

£TURKEY

@Alleged Extrajudicial Executions in the Southeast - Four Further Cases

_brahim Sar_ca; Hamit Temel; Ali Erdem; Hayrettin Demir

Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people and which until very recently was not recognized by successive governments. Any activity for a separate Kurdish political identity is still punishable under Turkish law. The Kurdish population lives mainly in southeastern Turkey. In August 1984, guerrillas of the Kurdish Workers' Party (PKK) started armed attacks against the security forces, seeking to establish an independent Kurdish state. Since then more than 3,000 lives have been lost on both sides and among the civilian population in the continuing fighting. Clashes are occurring almost daily throughout the region. Since martial law was lifted in 1987, emergency legislation has been in force in 10 eastern provinces and the Emergency Legislation Governor in Diyarbakir has extraordinary powers over three additional provinces. The military presence in the area has been considerably expanded. According to official figures, there are 2,500 special team members and 20,000 village guards deployed in the region as well as some 60,000 regular troops who carry out police duties as members of the gendarmerie.

The special team members, who are nominally responsible to the local police commander, are trained for close combat with guerrilla forces. Their identities, activities and methods are held in great secrecy. They may appear in uniform, and are often masked. Many special team members are able to speak Kurdish, and they may also wear local dress. Unlike other soldiers, they are permitted to wear long hair and to grow a beard or moustache, and frequently wear trainer-type shoes. There have been many allegations that special team members appear in villages pretending to be guerrillas of the PKK asking for provisions, in order to test the villagers' loyalties.

Participation in the village guard corps is also regarded as a test of a particular village or tribe's attitude towards the security forces. To counter the activities of the PKK, the government established a system of some 20,000 "village guards". These are villagers who are

armed and paid by the authorities to fight the guerrillas and to deny them access to logistical support from the villages in the area. Although many villagers are reluctant to serve as village guards for fear of reprisals from the guerrillas, they equally fear reprisals from the security forces if they refuse. In theory, the recruitment into the village guard corps is voluntary, but refusal by individuals or entire villages to join the system is usually considered by the local security forces as an indication of active or passive support for the guerrillas. The village guard system is currently in crisis, with hundreds of resignations from the corps during the final months of 1991.

Some journalists and many among the Kurdish population of southeast Turkey attribute the succession of alleged extrajudicial executions throughout 1991 and early 1992 to the so-called kontrgerilla. The kontrgerilla was originally created in 1953 as part of the secret service and called the Special Warfare Department (Özel Harp Dairesi). The Special Warfare Department consisted of five branches, one of which - the Special Unit - is said to have specialized since 1984 in operations against insurgents in the southeast. Amnesty International has gathered information on 30 cases of alleged extrajudicial executions (19 in the province of Mardin) and two alleged "disappearances" in southeast Turkey where there is evidence which suggests possible involvement of the security forces. It is impossible to confirm or deny the rumours that these killings are part of a secret campaign by the kontrgerilla either to intimidate the opposition, or to provoke it into open rebellion in which it could be wiped out by straightforward military means. The pattern of killings could also conceivably have been carried out by low-ranking members of any of the security force units acting on their own initiative but with the passive or active collusion of other parts of the law and order system.

The United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions [published in 1991] suggests the creation of a special impartial commission of inquiry if the political views or ethnic affiliation of the victim give rise to a suspicion of government involvement or complicity in the death, when the following factors are present:

- where the victim was last seen alive in police custody or detention;
- where the modus operandi is recognizably attributable to government-sponsored death squads;
- where officials have attempted to obstruct or delay the investigation of the killing;
- where the physical or testimonial evidence essential to the investigation becomes unavailable.

In all four cases described below at least one of these factors applies. The cases remain on the police records as "unsolved crimes". Amnesty International is appealing to the Turkish authorities to investigate impartially and without further delay the circumstances of each killing and to bring to justice those responsible for it. To this end the organization suggests

the setting up of an independent commission of inquiry and use of procedures as recommended by the United Nations.

1. The case of *_brahim Sar_ca*

On 18 June 1991, *_brahim Sar_ca*, aged 36 and father of six children, was shot in the district of Cudi, in Cizre in the province of *_mak*. That day, between the hours of 4am and 7am, a clash had occurred between guerrillas and the security forces. According to official reports, five members of the security forces were wounded and one guerrilla was killed. The Turkish Human Rights Association investigated the killing and spoke to a number of people who witnessed various stages of the incident.

Zeynep Sar_ca stated that her husband left for work as usual. There was gunfire but the family had become accustomed to such incidents. Towards 9am, word spread in the district that someone had been killed. At about 10am, a neighbour told her that it was her husband who had been killed, whereupon she went to the hospital. She was not shown the body of her husband and hospital officials were unwilling to deliver the body into her keeping. Soon afterwards it was buried by the police. *Zeynep Sar_ca* alleges that when she tried to intervene at the cemetery and claim the body, the police beat her and her 10-year-old son *Servet*.

Mehmet Ali Baykara, who lives in the same district, stated that a group of police officers came to his house. They found some books, which his son *S_raç* had recently brought from Istanbul, and took his son into custody. Some police officers continued to search the house. Then a man appeared at the other end of the street. He wore a white shirt and denims. The police called him. The man was a long way away and could have escaped, but he approached the police. When he got closer *Mehmet Ali Baykara* recognized him as his neighbour *_brahim Sar_ca*. The police asked him where he was going and what his business was. He said that he was going to work, and that he was a plasterer. "*_brahim* asked for a glass of water and I gave it to him. Then I gave him some tobacco, and he rolled a cigarette. The police finished searching the house and they went off taking *_brahim* with them."

Güler Çetel, aged 45, married with 10 children, stated: "When I woke up it was dark. The police came - they wanted to search the house. They claimed that I had been sheltering guerrillas. There was shooting far off, and it began to get closer. The police started to shoot from our house in the direction of the Industrial College, and their fire was returned from there. There was a great deal of shooting. It was beginning to get a bit lighter. Two of the police in my house were shot. One of them died in the house, the other they took away wounded. As day broke, the fighting around our house began to subside. The police took me and abandoned the house. They put me in a police minibus one street away. In the minibus there was *Recep Eren*, *_brahim Güler* and his brothers *Ramazan* and *Ali*. After a

while, they brought _brahim Sar_ca who lived in the area. _brahim was wearing a white shirt and jeans. Our eyes were not bound, but he was blindfolded. The minibus started straight off in the direction of the police station. Then, when we got to the bridge, on instructions over the radio, the minibus stopped. They got us out of the vehicle, hitting us and swearing at us. We were taken to the hut there and the minibus went off. Ten minutes later the minibus came back and we were made to get back on. It started to return to our area, and I thought they were going to set us free. The minibus halted near our house. There was a group of police there who beat _brahim Sar_ca as they got him out of the minibus. We were then taken back to the police station. While we were driving along there were gunshots. After two days in police custody I was released and discovered that _brahim had been killed."

_brahim Güler confirms that _brahim Sar_ca was detained and put in the police minibus, blindfolded but without handcuffs. He says that he looked at his watch when _brahim Sar_ca was taken out of the minibus, and saw that it was 6.30am.

A woman who asked to remain anonymous was also interviewed by the Turkish Human Rights Association representatives. She is reported to have said: "There were clashes in the neighbourhood during the night. After it had got light, I was looking out of the window, and about the time when the clash was drawing to a close I saw a group of policemen about 100 metres from our house with a blindfolded man in front of them. They were making him walk towards a narrow side street. The blindfolded man tripped on a stone as he was walking along. He got up again, walked a few steps, then his feet once again caught on some stones and he fell on his back. Before he had time to get up, a heavily built man of medium height with a flash of white hair in the middle of his head shot him with a weapon that looked bigger than a pistol. The man on the ground pulled the blindfold from his face. At this moment the other police opened fire. The man curled up. They shot him many times. The body stayed there for quite a while. Then they came and took it away."

Following the killing of two police officers in Cizre on 13 January 1989, some 60 people were detained including _brahim Sar_ca. He was among those detainees who later alleged having been tortured during 20 days in police custody and who had torture marks certified after medical examination on 17 February. The Prosecutor's Office in Mardin opened an investigation into the torture allegations, the outcome of which is not known.

2. The case of Hamit Temel

On 20 October 1991 at 1am, **Hamit Temel** was taken from his home in Yüksekova, Hakkari province, and on 22 October his body was found.

About one month before the incident, the police had come to the house of Ahmet Temel, Hamit Temel's brother, and told him that his son Ebüzid Temel had died in an armed clash, to which Ahmet Temel is said to have replied that his son had known the risks when he joined the guerrillas, and that there was nothing the family could do about it.

One month later, on election night, 20 October 1991, the doorbell of the house of Hamit Temel was rung at 1am. In the house were also his two wives and his only child. Eight armed people entered, dressed in guerrilla gear, which one of the wives noted was unusually clean. She also noted that although they spoke Kurdish, it was not very good and not the local dialect.

Three armed men stayed outside the house. Those who entered addressed Hamit and said: "Are you Ahmet?" He replied, "No I am not Ahmet, which Ahmet are you talking about?" Then two of the armed men caught him by the arms and said, "We are in a hurry. We are PKK, come and show us where he is". They then took him out without giving him an opportunity to get dressed. The eight people then left, but left two others on the other side of the house on guard, and reportedly said "If you make any noise we will shoot you all". Those inside the house waited for about half an hour and then went and woke up Ahmet Temel, who sent his son Bahrem to Yüksekova police station. Bahrem alerted the police and said that if the "guerrillas" were followed and all roads in and out of the town shut, they could be caught. Bahrem thought the police response did not show any urgency.

Two days later, on 22 October, a shepherd found the body of Hamit Temel on pasture land, reportedly riddled with bullets. The autopsy report is said to have stated that he had received no blows and that there were no signs of torture.

3. The case of Ali Erdem

Figure 1 Ali Erdem

His wife with their youngest son

Ali Erdem, of K_z_ltepe in the province of Mardin, married with three children, was killed on 29 September 1991. According to his father, Hac_ Mehmet Erdem, that evening the family had returned from their nearby vineyards to their house in the Serekaniye district of Arban village near K_z_ltepe. Villagers say that a helicopter had landed in the neighbourhood earlier that afternoon, from which a group of about 20 Special Team soldiers had emerged.

As darkness descended four armed people appeared at Hac_ Mehmet Erdem's house. They were carrying Kalashnikov weapons, and were dressed in commando-type jackets, denim trousers and sports shoes (dress typical of Special Team members). Hac_ Mehmet Erdem could see the faces of three of the men, but the fourth had covered all but his eyes with a scarf. Two came forward to talk in Kurdish, with an accent typical of the Kars/Erzurum area in the north, saying that they were from the PKK and knew that he was Ali Erdem's father. Hac_ Mehmet Erdem expressed the opinion that they did not look like PKK members. They threatened to kill him and the other people present if they did not direct them to Ali Erdem. At this point a neighbour intervened and claimed that she had seen one of the men come to the village once before in a group of Special Team members, in response to which he threatened to kill her if she spoke another word. Eventually they

were directed by another villager to where Ali Erdem was sleeping. They entered the house and killed him. Villagers reportedly found 110 cartridge cases at the scene.

At the time of the shooting, other shots came from outside the village and four people, Emine Erdem (Ali Erdem's mother), Hate Çiçek (f), Cemal Çiçek and Bahare Temiz (f), were wounded. The following day soldiers came to the village and took the wounded to Mardin State Hospital.

4. The case of Hayrettin Demir

Figure 2 Hayrettin Demir

His parents, wife, children and sister

On 18 August 1991, **Hayrettin Demir**, aged 26, married with a son and daughter, was working on the construction of a bridge in the village of Gülgöze near Midyat, Mardin. In the evening he returned home and was listening to the radio when the doorbell rang. His sister Makbule went to the door and saw a number of people in guerrilla clothing. They said in Kurdish that they wanted to see Hayrettin and he came to the door. The visitors said, "We are friends newly arrived in the neighbourhood. We would like to talk to you for a bit." As they were going to the garden gate, Hayrettin turned and attempted to get back into the house but was shot dead in the garden. Midyat Central Security Post was informed, but the body was not taken to Midyat State Hospital until the morning. The prosecutor did not

come to the village, for what were said to be security reasons, and the body was kept at the hospital.

The family claim that Hayrettin Demir had been detained and tortured on several occasions previously for alleged contact with the PKK. At the end of the month of ramazan, Midyat had been raided by the PKK, and the security forces detained Hayrettin, his brother, and seven friends. They were held for a month and they alleged that they were tortured during this time. Hayrettin Demir was then formally arrested and sent to Diyarbakır prison before being later released.

Hayrettin Demir's father told a reporter for the weekly newspaper Yeni Ülke (New Land): "The military people asked me who I thought did it. I did not say because I was afraid. But it could only have been the kontrgerilla and the village guards. We were always being threatened by the security forces."

On 19 August 1991 the national press reported the event, saying that Hayrettin Demir had been killed by unidentified persons because he was a village guard. However, there had never been any village guards in Gülgöze.