

TURKEY

The colours of their clothes: parliamentary deputies serve 15 years' imprisonment for expressions of Kurdish political identity

"...that the defendant LEYLA ZANA on 18 October 1991 did wear clothes and accessories in yellow, green, red while addressing the people of Cizre on 18 October 1991"

- Part of the grounds cited in convicting Leyla Zana (Verdict of Ankara State Security Court No 1, page 555)

On 8 December 1994, after proceedings which fell deplorably short of international standards governing fair trials, four deputies of the Turkish parliament, Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Do_an, were convicted at Ankara State Security Court of membership of an illegal armed organization, the Kurdish Workers' Party (PKK)¹, under Article 168/1 of the Turkish Penal Code. The four members of parliament were each sentenced to 15 years' imprisonment.

On 30 November 1995 the United Nations (UN) Working Group on Arbitrary Detention ruled the imprisonment of the four to be arbitrary, in contravention of Articles 10 and 11 of the Universal Declaration of Human Rights. The Working Group requested the Turkish Government "to take the necessary steps to remedy the situation"², which it has failed to do. Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Do_an continue to serve their terms of imprisonment in Ankara Central Closed Prison.

Proceedings against the four deputies were prompted by an incident at their inauguration as members of parliament, when Leyla Zana and Hatip Dicle made statements in Kurdish and wore traditional Kurdish colours. Amnesty International considers that the deputies are prisoners of conscience, imprisoned for the expression of their peaceful beliefs, and is appealing for their immediate and unconditional release.

Expression of Kurdish identity in parliament leads to trial and imprisonment

¹ The PKK is an illegal armed organization which began armed attacks on Turkish security forces in August 1984. Since then the conflict, mainly in the rugged rural areas of the six southeastern provinces under state of emergency legislation, has claimed an estimated 27,000 lives. The PKK has been responsible for gross human rights abuses, including the killing of prisoners and civilians.

² Decision No. 40/1995

Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Doğan were elected in October 1991 to serve in parliament as representatives of the Social Democratic Populist Party (SHP). While in office they resigned from SHP, transferring their allegiance and their parliamentary seats first to the People's Labour Party (HEP) and later, after HEP was closed down by the authorities in 1993 for "separatism", to the newly-formed Democracy Party (DEP). DEP was a party of the left which challenged the policies of the Turkish state towards the Kurds and which, in Leyla Zana's words, sought to bring about "reconciliation between Kurds and Turks". The four deputies are themselves members of Turkey's large Kurdish minority³. DEP was closed down by the Turkish Constitutional Court on 16 June 1994 on the grounds of its "separatist" activities and the deputies then lost their parliamentary seats (see appendix for the history of the Kurdish parliamentary parties and the intense political repression they have experienced).

At their inauguration as members of parliament in 1991, Leyla Zana and Hatip Dicle made brief statements in Kurdish, and Leyla Zana wore the traditional Kurdish colours of red, yellow and green in her headband⁴. Orhan Doğan and Hatip Dicle wore handkerchiefs in their breast pockets in the same colours. After taking the oath of loyalty in Turkish as required, Leyla Zana added in Kurdish: "I have completed this formality under duress. I shall struggle so that the Kurdish and Turkish peoples may live peacefully together in a democratic framework"⁵. These actions provoked pandemonium in the parliamentary chamber. There were cries of "separatist!", "traitor!", "arrest her!" and even "hang her!", and legal proceedings were immediately initiated. Although the deputies were initially protected from prosecution by their parliamentary immunity, in February 1994 Prime Minister Tansu Çiller and the Chief of General Staff began moves which eventually brought about the deputies' trial and conviction⁶.

³ Kurdish ethnicity is by no means a disqualification from political or parliamentary activity. More than 100 members of the 550-strong parliament are said to be of Kurdish origin.

⁴ In the indictment it was stated that these were the colours of the PKK flag. In fact, the PKK flag is yellow and red only. Red, yellow and green were the colours of the flag of a Kurdish political entity popularly known as "the Mahabad Republic" which existed in Iran from 1946-7. The Court of Appeal ruled that the deputies' wearing of such colours could not be considered an offence since the act occurred within the parliament building and was therefore protected by parliamentary privilege.

⁵ The minutes of the session noted only that Leyla Zana spoke "in an incomprehensible dialect".

⁶ The move to lift parliamentary immunity was to some extent triggered by a statement by Hatip Dicle which provoked great public indignation following the deaths of five military students when a bomb planted by the PKK exploded at Tuzla railway station, Istanbul on 12 February 1994. In the indictment it states that Hatip Dicle told *Sabah* (Morning) journalist Guneri Civaoğlu: "...These students are innocent. But it is natural that in war, innocents are going to be killed if they are military targets. They were wearing military uniforms. Those wearing military uniforms are targets, aren't they? According to the Geneva Convention, military targets may be hit. Civilian targets may not be

hit.” This was published on 17 February 1994 in *Sabah* under the headline: “DEP’s Dicle says PKK’s Tuzla attack is normal.”

In an interview with journalist Mehmet Ali Birand broadcast on Show TV on 19 December 1994, Hatip Dicle gave his account of this report: “A few days before the incident, the Chief of General Staff had made a statement [that there is] a war. If there is a war - and this is a military authority; therefore, its assessments are important to me - then the warring sides always try to hit one another’s military targets. That is the logic behind war. It is blind logic. It consists of targeting any soldier, anyone in uniform. I did not condone the situation but merely depicted it.”

Leyla Zana was born in the village of Bahçe, Diyarbakır province in 1961. She married at the age of 15 and is mother of two children, Ronay and Rûken.

Her husband, Mehdi Zana, former mayor of Diyarbakır, was severely tortured and imprisoned following the 12 September 1980 military coup. Leyla Zana visited him regularly in prison until his release in 1991. This experience drew her into politics and human rights activism. She founded a movement of prisoners' families and worked for the Diyarbakır branch of the Human Rights Association (HRA). In October 1991 she was elected as a member of parliament for Diyarbakır.

Arrested in July 1988, she was herself severely tortured. She still bears the physical and psychological scars of these abuses and her health is fragile. Mehdi Zana is now a refugee in Sweden and their two children live in France.

On 22 February 1994 Tansu Çiller was reported as saying: "The time has come to deal with this issue of the PKK sheltering under the roof of parliament". When deputies from her party shouted that Hatip Dicle, the then president of DEP, was a traitor, Tansu Çiller responded, "That is correct. He is exactly that!"⁷. On the same day the newspaper *Cumhuriyet* (Republic) quoted General Güre, then Chief of General Staff, as saying of the DEP deputies: "If these are not traitors, then who is?"

On 2 March, the deputies' parliamentary immunity was lifted and the countdown for their prosecution on charges of treason began. There were irregularities about the lifting of the deputies' parliamentary immunity. A publication by the Inter-Parliamentary Union (IPU)⁸ quoted the President of the Turkish parliament's view that the public statement of Prime Minister Çiller made at the opening of one of her party's group meetings ("Our mission is to lift the shadow of the PKK hovering over Parliament") provided grounds for annulling the parliament's decision to lift immunity, since Article 85, paragraph 5, of the Turkish Constitution prohibits such discussions within party groups.

Leyla Zana, Hatip Dicle and Orhan Doğan were detained between 2 and 4 March and held in incommunicado detention for between 12 and 14 days before being committed to prison. Selim Sadak was detained on 1 July. Extended incommunicado police detention (detention unsupervised by a judge) constitutes a breach of Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. On 26 November 1997 the European Court of Human Rights ruled that the deputies' incommunicado detention was unlawful and breached Turkey's commitments under the Convention. Turkey was ordered to pay a total of nearly US\$50,000 in compensation to the deputies. (A second petition lodged by the deputies in January 1996 against their conviction is still under consideration by the European Commission on Human Rights.)

Unfair trial

⁷ Turkish Daily News, 23 February 1994.

⁸ CL/159/11(a)-R.1

Selim Sadak was born in 1954 in a village in IdilDo_an was born in 1955 in the Derik district of district, __rnak province. He graduated from the province. He is a lawyer by profession - a mathematics department of Diyarbak_r's Education.e of Ankara University Law Faculty - but for a Institute.

was an official in Ankara's Primary School ion Directorate. After the 1980 military coup gned as a state employee and started working as many years and stood as mayor of Idil on two: r in the district of Cizre, __rnak province.

occasions. He joined the SHP in 1987 and in the October 1991 general election he was elected as anDo_an devoted a great deal of time working for SHP member of parliament for __rnak, later nak branch of the HRA. Bomb attacks against transferring his seat to HEP and then to DEP. me and workplace in 1989, 1990 and 1991

severe damage. In the October 1991 general Selim Sadak is married and has 10 children, aged is he was elected as a member of parliament for between six and 21. His eldest son is a refugee in, Germany. His wife and remaining children live in Ankara.

fe and four of his five children, aged between nine and 16, now live in Ankara. A fifth daughter is studying at university in France.

“The action being brought against my Kurdish parliamentary colleagues and myself represents a first in Turkish political history. It is in fact the first time that, under a supposedly civilian government, elected representatives of the people have been arbitrarily jailed and brought to trial for their opinions and threatened with death sentences. This trial really has no legal basis. It is entirely political.”

- Leyla Zana

As prisoners of conscience, the four deputies should never have been brought to trial. Nevertheless, the first hearing opened at Ankara State Security Court on 3 August 1994. The four deputies⁹ were initially charged with “treason”, for which the prosecutor demanded the death penalty, but during the course of the trial this was reduced to the lesser charge of membership of an illegal armed organization. The initial hearings were observed by an Amnesty International delegate.

In the indictment the Ankara State Security Court prosecutor quoted extensively from the deputies' public speeches and writings in which they speak of the Kurdish minority as a group with a distinct identity. These speeches and writings - which make no advocacy of violence, and include such activities as signing a petition to the Organization for Security and Co-operation in Europe (OSCE) and preparing a declaration to the United Nations - were presented as evidence of membership of the PKK.

The testimony which supposedly connected the four deputies to the PKK was highly suspect. The most incriminating statements were obtained from people who themselves faced prosecution, but who had turned state's evidence in return for a lighter punishment, or from people who later retracted their statements claiming that these had been extracted under

⁹ Four other parliamentary deputies - Ahmet Türk, Sedat Yurtta_, Sirri Sakik and Mahmut Alinak - were also indicted and convicted of lesser crimes. At the time of writing this report, none were in custody. For the sake of simplicity, this report deals exclusively with the four former DEP deputies currently serving long sentences.

torture. Abdulvahap Kandemir, for example, had given a statement in police custody that Orhan Do_an had sheltered him in his parliamentary lodging in July 1993 in the full knowledge that he was a member of the PKK. Orhan Do_an was convicted on the basis of this statement. Abdulvahap Kandemir reportedly retracted this statement, stating that it had been extracted under torture while he was being held in incommunicado detention. Amnesty International is not aware that any efforts were made by the Turkish authorities to investigate Abdulvahap Kandemir's allegation of torture, or to ensure that such a statement taken under torture was not used in court, as they are bound to do under the UN Convention against Torture.

Many statements were collected over the months after the deputies were detained - conveying the strong impression that the prosecution had attempted to create a body of evidence to support the thin charges on which the deputies were originally arrested. Typical of such statements was that of Sedat Bucak - the most damning evidence presented by the prosecution.

Sedat Bucak is a member of parliament and leader of a powerful Kurdish clan in the Siverek region of southeast Turkey¹⁰ who testified to the Ankara State Prosecutor that Leyla Zana tried repeatedly to persuade him to collude with the PKK by allowing them to fight on his land. The indictment contains what is purported to be a transcript of a tape of such a conversation, although the defence was never given a copy of the tape. In fact the three-page transcript consists mainly of a record of a conversation between Sedat Bucak and another man. Leyla Zana herself speaks only 42 unincriminating words, but Sedat Bucak presented this as part of a series of conversations amounting to conspiracy, and the State Security Court accepted his testimony.

However, Sedat Bucak was thoroughly discredited as a witness when, on 3 November 1996, his car crashed near the town of Susurluk in northwestern Turkey. He was the only survivor, but weapons apparently intended for use in assassinations - automatic firearms with silencers - were found in the car, and one of his fellow travellers was a man who, in spite of the fact that he was wanted by police as a leader of a right-wing death squad and drug-smuggler, had been given credentials by the Interior Ministry under an assumed name.

¹⁰ A large number of Sedat Bucak's clan are village guards, armed and paid by the government to fight the PKK. The Turkish press described his following of thousands of village guards as "a private army".

There were other grave irregularities in the trial. Most importantly, the court did not give the defence an opportunity to test the prosecution evidence. For example, the court refused to check the alibis of those deputies accused by so-called “confessors” (former PKK members who had turned state’s evidence in return for a reduction in sentence) of having visited the PKK’s Zeli camp near the Iranian border. Moreover, the testimony of the “confessors” was contradictory - some saying that the deputies had visited the camp, others saying that although they were expected, they had never arrived. Copies of tapes used in evidence against the deputies were never supplied to the defence. Nor did the court permit the defence to call as witnesses those who had given testimony

used by the prosecution and examine them. On 24 November 1994 a request by the defence lawyer for witnesses to be called was refused by the Court. As a result, the deputies announced they would no longer present a defence because they did not believe the Court was impartial.

On 8 December 1994 all four were convicted by Ankara State Security Court of membership of the PKK under Article 168/1 of the Turkish Penal Code and sentenced to 15 years' imprisonment. The sentences were confirmed by the Court of Appeal on 26 October 1995.

Prisoners of conscience

Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak were never accused of any acts of violence or of advocacy of violence. Indeed most of the statements for which they were convicted contained strong pleas for a peaceful solution to the conflict in southeast Turkey and an end to the bloodshed. The verdict relied heavily on the deputies' public speeches and writings quoted in the indictment - in which the deputies repeatedly assert the Kurdish minority to be a group with a distinct identity but do not advocate violence - as evidence of their membership of the PKK. The acts condemned by the judgment as being evidence of membership of the PKK include: a press statement in connection with the swearing of the parliamentary oath; the “wearing of yellow, green and red accessories” while swearing the oath; a public statement to the United Nations on 2 April 1992 calling for investigation of the killing of civilians during disturbances at the time of *Nevruz*, the Kurdish new year, of 21 March 1992; and a petition of 20 November 1991 to the Conference on Security and

Hatip Dicle was born in Diyarbakır in 1955. He graduated from Istanbul Technical University as a construction engineer. In 1979 he took up a position as President of the Chamber of Construction Engineers. Between 1982 and 1989 he worked for the State Highways Office as engineer on a number of road-building projects throughout Turkey. In 1984 Hatip Dicle was detained for two months in Mamak Military Prison in Ankara on suspicion of being “a member of an illegal organization”.

In 1989 he returned to Diyarbakır, where he helped found a housing construction cooperative. In June 1990 he was elected as President of the HRA's Diyarbakır branch, and in October of the same year was elected to the HRA's national General Executive Committee. In the 1991 general election Hatip Dicle was elected as an SHP member of parliament for Diyarbakır. He then served as HEP's deputy party leader and was subsequently elected as party leader of DEP.

His mother, father (retired) and sister live in the family home in Diyarbakır.

Co-operation in Europe (now the Organization for Security and Co-operation in Europe - OSCE) calling for that organization to appoint a human rights monitoring body to Turkey.

After close examination of the indictment and verdict Amnesty International has concluded that none of the evidence confirms the allegation of membership of the PKK. DEP parliamentarians did have contacts with the PKK, but these contacts were not only unsurprising, given the fact that they had been elected principally to bring an end to the decade of bloodshed occasioned by the conflict between the PKK and the Turkish State, but were also sanctioned by the State. In early 1993 some of the DEP deputies had met the then President Turgut Özal, who agreed that they should mediate in the conflict, and gave his blessing to a mission to Damascus, Syria, to meet Abdullah Öcalan, the leader of the PKK. During this mission, which resulted in an extension of a cease-fire, they were welcomed by an official from the Turkish embassy in Syria.

The political establishment of Turkey views discussion of minority rights, education in Kurdish or regional autonomy as close to treachery. Even completely non-violent advocacy of separatism is punishable by up to three years' imprisonment under Article 8 of the Anti-Terror Law. The State, not yet ready to enter into a debate about the status of its ethnic minorities, has continued to shut down parties and imprison politicians who insist on raising such questions and has also resorted to illegal methods to suppress political opposition. More than 160 members of DEP and its predecessor and successor parties have been killed or "disappeared" since 1991.

In a letter smuggled out of prison, extracts of which were published in European newspapers in September 1994, Leyla Zana made clear the peaceful character of her beliefs and hopes for the future of Turkish society: "I have appealed for peace and dialogue. My crime has been to use a Kurdish phrase for the friendship of Kurds and Turks and their coexistence during my oath of loyalty in parliament. Even the colour of my clothes are supposed to make me a 'separatist'."

She continues: "In speaking of the existence of the Kurdish people, of its country Kurdistan, in peaceably calling for the recognition of the Kurdish culture and identity in a democratic framework and within existing frontiers, I am supposed to have defended the same objectives as the PKK and therefore to be 'objectively a member of the political wing of that party', which is engaged in an armed struggle; whereas all our action was aimed at silencing the guns and of seeking a peaceful solution to the Kurdish problem."¹¹

Turkey is a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 10 of that Convention safeguards the right to freedom of expression. Interpretation of this article in an unrelated case at the European Court of

¹¹ The full text of the letter is included in Leyla Zana, *ÉCRITS DE PRISON*, pp. 31-36, pub. *Des Femmes*, Paris, November 1995

Human Rights in 1976 emphasized the need for robust defence of expressions of opinion, even when they run counter to the prevailing official view:

“Freedom of expression constitutes one of the essential foundations of such [democratic] society, one of the basic conditions for its progress and for the development of every man. Subject to Article 10(2), it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’.”¹²

The Turkish Government continues to fail this test, persisting instead in stifling all discussion of the issue of ethnic minorities in Turkey, such as the debate DEP and its members of parliament were attempting to initiate.

Amnesty International believes not only that Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak were convicted after an unfair trial which should never have taken place at all, but that they are prisoners of conscience, imprisoned purely for the peaceful expression of their beliefs. Amnesty International calls for the immediate and unconditional release of the four deputies.

International calls for deputies’ release

A wave of international criticism followed the arrest and imprisonment of the four deputies and has continued. On 11 March 1994, the European Parliament passed a resolution calling for the release of the deputies and condemning “this attack on pluralist democracy” and upon “democratically elected MPs whose only crime is to have defended the interests of the Kurdish people in Turkey”. A second European Parliament resolution calling for the deputies’ release was issued on 5 October, followed by a third on 15 December when the Parliament condemned “...all aspects of the trial, the verdict handed down against the [members of parliament] and the outlawing of their party”.

On 12 April 1994 the Parliamentary Assembly of the Council of Europe passed a resolution calling on the Turkish authorities to withdraw the charges against the deputies, stating that their arrest was “of a criminal nature [and] a possible threat to the very essence of parliamentary democracy”. On 30 November 1995 the UN Working Group on Arbitrary Detention ruled the deputies’ imprisonment to be arbitrary.

¹² Handyside v United Kingdom, Judgment of 24 September 1976

In April 1996 the Inter-Parliamentary Union (IPU) passed a resolution in Istanbul calling for the deputies to be released pending proceedings before the European Commission on Human Rights. In July 1996 the OSCE's Parliamentary Assembly appealed for the release of all prisoners detained solely for non-violent expression of their views, including the four deputies. This was followed on 21 September by a further IPU resolution in Beijing which reiterated the hope that the deputies would be released pending the proceedings before the European Commission.

Successive Turkish governments have remained unmoved in the face of such high-level condemnations and appeals. Meanwhile Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak continue to be held at Ankara Central Closed Prison. The four are permitted to associate with each other during the day, but are only allowed to see their families once a week in "closed" meetings behind barred glass windows. Leyla Zana is not permitted to speak by telephone to her husband and two teenage children, all of whom live abroad.

While in prison Hatip Dicle has received further sentences for his writings. Leyla Zana was nominated for the Nobel Peace Prize in 1995, and in November of the same year the European Parliament awarded her the Sakharov Prize for the defence of human rights, awarded in previous years to, among others, Nelson Mandela and Aung San Suu Kyi. Her husband Mehdi Zana, who was mayor of Diyarbakır when he was arrested in 1980 and imprisoned by the military junta for 11 years, received the prize on his wife's behalf in January 1996¹³ and read out her acceptance statement:

"I think that a political solution could now be found to the Kurdish problem, working within existing frontiers and the democratic system. Maybe I am dreaming. Yet some of yesterday's dreams have become living realities. After long years of war and slaughter, the French, Germans, British and other European peoples have managed to make peace and today are together building the European Union. The time has likewise come for reconciliation between Kurds and Turks."

¹³ Mehdi Zana was not able to accept the prize earlier because he himself was serving a one-and-a-half year sentence for statements he had made at the European Parliament about the human rights situation in southeast Turkey.

Unless the Turkish authorities take steps to remedy the situation, as they were instructed to do by the UN Working Group on Arbitrary Detention, the four deputies will remain in prison until at least 2005¹⁴. Amnesty International will continue to campaign on behalf of Leyla Zana and her fellow imprisoned members of parliament, and to put pressure on the Turkish authorities until all four are unconditionally released.

¹⁴ The four can expect to benefit from remission, in which case they will serve 11 years and three months' imprisonment.

APPENDIX

The trial, conviction and imprisonment of the four deputies was just one act in a drama of intense political repression in which they and other members of their party were faced with daily official harassment and the constant threat of being tortured, “disappeared” or killed.

Kurdish political parties under fire

The People's Labour Party (HEP) was founded in June 1990 by a group of deputies who resigned from the Social Democratic Populist Party (SHP). HEP enjoyed extraordinary electoral success. In the 1991 general election a group of 21 deputies from HEP, including Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak, were elected while standing on the SHP ticket. In August 1993 HEP was closed down for “separatism” by the Constitutional Court, but it was succeeded by DEP, which was founded in May 1993.

Police, prosecutors and that sector of the media which supported the government policies in the southeast assumed that DEP was the “legal wing” of the PKK. But in fact DEP represented a broad front of Kurdish political views, doubtless including PKK sympathizers, but also others who had for years strongly and publicly opposed the PKK's violent methods. DEP was not the political wing of the PKK and no serious evidence was brought to the trial of Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak in support of this allegation. Yet DEP became a repository for the aspirations of many of the Kurdish population, thereby bringing it in direct conflict with the official doctrine of the Turkish State.

After DEP's closure - again for “separatism” - in June 1994, it was succeeded in turn by the People's Democracy Party (HADEP), which has so far survived as a legally authorized political party. HADEP opposes the use of political violence, but because its political goals to some extent resemble those of the PKK, the party is - like DEP - regarded in some quarters as the PKK's “political wing”.

Harassment...

Because of their opposition to state policy towards the Kurdish minority, officials from all three parties (HEP, DEP and HADEP) encountered official harassment on a routine basis. Local party headquarters, particularly in the southeast but also in Ankara and Istanbul, were frequently raided by police - raids notable for their brutality and wanton material destruction. Likely voters were intimidated. In the local elections of 27 March 1994 a number of communities reported that villagers had been threatened by gendarmes that they would be burned out of their homes if votes for DEP appeared in the ballot box for their district. Such intimidation was so widespread that DEP was forced to withdraw from these elections.

The case of Abdullah Kaya illustrates the extent of official suspicion with which any DEP member was regarded. Abdullah Kaya was SHP mayor of Kozluk, Batman province,

who in 1992 was recognized by the Interior Ministry as an outstanding community politician and nominated for the King Baudouin Development Award, an annual prize awarded in Belgium to honour Europe's best local administrators. In September 1993 Abdullah Kaya transferred to DEP. On 9 February 1994 he was expelled from his post by the Interior Ministry. No explanation for his expulsion was ever given¹⁵.

Leyla Zana and her fellow deputies were subjected to a smear campaign in the media and in parliament itself, where they were branded as members of the PKK. The press and the security forces collaborated on several occasions to produce completely groundless stories intended to demonize the DEP deputies. The newspaper *Meydan* (Open Space) published on 23 January 1992 a story entitled "Horrific confession" in which Emel Do_u, a young woman, presented as a PKK militant responsible for killing police officers, was said to have described how Leyla Zana and her husband Mehdi Zana allowed wounded PKK activists to be given medical treatment in their home in Diyarbak_r. In a later statement, Emel Do_u described how she had been arrested and tortured by being stripped naked, sexually assaulted, beaten, suspended by the arms and subjected to electric shocks in incommunicado detention for 24 days before being brought to court where she was released on 28 January 1992. She publicly refuted the whole *Meydan* story, and it emerged that at the time at which they were supposed to have invited wanted militants into their home, Leyla Zana was in Istanbul and her husband was abroad.

...and murder

Legal sanctions increasingly gave way to political killing as a means of silencing the dissent of Kurdish democrats. More than 160 officials and members of HEP, DEP and HADEP have been shot dead, "disappeared" or tortured to death in police custody since 1991.

¹⁵ Case reported in the *Turkish Daily News*, 1 March 1994. Abdullah Kaya had also received death threats.

Leyla Zana and her fellow DEP members of parliament were subjected to death threats throughout their incumbency as members of parliament. On 18 April 1992 Orhan Doğan was witness to a conversation at Tepe village, Diyarbakır province, in which a gendarmerie colonel, accompanied by a police chief, reportedly told Leyla Zana: "I am going to kill you, but first I am going to discredit you."¹⁶ On 8 May 1992 Amnesty International issued an alert (See Urgent Action, AI Index: EUR 44/44/92) in connection with a death threat being circulated against the four deputies and 24 others. On 30 July 1992, Amnesty International issued another alert in response to what appeared to be an attempt to abduct and kill Leyla and Mehdi Zana in Istanbul. On 8 March 1993 Leyla Zana was nearly run over by a police armoured car which reportedly charged a public rally which she was addressing in Cizre, Şırnak province.

On 15 March 1993, the Turkish Embassy in Dublin wrote in complacent terms to an Irish member of parliament who had raised concern about the safety of Leyla Zana, and in particular the threat which she reported having received from the gendarmerie colonel in April 1992:

"The death threat which Mrs Zana allegedly received from the gendarmerie commander cannot be serious. I am amazed that you have attributed credence to these obviously manufactured allegations. The life and safety of Mrs Zana as a Turkish citizen and member of parliament is under the full protection of the security forces which function under the authority of a democratically established government."¹⁷

Yet just six months later, on 4 September 1993, Mehmet Sincar, DEP member of parliament for Mardin, was killed in circumstances strongly implicating the security forces. He and Metin Özdemir, Chairman of Batman DEP were shot dead by three gunmen in broad daylight in the heavily policed city of Batman, southeast Turkey. Other DEP members of parliament who were in Batman at the time of the killings reported that they had been under heavy police surveillance the day before, followed everywhere by at least two vehicles and many plainclothes police officers ostensibly for their "protection". Inexplicably, this unwelcome "protection" disappeared on the morning of 4 September.

¹⁶ Lawyers and politicians of a visiting British human rights delegation were standing a few metres away as this conversation took place. They did not hear what was said, but reported noticing that the governor of Bismil, who was also present, looked visibly shaken at the gendarmerie commander's words.

¹⁷ Letter to Mr Jim O'Keeffe TD.

In response to an urgent Amnesty International appeal about the killing of Mehmet Sincar, the Turkish Embassy in Madrid replied in December 1993 saying that “investigations by the security forces have resulted in the detention of 15 suspects. Three of the detainees have confessed to having participated in [the killing of Mehmet Sincar] together with two other persons, all presumed to be members of the radical illegal organization which calls itself *Hizbullah*”. Amnesty International, believing that security forces were colluding with and protecting *Hizbullah* assassins, was keen to monitor the progress of trials against alleged *Hizbullah* members and repeatedly requested information from the Justice Ministry about the progress of this and other *Hizbullah* trials. The Justice Minister did not reply to such requests. But in 1995 a report issued by the IPU¹⁸ revealed how the investigation of Mehmet Sincar’s killing, presented by the Turkish Embassy in Madrid as a wrapped up case, actually concluded. All the accused had been acquitted for lack of evidence and released in November 1994.

¹⁸ DH/69/95/MISTUR/R.1, p20