

AI INDEX: EUR 44/33/97
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BRIEFING ON _ANAR YURDATAPAN'S CASE

_anar Yurdatapan, spokesperson for the "Together for Peace" initiative (BIBA - Bar__ İçin Biraraya) and a leading composer and performer of contemporary music, was detained at Istanbul Atatürk Airport late on 16 April 1997 on his return from a brief visit to Germany. Amnesty International issued an urgent action(1). After being held in incommunicado detention for nearly six days, _anar Yurdatapan was formally arrested by Istanbul State Security Prosecutor on 22 April. He now faces charges for possession of two false passports and for supporting an illegal armed organization.

What is not disputed is that _anar Yurdatapan entered Turkey in possession of two forged or falsified passports - an offence under the Turkish Penal Code. Whether or not _anar Yurdatapan knowingly imported false or falsified passports would be a question for a court to decide. Should any person be found guilty of such an offence after a fair trial, Amnesty International would not wish to oppose the application of punishments provided for in Turkish law.

However, the circumstances surrounding the imprisonment of _anar Yurdatapan are extremely complicated and difficult to follow for a foreign audience which, unlike the Turkish public, has not witnessed the wealth of evidence implicating the State in political murder and other crimes, which has emerged in the wake of the famous Susurluk car crash of 4 November 1996.

In this fatal road accident a high-ranking police chief, a wanted right-wing mafia leader, and a Kurdish tribal leader -- who is also a Member of Parliament and heads a private army of several thousand village guards -- were found to be travelling together in the same car with a quantity of weapons, silencers, passports and other documents under assumed identities.

Since the event, investigative journalists have tried to unravel the emerging links between the mafia underworld and the state, whose security have agencies engaged in a 12-year-war against the separatist Kurdish Workers' Party (PKK). These links led to the door of the then Prime Minister Tansu Çiller herself, now Deputy Prime Minister and Foreign Minister, and the then Interior Minister Mehmet A_ar, former General Director of Security, who has since been forced to resign. Allegations of attempts to cover up the scandal abound.

The two men for whom _anar Yurdatapan had brought the passports, Murat Ipek and Murat Demir, were at one time members of the PKK. After their capture by Turkish security forces more than five years ago, they both turned state witnesses in exchange for reduced prison sentences under the "Repentance Law". The two men -- like many people popularly known as "confessors", who benefited from the Repentance Law -- reportedly worked thereafter on an undercover or irregular basis for the security forces.

In early 1997, in the wake of the Susurluk accident, they contacted journalists in order to give information about their activities on behalf of the State. They provided extremely detailed

accounts of illegal activities, including participation in political murder on the orders of, or with the knowledge of, high ranking officers.

Özgür Politika (Free Politics) published an interview on 11 February this year in which Murat Ipek describes his participation together with other “confessors” in the killing of Kurdish writer Musa Anter, and his escape from the scene of the crime in Diyarbakır in 1992(2). He also gives an account of the killing at his own hand of schoolgirl Bişeng Anık, in Şırnak earlier that year(3):

After my release from prison I started work at Şırnak Police Headquarters. They gave me a test... [a top security official whose name is given] wanted me to kill Bişeng Anık. They wanted to see how reliable I was ... He asked ‘Who is involved in what is going on here?’ When the police gave him Bişeng Anık’s name, he said ‘Get rid of this one.’ They gave me this job to test me. Bişeng Anık’s house was in front of the mosque. Together with the plainclothes police, I got her. They tortured her at the police headquarters. They cut her back and the soles of her feet with a razor or some other sharp instrument. They said Bişeng was the one who had killed a policeman who had been lynched in his house by the people during the disturbances. They gave me a G-3 rifle which was at the police headquarters and with this weapon I fired one shot to Bişeng Anık’s head and killed her.

Şınar Yurdatapan conducted a video interview with the two men whose lives have undoubtedly been at great risk since their public confessions.

Şınar Yurdatapan’s action in carrying the passports, however ill-advised, apparently arose from the same readiness to take personal responsibility which has marked his campaigning for freedom of expression in Turkey in the past two years. Information at Amnesty International’s disposal confirms that Şınar Yurdatapan was trying to assist the two men to leave Turkey in order to protect their lives, so that they should stand trial for the crimes they have admitted, and in order to bring to international attention the strong evidence of state involvement in political murder which is contained in their testimony. It is now known that he had unsuccessfully sought to find legal channels whereby the men could be brought out of Turkey in order to give testimony to an inter-governmental organization.

The charge that Şınar Yurdatapan was collaborating with the PKK is without serious foundation, and has apparently been improvised in order to discredit his work to uncover the state perpetrators of political murder and his campaign for peace and freedom of expression. It should be emphasized that, under Turkish law, the two men in question were recognized as having severed their connection with the PKK when they benefited from the Repentance Law, and that both were formally or informally in the employ of security agencies.

The use of “confessors” by security agencies for nefarious and illegal activities, including murder, has been attested in court, and also in a report prepared by the Commission of the Turkish Parliament on Unsolved Killings, published in April 1995. It is by no means clear that the two men were wanted by the authorities, but it has been claimed that a warrant had been issued for the arrest of Murat Ipek on the basis of a statement he had made in a televised interview.

He stated that he had fired shots at the offices of a news agency in the town of Denizli, in Western Turkey, on the orders of a member of the security forces. In fact, just two weeks before _anar Yurdatapan's arrest both men had testified in Ankara to a parliamentary commission investigating the murder in 1993 of U_ur Mumcu, a prominent journalist.

Amnesty International will continue to support _anar Yurdatapan's campaign for freedom of expression in Turkey, and his demand for investigation into the security forces' participation in political murder.

At the request of the Turkish authorities, Amnesty International will circulate as widely as possible their account of _anar Yurdatapan's arrest. _anar Yurdatapan's statement gives an alternative reading to the same events.

ENDS.../

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Please see enclosed document from the Turkish Embassy in Washington and letter by _anar Yurdatapan.

TURKISH EMBASSY
WASHINGTON D.C.

INFORMATIONAL NOTE ON _ANAR YURDATAPAN

- ◆ Acting upon information that had been conveyed to them, the police apprehended Mr. _anar Yurdatapan at Atatürk Airport in Istanbul on April 16, 1997.
- ◆ He was searched at the airport. Two fake passports as well as two airlines tickets issued to the names on those passports were found. One of the passports displayed the photograph of Mr. Murat Ipek but carried the name Hakan Pekkan, whereas the second passport exhibited the photograph of Mr. Murat Demir but carried the name Mehmet Mesut Mermertas.
- ◆ In addition to the two fake passports and tickets, Mr. Yurdatapan was also in possession of 111 video cassettes and several documents, the contents of which are being examined by the police.
- ◆ At the initial interrogation, Mr. Yurdatapan informed the police that the fake passports were given to him in Cologne, Germany by an unknown person in order to facilitate the escape of Messrs. Ipek and Demir from Turkey who were being sought by police according to relevant subpoenas.
- ◆ Mr. Yurdatapan also stated that the videos included interviews with the families of soldiers captured by the PKK, Nevruz programs, other meetings, etc. He informed the police that Messrs. Ipek and Demir were at his office in Uskudar at the specific address of Pasalimani cad. Nacak sok. No 21/8 and that these two persons carry guns.
- ◆ The police proceeded to that address with Mr. Yurdatapan and apprehended Messrs. Ipek and Demir. During the search of the office, police found two guns and several rounds of ammunition.
- ◆ Messrs. Ipek and Demir claimed that the PKK forced them to admonish the security forces by threatening them and their families, and that Mr. Yurdatapan was going to assist them in leaving the country.
- ◆ Police also found video cassettes in Mr. Yurdatapan's office, including interviews with the same persons in which they condemn the security forces.
- ◆ The Istanbul State Security Court decided to arrest Mr. Yurdatapan and the other two. They are in Ümraniye prison in Istanbul.

_anar Yurdatapan
Ümraniye Ceza ve Tutukevi
Istanbul

25.04.1997

Dear Friends,

I am writing to you from "ÜMRANIYE PRISON" where I was able to have myself transferred from "METRIS PRISON" (where right extremists were kept) after a long struggle. Now I am worrying about the destiny of two former "confessors" (*: see the foot-note) who are still there. One of them, Mr. Murat Ipek, accepted to move to "KIRKLARELI PRISON", beside the other confessors. But the second one, Mr. Murat Demir, started a hunger-strike to protest the situation. If he will not be transferred here within two days, his strike will turn out to be a "strike for death". (all three of us are accused of the same article 169 of the Penal Code, supporting PKK!?)

I am mainly accused of protecting these 2 people. Yes, I did! Because 3 months ago, they began to confess the crimes they were forced to participate by the Turkish-gladio. And the information they gave about mass-murders, arbitrary executions, murders committed by unknown!? Killers were approved by many witnesses After the lucky (!?) Traffic accident in Susurluk (November 1996), these two people are among the very few confessors about the illegal operations of Turkish security forces, police and/or military. In the legal aspect, I cannot be blamed for "protecting" them, since they are "officials" of Turkish Anti-Terror Teams and "JITEMS" - Gendarmery Intelligence Service. Just in contrary, the state should be thankful to me! Plus, my detention - which is totally illegal, since the three main reasons explained in CMUK Law article 114 for detention, do not exist in my case - may not last too long. I do not ask you to do any action for me, but for those two people whom "The State within the State" may try to silence. I am afraid they may be victims of a "usual!?" fight among the other criminals kept in Metris Prison or a traffic accident during transportation. This prison (Ümraniye) is much safer for them, since they will be among their old friends who are clever enough not to try to take any revenge for their former betrayal, but protect them as very important witnesses. With thanks in advance and best wishes,

_anar Yurdatapan

* Footnote: "Confessor" means former PKK guerillas got caught in war. After a period of torture, they are given a last chance to survive, if they accept to collaborate. Benefiting a special law, they are free, but are used in counter-guerilla teams and as killers in "Murders with unknown murderers", or assassinations organized by Turkish-gladio!

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1 See EXTRA 53/97, 18 April 1997, and 23 April 1997 Update.

2 See appeal case: Alleged extrajudicial execution of Musa Anter, Kurdish writer and journalist, attached to *Turkey: Walls of Glass*, AI Index EUR 44/75/92.

3 See: *Turkey: Death in custody of a girl aged 16: Bi_eng An_k*, AI Index: EUR 44/45/92