

EXTERNAL

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To: Medical professionals  
From: Medical Office / Research Department - Europe  
Date: 2 April 1993

*MEDICAL LETTER WRITING ACTION*

**TURKEY: Human rights and the medical profession in the southeast**

Keywords

Theme: death in detention/extrajudicial execution/ill-treatment/medical ethics/torture

Profession/association: doctors/medical association

**Summary**

At least 14 prisoners died in custody in Turkey in the course of 1992, allegedly as a result of torture. Most such deaths occurred in the southeast of the country which is under a state of emergency and where there has been armed conflict between government forces and the armed Kurdish opposition. A delegation from the Turkish Medical Association visited the southeast in April 1992. Their report documented the pressures placed on doctors working in the region, including pressure from the authorities to produce false medical reports in cases of torture and suspicious death. Amnesty International is urging the Turkish authorities to protect the impartiality and independence of doctors who see victims of human rights violations and to end the use of torture in Turkey. Doctors working in the area have at times been arrested; two doctors were killed by unknown assailants in Diyarbakir in 1992 and in February 1993 a doctor "disappeared" together with a lawyer from the Human Rights Association in Elazig. Both were subsequently found dead.

**Recommended Actions**

Letters are requested from medical professionals to the addresses below:

- saying that you are writing as a concerned health professional worried by the continuing reports of the use of torture in Turkey and disturbed by the deaths of prisoners in detention
- noting the investigation by the Turkish Medical Association which found that doctors working in southeast Turkey face numerous professional problems, including pressure from the authorities to prepare reports which are not totally accurate and in some cases are completely false
- urging the government to instruct military and police commanders to ensure that torture is not used against prisoners

- expressing concern at the failure of the government to implement any reform to protect detainees against torture, and in particular at the change in law which leaves political detainees without the right of access to a lawyer whilst in police detention; asking what was the rationale for the introduction of such a retrograde step
- urging that doctors are permitted to exercise their profession impartially and independently without pressure from government forces to falsify their findings
- urging a full independent inquiry as a matter of routine in all cases where a death occurs in suspicious circumstances and in all cases of deaths in custody. In this regard the standards set out in the UN document *Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* (1991) could be followed.
- expressing concern that at present autopsy procedures sometimes fall short of acceptable standards
- raising the 14 deaths known to have occurred in police custody in Turkey, all of which occurred in or near the Emergency Powers Region in 1992, asking whether they have been investigated and whether any proceedings have been brought against police officers in connection with any of the deaths

### Addresses

President Turgut Özal  
Office of the President  
Devlet Ba\_kanl\_\_\_\_  
06100 Ankara  
*Telex 42303 kosk tr*

Süleyman Demirel  
Office of the Prime Minister  
Ba\_bakanl\_k  
06573 Ankara, Turkey  
(Prime Minister)  
*Telegrams: Prime Minister, Ankara, Turkey*  
*Telex: 44061/44062/44063 bbmt tr*  
*42099 basb tr*  
*42875 bbk tr*  
*Faxes: +90 41 17 04 76 PRIME MINISTER*  
*+90 42 30 88 96 (attn: Prime Minister)*

Erdal \_nönü  
Deputy Prime Minister  
Office of the Prime Minister  
Ba\_bakanl\_k  
06573 Ankara, Turkey

Ola\_anüstü Hal Valisi  
Ünal Erkan  
Diyarbak\_r  
Turkey  
(Emergency Legislation Governor)  
*Fax: 90 831 26 174*

■ **Letters to the Ministers of the Interior, Justice and Health** should focus particularly on reports of the inadequacies in autopsy standards in the southeast and of interference in autopsy procedures. You could seek information about medico-legal practices in the country - for example, how is forensic pathology taught in Turkey, how much medico-legal experience do the majority of doctors performing autopsies have, ask for information on legislation governing autopsy practice and medico-legal investigation, for example who takes the decision on whether an autopsy is to be performed, what degree of independent jurisdictional authority does the medico-legal expert have, is s/he able to visit the scene of the crime, etc...

Letters could also raise the cases of doctors arrested in Diyarbakir in the course of 1992 (see attached paper) and seek information about these arrests and any charges brought. They could also raise the cases of the two doctors killed in Diyarbakir in 1992 and ask whether those responsible for the deaths have been identified. Letters could state your concern for the situation that the state of emergency puts doctors in and urge the Minister to try to promote measures to protect medical personnel working in the southeast.

Letters to the Ministers of Justice and Interior could also raise the issue of the exclusion of the southeast from any legal reform

■ **The German medical group** is asked to send a copy of the UN *Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* with one of their letters to the Ministers of Justice, Interior and Health.

### Addresses

\_smet Sezgin  
Minister of Interior  
Ministry of Interior  
\_çi\_leri Bakanl\_\_\_\_  
06644 Ankara, Turkey

Seyfi Oktay  
Minister of Justice  
Ministry of Justice  
Adalet Bakanl\_\_\_\_  
06659 Ankara, Turkey

Y\_Id\_r\_m Aktuna  
Minister of Health and  
Social Welfare  
Ministry of Health and  
Social Welfare  
Sa\_l\_k ve Sosyal Yard\_m  
Bakanl\_\_\_\_  
06434 Ankara, Turkey

### ■ Letters to local governors and prosecutors

The 10 provinces under emergency rule are now: Diyarbak\_r, Bingöl, Hakkari, Mardin, Siirt, Tunceli, Van, Batman, \_\_rnak, Bitlis. The following provinces have a special status as provinces bordering the emergency rule region: Mu\_, Adiyaman, Elaz\_\_

Letters can be sent to the chief prosecutor and to the governor of any of these provinces and could address specific cases of deaths and/or the more general issues outlined above.

Letters to the local prosecutor should be addressed as follows:

Cumhuriyet Ba\_savc\_s\_  
[name of province]  
Turkey

Letters to the provincial governors should be addressed as follows:

*Example*

[Name of governor]	Mr Yücel Özbilgin
[Name of province, then write:] Valiligi	Adiyaman Valili_i
[Name of Province]	Adiyaman
Turkey	Turkey

The following are the names of the Governors

**Ad\_yaman**  
Mr Yücel Özbilgin

**Batman**  
Mr Zeki \_anal

**Bingöl**  
Mr Fevzi Yilmaz

**Bitlis**  
Mr Fethi Tunç

**Diyarbak\_r**  
Mr \_brahim \_ahin  
(90 831 26 174 fax)

**Elazig**  
Mr Do\_an Ünlüsoy

**Hakkari**  
Mr Cemalettin Sevim  
(681 1082 fax)

**Mardin**  
Mr Yahya Gür

**Mu\_**  
Mr Koraltay Mitas

**Siirt**  
Mr Naci Parmaks\_z  
(72313 SRVT TR telex)

**\_rnak**  
Mr Aydin Aslan  
(8456 1188 fax)

**Tunceli**  
Mr Aslan Y\_Id\_r\_m

**Van**  
Mr Mahmut Y\_lba\_

**COPIES of letters can be sent to the following**

Mr Sabri Yavuz	Türk Tabipleri Birli_i
Insan Haklar_ Ara_t_rma Komisyonu Ba_kan_	Mithatpa_a Cad. 62/18
TBMM	06420 Yeni_ehir - Ankara
Ankara, Turkey	Turkey
(President of the Parliamentary Human Rights Commission)	(Turkish Medical Association)

and to Turkish diplomatic representatives in your own country.

**MEDICAL ASSOCIATIONS**

Please approach your national medical association with the request that they send similar appeals.

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## MEDICAL CONCERN

### *TURKEY: Human rights and the medical profession in the southeast*

Turkey has long had a record of serious human rights violations, with interrogation under torture in police custody having become an entrenched practice. The Turkish Medical Association has on several occasions spoken out against violations and has in the past disciplined doctors who were found to have behaved unethically in failing to record torture-related injuries in their examination of detainees.

In April 1992 a delegation from the Turkish Medical Association (TMA) visited the southeast of Turkey to examine conditions for doctors there and inquire into the problems they faced as a result of the emergency legislation in force in the area. A State of Emergency applies in 10 provinces in the southeast where the security forces have been engaged in counter-insurgency operations against Kurdish secessionist guerrillas of the Kurdish Workers' Party (PKK). The security forces are alleged to be responsible for frequent human rights violations in the area where there are also reports of abuses committed by guerrillas.

Events in the mainly Kurdish southeast have been accompanied by widespread detentions and since armed attacks on the security forces began in August 1984, there have been an alarming number of reports of ill-treatment. Torture of detainees is now almost a routine practice in local police stations and gendarmeries. There have been several deaths in custody which appear to have been the result of torture and there has been a dramatic increase in apparent extrajudicial executions in the past two years.

Turkey's Kurdish ethnic minority is estimated to number some 10 million (of a population of 56.5 million) and until very recently was not recognized by successive governments as an ethnic minority. Any activity deemed to constitute the promotion of a separate Kurdish political identity is still punishable under Turkish law. The security forces have wide powers of arrest and there are large numbers of indiscriminate arrests in the area; Amnesty International believes that all those detained in the southeast are at risk of torture. One of those who died in custody last year, for example, was a 16-year-old girl, Bi\_eng Anik, who was among some 100 students taken into custody for questioning in late March 1992. Her case is summarized in appendix 2.

### **Ill-treatment and torture**

For more than 20 years Amnesty International has persistently pressed the Turkish authorities to address the problem of torture. In November 1991 a new government, formed by Prime Minister Suleyman Demirel, admitted that torture was a significant problem in Turkey. Mr Demirel repeatedly declared his determination to introduce measures to prevent torture. Despite his statements, however, and despite Turkey's commitments under international law, there has been no thorough-going reform and torture continues unabated in Turkey.

At the end of May 1992 parliament passed a modest package of legal reforms which included two measures intended as safeguards against torture: firstly a halving of the period during which detainees can be held by police before being brought before a judge and, secondly, an unambiguous restatement of a detainee's right to legal counsel. However, in June 1992 President Turgut Özal exercised his power of veto to block the introduction of the package, stating his opposition to the shortening of the detention period on the grounds that it might be prejudicial to national security.

The "reform" package was finally passed by parliament on 18 November 1992 after very heated debate. However, by this time it had been so diluted that it affords no protection to political detainees - those who are most at risk of torture. The detention period was reduced for detainees suspected of common crimes, but remains unaltered for those classed as political detainees - up to 30 days in the southeast and up to 15 days in the rest of Turkey, in breach of Turkey's obligations under European and international human rights instruments. Moreover, political detainees will now have no right to consult a lawyer during this period of detention even though it is generally recognized that access to lawyers (and to family) are the most effective safeguards against torture.

### **Medico-legal investigation of torture and deaths**

Amnesty International has frequently received accounts of two medical reports on the same detainee giving contradictory information and this was confirmed by the visit of the Turkish Medical Association to the region.

Following interrogation in police custody, detainees are routinely taken to a doctor for a physical examination prior to being brought before a prosecutor and judge. These are carried out by doctors or health centres authorized by the Forensic Medicine Institute to perform such examinations. In the southeast of the country where abuses are routine, it appears to be relatively common that the medical reports prepared during such examinations fail to make note of injuries caused by torture and ill-treatment. This has occurred in all parts of Turkey, but appears to be a particularly acute problem in the southeast where doctors often feel under pressure from the security forces. It was in the light of reports of this problem that a Turkish Medical Association delegation visited southeast Turkey between 9 and 12 April 1992.

The TMA delegation reported that the main problem facing doctors working under the State of Emergency was in the area of forensic medical reporting. Many of the doctors interviewed told the delegation that they felt considerable pressure to issue reports which would comply with the wishes of the authorities. They reported that members of the security forces bringing detainees for examination generally remained present in the examining room. Doctors reported that they were often afraid to ask security personnel to leave the room and afraid to make an objective statement of their findings. The TMA's report noted that "The uncertainty created by the pressure in forensic medicine centres is so high that reports made by the same doctor about the same patient can vary from one day to the next, or, similarly, different doctors issue completely disparate reports about the same patient."

The delegation noted that, in addition to pressure from the security forces, doctors in the region were also concerned by the absence of adequate skills in post-mortem examination and by interference in autopsies. Doctors told the delegation that autopsies were carried out in the presence, and under the direction of the local prosecutor and that they were generally carried out by doctors with little experience in post-mortem examination. The TMA's report stated that "Most doctors have said that they are not sufficiently experienced in autopsies and that therefore autopsies were directed by the prosecutors". It would appear that interference in autopsy

procedures comes both from members of the security forces and from local prosecutors who, while formally charged with assisting the conduct of autopsies, appear on some occasions to impede them.

There is also a problem of access to autopsy findings. Once the post-mortem has been completed, the findings are regarded as potential evidence and thus *sub judice*. As such they are unavailable to scrutiny and the families of the deceased are themselves often deprived of access to information on post-mortem findings. In effect there appears to be great inconsistency in the practice of the release of post-mortem reports; the findings are sometimes released immediately to the family or even into the public domain, but in others it is months or even years before the result of an autopsy is made known. Much appears to depend on the persistence of the lawyer engaged by the family to obtain access to the post-mortem report and other information relating to the death. Some families, believing that these delays signal cause for concern, or that they will not obtain full and impartial information, seek second autopsies. Judicial proceedings in Turkey, however, are notoriously slow.

### **Other findings of the Turkish Medical Association's April 1992 delegation**

The TMA's report indicated that security forces often occupy hospitals and other medical facilities. At the time of their visit Nusaybin State Hospital was frequently used as a base and shelter by security forces during periods of armed conflict.

Where doctors in southeast Turkey fail to report that they have treated gunshot wounds, they put themselves at risk of interrogation and possible prosecution under Article 169 of the Turkish Penal Code which forbids sheltering, guiding or assisting members of armed organizations with a maximum possible sentence of 7½ years under the terms of the Anti-Terror Law. As the TMA delegation's report noted, "if they don't report these they may face three years in prison; if they do, they are afraid for their security..." "...The workload is very heavy due to the shortage of doctors, nurses and other medical personnel, in addition to the large number of patients. A lot of self-sacrifice is required, particularly during incidents [of shootings]."

The pressures on medical personnel and the lack of security they encounter appear to have resulted in an exodus of medical staff from the southeast with a consequent shortage of medical personnel. The TMA delegates were told that in \_irnak 49 medical staff, of whom seven were doctors, left the area during *Nevroz*<sup>1</sup> without prior warning or formal resignation. According to the TMA report, in some towns there are no doctors and in others only a fraction of the normal quota.

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<sup>1</sup>*Nevroz* is the Kurdish New Year, traditionally celebrated on 21 March. There were large numbers of detentions around this time in 1992, both prior to and immediately after *Nevroz*.

### Arrest and killings of doctors in the south-east

Doctors in the south-east can be, and indeed are quite frequently arrested. Others have been killed by unknown assailants. The following are some such instances which, according to the Diyarbakir chapter of the TMA, occurred in the course of 1992. Diyarbakir is just one of the 10 provinces in the Kurdish south-east.

- *Dr A. Samet Mengüç*, arrested on 1 March 1992 for having treated a wounded man. Detained for six days and then released.
- *Dr M. Veysi Ülgen*, arrested on 3 March 1992 for treating a wounded man. Detained for 17 days.
- *Dr Zeki Budak*, arrested in February 1992 and imprisoned under Article 169 of the Turkish Penal Code.
- *Dr Cemalletin Alicio\_lu*, detained on 3 March 1992 and held for 17 days.
- *Dr N. Serdar Necmio\_lu* (orthopaedic specialist), detained on 11 May 1992 for having treated a wounded man. Released after three days.
- *Dr Raçit Yüce* (anaesthetist), detained on 11 May 1992, for treating a wounded man. Held for three days and then released.
- *Dr \_Ihan Diken*, detained on 7 October 1992 for treating a wounded man and imprisoned
- *Dr Oktay Türkmen*, killed on 2 February 1992 by unknown assailants.
- *Dr M. Emin Ayhan*, killed on 10 June 1992 by unknown assailants.

The killing of these two doctors took place in the context of the escalating incidence of extrajudicial executions.

### Extrajudicial executions

Over the past two years there has been a dramatic increase in allegations of extrajudicial execution and Amnesty International is deeply concerned about more than 280 unsolved political killings in southeast Turkey in many of which there has been collusion or toleration by the security forces. Whereas PKK guerrillas are responsible for some of the killings in the area, there is evidence of security force involvement in many other killings.

The principal targets of this spate of killings have been local politicians (in particular members of the People's Labour Party, HEP, perceived to represent the Kurdish minority; 42 of their officials and members have been killed), local representatives of the Human Rights Association, journalists investigating human rights abuses, 11 of whom were killed in 1992 while actively researching human rights violations in the southeast, and inhabitants of villages which have refused to participate in the system of government-appointed village guards. These latter killings have frequently been targeted against people suspected of having links with the PKK - either directly or through family members. The killings began in the summer of 1991 with that of Vedat Aydın, President of the Diyarbakir branch of the People's Labour Party and member of the Turkish Human Rights Association, and that of Yakup Kara, mayor of Hilal in the province of Hakkari. Many of the victims of these killings are people who have previously been detained, threatened or tortured by the police. The killing and intimidation of journalists in particular has had the effect that human rights violations may go unreported as journalists leave the area.

Three officials of the Turkish Human Rights Association in the area have been killed. One such instance was that of Siddik Tan who was shot dead at a neighbour's house in Batman on 20 June 1992 by a group of assailants. He was a board member of the local branches of the Human Rights Association and HEP. He was related to individuals believed by the authorities to be members of the Kurdish Workers' Party. Siddik Tan had previously been the victim of a bomb attack on his car in June 1991 as a result of which he lost the sight in one eye. (In



December of the same year his son Riza was detained and reported having been tortured in Bitlis Police Headquarters before being taken outside the town and shot five times in the legs.)

On 21 February 1993, Metin Can, a lawyer and chairman of the Human Rights Association in Elazig "disappeared" together with a friend, Dr Hasan Kaya. Metin Can received a telephone call on the evening of 21 February calling him away from his home. He and Dr Kaya left the house planning to be back two hours later. They did not return and two days later their bodies were found with single bullet wounds to the head. At time of writing no one has been arrested in connection with the deaths.

In early 1992, 28 people were the target of written death threats circulating in the southeast. All were either Kurdish members of parliament, or had in some way spoken out publicly on behalf of Turkey's Kurdish minority or investigated instances of human rights violations against them. Among the 28 named was a doctor who is not himself a Kurd, but is believed to have been targeted solely for having been involved in aiding Iraqi Kurdish refugees in Turkey. One of those on the list, Musa Anter - a prominent Kurdish writer and journalist - was subsequently shot and killed during a visit to Diyarbakir.

Amnesty International has repeatedly appealed to the Turkish authorities to establish commissions of inquiry into these killings in order that responsibility may be established. Turkey has consistently failed to respond to this recommendation.

In addition to the frequent killings, torture in police custody in the south-east remains a very grave concern against which the local population have no protection and little recourse to redress.

### **Torture and deaths in custody during 1992**

There were at least 14 deaths in police custody in Turkey during 1992 which appear to have been torture-related. Most of these occurred in the southeast, four of them in a period of less than three weeks in April 1992, shortly after the celebration of *Nevroz*. Again in a single week at the end of October 1992 three such deaths occurred. In eight of these 14 cases the prosecutor made investigations into the reported death in custody. In one case a decision not to prosecute was made (in spite of very strong evidence that an offence had been committed). In only one case was a trial initiated against police officers, although the plaintiffs have complained that they do not believe that those arraigned are the officers responsible. In all the other cases, to Amnesty International's knowledge, the investigations are purportedly continuing. In several cases families have complained that autopsy reports did not reflect the state of the body as it was returned to them. Brief details of these deaths in custody are given in appendix.

In Turkey generally, few detainees succeed in bringing successful prosecutions against their torturers. Prosecutors will not usually open a case unless they see a medical report substantiating the allegations of torture, and in the southeast such prosecutions are almost unknown. A further obstacle to prosecution is the Law on the Prosecution of Civil Servants which states that any allegations of abuses, other than intentional killings, by civil servants, including police officers, must first be referred for investigation by a "local administrative council" which has the power to block proceedings. Although the Constitutional Court ruled in 1992 that this law was unconstitutional, it will continue to apply in the southeast under the law which established the emergency zone in the area. Many lawyers have told Amnesty International that this law is highly effective in ensuring that allegations of torture do not reach court. The administrative councils which consider complaints are comprised of members of the local executive, including the deputy governor, who is frequently also the local gendarmerie or police commander. Local administrative council hearings are held *in camera* and complainants and

their lawyers are unable to follow the course of their complaints closely; in addition, complaints are also subject to long delays, sometimes to over a year. There are also numerous instances of detainees being threatened with death if they bring a complaint of torture and, indeed, many of those killed in recent months had previously been detained and tortured.

## Conclusion

In attempting to deflect international criticism over the human rights situation in Turkey, successive Turkish Governments have made various statements in their defence: denials that torture is a widespread phenomenon; admissions that it is a serious problem but that reform was imminent; claims that the problems of political violence necessitate temporary measures in contravention of international law. Although the new government inaugurated in 1991 made serious undertakings on the question of human rights, the failure to implement thorough going reform of the law governing access to political detainees leaves little doubt that the situation will remain unchanged. In December 1992 the European Committee for the Prevention of Torture (ECPT) issued a public statement on Turkey, concluding that torture and severe ill-treatment remained a widespread problem. This is the first time that the ECPT has made such a public statement since it was established in 1987 with the task of examining the treatment of detainees. It made three visits to Turkey in 1990, 1991 and 1992, making surprise visits to interrogation centres in Ankara and Diyarbakir at the time of the latter visit, where it reported finding equipment apparently used for torture. The Committee can make a public statement only if a party to the Convention fails to cooperate or refuses to improve the situation after having received the Committee's recommendations.

In October 1992 an international symposium on torture and the medical profession was held in Istanbul, jointly organized by the Human Rights Foundation of Turkey (HRFT), the Turkish Medical Association and the Denmark-based International Rehabilitation Council for Torture Victims. The HRFT, established in 1990, has opened treatment and rehabilitation centres for torture victims in Ankara, Istanbul and Izmir and documents the human rights situation in Turkey. During the meeting the HRFT President called on the United Nations, the European Community and the Council of Europe to support their activities in Turkey, and the president of the Turkish Medical Association spoke of doctors being forced into collaborating in the process of torture.

Pressure is regularly placed on Turkish doctors not to record torture-related injuries. This is particularly worrying since the problem of ill-treatment is so acute in the southeast and proper documentation of injuries sustained in detention is essential to allow detainees to press legal claims and to offer limited deterrence to further abuses of human rights by the detaining officials.

Amnesty International believes that it is essential that the Turkish Government acts to implement legal safeguards and to ensure that proper inquiries are held into killings, deaths in detention and torture wherever they occur in Turkey. Without adequate medico-legal standards and the free reporting of medical findings the determination of the circumstances of deaths occurring in suspicious circumstances, as well as the clarification of torture allegations, will continue to be hampered. Amnesty International is urging the Turkish Government to give serious and urgent thought to instituting reforms which will permit Turkish doctors to carry out their clinical work impartially and independently. In particular, police and other law officers should be instructed to end pressure on doctors to prepare false medical certificates.

The arbitrary nature of arrests in the southeast, the prohibition of lawyers having access to detainees, the fact that detainees are held in totally incommunicado detention and the

problems and risks involved in bringing a complaint of torture all conspire against any reform in the southeast.

Security forces have a duty to apprehend people they believe to be involved in political violence and bring them to trial. However, there can be no justification for the failure to reduce the length of time that police may hold political detainees uncharged nor for the prohibition of access to a lawyer for a period of up to 30 days in police custody.

The appendices which follow give extracts from the Turkish Medical Association's report on their May 1992 visit to the southeast, brief details of torture-related deaths in custody, extracts from the statement of the European Committee for the Prevention of Torture, and extracts from the *UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*.

### **Turkish Medical Association observations**

The report of the TMA delegation to the southeast of Turkey in April 1992 was submitted to the Central Council of the TMA. It contained a number of observations and recommendations amongst which were the following:

- The Registrars of all doctors, including forensic doctors, should be medical professionals
- Necessary reform should be undertaken if the Forensic Medicine Institute and its appointed representatives are to function properly
- All direct and indirect pressure from the authorities in the matter of forensic reports must be prevented
- The interference of prosecutors and members of the security forces in autopsies where they fall within the doctor's area of competence should cease
- All interference in hospital procedures and the use of hospitals for purposes other than treating patients should be prevented
- The violations of the right to health and life in the region should be halted.

### **Summary and conclusions**

Human rights are seriously violated in every respect in the Emergency Regulation Zone. The most fundamental rights and freedoms of individuals, including the right to life and the right to health, are under threat. Violence directed at the people in the area makes no differentiation between the elderly, young, male or female. It includes everyone. Everyone's life is under threat.

We, as the Turkish Medical Association, do not believe that the problems our colleagues are facing in the region can be solved in isolation from the democratic problems of the region. As an organization of doctors, we do not see the problem of democracy only in the area of employment, but look at the issue as a whole, as part of the human rights issue, and call for the end to all human rights abuses in the area.

*Since the TMA visit to the southeast there has been no improvement in the human rights situation which continues to deteriorate.*

### **Deaths in custody in the south-east during 1992 believed to have resulted from torture.**

*There were at least 14 deaths in police custody in Turkey in 1992, all in or near the 10 southeastern provinces under emergency rule. The following are brief details of these deaths. The victims were both male and female, the youngest aged 16.*

- Sazl\_ba\_\_ village, 29 January 1992: **Abdülrak\_p Ak\_n** was one of four men detained on 29 January after gendarmes raided his village. One of those detained with him, Cebrail Güzelsöz, stated "After they had taken off our clothes, they made us crawl through the snow. They took us into different parts of the village and tortured us. All the village saw this. I fainted after this torture. When I recovered, I was in Mu\_ State Hospital. They made me sign something there. I do not know what it was. They sent Abdülrak\_p on to Elaz\_\_ (a large town about 200 km distant). They let me go." A medical report issued when Abdülrak\_p Ak\_n was admitted to Elaz\_\_ hospital noted "Unconscious, no reflex to light stimulus, heartbeat very weak, bruising and signs of blows by eyes and on chest." He died the same day. A complaint was made by the Mu\_ deputy, Muzaffer Demir, to the Mu\_ Public Prosecutor's Office. No arrests have been made and no trial opened.
- Be\_iri, Batman province, 8 March 1992: 18-year-old **Burhan Serikli** was detained on 4 March and died in custody four days later. In a public statement the Batman Public Prosecutor stated that an autopsy had found that he had "hanged himself by his blindfold" [sic] and that no further inquiries would be made into the incident.
- \_irnak, 28 March 1992: **Bi\_eng Anik** was a 16-year-old girl, one of approximately 100 students detained in Sirnak on 25 March in the wake of *Nevroz*. Three days later she died in police custody. The authorities claimed that she committed suicide with a G3 rifle which had been "left by a police officer in the cell where she was held". Her mother said in giving testimony: "They said they were detaining students and taking statements from them, that she would be released afterwards". The next she heard, however, was via a telephone call: "The police rang me. They said 'come and collect the body'." The left side of her face had been blown away by gun shot. It is reported that her body bore signs of ill-treatment, including areas of bruising, small cuts on the arms, marks on the feet and body which appeared to be burns and it also appeared that some of the fingers had been broken. Her death was recorded as a suicide, with the cause of death given as a self-inflicted shot to the head with a long-barrelled weapon.
- Dargeçit, Mardin province, 11 April 1992: **Tahir Seyhan**, an official from the People's Labour Party, died on 11 April after four days of interrogation. A member of staff at the hospital where he died is quoted as having said "It is an inhuman case. He was brutally tortured. His body was all in pieces." The autopsy report gave "cerebral trauma" as the cause of death. No further information on the autopsy findings beyond cause of death is available to Amnesty International although it has sought this information from the Turkish authorities.
- Bismil, Diyarbakir province, 18 April 1992: **Miktat Kutlu** was detained in Bismil on 18 April and died six hours after being taken into custody. A fellow detainee is reported to have said: "They struck his head with truncheons and clubs. When he got a hard kick to his stomach he lost his voice. He was left near us and we requested his hospitalization, but they refused. He was bleeding from the ears and mouth. He died shortly afterwards." Brain haemorrhage and

internal bleeding were reported to have been given as the cause of death in the autopsy report. Again, no further information is available.

- Birik village, district of Bismil, Diyarbakir province, 19 April 1992: **Abdülkadir Kurt** was detained in Birik village on the morning of 19 April and taken for interrogation to the Gendarmerie Battalion Headquarters where he died the same night. His brother, who was also detained said that Abdülkadir Kurt had been tortured next to him. An official statement said that Abdülkadir Kurt had died due to internal bleeding caused by pressure on his lungs from a broken sternum.
- Adana, 29 April 1992: **Agit Salman** was a taxi driver who was detained on 27 April and died in Adana Police Headquarters on 29 April after two days' interrogation. An autopsy report stated that he had died of a heart attack. Photographs of the body, however, show injuries indicating that he had been beaten. His wife claimed that he was in good health prior to his detention and lodged an official complaint with the local prosecutor demanding a second autopsy.
- Artvin, north-east Turkey, 23 May 1992: **Ali Ekber Atmaca** was captured near Artvin and interrogated on suspicion of membership of the armed group TKP-ML/TIKKO. Testimony of other detainees - his companions - interrogated at Artvin Gendarmerie Headquarters indicates that he was tortured to death there.
- Da\_konak village, near the city of \_irnak, August 1992: **Temel Uçar** was detained in his home village during disturbances in August. His body was returned to his family shortly afterwards. His father said "My son was healthy and well when he was detained. When his body was returned to me his testicles were cut off, his eyes dug out, his arms and legs broken. A human being could not do such things". The \_\_rnak prosecutor stated that he would investigate the death of Temel Uçar and charge any persons found responsible. In September Amnesty International wrote to the Turkish Government asking for further information about the death of Temel Uçar and requesting a full investigation of the circumstances of his death, but by March 1993 had received no reply.
- Sugeldi village, near Çatak, Van, October 1992: **Tahir Saday** had been headman of Sugeldi village for 25 years. He was detained on 20 October at Van gendarmerie headquarters because of his refusal and that of three of the five districts in his village, to participate in the village guard system. On 26 October the villagers were told that he had died of a heart attack. One of the villagers who went to collect his body reported that there was blood around the mouth and nose, and bruises on the back and arms. There was no mention of these injuries on the autopsy report. Tahir Saday's family made a formal complaint to the public prosecutor and demanded a second autopsy. His family and a number of others have since left Sugeldi, apparently fearing reprisals.
- Batman, October 1992: **Ramazan Altunsöz** was detained on 21 October and interrogated at Batman Police Headquarters. After a week in incommunicado detention, he was taken to hospital and treated for gastritis before being returned for further interrogation. Three days later, on 31 October 1992, his body was returned to his family. The local governor announced that he had died of "diseases of the stomach and kidneys"; the official cause of death was given as "pulmonary haemorrhage and acute gastritis". He was the third person to die following interrogation at Batman police headquarters in 1992.
- Adana, 23 October 1992: **Remzi Basalak** was detained in Adana in October during a police operation following the robbery of a warehouse. Newspaper reports linked the robbery with the Turkish Revolutionary Communist Union (TIKB). One of the alleged robbers was shot dead and Remzi Basalak and a second man were taken into custody as suspects. Both had previously

been tried for membership of TIKB. They were shown to members of the press who witnessed that Remzi Basalak was in sound health. He died in detention on the day of his arrest, but his death was concealed from the family and lawyers until it was revealed in the newspapers four days later.

- Kur\_unlu village, near the town of Dicle, Diyarbakir province, 10 November 1992: **Dervi\_Karakoç**, aged 33, was detained by gendarmes near Kur\_unlu village. Two days later he was found dead near the spot where he was detained. Rabia Karakoç, his mother reportedly stated: "On 10 November we left home to see relatives in Elaz\_\_. When we got near the village of Kur\_unlu soldiers stopped us and took my son. They started beating him straightaway. Two days later his body was found. I called the prosecutor to the place but he did not come so we took the body to Dicle. There are villagers who will testify to the fact that he was beaten before he died."

- Bozatl\_ village near the town of Eruh, Siirt province, December 1992: **\_brahim Sevilgen**, aged 60, was detained in early December. The local MP Zübeyir Aydar learned that \_brahim Sevilgen was being held at Dikbo\_az Gendarmerie post and was being kept outside the post at nights as a "human shield" against possible PKK attacks. On 16 December he expressed concern to the Interior Minister, as a result of which \_brahim Sevilgen was moved to Ç\_rp\_ Gendarmerie Station. Others who were held there with him reported being severely tortured. \_brahim Sevilgen died at Ç\_rp\_ on 24 December 1992.

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**Extract from ECPT statement on torture in Turkey, X December 1992**









**Extracts from the UN Principles on the Effective Prevention and Investigation of  
Extra-legal, Arbitrary and Summary Executions, adopted in 1989**

