

Turkey: Responses to an emerging pattern of extrajudicial executions

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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

**"DISAPPEARANCES" AND POLITICAL KILLINGS:
HUMAN RIGHTS CRISIS OF THE 1990s**

A MANUAL FOR ACTION

Chapter C-5

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extrajudicial executions**

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Chapter C-5

Turkey:

Responses to an emerging pattern of

extrajudicial executions

The persistence of torture has dominated Amnesty International's work on Turkey for over a decade. Today this continuing pattern of torture is, in southeast Turkey, overshadowed by a new pattern of human rights violations. Scores of people known for their criticism of Turkish Government policies have been the targets of selective assassination. Journalists, human rights activists and supporters of opposition parties and lawful groups associated with Turkey's Kurdish autonomy movement have been victims of political killings, often following a history of short-term arrest and police harassment.

Increasing evidence has come to light that since 1991 Turkey's security forces have engaged in a campaign of extrajudicial executions. These have centred on the 10 provinces under emergency rule in southeast Turkey, where the Turkish state is combating guerrillas of the Kurdish Workers' Party (PKK). Since mid-1991 more than 300 people active in the legal opposition to the government, or suspected of having contacts with the clandestine PKK, have been the victims of execution-style killings in the southeast.

In some cases the evidence has shown direct security force responsibility, while in others the collusion of government forces in the killings is strongly suggested by circumstantial evidence. A pattern of political killings has emerged - a pattern which the official institutions of law and order have done little to end.

The rise of killings in the southeast

Although numerous killings in disputed circumstances by the security forces have been reported in many parts of Turkey¹, it is in the southeastern provinces that the toll of such deaths has been the greatest. Unarmed civilians have been killed by security forces firing indiscriminately on demonstrations, in random firing on Kurdish residential areas in "retaliation" for PKK attacks on troops, or in other recklessly excessive uses of lethal force. This chapter, however, focuses on evidence that Turkish forces are systematically eliminating those openly working for Kurdish rights, as well as active supporters of organizations pressing for Kurdish autonomy, whether the members of the armed and outlawed PKK or non-violent advocates of democratic reform.

The wave of extrajudicial executions has been part of a crescendo of violence in southeast Turkey since 1990, when fighting between Turkish security forces and Kurdish guerrillas of the PKK intensified. The guerrillas' original stated aim was to establish an independent Marxist Kurdish state; recent statements by

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their leader, Abdullah Öcalan, have put forward more modest aims, asking for a cease-fire and some form of limited autonomy within the Turkish state. The guerrillas are trained in Turkey or in bases in Syria, Northern Iraq or Iran. They are heavily armed and usually wear a simple uniform without insignia. They carry out almost daily attacks on security posts in villages and towns.

There have been many reports of human rights abuses by the PKK also, including "executions" of village guards (see below) and alleged informers. In some cases village guards' wives and children have also been killed.

The PKK's manoeuvres are matched by a high level of military activity by government security forces, who make expeditions from the population centres into the rugged countryside to track down guerrilla groups. Since the beginning of the conflict in 1984 an estimated 6,900 people have died, many of them civilians.

The security forces comprise some 60,000 gendarmes (members of the regular armed services carrying out police duties); 34,000 village guards; and an estimated 3,000 members of the Special Teams who are trained for close combat with guerrilla forces and are nominally responsible to the local police commander. The security forces believe, probably correctly, that many in the civilian population are supplying guerrillas in the mountains with food and information, and that the PKK has political and military representatives in villages and towns. Unable effectively to identify and prosecute these representatives, it appears that the security forces have resorted to extrajudicial execution as a method of eliminating people they suspect of collaborating with guerrillas and in order to dissuade others from collaborating in the same way.

Increased allegations of extrajudicial execution began in the spring of 1991 with the murders of Ramazan Aslan and Vedat Aydın. The two cases exemplify two more or less distinct patterns of killings - one rural and one urban - which probably involve two different groups of perpetrators.

Deaths in the countryside: the killing of Ramazan Aslan

Ramazan Aslan was shot with 14 bullets in the courtyard of his home in Midyat, Mardin province on 13 June 1991. He was headman of the nearby village of İközdere and kept a small shop in Midyat. On 20 June 1990 he had been arrested and remanded in custody on charges of membership of the local PKK committee. His father had previously been headman of the same village but had resigned the year before after he was convicted of harbouring members of the PKK. Both Ramazan Aslan and his father opposed the village guard system, and the people of İközdere have never joined the village guard corps.

On the eve of Ramazan Aslan's election as headman the gendarmerie visited İközdere and said that Ramazan Aslan was an unsuitable candidate because he was "a terrorist". In spite of this he was elected, and on the morning of 13 June he went to Midyat Gendarmerie Headquarters to present his credentials as village headman. He told his family that he had been welcomed and entertained for several hours with tea and coffee.

That night as he crossed the courtyard of his home he was killed by a burst of automatic fire. The killer was never found.

During the rest of the year there were at least 15 other killings in rural areas of Mardin province, mainly of people who had earlier been arrested on suspicion of having contacts with the PKK, or who had

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relatives who had joined the guerrillas. Some of the killings were reportedly carried out by security personnel dressed as guerrillas. Sometimes individual soldiers were recognized. Assassination teams travelled in military vehicles, through gendarmerie checkpoints or even in helicopters. A security force death squad appeared to be operating in the area.

The distinctive factor common to all of the victims was that they came from villages which had refused to join the village guard corps.

The village guard system was established by the government in 1985 to counter the activities of the PKK. 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, recruitment into the village guard corps is voluntary, but refusal by individuals or entire villages to participate in the system is usually considered by the local security forces as a sign of active or passive support for the guerrillas.

The pressure from the PKK not to join, enforced by the threat of attack or execution, is plainly intense, and there were hundreds of resignations from the corps during 1991 and 1992. As villages which pull out of the system are seen to expose the flank of nearby villages, any PKK attack against these neighbours may trigger reprisals against villages refusing to belong to the system.

It is widely rumoured in Turkey that the selective assassinations among the Kurdish population are part of a campaign by a clandestine anti-insurgency unit, referred to as the *kontrgerilla*, to intimidate the opposition or provoke it into open rebellion so that it could be wiped out by straightforward military means. But some of the killings could have been instigated or carried out by members of any of the security force units, such as plainclothes members of the Anti-Terror Branch, the Special Teams, the village guards, or a combination of elements from all three, acting on their own initiative but with the passive or active collusion of other parts of the law and order system.

Local people have told Amnesty International that they believe that the Special Teams were involved in many of the killings. The identities, activities and methods of the Special Teams are shrouded in great secrecy. They are sometimes uniformed but are often masked. Many Special Team members know 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 they frequently wear trainer-type shoes. Those most frequently implicated in rural killings, however, are the village guards.

Villagers are still being killed by village guards, particularly in the Midyat area where the village guards seem to be out of control. Often the killings are initially attributed to the PKK by local officials and the press.

On 1 December 1992 seven inhabitants of the village of Hakverdi near Kızıltepe in Mardin province were taken from their houses and shot. The Emergency Powers Governor promptly blamed the PKK.

Surviving villagers disputed this. They said that although the attackers were dressed like guerrillas, the victims selected were all relatives of a villager who had been jailed for PKK membership, and although the area was under close surveillance there was no clash with the security forces or pursuit. One villager said: "All those killed were [Kurdish] patriots. Our only crime is membership of HEP" (the People's Labour Party).

There had been a similar incident in April the same year, when eight inhabitants of Çalınar village, Midyat, were killed and nine wounded in an attack on a minibus. This incident too was described by the Emergency Powers Governor as a PKK attack, but ballistic tests later revealed that the weapons used

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belonged to neighbouring village guards. Ten village guards were arrested.

The Midyat area is also home to Assyrian Christians and to Yezidis, members of a non-Muslim syncretist faith. Members of both groups have been killed in attacks attributed to village guards and apparently carried out in order to intimidate the Christians and Yezidis from having any contact with the PKK, to extort money, or to encourage the communities to leave their land and flee to Istanbul or Europe.

Yusuf Çakar, a Yezidi, was found shot dead with bound eyes, hands and feet on the morning of 1 December 1992, after having been released from Mardin after 10 days' interrogation. On 13 January 1993 five Assyrian Christians and two Yezidis were killed in an attack on two minibuses. Although the attack was publicly attributed to the PKK, the survivors said they believed the killers were village guards.

In some killings, the victims were detained by officials before being killed. On 10 November 1992 Mehmet Akkan, a 70-year-old shepherd of Altıyol village near Dargeçit, Mardin province, was detained by gendarmes. Later that day fellow villager Mehmet Akkum "disappeared" after he was reportedly seen by children of the same village being taken into custody. On 13 November Mehmet Akkan's body was found near the village with numerous bullet wounds, while on 17 November Mehmet Akkum's body was found bearing extensive marks of torture near Elazığ, which is over 300 kilometres away via roads which are under heavy security.

Urban killings: Vedat Aydın

The killing of Vedat Aydın, President of the Diyarbakır branch of the People's Labour Party (HEP) and board member of the Turkish Human Rights Association (THRA), initiated the wave of urban killings. He was taken from his home on 5 July 1991 by several armed men whom he said he knew and who identified themselves as police officers. His body was found on a roadside three days later with eight bullet wounds, broken limbs and crushed skull.

The year before, Vedat Aydın had been held in prison for two months for giving a speech in Kurdish at the annual general meeting of the THRA. On the day of his abduction he had visited a member of another branch of the THRA who had been injured in a bomb attack the previous week. Certain aspects of the crime as well as the perfunctory nature of the official investigation suggest that the security forces may have been responsible.

In a reply to a Council of Europe report on human rights in Turkey, a parliamentary member of parliament of the Social Democratic Populist Party (SHP) - the junior partner in the coalition government - stated: "The death of Mr Aydın is widely believed to be a crime committed by irresponsible officials. This is the opinion shared by the majority of my party".

In early 1992 the pace of political killings accelerated - in the course of the year there were over 250 urban killings. In some killings, the security forces were directly implicated.

Claims that elements within the security forces have been recruiting local people to carry out killings of members of the Kurdish opposition are supported by an episode which occurred early in 1992. Rıfat Akış, aged 16, was detained in Silvan, Diyarbakır province, on suspicion of membership of the PKK. He later claimed that a captain, commander of Silvan Gendarmerie Post, proposed to him with a combination of threats and bribes that he should assassinate Mehmet Menge, Diyarbakır SHP Board Member, and that he was given a Kalashnikov rifle and hand grenades. Rıfat Akış's family appealed to a group of members of

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parliament who, on the initiative of the Interior Minister, took him to Ankara Police Headquarters. There a telephone conversation between Rıfat Akış and the commander of Silvan Gendarmerie Post, a captain, was recorded on tape. Amnesty International does not have the full text of the conversation, but part of it was published in the newspaper *Yeni Ülke* (New Land) of 22 March 1992:

"Rıfat Akış: Hello, this is Rambo Stes [his codename].

Captain: Where are you?

Rıfat Akış: I am in Diyarbakır. I found the man. I'll get rid of him.

Captain: Do not speak too openly on the telephone. Get rid of him and come here, your 20 million [around £2,000] is ready.

Rıfat Akış: How shall I do it?

Captain: Pull the fuse on the grenade and throw it at him. Shoot him in the head no more than three times. Do not worry, we have arranged everything. We'll say terrorists killed him. Your money is ready. I will make a big man of you."

The officer with whom this conversation was held is still at liberty and still on duty, and it would appear that no legal proceedings have been taken against him. Following a parliamentary question on the incident, a reply dated 7 May 1992 from Gendarmerie General Command to the Presidency of the Turkish Grand National Assembly, the Turkish parliament, stated that the Silvan Gendarmerie Commander had been "transferred to other duties outside the Emergency Powers Region" and that an internal investigation was being carried out by the Interior Ministry. Amnesty International twice wrote to the Turkish authorities asking about the case, but it had received no reply as of August 1993.

Most of the new wave of political killings were carried out by small groups of assassins (often very young according to eyewitnesses) in the street or similar public places and attributed to Hizbullah - an organization which was hitherto almost unknown and which, before November 1992, was not known to have engaged in any violent activities. This is not the branch of the Lebanese-based Shi'a Hizbullah which carried out acts of political violence in Turkey in the mid-1980s, but a shadowy organization which was established in 1987 in Batman and belongs to the Sunni branch of the Islamic faith, like most of the Muslim Kurdish population in that area. The group is committed to the establishment of a fundamentalist Islamic state in Turkey.

After first denying the existence of Hizbullah when the killings began, the authorities claimed that the killings were part of a feud between religious groupings and supporters of the PKK (nearly 100 alleged Hizbullah supporters were killed in 1992 in attacks generally blamed on the PKK). Nevertheless, there have been persistent doubts about the independence of Hizbullah as an armed force - doubts which have been fuelled by the striking degree of coincidence between the targets of the killings attributed to Hizbullah, and the targets of police harassment, arbitrary detention, ill-treatment and torture.

An incident suggesting official protection of "Hizbullah" gunmen occurred in April 1993 in Silvan, after two people were attacked and killed there. The assassins fled the scene and took refuge in the house of a person reputed to be closely connected with Hizbullah. When a crowd surrounded the house demanding that the attackers be handed over, shots were fired from the house. Police arrived at the scene shortly afterwards and took the killers and the owner of the house into custody. The local chief of police prepared a charge-sheet, but Diyarbakır State Security Court declared its incompetence in the case and shortly afterwards the owner of the house was released without appearing in court. This was the last news item covered by Haftz Akdemir, a journalist for *Özgür Gündem* (Free Agenda), before he was shot to death in a street in Diyarbakır. Reportedly the two alleged assassins were also released at a later date, but Amnesty International has not been able to confirm this.

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In Turkey there is a legal parliamentary movement for Kurdish autonomy. The movement was led by HEP, which functioned legally as a parliamentary party until its closure. HEP did not advocate violence, but because its political goals resembled some of those of the PKK, the party was regarded in some quarters as the PKK's "parliamentary wing". In August 1993 HEP was closed by a ruling of the Constitutional Court on the grounds that the party was separatist. Its successor party, DEP, has 18 members of parliament.

In the urban killings, HEP members and officials have been among the main targets. Vedat Aydın, the first urban victim, was president of the Diyarbakır branch of HEP. In the 26 months since the killing of Vedat Aydın, a further 56 officials and members of HEP and its successor, the Democracy Party (DEP), have been killed in attacks which seem to have been a direct response to the party's electoral and organizational success.

The cases of Harbi Arman and Abdurrahman Söğüt were typical. Harbi Arman, an active board member of the Malazgirt local branch of HEP, was found dead under a bridge near the village of Örnek, 24 kilometres north of Diyarbakır, on 18 January 1992. He had been beaten to death.

In September 1991 detainees in Malazgirt had reported that the police threatened to kill Harbi Arman. He was detained briefly some days later and then released. On 14 January he went to Diyarbakır, having been called to appear as a witness at the State Security Court in the trial against those detained in September. The bus driver confirmed that Harbi Arman arrived in Diyarbakır, but he was not seen again until his blindfolded body was recovered by villagers.

Abdurrahman Söğüt, aged 38, a shopkeeper and father of eight children, was shot in the head and chest by three unidentified assailants in Nusaybin, Mardin province, on 18 January 1992. Like Harbi Arman, he was an active member of HEP. Abdurrahman Söğüt had been detained on 2 November 1991 on charges of aiding PKK guerrillas. After his release on 31 December he wrote to Amnesty International, describing the torture he said he had been subjected to at Mardin Police Headquarters.

Another victim was Abdul Samet Sakık, former President of HEP Gaziantep branch and brother of Sırrı Sakık, the HEP member of parliament for Muş. On 3 October 1992 he was shot dead, reportedly in the presence of a Special Team unit in a jeep which failed to intervene or pursue the attacker.

Some HEP members of parliament have reported threats directly voiced by the security forces. In April 1992 a British human rights delegation reported that they were present when the Diyarbakır Gendarmerie Commander threatened Leyla Zana, HEP member of parliament for Diyarbakır. He reportedly told her: "I am going to kill you, but first I am going to discredit you."

HEP, and now DEP, members are also frequently detained and interrogated under torture for allegedly supporting the PKK. On 7 April 1992 Tahir Seyhan, HEP board member of Dargeçit, Mardin province, died after four days' interrogation by local gendarmerie. Replying to a parliamentary question concerning the death, the Interior Minister, İsmet Sezgin, said: "Tahir Seyhan fainted and fell to the floor when shown a photograph of himself taken with a militant organization member. When as a result of this fall Tahir Seyhan became ill, the barracks doctor intervened, but his condition worsened and he was moved to Diyarbakır State Hospital." The autopsy report registered death as the result of brain trauma.

A relative has alleged that the officer in charge of the gendarmes who detained Tahir Seyhan said: "You are a dead man now". A member of staff at the hospital where he died reportedly stated: "It is an inhuman case. He was brutally tortured. His body was all in pieces."

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The latest killings at the time of writing of this chapter were those of Mehmet Sincar, DEP member of parliament for Mardin, and Metin Özdemir, Chairman of Batman DEP. The two men were shot dead by three gunmen in broad daylight in the city of Batman, southeast Turkey, on 4 September 1993. Four other people, including Nizamettin Toğuş, also a DEP member of parliament, were wounded in the attack. Mehmet Sincar and Nizamettin Toğuş were in Batman as part of a DEP delegation to the funeral of Habib Kılıç, the former Chairman of Batman DEP, who was shot dead on 1 September.

The killers escaped from the scene of the crime. Later that day a caller claiming to represent the Turkish Revenge Brigade (TIT - Türkçü Intikam Tuğayı) contacted national newspapers saying that the killings were in retaliation for the guerrilla activities of the PKK and that their intended targets were two other DEP members of parliament, Sedat Yurttaş and Leyla Zana. The TIT further stated that they intended to continue attacks on Kurdish members of parliament. (TIT was unknown until responsibility was claimed in its name for abducting and killing Ferhat Tepe, the Bitlis correspondent for the Kurdish-owned newspaper *Özgür Gündem*, in August 1993. The circumstances of that killing suggested that gunmen acting in the name of TIT may be linked with the security forces.)

Again in these latest killings there were circumstantial details suggesting possible collusion by the police. Other DEP members of parliament who were in Batman at the time of the killings reported that they were under heavy police surveillance the day before, followed everywhere by at least two vehicles and many plainclothes police officers. All foreign observers who have visited the area note that police presence is particularly heavy in Batman, and that their movements are constantly monitored. It would normally be almost impossible for such killings to be carried out with complete impunity in broad daylight in the centre of town. However, the DEP members of parliament report that all police presence disappeared on the morning of 4 September.

Further grounds for concern are given by the circumstances of the arrest of Nesim Kılıç, the brother of Habib Kılıç, at the airport when he arrived at Batman with Mehmet Sincar on 3 September. The arrest was reportedly carried out by police officers accompanied by a "confessor" (a former PKK member who is collaborating with the security forces) from Mehmet Sincar's home town, and known to him.

On 8 September Batman police announced that they had caught one of the three attackers. They said that the prisoner would be held in a "confessor" ward of Diyarbakır prison. They said they knew the names of the other two; all three, they said, were "close to Hizbullah". This was denied in a press statement by a Hizbullah spokesperson in Diyarbakır, who said that the ceasefire between Hizbullah and the PKK was still in force.

The extent of security force toleration, collusion or complicity in the killings attributed to Hizbullah is still open to question. There have been more than 30 detentions of alleged Hizbullah activists. However, in some cases attackers apparently acting in the name of Hizbullah who were reportedly caught in the act were apparently never brought to trial. In September 1992 Amnesty International wrote to the Minister of Justice asking for further information about a number of such cases, but it had not received a reply by August 1993.

At the time of writing of this chapter, three trials involving 15 alleged Hizbullah activists accused of seven murders are being prepared at Diyarbakır State Security Court. The trials should provide further information about the activities undertaken in the name of this organization. The outcome of the trials will be an important test of the determination of the authorities to halt the killings.

Failure of the prosecution service

An important factor in the emergence and persistence of extrajudicial executions in southeast Turkey is the atmosphere of impunity in which the security forces operate there.

Under the terms of the Emergency Powers Region legislation in force in the southeastern provinces, no complaints brought against members of the security forces of manslaughter, theft, rape, assault, wounding or torture can be taken to court unless permission is given by the local governor's office - the office responsible for security and police affairs. Although the governor's permission is not needed for prosecutions for murder or attempted murder, the legislation gives the security forces a free hand to intimidate family members, complainants and potential witnesses. Cases of prosecutions for deaths in custody are also examined by the governor because the torturers claim they did not intend to go so far as to kill the victim. The Emergency Powers Region legislation has prevented the establishment of a tradition of calling government forces to account for abuses.

Under Turkish law, it is the provincial Chief Public Prosecutor's job to investigate non-political murders and killings by security personnel in disputed circumstances. Political killings by opposition groups are investigated by State Security Court prosecutors and tried in State Security Courts. Prosecutors, and to some extent courts, have shown extreme reluctance to investigate or prosecute members of the security forces for any actions they may commit while on duty - indeed such prosecutions are almost unknown in the area under emergency legislation.

The few replies that Amnesty International has received from the Turkish Government to questions about possible extrajudicial executions have claimed that investigations by local prosecutors are continuing. Families and lawyers, who are told the same, state that they have the impression that prosecutors are actually taking no action at all. They point to numerous cases where, despite strong evidence that local gendarmerie or village guards were involved in a killing, there have been few or no arrests or prosecutions and no convictions.

The tactic of official inactivity and delay, combined with assurances that investigations are continuing, effectively immobilises the families and lawyers of victims. Where allegations have been made against specific perpetrators, they must wait for months before the prosecutor makes a decision - usually to drop the case. The written explanation of the reasoning behind such a decision may be no more than two or three lines stating that there is "insufficient evidence". Where the crime is carried out by an unidentified assailant, the case may remain open indefinitely as an unsolved crime. Meanwhile, the family of the victim has no means of monitoring the case or pressing it forward, since the contents of the preliminary investigation file are secret, and a case of an indefinitely unsolved crime may never proceed beyond the secret, preliminary investigation. In theory there is a channel of appeal to the High Council of Judges and Prosecutors against prosecutors who are negligent, but lawyers who have tried to make such appeals state that they remain unanswered for years.

Lawyers themselves are under pressure - many receive death threats. Since the 1980 military coup, lawyers have experienced more than a decade of failure to achieve results in human rights cases. The experience has left lawyers deeply pessimistic about the prospect of legal remedies for human rights violations. Many believe that the only way to get local prosecutions moving is to develop public and press interest in their cases at home and abroad in order to shame the authorities into action.

Bringing a prosecution against members of the security forces is fraught with difficulty and danger. In May 1991 two Special Team members were indicted for intentionally shooting Mustafa İlgiz in his

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home village of Çiçekalan in the province of Kahramanmaraş (a province in southeast Turkey which is not under emergency rule) the preceding month. Although the provincial court initially claimed, for reasons that were never made clear, that it was not competent to try the case, a prosecution was eventually brought before the court. However, although the defendants are accused of intentional killing, the indictment prejudices the issue by presenting as fact that the defendants shouted to the victim to stop and fired warning shots into the air - an interpretation of the killing which should rightly have been left to the discretion of the court, and was moreover contested by numerous witnesses. Proceedings in the case appear to have been constantly stalled by the non-cooperation of the accused, who were never detained, and their superiors. The Special Team defendants failed to attend court hearings, even when subpoenas were issued, yet no legal action has been taken against them for their continued refusal to appear. The plaintiff's repeated requests for a court survey of the site of the killing was, in turn, refused on the grounds that the court should first take the defendants' statements. Finally and most disturbingly, the lawyer of the family of Mustafa Ilengiz was subjected to intimidation by the security forces. Other clients of the lawyer have said that they were told during interrogation by the local police and gendarmerie to pass on threats to his life. He continues to receive such threats and to be followed, and visitors to his house have been harassed.

Though plainly worn down by the seeming futility of pursuing official procedures of complaint in cases of torture, deaths in custody and extrajudicial executions, Turkish lawyers persist in following official channels in the hope that a file will eventually find its way to the desk of a prosecutor with integrity.

In southeast Turkey, a large part of a prosecutor's daily workload consists of preparing cases against alleged members of the PKK. In this area of their work, in contrast to their response to allegations of human rights violations, they appear extremely energetic, giving the clear impression that a tough line against separatism is a required characteristic of those appointed to prosecutors' posts in the southeast. A prosecutor in the area who talked to Amnesty International confirmed this impression: his opening words were that his primary task was to preserve the indivisible unity of the state against separatist activity. While the prosecution service appears to regard combatting separatism as its primary task, movement is slow on cases of mysterious deaths of alleged separatists.

There is a further obstacle to thorough investigation of alleged human rights violations by the security forces. In the southeast, civil servants, and especially those involved in law and order, are at personal risk from the armed opposition. Security considerations throw police and judiciary together in their social as well as their professional lives. Police, prosecutors and judges are largely confined to a sealed-off community of security officialdom. In such a context it is not surprising that few prosecutors pursue allegations against their colleagues.

These factors combine to produce an extremely low rate of prosecutions in cases where there have been allegations of security force involvement in political killings. The Justice Ministry has not responded to Amnesty International's request for information about such prosecutions, but news sources indicate that only nine people to date have faced charges for the more than 300 documented murders of suspected oppositionists since mid-1991.

The passive response of the police to this unprecedented crime wave is striking. Most of the purported Hizbullah members who have been detained either appear to have stumbled into the hands of the police by chance, or were seized by local people. Two of those captured by the local population escaped lynching only when they were rescued by members of the Special Team; another was delivered into the hands of the security forces after he was pursued and repeatedly shot at by the victim's father.

The complacency of the authorities in Batman is particularly remarkable. When questioned by the

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newspaper *Cumhuriyet* (30 July 1992) about the 38 killings of alleged separatists in Batman since the beginning of the year, the governor, who is responsible for the police, stated, "We have not as yet taken resolute measures in connection with these events", and promised more strenuous efforts in future. But in February 1993, by which time the death toll in Batman had mounted to 184, the same governor said that it would be difficult to tackle the problem before specially equipped teams were developed.

In the intervening time observers compared the daily searches and detentions (often accompanied by torture and deaths in custody) in operations against the PKK with the lack of activity in pursuing gunmen acting in the name of Hizbullah. Of the three alleged Hizbullah supporters taken into custody in Batman, two had been caught by local people, while the capture of the third was highly fortuitous.

Information sources under threat

Among the important sources of information about killings in southeast Turkey are journalists from various publications, and the Turkish Human Rights Association (THRA), which has branches in all the provincial capitals in the area. The harassment and killing of journalists and THRA members threatens to result in a situation where human rights violations will increasingly go unreported.

Journalists and local correspondents working for newspapers and magazines like the Kurdish-owned daily *Özgür Gündem* and its sister publication, the weekly *Yeni Ülke* (now closed), *Gerçek* (Fact) and *2000'e Doğru* (Towards 2000), have been the targets of prosecutions, police harassment, detention, ill-treatment, torture and death threats ever since their publications began. Their declared policy is to investigate and publicize human rights violations committed by the security forces, in particular in the mainly Kurdish southeast provinces under emergency rule where reporting has been severely restricted. Issues of these and similar publications are frequently confiscated.

In 1992 the journalists who had been the targets of official harassment became targets of what the Committee for the Protection of Journalists described as "censorship by the bullet". Twelve journalists researching human rights violations were killed in the Emergency Powers Region between February 1992 and August 1993. Most of them had written about political killings in the area, and several had made specific allegations of links between Hizbullah and the security forces. The alleged killers of two of the journalists have been indicted; their trials are expected to last for a year or more.

On 11 August 1992 the then Prime Minister Süleyman Demirel gave his opinion about the attacks on members of the press: "Those killed were not real journalists. They were militants in the guise of journalists. They kill each other."

The THRA also has been under heavy pressure in the southeast. Branches have been closed, usually temporarily, by the local authorities; members are harassed; meetings are frequently banned; officials have been charged with supporting the PKK and remanded in custody, sometimes on the basis of little or no evidence.

In 1991 there was a bombing campaign against members and premises of the THRA, in which Sıddık Tan, board member of Batman branch of THRA, was blinded in one eye. In December 1991 his son, Rıza Tan, was detained by security forces and shot in the legs, allegedly while attempting to escape. On 19 October 1992 Metin Tan, another son of Sıddık Tan, was shot dead in a street in Batman. In June 1992 Sıddık Tan himself was killed after reportedly being invited to a discussion with Hizbullah representatives on how to end the killings.

Turkey: Responses to an emerging pattern of extrajudicial executions

On the evening of 21 February 1993 Metin Can, the President of the Elazığ branch of the THRA, received a telephone call after which he and his friend Dr Hasan Kaya drove away in Metin Can's car. Six days later their bodies were found about 100 kilometres away. Both had apparently been tortured and then killed with a bullet to the head.

Action against extrajudicial executions: turning back the tide

Experience suggests that the practice of extrajudicial execution, once established, is hard to stamp out. The Turkish authorities must act with great urgency to confront a situation which they have up till now blandly denied.

The first step the authorities must take is thorough investigation. This task cannot be left to local prosecutors. In a highly charged situation of ethnic conflict with daily clashes between guerrillas and armed forces, with all the associated pressures and suspicions from both sides, local prosecutors may be afraid to carry out proper investigations, or may not want to do so. The situation calls for the establishment of an independent expert commission of inquiry as laid down in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council in 1989.

Following public outrage over the assassination of a prominent journalist in Istanbul in January 1993 (a killing which - unlike others described in this chapter - has not generally been ascribed to the security forces), a cross-party commission of inquiry into political killings was established by the Turkish Grand National Assembly.

Initially there was some doubt as to whether the commission would also investigate killings in the southeast. However, in July the cross-party commission went to the southeast and in August 1993 it released a report which was damning of the security apparatus.

The report described in detail, for example, an incident in which village guards raided the village of Ormandışı, near Silvan in Diyarbakır province, killing two people, and then claimed that that the raid had been carried out by the PKK. The report also stated that so-called "confessors" (former members of the PKK operating on behalf of the security forces - alleged by some informants to be involved in killings) live in police residential blocks and are responsible for "numerous robberies, theft and similar incidents". The report called for the lifting of the emergency legislation and the immediate end of the village guard system.

To turn back the tide of killings, the Turkish Government must ensure that all levels in the judiciary, local government and the military clearly understand that extrajudicial execution is illegal and must not be used as a tool in the conflict with the PKK. It is the responsibility of the Turkish Government to take all necessary steps to re-establish the rule of law and the right to life in southeast Turkey, where, amid the clash of ideologies, life is becoming cheaper every day.

Notes

"Disappearances" and Political Killings: Human Rights Crisis of the 1990s

iSince June 1991 43 people have been killed in a succession of police operations against safe houses of Devrimci Sol (Revolutionary Left - Turkey's principal urban guerrilla organization). These raids were marked by a high mortality rate and considerable evidence suggesting that the police were shooting to kill without giving a warning or an opportunity to surrender.