappears every day in this country, and the state officials remain indifferent to what is happening. If my husband is killed like his cousin Halil Alpsoy, state officials are solely responsible."*

Four women have become victims of "disappearance". Cemile \_arl\_ "disappeared" together with her brother when they were taken into custody on 24 December 1993 in the village of Ulusoy, near Tatvan in Bitlis province<sup>5</sup>. Gülnaz Osmano\_lu "disappeared", apparently after being detained and interrogated in Gebze, near Istanbul, on 25 June 1993. Lütfiye Kaçar, who was prosecuted for membership of the armed opposition group *Devrimci Sol* (Revolutionary Left) at Istanbul Martial Law Court in the mid-1980s and served five years in prison, was reported to have "disappeared" in police custody in Istanbul in October 1994. A magazine editorial office received a call from someone calling himself "Superintendent Y\_lmaz from the Anti-Terror Branch" who said that Lütfiye Kaçar "will be returned to you in a few days, in a package". Her father sought confirmation that she was being held and received a formal reply from the Anti-Terror Branch stating that Lütfiye Kaçar was wanted by them, but denying that she was in police custody. The journalist Aysel Malkaç went missing in

<sup>4</sup> See the case of Kenan Bilgin (attached), who "disappeared" in police custody in Ankara after being taken into custody on 12 September 1994.

<sup>5</sup> A reply from the Turkish Government, dated 28 September, claims that Cemile \_arl\_ and her brother were kidnapped by the PKK. Their relatives insist that it was the security forces who took them away.

Istanbul on the morning of 7 August 1993 after she left her newspaper's office on business. She was then working as a reporter on the Kurdish-owned newspaper *Özgür Gündem* (Free Agenda). Eye-witnesses reportedly saw her being detained in the street by plainclothes police officers, but are too frightened to come forward. During the week before her "disappearance", *Özgür Gündem's* offices and staff had been under heavy surveillance by the police, who were patrolling streets in the neighbourhood and monitoring the newspaper's telephone calls. All efforts to establish Aysel Malkaç's whereabouts have been unsuccessful, although a man who had been in custody at the time of her "disappearance" made a public declaration that he had seen her in police custody on about 8 August. Aysel Malkaç has not been seen again.

After the newspaper's offices were raided by the police in December and scores of its staff detained, one of the women reportedly said later that she had been punched by a policeman who shouted: *"We killed Aysel Malkaç and we are going to kill you."*

Apart from denying responsibility in specific cases of "disappearance" raised by Amnesty International, the Turkish Government has chosen to ignore, rather than investigate and halt, this new and disturbing pattern of human rights abuse. "Disappearances" occur because the safeguards contained in the Turkish Criminal Procedure Code are not only insufficient, but are also being almost completely ignored. Detainees are very frequently not registered for several days after being taken into custody, and families are not notified. Families are therefore unable to establish whether or not their relative is in custody. A member of the Ankara Bar Association told Amnesty International: *"People do not worry so much about torture nowadays - if your son or daughter just comes out police detention alive, it is cause for rejoicing. Because police now habitually fail to register properly, every detention is a crisis - the Human Rights Association and lawyers are being worn down."* This, combined with the extremely long periods of incommunicado police detention and the established patterns of torture, creates the conditions in which "disappearances" can occur.

Often reports of "disappearance" become, with the discovery of a body, another extrajudicial execution statistic. Indeed there is no reason to hope that the "disappeared" are still alive. The phenomena of "disappearance" and extrajudicial execution are two aspects of the same pattern.

## **Extrajudicial execution - the fingerprint of the state**

People are being shot by unidentified assailants in the streets of cities in southeast Turkey virtually every day. In most cases, their relatives believe that they are being killed for political reasons by agents of the state.

There were over 20 such killings in 1991. There were 362 in 1992. Over 400 in 1993, and 380 by November 1994. The perpetrators have in most cases not been identified, but local people believe they can guess who is responsible for each attack from the political background of the victims. Some of those killed appear to be victims of internecine feuding between the two wings of the *Hizbullah* movement<sup>6</sup>.

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<sup>6</sup> *Hizbullah* is not the branch of the Lebanon-based Shi'a *Hizbullah* which carried out acts of political violence in Turkey in the mid-1980s, but a shadowy organization established in Batman in 1987 and belonging to the Sunni branch of the Islamic faith, like most of the Muslim Kurdish population in that area. The movement is committed to the establishment of a fundamentalist

Some victims were involved in organizations that are legally recognized, but viewed with suspicion by the authorities and considered to be "separatist" - trade unions, political parties or newspapers (10 journalists were killed while actively investigating human rights violations in southeast Turkey in 1992). The clearest identifiable group of victims are members of the Peoples' Democracy Party (HADEP), a political party with largely Kurdish membership, which operates legally. Its predecessors HEP and DEP were closed down by the Constitutional Court for "separatism". More than 100 members and officials of these parties have been killed since 1992, including the parliamentary deputy for Mardin, Mehmet Sincar, who was shot in Batman on 4 September 1993.

Other victims had previously served terms of imprisonment for alleged membership of illegal organizations, or seem to have been suspected of involvement with the PKK. There is a strong correlation between those who have been harassed, detained, tortured and threatened by security forces, and those who have been killed with a pistol shot to the head in a city street, or abducted from a café or their place of work and later found dead.

Since 1991, Amnesty International repeatedly recommended that the government set up one or more impartial and expert commissions to investigate the killings, and that such commissions should be given judicial powers to call and to protect witnesses, and to initiate prosecutions, as envisaged by the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The Turkish authorities, however, remained complacent and were only prompted into action in January 1993 (when the death toll was approaching 400) by public outrage at the assassination of a prominent journalist in Ankara. A cross-party parliamentary commission for the investigation of what in Turkey are known as *faali meçhul cinayetler* (murders by unknown persons) was established in February the same year, to report after three months. The president of the commission, the member parliament Sad\_k Avundukluo\_lu, made an interim statement in August 1993 expressing concern about the nefarious activities of "confessors" (former members of the PKK now operating on behalf of the security forces, who have been involved in some killings) and mentioned that village guards had carried out extrajudicial executions. By November 1994, the commission had still not submitted a final report, nor proposed any concrete measures to stop the murders. In the 20 months since the establishment of the commission, the total death count has risen to over 1,200.

Evidence is emerging to support the view that Turkish security forces commit, or arrange for others to commit, the extrajudicial execution of people they consider to be enemies of the state. Below are described a number of cases in which this conclusion seems almost inevitable.

Islamic state in Turkey. *Hizbullah* is divided between two wings - *\_lim* and *Menzil* - named after bookshops which formed a meeting place for each group. Many political killings have been attributed to the *\_lim* group, but relatives of the victims have told Amnesty International that they believe the group to be acting in collusion with the security forces. There have been several waves of arrests of *Hizbullah* members from both wings and trials opened against some *Hizbullah* defendants. Amnesty International has repeatedly written to the Turkish government asking for information about the progress of these trials, but received no reply. The Chief Prosecutor at Diyarbak\_r State Security Court made a public statement in October 1994 saying that he believed that *Hizbullah* was confining its attacks to other opposition groups in order to establish its credentials while avoiding a heavy government response. This confirms the impression that security forces were turning a blind eye to attacks by *Hizbullah* on people suspected of "separatist" activities.

Necati Aydın and Mehmet Ay were detained on 18 March 1994. On 4 April they appeared in Diyarbakır State Security Court on charges of supporting the PKK. The court ruled that they should be released. The prosecutor lodged an objection, demanding that they should remain in custody. The objection was overruled, but the two men were never seen alive again. Members of their families waited in vain at the entrance to the court. On 9 April their bodies were found in a field 40 kilometres outside Diyarbakır. In this case, as in a number of other killings and "disappearances", the motivation for the killing seems to have been police officers' frustration over a court's decision not to remand detainees in custody.

One victim, who later died in hospital as a result of an armed attack, was able to tell relatives and hospital officials that he recognized his attackers as police. Muhsin Melik was a founder member of the Diyarbakır branch of the Human Rights Association, the former president of Diyarbakır DEP and a founder of the Diyarbakır branch of HADEP. Muhsin Melik and his chauffeur Mehmet Ayyıldız were shot by a group of attackers as he entered his place of work in Diyarbakır on 2 June 1994. Mehmet Ayyıldız was seriously wounded and died shortly afterwards. Muhsin Melik, wounded in the leg in the early stages of attack, retaliated using a pistol which he was legally authorized to carry. The July edition of the HRA's monthly bulletin quoted a statement made by Muhsin Melik in the presence of relatives and hospital staff: *"We got out of the car and the attackers immediately opened fire. I realized we were being attacked when I saw Mehmet fall to the ground. I drew my gun and retaliated using a wall as a shield...I think there were four or five of them. They were using pistols and automatic weapons. I saw three of them very close up - I recognized them. Because they had been following me for a long time. We had come face to face on a number of occasions. The people who shot me were people from the police team who were following me."* According to Muhsin Melik's family, he had been subjected to direct death threats by security forces and on one occasion in 1993 special team members had attempted to abduct him. Muhsin Melik later died of his wounds.

There are a number of other cases in which it appears that the higher echelons of the security forces have shielded one of their number from investigation and prosecution in connection with a political killing. In 1992 the voice of the gendarmerie commander in Silvan, scene of dozens of street killings, was recorded on tape while he incited a youth to kill a local politician<sup>7</sup>. Amnesty International has repeatedly asked the government for information about criminal proceedings against the commander, but has never received a reply.

In August 1993, Sadık Avundukluoğlu, president of the parliamentary commission investigating the murders by unidentified assailants, complained that "confessors" were sheltered in police barracks and that they were responsible for numerous robberies, thefts and "similar incidents". Evidence given in court by those who helped to abduct and murder Erif Avar indicates that Turkish security forces plan and execute extrajudicial executions using proxies such as village guards and "confessors". This corroborates claims persistently made by the families of other victims.

Erif Avar was reportedly not politically active in any way but his brother was the European representative of the Kurdish-owned newspaper *Özgür Gündem*. *Özgür Gündem* was the target of

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<sup>7</sup> See: *Turkey: Walls of Glass*. AI Index: EUR 44/75/92, November 1992.

dozens of prosecutions for "separatism", which lost seven of its journalists by political killing and "disappearance" in the 18 months that it was published. On 22 April 1994 \_erif Av\_ar was forcibly abducted by a group of five armed village guards and two other men from the premises of the family business in Diyarbak\_r. \_erif Av\_ar's brothers followed the car in which he had been taken until it entered Diyarbak\_r Gendarmerie Headquarters, where they saw the abductors in the yard. The brothers addressed a gendarmerie officer, accusing the village guards and plainclothes officers of having abducted \_erif Av\_ar. However, the men denied the allegation and the officer denied that \_erif Av\_ar was being held there.

Within hours of the abduction, appeals were made on \_erif Av\_ar's behalf to the civil, judicial and police authorities, and even to President Demirel himself. The family also submitted to the State Security Court Prosecutor the names of village guards from Sini village, near Hazro, in Diyarbak\_r province, whom they believed to be involved in the abduction. All relevant authorities denied holding \_erif Av\_ar, and the village guards were not at this stage detained. These routine denials wasted vital hours and days, since at this stage, \_erif Av\_ar's life could still have been saved.

The abduction was reported quite extensively in the Turkish press. Pressure for action increased until, on 5 May 1994, five village guards and a "confessor" were detained. The village guards confirmed that they had indeed abducted \_erif Av\_ar, that they had killed him 10 days previously, and dumped his body some distance from Diyarbak\_r. On 30 May Amnesty International received a letter from the Turkish Embassy in Sweden, saying, *"It is found out that this incident has taken place as a consequence of a family blood-feud between Mr Av\_ar and the defendants, and has no political connotation whatsoever."* The statements made by the village guards in police custody did suggest that the killing was committed in the context of a blood feud. Once they appeared in court, however, the village guards gave a very different picture of events.

According to reports in *Turkish Daily News* of 7 and 9 June 1994, the village guards claimed that their confessions had been extracted under "pressure". One of them said, *"I am not able to talk right now. During our custody a sergeant, whose name I do not know, ordered us to give our confessions according to what we had been told."* They said that the killing of \_erif Av\_ar had been carefully planned, on orders given by a named gendarmerie commander. One of the village guards said that the "confessor" and a man who had introduced himself as "a policeman" started to interrogate \_erif Av\_ar at the gendarmerie headquarters. *"Later we took him to a shabby building located 19 kilometres outside the city on the Lice highway, and here the seventh man, who wore glasses, talked with him. Then [the "confessor"] called me in and wanted me to shoot Av\_ar and I obeyed orders."* Another village guard defendant admitted that they had carried out similar operations in the past on the orders of various commanders. *"The government authorizes us to take some people and we do it...if we had not obeyed orders we would have been sacked."* The "confessor" denies any involvement in the crime.

It appears that those responsible for this murder are prepared to go to considerable lengths in order to cover up. Although witnesses to the abduction spoke of seven men and their account was confirmed by the village guards' account, the seventh alleged perpetrator is not mentioned in the indictment. A request has been made for the gendarmerie to produce the officer for the court, but this has not happened. The court has declined the request of the family's lawyer that the gendarmerie be ordered to submit photographs of all officers on duty on the day in question. The gendarmerie

headquarters is in the same building as the court in which the trial of the abductors is being conducted. \_erif Av\_ar's family asked the president of the Progressive Lawyers' Association, the lawyer \_enal Sar\_han, based in Ankara, to represent their interests. She reported that witnesses had been threatened, that she herself was closely followed during her visits to Diyarbak\_r to attend hearings, and that on 21 September, while in the departure lounge at Diyarbakir airport she was approached by a man who had passed through the very tight security checks. He told her: *"If you come again, your situation will be different."* The Av\_ar family have been threatened. The father and three other brothers have left Diyarbak\_r. The lawyer has attempted to have the trial moved to Ankara for her own personal safety and that of the witnesses, but so far the Ministry of Justice has refused to order a transfer.

The circumstances of the killing near Silvan on 11 March 1994 of \_ehmus Yavuz, previously detained on suspicion of PKK membership, confirms the view that the killings are orchestrated by the security forces and carried out by proxies. On 14 July Diyarbak\_r police received a complaint from a businessman that he had been approached by three people attempting to extort money with threats. Two of the three were arrested in a vehicle carrying false license plates, with two unlicensed pistols and a long-barrelled firearm. Following ballistic tests, it was established that one of the pistols had been used in the killing of \_ehmus Yavuz. In a police statement, one of the three, a "confessor", describes how the killing took place. While the "confessor" sat in a café with two policemen, one of whom was a former colleague in anti-PKK operations in the \_\_mak area, \_ehmus Yavuz entered. *"I gave information about \_ehmus Yavuz. The police officers came up behind him and took him by the arms...we left Diyarbak\_r and took the Silvan road...we stopped at a farm construction site at the entrance to Ku\_lukba\_i village."* \_ehmus Yavuz was interrogated in the building site concerning alleged contacts with the PKK. After the interrogation, one of the police officers asked the "confessor" for his pistol. *"I gave it to him. Then I heard two shots. One of the two police officers killed \_ehmus, but I do not know which one it was."* On 20 July 1994 the "confessor" was indicted for the murder of \_ehmus Yavuz, but the police officers from \_\_mak, one of whom is named, are listed on the indictment as "escaped".

## Torture

Torture continues to be reported on a daily basis from many parts of Turkey - but particularly Istanbul, Ankara, \_zmir, Adana and the southeast. Torture is practised mainly in police stations and gendarmeries, during the days or weeks preceding a detainee's first appearance in court. Torture is applied in order to extract confessions, to elicit names of other members of illegal organizations, to intimidate detainees into becoming police informants, and as informal punishment for assumed support of illegal organizations. In the villages of the southeast various kinds of ill-treatment and torture are used to force villagers to join the village guard system.

The provisions of the Turkish Criminal Procedure Code which govern the interrogation of detainees in police custody, and the way these provisions are put into practice, create an opportunity for torture. The following account was given by a high school student detained on 15 April 1994 at Koca Sinan Lycée in Istanbul because she had participated in a press conference about a school boycott protesting what she and other students considered unfair treatment in university entrance examinations. She was interrogated at Bahçelievler Police Station. Her account underlines the loneliness and helplessness of incommunicado detention: *"There were five of us - one male and four*

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*female. One was born in 1981. We were blindfolded, kicked and slapped. They took me and the boy, and took us through what seemed like a labyrinth. They asked me to take off my clothes. I took off my outer clothes, but left my underwear. The chief said, 'It can stay'. I had heard that such things happened [in police stations] and tried to be as cold-blooded as I could. There were four or five interrogators. They sprayed me with cold water under pressure. When they first do it you can hardly get your breath, and it is painful. But after 10 minutes your whole body is numb. Then one of them said that he was going to rape me - 'We are going to do this and that to you?' - really unspeakable, insulting things. I was standing up. They opened my legs and pushed something hard into my anus. It may have been a truncheon - or a hose. It hurt probably as much as when the soles of my feet were hit - but psychologically it was very difficult. One of the policemen tried to insert his finger. I wanted to hide my body, but I did not show that I was upset. They would have been harder on me. I said to myself, 'Do not look upon them as people'. Then they laid me down and hit the soles of my feet. I cannot count how many times. I lost consciousness. They also knocked my head against the wall.*

*"The next day I was released without charge. At first I thought of doing nothing, that this sort of thing happens to lots of people, and that nobody would take any interest. I applied to the Human Rights Association, and got a medical report. Even though 13 days had passed, there was still tearing in my anus, and cuts in my feet."*

People suspected of offences under the Anti-Terror Law (these include non-violent offenses as well as armed activities) can be held without access to family, friends or legal counsel for up to 30 days in the 10 provinces under a state of emergency, and for 15 days in the rest of Turkey. When not being interrogated, detainees are held in cramped, airless and insanitary conditions. With no access to the outside world they are at the mercy of their interrogators. Although prosecutions for torture are rare, care is taken to use torture methods which leave little or no medical evidence: hosing with cold water under pressure, hanging by the arms or by the wrists bound behind the victim's back, death threats, electric shocks, and sexual assault.

Inspections by the European Committee for the Prevention of Torture (ECPT) and the UN Committee against Torture have confirmed the findings of Amnesty International. In a public statement on 15 December 1992, the ECPT described torture as "widespread". During unannounced visits to Ankara and Diyarbakır Police Headquarters, ECPT delegations had found equipment clearly used for torture.

The UN Committee for the Prevention of Torture, in its report under Article 20 of the Convention against Torture, stated that the use of torture in Turkish police stations was "systematic". This report (like that of the ECPT) was produced by an international governmental organization, under a treaty mechanism to which Turkey is a signatory and state party. The report was based on a three-year investigation which included extensive confidential discussions with the government and a visit to the country. Nevertheless, rather than confront the problem and take steps to end it, the Turkish authorities resorted once again to mere denial. In a statement dated 24 November 1993, the Turkish Ambassador to the UN questioned the impartiality, sources and methods of the members of the Committee who carried out the investigation and prepared the report. The recommendations contained in the report have never been carried through. These included the recommendation that the use of a blindfold during questioning should be expressly prohibited; that all detainees should be permitted to consult with their legal counsel; that detainees should be permitted access to a doctor of

their own choice; that penalties for acts of torture should be reassessed by the legislature; and that prosecutors should act "promptly and effectively" to investigate allegations of torture or ill-treatment.

Meanwhile, the number of reported deaths in custody as a result of torture continues to rise. There were at least 29 during the first 10 months of 1994 - more than in any year since 1982. Most of the deaths occurred in the provinces under emergency legislation.

Garip Ölmez, father of four children, from the village of Yo\_urtymez in the Ahlat district of Bitlis, was arrested on 4 April 1994 and interrogated at Bitlis Gendarmerie Headquarters. Ten days later Garip Ölmez's family were asked to collect his body from the mortuary of Bitlis State Hospital. On arrival at the mortuary they found that the body had severe injuries to the head and stomach. The ankles bore marks of bindings and the feet had apparently been burned with melted plastic. When the family questioned the state of the body, the members of the special team present are reported to have laughed and answered "*This Garip Ölmez thought he was a Kurd. We tried to change his mind, and crushed his head.*" The family submitted a petition of complaint to the Ahlat Prosecutor's office, but it was reportedly rejected.

On 10 August 1994 Cihan Akkum was detained at a tea house in the Ba\_lar quarter of Diyarbak\_r by police from the Anti-Terror Branch of Diyarbak\_r Police Headquarters. During the first three days of his detention the police confirmed that Cihan Akkum was in custody, but then began to deny that they were holding him. On 16 August Ramazan Akkum, brother of Cihan Akkum, was also detained by police from his home in Diyarbak\_r. From 16 August to 24 August the police denied holding Cihan Akkum or Ramazan Akkum. On 24 August, however, the police confirmed once again that both brothers were being held.

On 24 August Cihan Akkum's father, Ahmet Akkum, went to the Diyarbak\_r Police Headquarters to make inquiries about his two sons. He was detained overnight. In the morning he was taken to the mortuary of Diyarbak\_r State Hospital and shown the body of his son. The police claimed that Cihan Akkum had committed suicide by hanging himself with his sheet while in custody at the police college where he was interrogated.

Ahmet Akkum does not accept this version of his son's death in custody, explaining that when he saw his son's body, the scar around his neck was very thin, as if it had been made by a cord, rather than a twisted sheet. He reported also that the body was covered with bruises, suggesting that Cihan Akkum had been severely beaten during interrogation.

The UN Committee against Torture's report underlined the impunity which torturers in Turkey currently enjoy, and emphasized that "*torturers should not feel that they are in a position of virtual immunity from the law.*" Amnesty International has learned of hundreds of cases of alleged torture during incommunicado detention, many supported by medical evidence, in which no judicial investigation was made, nor prosecution opened. Those who are persistent enough to bring their allegation to court face proceedings which almost invariably take years and result in negligible sentences for the torturers. Mediha Curabaz, a nurse who was tortured and raped with an electric truncheon in detention at Adana Police Headquarters in August 1991, made a formal complaint

supported by a medical report. Her prosecution was blocked<sup>8</sup> by a decision of the Adana Provincial Governor's office (which is also responsible for supervising the police and gendarmerie). Mediha Curabaz's objection to the Appeal Court was rejected. However, she also filed a civil suit for the injury she sustained in police custody. She won this case and was awarded a small sum in compensation.

The trial of the alleged torturers of S\_dd\_k Bilgin, a teacher who died in the village of Suveren, near Genç in Bingöl province in July 1985, concluded in 1994. S\_dd\_k Bilgin died during interrogation at the local gendarmerie post. The official explanation was that he had been shot while attempting to escape. On the intervention of a number of parliamentarians, his body was exhumed from the yard of the gendarmerie post, where the gendarmes had buried him. The body had both feet tied together. Witnesses to the torture came forward and in 1987 a trial was opened at Ankara Criminal Court No 2 against four gendarmes. In 1992 the four gendarmes were convicted of torturing S\_dd\_k Bilgin to death and were each sentenced to a year's imprisonment and suspension from duties for three months. The sentences were quashed on appeal, and in April 1994 the Court of Appeal finally acquitted the defendants. While the court accepted that torture had taken place, it ruled that there was no evidence to prove that S\_dd\_k Bilgin had died as a result of that torture.

In most cases judicial proceedings are never begun. Amnesty International raised with the Turkish authorities the case of 18-year-old Bi\_eng An\_k, who died in custody in \_\_rnak in March 1992. The local governor of \_\_rnak admitted that during her interrogation she had suffered "some kind of discomfort". A government reply of 29 June 1992 even denied that she had been subjected to discomfort: *"While in custody at the police station in \_\_rnak, she was provided with the necessary comfort and was even given special accomodation on 28 March in a bedroom used by a police officer."* The reply went on to say that unfortunately there was a loaded rifle under the bed, which Bi\_eng An\_k used to commit suicide, and confirmed the *"non-existence of any sign of physical harassment, rape or torture on the body of the deceased."* Bi\_eng An\_k's grandfather said, *"Her body was in pieces. Her hands were torn between the fingers. Cigarettes had been extinguished all over her body."*

## Prisoners of Conscience

*"Their arrest and conviction is more damaging for our country than what they write"* Hüsamettin Cindoruk, President of the Turkish Parliament (Speech to the Journalists' Association, 23 July 1994).

During 1991 and 1992, the abolition of several articles of the Turkish Penal Code (TPC) combined with a certain reluctance by prosecutors and courts to convict in freedom of expression cases, resulted in a clear reduction in the number of prisoners of conscience. This, the only substantial progress in human rights in Turkey, was reversed in 1993 and 1994 as the number of prosecutions and convictions, mainly for statements about Turkey's Kurdish minority, rose steeply. By the end of

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<sup>8</sup> The complaint was blocked under the terms of the Law on the Prosecution of Civil Servants which was in force in Adana at the time of her torture. Although this law no longer protects police throughout the rest of Turkey, any complaint of ill-treatment, torture, theft, rape, manslaughter - indeed any crime apart from intentional murder - made against a police or gendarmerie officer within the provinces under emergency legislation must first be approved by the local governor's office. In many towns in southeast Turkey, the deputy governor is the chief of the gendarmerie.

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1994 dozens of academics, journalists, poets, human rights defenders and political activists were either on trial for expressing their non-violent beliefs, or actually serving sentences.

For many of Turkey's high ranking politicians, this is a cause of shame. In September 1994 Minister of State and former Culture Minister Fikri Sa\_lar visited two prisoners of conscience at Haymana Prison: Dr Fikret Ba\_kaya (Assistant Professor of Economics, serving 20 months' imprisonment for "separatist" phrases in his book on the economic development of Turkey) and Dr Haluk Gerger (former Assistant Professor of International Relations at Ankara University, Secretary General of the Turkish United Nations Association, serving 20 months for a "separatist" fax message). Speaking to the two academics, Minister Fikri Sa\_lar said, "I feel the dishonour of this shame and ask your forgiveness. After a time, society will ask your forgiveness. We are trying to put an end to this disgrace" (*Cumhuriyet*, 4 September 1994).

There is a struggle between those in parliament who wish to bring Turkey in line with international standards on this issue, and another group who wish to preserve and even strengthen Article 8 of the Anti-Terror Law which prescribes prison sentences of up to five years for: *"Written and oral propaganda and assemblies, meetings and demonstrations with the aim of damaging the indivisible unity of the State of the Republic of Turkey, the nation and its territories...regardless of the method, intention and ideas thereof."* The decision may not be entirely in the hands of parliament. Talking to *Turkish Daily News* on 2 August 1994, former Justice Minister Seyfi Oktay described deliberations concerning Article 8 in the National Security Council (MGK)<sup>9</sup>: *"Let alone correcting the article, it has been suggested to expand its scope and to further increase the penalties. The request came to us through the office of the Interior Ministry. Certainly we opposed it, but the MGK has announced that it shares the same view...Let me tell you openly that during that meeting I had got the impression that the military wing of the MGK approached the issue positively but that the security officials were not in favour."*

President Demirel apparently opposes revision or repeal of Article 8 of the Anti-Terror Law. In a speech on 21 February 1994 he claimed that, "Nobody is seized because they have expressed their thoughts", but that it was proper to take legal action against writers whose statements could provoke violence. At the very time he was speaking, the lawyer Ahmet Zeki Okçuo\_lu was serving a 20-month prison sentence for expressing his non-violent opinion in a magazine interview - in particular for using the word "Kurdistan". On the day he began serving his sentence under Article 8 of the Anti-Terror Law, Ahmet Zeki Okçuo\_lu said: *"For years I have opposed terrorism, opposed violence, and clearly declared my opposition. In my whole life I have never used a weapon. I have opposed those who have taken up arms. But the State has tried me as a terrorist and convicted me. Now I am branded as a terrorist throughout the world..."*

These convictions clearly violate Article 10 of the European Convention on Human Rights, which safeguards the right to freedom of expression, and to which Turkey is a State Party. Some

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<sup>9</sup> Under Turkey's 1982 Constitution, drawn up by the military junta, but still in force today, the National Security Council, composed of the President, the Prime Minister, the Chief of General Staff, the Commanders of the Army, Airforce, Navy and Gendarmerie, as well as the Ministers for Defence, Interior and Foreign Affairs, is entitled to "submit its views" to the government. Its power and influence in government is generally considered to be over-riding.

convictions are particularly scandalous. Mehdi Zana, former mayor of Diyarbakır, and husband of the imprisoned Kurdish member of parliament Leyla Zana, is now serving four years for testifying to the Human Rights Sub-Committee of the European Parliament. He was a prisoner of conscience for more than 10 years following the military coup of 1980 (see attached appeal case).

A revision of Article 8 was submitted to the Judicial Committee of the Turkish Parliament in November 1994. Earlier proposals that the article should be amended to include a condition of advocacy of violence was rejected. It is not clear whether the current proposed text, which merely places a condition of "clear and present danger", would prevent the continued locking up of prisoners of conscience, if it became law.

There are a number of other articles of the TPC under which prisoners of conscience have been held or are being prosecuted. They include Article 158 (insulting the President) which carries a three-year minimum sentence; Article 159 (insulting the state authorities) which carries a sentence of six to eight years, and Law 5816 (insulting the founder of the Turkish Republic). The lawyer Mahmut Akkurt was sentenced to 14 months' imprisonment for a speech he made two years previously at a public meeting when he was president of the Balıkesir branch of the HRA. Mahmut Akkurt was convicted under Article 312 of the Turkish Penal Code for "praising a crime" - though to Amnesty International's knowledge he made no advocacy of violence. He was arrested on 31 October 1994 and is currently serving his sentence in Kepsut prison, Balıkesir province.

### **Unwelcome observers - attacks on human rights defenders**

Mahmut Akkurt will be just the first of a number of HRA officials to be imprisoned 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.

In May 1994 Atılay Ayçin, president of Hava-İ, the air transport workers' union, and the lawyer Eber Yağmurdereli, 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.

Five members of İzmir HRA, including the lawyer Kemal Bilgiç, 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. In mid-November 1994, all the above-named were still free pending appeal.

The lawyer Hüsnü Öndül, 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 İsmail Bekçi, 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.

The Human Rights Foundation of Turkey (HRFT a sister organization of the HRA, which treats torture survivors and runs a documentation centre) is being investigated by Ankara State Prosecutor for alleged "separatism" in two sentences contained in its publication *Torture File 1980-1994*, a comprehensive survey of torture and deaths in custody since the military coup of September 1980.

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 since 1991.

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 Diyarbak\_r HRA branch. On 25 June the premises of Diyarbak\_r HRA branch were completely destroyed by an explosion. On 2 July a bomb exploded in Batman in the car of S\_dd\_k Tan, board member of Batman HRA branch, shortly after he had parked it in front of his shop. S\_ddik Tan and his 10-year-old son escaped injured. One year later, on 20 June 1992, S\_dd\_k Tan was shot and killed by an unidentified assailant.

Since then three further officials of the HRA have been murdered in circumstances that have not been clarified: Metin Can, president of the Elaz\_\_ HRA branch, in February 1993; Kemal K\_l\_ç, board member of \_anl\_urfa HRA, in February 1993; and \_evket Epözdemir, Tatvan HRA representative, in November 1993.

There are two principal 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. They 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.

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<sup>10</sup>, as actively supporting those groups.

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<sup>10</sup> The HRA has on numerous occasions condemned human rights abuses by armed opposition groups. In July 1993 the HRA issued a public statement condemning the killing of prisoners by PKK guerrillas: "The PKK, as well as the state, must abide by 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." Following PKK bomb attacks on bus-passengers 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."

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.

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."*

Four lawyers from Istanbul went to investigate disturbances at Diyarbakir Prison on 3 October in which dozens of prisoners were seriously injured and one died. On 6 October they held a press conference naming a gendarmerie commander and a prosecutor as being primarily responsible. Two days later, while driving to the airport to leave Diyarbakir, two of the lawyers were stopped by police who told them *"Do not come again to these parts - we know that you protect these Armenian bastards [meaning Kurds convicted of PKK membership]. Do not come again to these parts or we will destroy you."* At the same time, the lawyers Eren Keskin and Osman Ergin, travelling in a taxi, were followed to the airport by a white minibus. When they stopped at traffic lights, a shot was fired at them from the minibus, which turned round and drove off.

## Amnesty International's recommendations

Amnesty International urges the Turkish Government to ensure that all anti-insurgency operations against the PKK and other armed opposition groups be carried out in accordance with the requirements of Turkish law and internationally recognized human rights standards. 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 most important measures are:

### *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 should 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 should 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 should 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 should be prohibited. Reports of the practice should 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 should 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 related 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, Diyarbakır, Batman, Mardin, and Erzurum.
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 should 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 should 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, should be repealed or amended.

## TURKEY: HAYR\_YE GÜNDÜZ - FEMALE PRISONER BEATEN BY GENDARMES

Hayriye Gündüz was very severely beaten by gendarmes who were guarding her at Istanbul State Security Court No 3 on 10 October 1994.

Hayriye Gündüz and 11 other prisoners were beaten while awaiting trial for membership of the illegal armed organization *Devrimci Sol* (Revolutionary Left). The prisoners, who had been searched once already, refused to undergo a search before entering the courtroom. In response, the gendarmes attacked the handcuffed prisoners with truncheons. The attack was witnessed by three lawyers, who reported that the gendarmes shouted, *"Get the lawyers out, we are going to kill this lot."* Police on duty at the court hustled the lawyers away. The prisoners were beaten in the court corridor for an estimated eight minutes, and then dragged out into a yard where they were kicked and punched by plainclothes police and members of the Mobile Force (an anti-riot squad). A medical certificate issued on 20 October by the state Forensic Medicine Institute confirmed Hayriye Gündüz's injuries. Two wounds required sutures.

Beatings of prisoners remanded or convicted for offences under the Anti-Terror Law frequently take place when they are put in the hands of police or gendarmerie (rather than prison staff). This happens when prisoners are taken out of prison (to be transferred to another prison, to hospital, or to court) or when gendarmes and plainclothes police are brought into the prison in order to carry out searches. On 3 September 1994, female inmates of Konya E-Type prison who refused to return to their dormitory after their exercise period had been cut short were returned to their dormitory by force. Four women were seriously injured.

On 4 October, soldiers attempting to take a prisoner for interrogation, reportedly in connection with the killing of a fellow-inmate, met resistance from other prisoners. Explosives, tear-gas and firearms were used to enter the ward. A prisoner died from burns and smoke inhalation when the prison ward caught fire. Scores were injured, many seriously.

### *What you can do:*

Write to: Mehmet Mo\_ultay, Justice Minister, \_çi\_leri Bakanl\_\_\_\_, 06644 Ankara, Turkey

- *Call for a full and impartial investigation of the beating of Hayriye Gündüz and 11 other prisoners by guards and police at Istanbul State Security Court on 10 October 1994.*
- *Pointing out that the increase in attacks on prisoners by gendarmes and police during prison raids or transfers can only be halted if reports of ill-treatment are promptly acted upon and those responsible brought to justice.*

## TURKEY: MEHMET \_EN - EXTRAJUDICIAL EXECUTION OF KURDISH POLITICAL ACTIVIST

On the evening of 26 March 1994, Mehmet \_en, president of the local branch of the Democracy Party (DEP) was detained from his café in Nizip, Gaziantep province, by plainclothes police. His wife applied for information regarding her husband to every police station in the area, but all denied any knowledge of Mehmet \_en's detention. Three days later she was informed that her husband's body was in the Gaziantep State Hospital mortuary. The condition of the body suggested that he had been tortured to death. His head had been shattered on one side by a blow from a heavy object, and his right eye was out of its socket. All his fingers were broken, his right arm was broken, and there was severe bruising on all areas of the body. The body had also been shot twice, but the lack of blood from the wounds suggested to her that the shots had been fired after Mehmet \_en had died.

Mehmet \_en's wife is convinced that Mehmet \_en was killed while in police custody. The official explanation of his death is that he was killed by unknown assailants who left his body on a mountainside where it was found by a shepherd and picked up by the local gendarmerie. However, several pieces of evidence contradict this account. Two employees at Gaziantep State Hospital told Mehmet \_en's wife that her husband's body had been delivered to the morgue by four plainclothes policemen. The day Mehmet \_en was detained, another DEP member was also detained by police. He said that he was told that Mehmet \_en was dead, and was threatened that he himself would be killed in the same manner. The detainee was later released.

More than 100 members and officials of the pro-Kurdish Peoples' Democracy Party (HADEP), and its predecessor parties DEP and HEP (both of which were closed by the Turkish Constitutional Court for "separatism") have been killed and "disappeared", many in circumstances implicating the security forces.

### *What you can do:*

Write to: Nahit Mente\_e, Interior Minister, \_çi\_leri Bakanl\_\_\_\_, 06644 Ankara, Turkey

- *Note that more than 100 members of HADEP and its predecessor parties have been killed since 1991, many in circumstances suggesting security forces involvement. Call for a full and impartial investigation of the killing of Mehmet \_en. Ask that the results of the investigation be made public and that those responsible be brought to justice.*

- *Explain that where there are serious grounds for believing that security forces have been involved in political murder, the crime should be investigated by an impartial and expert commission as laid down in the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Express regret that the Turkish authorities have persistently failed to establish such commissions.*

## TURKEY: \_LYAS EDIP DIRIL (15) AND ZEKI ERCAN DIRIL (17) "DISAPPEARED"

\_lyas Diril and Zeki Diril

The cousins \_lyas Edip Diril and Zeki Ercan Diril "disappeared" after being taken into custody by security forces in Uzungeçit, Hakkari province on 19 May 1994.

Ilyas Edip Diril and Zeki Ercan Diril were inhabitants of Kovankaya (local name: Mehri), one of the last Assyro-Chaldean Catholic villages in Hakkari province. The village, which refused to participate in the system of village guards - villagers armed and paid by the government to fight guerrillas of the Kurdish Workers' Party (PKK) - was burned to the ground by security forces in 1990. The villagers initially fled to Istanbul, but later began to return and rebuild their homes. Zeki Ercan Diril and \_lyas Edip Diril had spent a period of approximately six months working in Istanbul before setting out on 15 May 1994 to return to Kovankaya. According to an account given by two inhabitants of Kovankaya (whose names are withheld for their own safety), the Diril brothers were detained by village guards as they passed through the town of Uzungeçit, some distance from Kovankaya, and handed over to gendarmes from Uludere, the nearest large town. They have not been seen since.

The Assyro-Chaldean Catholic community, which numbered more than 5,000 before the conflict began in southeast Turkey in 1984, has dwindled to five families, through migration to Istanbul and Europe. Kovankaya was again burned by security forces on 4 June 1994 and the inhabitants forcibly evicted. The villagers are now living in another settlement in the area.

The number of "disappearances" is increasing. There were at least 50 in 1994, unprecedented in the history of modern Turkey.

### *What you can do:*

Write to: Mrs Öney Alpago, State Minister for Women and Children, Office of the Prime Minister, Ba\_bakanl\_k, 06573 Ankara, Turkey

- *Urge that a prompt, impartial and thorough investigation be carried out in order to establish the fate of the two young cousins Zeki Ercan Diril and \_lyas Edip Diril, who "disappeared" following their arrest by security forces at Uzungeçit, Hakkari province, on 19 May 1994.*
- *Explain that Amnesty International has publicly condemned attacks on civilians by Kurdish Workers' Party (PKK) guerrillas, in the course of which children have been killed, but that the organization has also documented many cases in which government forces have been responsible for the killing of children as a result of indiscriminate fire on residential areas, and bombing of Kurdish villages.*

- *Urge the minister to use her influence to ensure that every possible measure be taken to protect children in the context of the conflict taking place in southeast Turkey.*

## TURKEY: MEHDI ZANA - IMPRISONED FOR TESTIFYING TO THE EUROPEAN PARLIAMENT

On 13 May 1994 Mehdi Zana, the former mayor of Diyarbakır, began serving a four-year prison sentence for his testimony to the Human Rights Sub-Committee of the European Parliament in October 1993. He had been a prisoner of conscience for more than 10 years following the military coup of 1980.

Mehdi Zana, 54, had been sentenced the preceding day by Ankara State Security Court. He was accused under Article 8 of the Anti-Terror Law of spreading "separatist propaganda". According to the indictment, *"to declare that a Kurdish people exists in Turkey, who are different from the Turkish people...constitutes racist and separatist propaganda against the unity and indivisibility of the State and Nation."* Mehdi Zana is currently a defendant in a number of similar trials in Istanbul and Ankara.

A prominent figure in the Kurdish community, Mehdi Zana has always pursued a conciliatory approach to the issue of Turkey's Kurdish minority. Mehdi Zana's wife, Leyla Zana, is one of six Kurdish deputies who had their parliamentary immunity lifted in March 1994 and are currently in prison awaiting trial on charges of separatism which, on conviction, would carry the death penalty.

Throughout 1994 there was a stream of convictions of journalists, academics, writers, politicians, trade unionists and human rights activists under Article 8 of the Anti-Terror Law, which provides for sentences of up to five years' imprisonment for "separatist propaganda". Amnesty International and others, including Turkish parliamentarians, have called for Article 8 of the Anti-Terror Law to be repealed or amended, to ensure that no one can be imprisoned for the expression of his or her non-violent beliefs. A revision of the law was submitted to the Judicial Committee of the Turkish parliament in November 1994, but it is not clear that the draft text would, if it became law, prevent the continued locking up of prisoners of conscience.

Write to: President Süleyman Demirel, Cumhurbaşkanlığı, 06100 Ankara, Turkey

• *Call for the immediate and unconditional release of Mehdi Zana, whose imprisonment is violation of the right to freedom of expression, safeguarded in Article 10 of the European Convention on Human Rights, to which Turkey is a State Party.*

- *Ask that the Turkish Penal Code, and in particular, Article 8 of the Anti-Terror Law, be amended to ensure that no person is prosecuted or imprisoned for their non-violent opinions.*

## TURKEY: ABDULLAH BASKIN - VILLAGER TORTURED TO DEATH

Abdullah Baskin was detained on 23 July 1994 with 14 other Kurdish villagers from Gümülgörgü in the Kozluk district of Batman province in southeast Turkey by soldiers from Batman Regimental Gendarmerie Headquarters. The villagers were detained because they had refused to participate in the system of village guards (villagers armed and paid by the government to fight the guerrillas of the Kurdish Workers' Party - PKK). The villagers allege that they were themselves tortured, but told Abdullah Baskin's family that he had been tortured particularly severely - that he was subjected to hanging by the wrists tied behind the back, continually beaten, and subjected to electric shocks. As a result of his treatment at the hands of the Batman Gendarmerie, Abdullah Baskin, who was in good health before being detained, became seriously ill. On 4 August he was taken to Batman State Hospital but died from his injuries shortly after.

In a statement submitted to Amnesty International, Abdullah Baskin's brother said that when he saw his brother's body in the mortuary, it was in an almost unrecognizable condition. The permit for the Abdullah Baskin's burial states that he died "in suspicious circumstances". To Amnesty International's knowledge, no judicial investigation has been carried out into Abdullah Baskin's death.

The number of reports of death in custody as a result of torture in Turkish police stations and gendarmeries continues to rise. There were at least 29 during the first 10 months of 1994 - more than in any year since 1982. The European Committee for the Prevention of Torture reported in 1992 that torture in police custody was "widespread" in Turkey, while in 1993 the UN Committee against Torture described the practice of torture as "systematic". Both recommended changes in practice and legislation, which the Turkish Government has persistently refused to enact. The recommended changes included shortening the period of police detention in line with international standards, and providing access to legal counsel for all detainees without exception.

### *What you can do:*

Write to: Deputy Prime Minister Mr Murat Karayalçin, Bakanlık, 06573 Ankara, Turkey

- *Urge that a thorough investigation be initiated into the circumstances of the death of Abdullah Baskin on 4 August 1994 and that those responsible be brought to justice.*
- *Ask that the safeguards against torture recommended by the European Committee for the Prevention of Torture and the UN Committee against Torture be enacted as a matter of urgency, in view of the increase in deaths as a result of torture which occurred in 1994.*

Send copies of your letter to: The Kozluk State Prosecutor, Cumhuriyet Savcısı, Cumhuriyet Savcılığı, Kozluk, Batman, Turkey.

## TURKEY: EXTRAJUDICIAL EXECUTION IN ISTANBUL

Fuat Erdo\_an, Elmas Yalçin (f) and \_smet Erdo\_an were sitting in a café in the Be\_ikta\_ district of Istanbul in the afternoon of 28 September 1994 when Anti-Terror Branch police entered. Shortly afterwards, the three were dead.

Fuat Erdo\_an was formerly a lawyer and member of the Istanbul Bar, but was wanted by police because of a conviction for membership of the illegal armed organization *Devrimci Sol* (Revolutionary Left), for which he had been sentenced to 10 years' imprisonment.

Istanbul police claimed that the three opened fire when approached for an identity check. According to statements made by the owner of the café, police evacuated the café before the shootings took place. Two pistols were reportedly found in the café. The lawyer Mercan Güçlü visited the scene of the killing on behalf of the Turkish Human Rights Association. She told Amnesty International: *"There were no signs of a clash at the café. There were bullet holes, but none which would suggest that any shots were fired from the inside outwards."* Mercan Güçlü and other observers were arrested by police shortly after arriving at the scene of the incident, and were held for nine hours. According to the autopsy report, Fuat Erdo\_an's body had bullet entrance wounds in both his right and left temple. \_smet Erdo\_an was shot through the shoulder blade from behind, and in the side of the head, towards the back. Elmas Yalçin was shot in the side of the head, towards the back. Amnesty International believes that the circumstances suggest that Fuat Erdo\_an, Elmas Yalçin and \_smet Erdo\_an may have been victims of extrajudicial execution.

More than 50 young people, some of them allegedly members of *Devrimci Sol*, have been killed in similar raids on cafés and houses in Ankara, Istanbul and Adana, which have been marked by repeated allegations that warnings to surrender were not given, that attempts to surrender were ignored, that those killed were unarmed, and that police officers used the maximum, rather than the minimum force, which is required by the UN Guidelines on the Use of Force by Law Enforcement Officials. Two trials of police officers for extrajudicial execution in other raids are currently in progress. The persistent pattern of killings in circumstances in which suspects could apparently have been arrested leads Amnesty International to believe that the police may be operating a shoot-to-kill policy against people they suspect of membership of Devrimci Sol.

### *What you can do:*

Write to: The Interior Minister Nahit Mente\_e, \_çi\_leri Bakanl\_\_\_, 06644 Ankara, Turkey

- *Say that you have read about allegations of extrajudicial executions in police raids against alleged members of Devrimci Sol and that there are grounds for believing that the police are operating a shoot-to-kill policy.*
- *Ask that the killings of Fuat Erdo\_an, Elmas Yalçin and \_smet Erdo\_an in Istanbul on 28 September 1994 be investigated by an independent, impartial and expert commission as recommended by the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, and that the findings of such an investigation should be made public.*

## TURKEY: ERSOY YORULMAZ - TEACHER KILLED BY KURDISH WORKERS' PARTY (PKK) GUERRILLAS

The village teacher Ersoy Yorulmaz was abducted and killed by PKK guerrillas from the teachers' residential building at Ta\_ksenli, in Erzurum province. His wife told the daily newspaper *Hürriyet* (Liberation): "They knocked at our door at about 8.30pm. There were three people. They said 'This is Kurdistan, and you are acting as a teacher here. You must come with us, we have something to say.'" But Ersoy Yorulmaz and three other teachers in the area were taken to the nearby village of Düzköy where they were shot dead.

PKK guerrillas reportedly killed 167 prisoners and civilians in the first 10 months of 1994. Many of those killed were village guards (Kurdish villagers paid and armed by the government to fight the guerrillas) whom they had taken prisoner, or the wives and children of village guards. 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 Ormanc\_k, Mardin province, on 22 January 1994. In September and October, however, 13 teachers were summarily "executed".

In a meeting with representatives of Amnesty International in London in August 1994, a representative of the PKK said that the organization had committed itself to abide by Common Article 3 of the Geneva Conventions of 1949 which provides that persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, must be treated humanely in all circumstances and should not be ill-treated or killed.

Nevertheless, PKK guerrillas persistently kill prisoners and civilians in open violation of this most basic requirement of international humanitarian law. The intention to kill teachers in southeast Turkey which the PKK declared in a public statement in October suggests that, contrary to the assurances given to AI, the PKK has established the murder of civilians as open policy.

### *What you can do:*

Write to the following newspapers:

*Özgür Ülke* (Free Country), Alemdar Mah, Ba\_musahip Sok, Talas Han Kat: 4, Ca\_alo\_lu, Istanbul, Turkey and also;

*Hürriyet* (Liberation), Güne\_liköy, Kireçoça\_\_ Mevkii, Evren Mah, Bak\_rköy, Istanbul, Turkey.

- *Explain how you heard about the killing of the teacher Ersoy Yorulmaz.*

- *Express your concern that the PKK has declared a policy of attacking teachers and other civilians in violation of Common Article 3 of the Geneva Conventions which safeguards civilians and prohibits the killing of prisoners.*

## TURKEY: VEHB\_YE TÜZÜN - TORTURED JOURNALIST

Vehbiye Tüzün, a 23-year-old journalist for the Kurdish-owned daily newspaper *Özgür Ülke* (Free Land) alleges that she was tortured and threatened while being interrogated incommunicado in police detention for 12 days in Diyarbakır.

She was detained by plainclothes police in Diyarbakır bus-station on 2 October 1994, and interrogated at Diyarbakır Gendarmerie Headquarters. Vehbiye Tüzün reported that during interrogation she was blindfolded, subjected to electric shocks to her sexual organs, hung up with her arms at the back, sprayed with cold water under pressure, and subjected to threats that she would be raped or killed.

On the night of the 12th day she was taken to a hospital, where she was examined by a doctor. *"My interrogators warned me that if I said anything to the doctor about torture, I would be held for the maximum period."* She remained silent. In Diyarbakır and the other nine mainly Kurdish provinces where emergency legislation is in force, detainees can be held without access to lawyer, family or a doctor for a maximum of four weeks.

Vehbiye Tüzün was blindfolded and forced to sign a paper which she later discovered was a "confession" that she had been working for the Kurdish Workers' Party (PKK), an illegal armed organization. She was released on 15 October. A medical certificate issued by the Turkish Human Rights Foundation described symptoms were consistent with her allegations of torture.

Extended incommunicado detention creates an opportunity for torture, which in 1993 the UN Committee against Torture described as "systematic" in Turkey. The European Committee for the Prevention of Torture found equipment used for torture during a visit to another interrogation centre in Diyarbakır. Both men and women have complained of sexual assault, rape and the insertion of objects into the anus or vagina in police custody. Amnesty International has campaigned for many years for lawyers to be granted access to all detainees in police custody. At the moment this is not permitted for people detained under the Turkey's Anti-Terror Law, which covers a multitude of political offences, many of which do not involve violence.

### *What you can do:*

Write to: The Prime Minister Mrs Tansu Çiller, Başbakanlık, 06573 Ankara, Turkey

- Point out that the practice of holding detainees incommunicado for up to a month creates an opportunity for torture. Mention the allegations of torture made by Vehbiye Tüzün.

- Urge that the Turkish Criminal Procedure Code be amended, as recommended by both the ECPT and the UN Committee against Torture, to ensure that all detainees without exception are permitted access to legal counsel in police custody, and brought promptly before a judge.

## TURKEY: "DISAPPEARANCE" IN ANKARA

Kenan Bilgin "disappeared" in unacknowledged detention in Ankara following his arrest in the Dikmen district of the city on 12 September 1994, since when no news has been heard of him.

Amnesty International received signed statements from nine people, including a lawyer, who were detained at Ankara Police Headquarters in September and claim to have seen a person answering Kenan Bilgin's description, apparently being interrogated under torture.

Another detainee, Talat Abay, who recognized Kenan Bilgin, made a statement on 11 October: *"I was detained in the Anti-Terror Branch at Ankara from 8 September to 23 September 1994. Everyone was being subjected to systematic torture while I was there. On about 18 or 19 September I saw Kenan Bilgin whom I knew beforehand. I met him at the toilet and we exchanged greetings but I did not meet him again before I left detention. When I was formally arrested and got to prison, I read in the newspapers that the police denied that they had ever detained such a person."*

In December 1992 the European Committee for the Prevention of Torture (part of the Council of Europe, of which Turkey is a member) published its findings in a public statement. The ECPT announced that during an impromptu visit to Ankara Police Headquarters they had found *"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'..."*

There were 26 reports of "disappearance" in the custody of police or gendarmes in Turkey in 1993 and nearly double that number in the first 10 months of 1994. Amnesty International fears that the practice of "disappearance", like torture in police custody and extrajudicial execution, appears to be becoming regarded by the Turkish security forces as a convenient tool in the anti-insurgency struggle.

### *What you can do:*

Write to: Foreign Minister Professor Mümtaz Soysal, D\_\_i\_leri Bakanl\_\_\_\_, 06100 Ankara, Turkey

- *Say that you have heard of the "disappearance" of Kenan Bilgin, expressing grave concern about his possible fate. Note that he was last seen at the Anti-Terror Branch of Ankara Police Headquarters, and also that there have been at least 50 reports of "disappearance" in Turkey since January 1994.*
- *Ask that all possible steps be taken to establish what happened to Kenan Bilgin after he was detained by Ankara police.*