

# £TURKEY

## @A policy of denial - update 1

This document updates *Turkey: A policy of denial* (EUR 44/01/95). It covers the period November 1994 to February 1995. It contains additional information on the concerns outlined in that report, and should be read in conjunction with it.

### Torture

The General Director of Police Mehmet A\_ar, answering continuing criticisms over torture, told the daily newspaper *Cumhuriyet* (Republic): "*Careful examination reveals that there are no allegations of torture of those detained for drugs or common criminal offences, but in the most simple anti-terrorist investigation allegations of torture are put forward ... The aim is to undermine the success of the police in their struggle with terrorism*" (13 December 1994). The special conditions (incommunicado detention for up to one month) which apply to those interrogated for offences under the Anti-Terror Law provide an opportunity for torture, and it is therefore those detainees who are most at risk. Most of the 29 people who died in custody in 1994 apparently as a result of torture were being interrogated under the Anti-Terror Law<sup>1</sup>. However, Amnesty International has received in the past many serious allegations of torture of people being interrogated for common criminal offences, including cases of death in custody. A number of recent allegations, several of them concerning minors, show that the practice is continuing.

In November a 13-year-old boy, Abdullah Salman, wrongly accused of theft, reported that he had been blindfolded, beaten, choked and subjected to electric shocks through his toes while interrogated at \_i\_li Police Headquarters in Istanbul. Bruising on his shoulders, arms and neck was confirmed by a medical report.

Scrap collectors Murat Yumaro\_lu and 15-year-old Turgay Ad\_güzel were taken into custody on 20 December. Their friends Ufuk Caner Özcan, Ibrahim Pervane, Bülent Ad\_güzel, Ender Yöre were taken into custody on 23 December. All were interrogated on suspicion of theft at Mordo\_an Gendarmerie Post in \_zmir. Several of the detainees claimed that they had been subjected to severe beatings, *falaka* (beating on the soles of the feet), and given electric shocks. Three claimed that they had been handcuffed to a radio mast in the gendarmerie yard and left exposed to rain and cold weather for three days. A television company filmed one of the detainees cuffed to the mast. Ufuk Caner Özcan recounted that he had been beaten with a stick until it broke, and that the broken stick was then forced into his mouth, leaving him with injuries on the inside of both cheeks and severe bruising.

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<sup>1</sup> The provisions of the Anti-Terror Law cover many non-violent offences (demonstration, separatist propaganda, etc) as well as armed political activities.

On 26 December they were taken for a medical examination at Mordo\_an Health Centre, where, apparently under pressure from the Gendarmerie Commander, the doctor reported no signs of ill-treatment. In a second examination, however, at the Karaburun Forensic Medicine Centre, examination revealed extensive bruising, burns and marks of trauma.

Twelve-year-old Döner Talun was detained in the Çubuk district of Ankara on suspicion of stealing bread. She alleged that she had been beaten and subjected to electric shocks during five days' interrogation at Ankara Police Headquarters. Medical reports describe evidence consistent with her allegations of torture.

According to a report in *Özgür Ülke* (Free Land) of 23 January, Sultan Aygün and her husband Garip Aygün were detained in Istanbul on 18 January in connection with a traffic accident. Garip Aygün reported that in attempting to induce him to confess to other traffic offences, the police blindfolded him and subjected him to *falaka*. Sultan Aygün said that she had been handcuffed to a radiator, beaten and subjected to threats that her daughter would be taken into custody and raped. The couple reportedly received medical reports from the Forensic Medicine Institute confirming injuries.

The State Minister with responsibility for Human Rights, Azimet Köylüo\_lu, made efforts to draw attention to the incident of torture at Mordo\_an Gendarmerie and to condemn such practices. However, the Chief of Istanbul Police stuck to the customary policy of denial when Amnesty International expressed concern that \_ükrü Ta\_ and a number of others might be tortured when detained at Istanbul Police Headquarters on 5 January. On 16 January, the Chief of Istanbul Police replied to a member of Amnesty International's Urgent Action Network: "*\_ükrü Ta\_ [et al] were brought to the Anti-Terror Branch because of their activities in the illegal Revolutionary Communist Party of Turkey. During their period of detention, they were not subjected to any ill-treatment.*" \_ükrü Ta\_ told Amnesty International: "*Torture took place somewhere that seemed to be below the cells. It was wet underfoot and smelled badly of excrement. They hung me by the arms seven or eight times. They bound my forearms together behind my back with a thick material. Sometimes they hung me high with my feet off the ground, sometimes low with the tips of my toes just touching. When I passed out they took me down and brought me round with cold water. Of course, I was completely naked and blindfolded. They also laid me down and beat me on the soles of the feet. They attempted to rape me with a truncheon - by pushing it against my rectum. They squeezed my testicles. They also pulled my hair. The torture sessions mainly took place at night, but also towards the evening. Everybody who was detained was at least beaten, as far as I know. \_eyda Gül and Hüseyin Demirli were suspended by the arms, and Kemal Yad\_rg\_ was tortured too. The women were sworn at and sexually harassed. I heard Ismet Dursun shouting and screaming several times. When I met him on the way to the*

*toilets his eyes were bruised and he told me that he had been tortured very badly. He could not make his way to the toilet on a couple of occasions, and I helped".*

On 14 January, the day after he was released, \_ükrü Ta\_ was given a medical report by the Forensic Medicine Institute stating, *"examination of \_ükrü Ta\_ revealed a 2x3cm purple-violet bruise on the right thigh, and 3-4 stripe-like hyperaemic marks under the right armpit. The person says that he cannot raise his right arm... excused from normal work for 3 days."* A diagnostic report issued by the Istanbul Treatment Centre of the Turkish Human Rights Foundation on 18 January 1995 shows radiological and EMG evidence of *"damage to the brachial plexus"*, and states that *"the complaints, findings of investigations and diagnosis are consistent with torture"*.

## **Prisoners of Conscience**

The Turkish Government has still not acted on its promise to reform Article 8 of the Anti-Terror Law, which outlaws "separatist propaganda", and under which people can be imprisoned for up to five years for the expression of their non-violent opinions. Oral Çal\_\_lar, a journalist whose own conviction under Article 8 and two-year-prison sentence is before the Court of Appeal, told *Reuters* on 18 December 1994: *"A democratization package exists as a kind of fantasy. I see absolutely no proof at all that democratization will succeed. All the promises that [Prime Minister Tansu] Çiller has given to European leaders are to appease them."*

Some of the targets selected for prosecution under Article 8 are so extraordinary that it is almost as if the prosecutors *intended* to bring the Turkish legal system into disrepute. Ya\_ar Kemal, Turkey's most renowned living writer, will face trial at Istanbul State Security Court for an article published in the German magazine *Der Spiegel* on 9 January 1995, in which he accuses the Turkish authorities of waging a "campaign of lies" to cover up human rights violations in the southeastern provinces.

A sentence of three years' imprisonment imposed on Do\_u Perinçek, President of the Workers' Party (\_\_çi Partisi), was confirmed by the Court of Appeal on 5 November 1994. The conviction under Article 8 was for a speech he had made in a television panel interview prior to the 1991 general election. One of the 'incriminating' statements selected for the indictment was: *"We cannot have unity by force. We can only achieve unity by recognizing and accepting the wishes of the Kurdish people with good will and in a spirit of brotherhood."* It is expected that he will soon be arrested.

## **Human rights defenders - cause for international concern**

Two separate trials involving six human rights defenders<sup>2</sup> indicted under Article 8 of the Anti-Terror Law resulted in acquittal on 11 January 1995. The prosecutions, which related to reports on human rights violations published by the Turkish Human Rights Association (HRA) and its sister organization, the Turkish Human Rights Foundation, had provoked considerable concern inside Turkey and abroad. The final hearing was attended by many diplomatic representatives, as well as observers from Amnesty International and other non-governmental organizations.

Not all of those acquitted walked free, however. Sedat Aslanta\_, former President of the Diyarbak\_r branch of the HRA, remained in custody because he is already serving a three-year-sentence imposed under Article 8 for a speech he made at the HRA's annual general meeting in 1992. His speech contained no advocacy of violence and Amnesty International considers him a prisoner of conscience. Other prisoners of conscience are Sedat Aslanta\_'s colleagues from Diyarbak\_r HRA - four board members who were arrested in December 1994 for publishing a report on human rights violations in the provinces under state of emergency. The three lawyers Mahmut \_akar, Nimetullah Gündüz and Abdullah Ça\_er, and the fourth board member, Melike Alp (f), have been charged with membership of the illegal Kurdish Workers' Party (PKK), under Article 168 of the Turkish Penal Code (TPC). Prison sentences of up to 15 years are being sought by the prosecution, as well as the permanent closure of the branch of the HRA in Diyarbak\_r. This branch, currently under threat of closure, is the last branch still functioning in the 10 provinces under emergency legislation. The indictment contains no evidence whatsoever to suggest that the four imprisoned officials are members of the PKK. An Amnesty International observer will attend the first hearing of their trial at Diyarbak\_r State Security Court.

## **Kurdish deputies sentenced to long prison terms**

In a verdict given by Ankara State Security Court on 8 December, eight Kurdish parliamentary deputies, tried on capital charges of treason, were given prison sentences, after the charges had been changed at the last minute to "separatist activities".

Orhan Do\_an, Hatip Dicle, Selim Sadak, Ahmet Türk, and Leyla Zana<sup>3</sup> were sentenced to 15 years' imprisonment under Article 169 of the TPC for "sheltering or assisting" members of the PKK. Sedat Yurtta\_ was sentenced to seven years and six months for the same offence, while Mahmut Al\_nak and S\_rr\_ Sak\_k were each sentenced to three years and six months for "separatist propaganda".

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<sup>2</sup> From the Turkish Human Rights Foundation, Yavuz Önen (President) and Fevzi Argun (board member). From the Turkish Human Rights Association, Ak\_n Birdal (President), Hüsnü Öndül (General Secretary), Sedat Aslanta\_ (Deputy President) and Erol Anar (newsletter editor).

<sup>3</sup> Wife of Mehdi Zana, appeal case appended to *Policy of Denial*

The Appeal Court has to ratify the verdict. The chief prosecutor already announced that he would appeal, because the sentences were too light and the defendants should have been given the death sentence for treason. Mahmut Al\_nak and S\_rr\_ Sak\_k were released pending appeal. All were members of the mainly Kurdish Democracy Party (DEP) or its predecessor, the People's Labour Party (HEP), both banned by the Constitutional Court for "separatism".

The deputies were accused mainly on the basis of public statements they had made, which contained no advocacy of violence. There were also allegations that contacts amounting to conspiracy had taken place. Most of the evidence to support these allegations consisted of statements given by so-called "confessors" in exchange for a reduction of sentence, and was seriously flawed or proved to be plainly false.

Amnesty International welcomed the release of S\_rr\_ Sak\_k and Mahmut Al\_nak, and believes that most, if not all, of the convicted parliamentary deputies are or were prisoners of conscience held in contravention of Article 10 of the European Convention on the protection of Human Rights and Fundamental Freedoms, relating to the right to freedom of expression. The organization awaits the reasoned judgment of the court to give a final opinion on the convictions and the fairness of the trial.

## **Özgür Ülke - censorship by the bomb**

*Özgür Ülke* (Free Land), a Kurdish-owned newspaper, was closed on the orders of Istanbul State Security Court on 3 February 1995. While highly partisan in its approach to the conflict in southeast Turkey, *Özgür Ülke*<sup>4</sup> and its predecessors had a record of accurate reporting of human rights violations committed by government forces in the region under state of emergency. As a result, the newspaper was subjected to almost daily confiscations, prosecutions, and detention of journalists, many of whom made complaints of torture. This judicial offensive was mirrored in a sustained campaign of extra-legal attacks. Seven journalists and several distributors of *Özgür Ülke* and its predecessors were shot dead. Two journalists "disappeared". The assailants in most of the attacks remained unidentified, but in several cases the circumstances suggest security force involvement. On the morning of 3 December the newspaper's printing facility and headquarters in Istanbul and its Ankara bureau were severely damaged in very powerful explosions in which one person, Ersin Y\_ld\_z, was killed, and 18 injured. Many of the staff, including some who were injured, were detained immediately after the explosion. The following day the Interior Minister Nahit Ment\_e suggested that *"they may even have bombed themselves"* - a statement which recalls his theory that villagers in the Tunceli area were burning their own villages in an attempt to win compensation.

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<sup>4</sup> *Özgür Ülke* was preceded by two similar publications, *Özgür Gündem* and *Yeni Ülke*.

In reporting the closure of *Özgür Ülke*, *Reuters* stated that the newspaper served as a "vital conduit for information" on the PKK and on the Kurdish minority. Noting that human rights violators invariably shy away from all scrutiny, Amnesty International fears that the closure of *Özgür Ülke* and the threatened closure of Diyarbakır Human Rights Association branch contribute to creating the conditions for a further increase in torture, death in custody, "disappearance" and extrajudicial execution in the area under state of emergency.

### **Human rights abuses committed by PKK guerrillas**

Although the number of prisoners and civilians killed by the PKK apparently declined in December and January, the practice has continued. For example, according to reports, Re\_it Çoban and the shepherd Murat Ya\_ar aged 18 were taken prisoner by PKK guerrillas at Erdemli village, near Sason in Batman province, and shot dead on 16 January 1995.

On 1 January PKK guerrillas attacked the village of Hamzal\_, which had accepted arms and joined the village guard system, apparently unwillingly, just a few days earlier. Nineteen people were killed in the attack, including nine children, seven women and two village guards.

The PKK appear to have abandoned their campaign of killing teachers, described in *Turkey: A policy of denial* in the appeal case of Ersoy Yorulmaz, a teacher abducted and killed by PKK guerrillas. The change in policy may have resulted from the widespread condemnation of such abuses from inside and outside Turkey. In December and again in January the organization committed itself to abide by Common Article 3 of the Geneva Conventions of 1949 which forbids ill-treatment or killing of civilians and members of armed forces who have laid down their arms or been taken prisoner.