

# ***Health Professionals Network***

## **Network Action**

19 December 1994

### **Southeast Turkey The Health Professions in the Emergency Zone**

#### **Keywords**

Theme: “disappearance” / extrajudicial execution / medical association / medical ethics / torture

Profession / association: Health Professions

#### **Summary**

The 10 provinces of southeast Turkey are governed under a State of Emergency. A separatist conflict between government forces and guerrillas of the Kurdish Workers' Party (PKK) has claimed over 13,000 lives in the region over the past 10 years. Grave human rights violations by the security forces are routine and systematic, and guerrillas of the opposition party are also responsible for gross human rights abuses. In December 1992, the European Committee for the Prevention of Torture (ECPT) stated that torture is widespread in Turkish police stations, and called on the Turkish government to ensure the independence of doctors who perform forensic investigations. Early last year Amnesty International reported on violations of human rights against health professionals in the Emergency Zone by both security forces and opposition groups (*Turkey: Human rights and the medical profession in the southeast* AI Index: EUR 44/17/93). A report by the Turkish Medical Association (TMA) released earlier this year demonstrates that the government has taken no steps to end violations against health professionals in the Emergency Zone and, together with information available to AI, indicates that the level of violations has actually increased. "Disappearances" and extrajudicial executions of health professionals continue to occur. Doctors risk detention and imprisonment for providing medical care, despite legal and ethical requirements to render aid in an emergency. Despite the ECPT recommendation, intimidation and interference in forensic medical investigation by the security forces or judicial personnel appears to be commonplace and results in routine falsification of medical reports on victims of torture and extrajudicial executions.

As a result of the ongoing cycle of human rights violations aimed at health professionals in southeast Turkey, the provision of health services in the region has been eroded, putting the civilian population at risk and contributing to the government efforts forcibly to drive Kurdish villagers out of the area of conflict. The pattern of intimidation directed at medical personnel performing forensic investigations is intended to obstruct the discovery of torture and extrajudicial executions, providing impunity to those

guilty of perpetrating these grave human rights violations and contributing to the perpetuation of a situation in which such violations have become routine.

### **Recommended actions**

**Each medical group is requested to approach its national association, providing it with information on the state of the health professions in Turkey (for instance, a copy of this report could be sent), and calling on its national association:**

- to write to the Turkish Medical Association, expressing support for its work in exposing the pattern of violations against health professionals in southeast Turkey
- to write to the Turkish Minister of Health and Social Welfare, deploring the Turkish Government's lack of action in preventing violations against health professionals in the southeast, Citing the ECPT recommendations of December 1992 and pointing out that the failure to prevent interference with forensic examinations contributes to the continuation of torture by police and security forces;
- to write to the World Medical Association, urging it to write to the Turkish Government and to denounce publicly the lack of action by the Turkish Government in preventing human rights violations against health professionals in the southeast

**Medical Groups are asked to try to ensure that the key points of this report are covered in their national journals, for instance by using the information in the report as a basis for a letter or short article.**

**Letters from health professionals, preferably written in English or your own language, should be sent:**

- citing the pattern of human rights violations against health professionals in southeast Turkey, which include extrajudicial executions, "disappearances" and detention for providing treatment, and quoting the names of some of the health professionals who have been the victims of extrajudicial execution since 1992
- pointing out that these violations were highlighted in an Amnesty International report in 1993 but that they are occurring in an even higher frequency in 1994
- pointing out that interference in forensic medical examinations remains commonplace and contributes to the perpetuation of a state of routine torture by Turkish police
- citing the ECPT recommendations of December 1992, which called on the Turkish Government to take steps to ensure independence in forensic examinations, and
- deploring the Turkish Government's lack of action in preventing human rights violations against health professionals
- deploring the Turkish Government's lack of action in ensuring that forensic medical examinations are free of interference and intimidation
- calling on the Turkish authorities to carry out prompt, impartial and effective inquiries into all

cases of "disappearances", extrajudicial executions and torture, and to ensure that the reports of such inquiries are made public and that those responsible for these crimes are brought to justice

■ calling on the Turkish Government to institute immediate steps to ensure that forensic medical examinations are free of interference and intimidation

### **Addresses**

#### **Prime Minister**

Mrs Tansu Çiller  
Office of the Prime Minister  
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*Your Excellency*

#### **Minister of Interior**

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06644 Ankara  
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*Your Excellency*

#### **Minister of Health and Social Justice**

Doğan Baran  
Ministry of Health and Social Welfare  
Sağlık ve Sosyal Yardım  
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#### **Turkish Medical Association**

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# *Southeast Turkey*

## *The Health Professionals in the Emergency Zone*

AI Index EUR 44/146/94

The violation of fundamental human rights is widespread and systematic in Turkey. The problem is especially acute in the southeast of the country, where armed conflict between government forces and guerrillas of the Kurdish Workers' Party (PKK) has claimed more than 13,000 lives since 1984. The 10 provinces of the southeast are governed under a State of Emergency, and anti-terror legislation applies to the whole country.

The health professions have fallen victim to the conflict in southeast Turkey. In 1992 a Turkish Medical Association (TMA) delegation to the southeast documented serious violations of medical neutrality, including detention and extrajudicial executions of health professionals, and Amnesty International later highlighted this pattern of violations (*Turkey: Human rights and the medical profession in the southeast* AI Index: EUR 44/17/93). In March 1994 a delegation of the TMA made a follow-up visit to the southeast and its findings, together with information available to AI, indicate that the level of human rights violations against health professionals in southeast Turkey has increased.

### **SOUTHEAST TURKEY: ARMED CONFLICT AND THE VIOLATION OF HUMAN RIGHTS**

The Turkish Government has been locked in armed conflict with the PKK in southeast Turkey for over a decade. In a press briefing in July 1993 the Turkish Prime Minister, Tansu Ciller, and the Chief of Staff, General Dogan Gures, called on members of the press to support them in the "total war" against separatism. It appears that this "total war" includes reprisals against civilians, extrajudicial executions, "disappearances", torture and the suppression of free speech.

#### ***Extrajudicial executions***

Political killings have become increasingly frequent in southeast Turkey over the past few years. They now occur on a more or less daily basis in that part of the country, while the government steadfastly refuses to confront the issue. More than 400 lives were lost in this way in 1993, and 380 extrajudicial executions were recorded in the first 10 months of 1994.

Although some killings appear to be the result of conflict between the PKK and various fundamentalist Islamic groups known as *Hizbullah*, many of the victims have previously been threatened and detained by the security forces. Many have previously been accused of membership of the PKK or have relatives who are known to be PKK guerrillas. Other victims include journalists, lawyers, human rights activists, health workers and members of the pro-Kurdish parliamentary People's Democracy Party (HADEP). The pattern of killings suggests that they are intended to intimidate the local community and prevent the

expression of separatist ideas and resistance to government policies, and the circumstances in which they occur indicate the involvement of the security forces.

Necati Aydin  
Found dead, together with  
Mehmet Ay, five days after  
a court ruled that the two  
should be released from  
police custody.

Necati Aydin was an environmental health officer who was transferred out of the Emergency Zone of southeast Turkey against his will. He resigned from his new post and returned to Diyarbakir. On 18 March 1994 he was detained together with Mehmet Ay, and on 4 April the two men appeared in Diyarbakir State Security Court on charges of supporting the PKK. However, the Court ruled that they should be released. The prosecutor lodged an objection, demanding that they should be remanded in custody. This demand was refused.

Members of the families of Necati Aydin and Mehmet Ay were waiting at the entrance of the court to receive them when they were released from custody. Neither man appeared. Five days later, on 9 April, their bodies were found in a field 40 kilometres from Diyarbakir. It appears that their killings, like a number of other killings and “disappearances”, were motivated by the frustration of police officers over a court’s refusal to remand detainees in custody.

**«Disappearances»**

"Disappearances", like extrajudicial executions, have become a common phenomenon in southeast Turkey over recent years. They often occur in the context of security raids on Kurdish villages, and most of the victims are men living in agricultural settlements in districts where there is intense PKK activity. In 1993 more than 30 people "disappeared" in Turkey. At least 50 "disappeared" within the first 10 months of 1994.

***Attacks against villages***

There have been many reports of indiscriminate attacks by government forces on the houses of unarmed civilians following clashes with PKK guerrillas, especially when the security forces have suffered casualties. Amongst the worst of such reprisals was the assault on the town of Lice in Diyarbakir province in October 1993. Following a series of guerrilla attacks, gendarmerie turned on residential areas of the town, burning buildings and firing at random. 398 houses and 242 shops were reportedly damaged or destroyed. Scores of inhabitants were injured, many with burns. An estimated 30 people were killed.

Kurdish villages, particularly those that refuse to participate in the government-organized "village guard" system, are subjected to security raids in which threats, destruction of livestock, ill-treatment and torture are commonplace. Extrajudicial executions and "disappearances" take place during such raids.

In February 1993, the State of Emergency Coordination Council ruled that outlying settlements which might support the PKK should be evacuated, and it appears to have been routine policy for all or most of the houses in these villages to be burned. As a result, thousands of homeless villagers have been forced to move to cities in the southeast.

***Torture***

The use of torture is widespread and systematic in Turkey, particularly in Ankara and Istanbul as well as in the Emergency Zone in the southeast. Torture is used against both political prisoners and those accused of criminal offences. The most common forms of torture used in Turkey are those which leave little physical evidence: hosing with cold water, hanging by the arms or wrists, death threats, electric shocks, and sexual assault. Twenty-four people died in police custody in Turkey in 1993, the majority in the southeast. Thirty people died in police custody in the first 10 months of 1994.

In the wake of three visits to Turkey between September 1990 and December 1992, the European Committee for the Prevention of Torture (ECPT) issued a public statement on Turkey. The ECPT concluded that torture is widespread in police stations in Turkey and that there are insufficient safeguards against torture in Turkish law and practice. It made a number of recommendations for actions to be taken in order to eradicate the practice. Turkey has also been investigated by the UN Committee against Torture, whose report in 1993 stated that torture is systematic in Turkey, facilitated by a lack of legal safeguards.

***"Suppression of Free Speech***

Under Article 8 of the Anti-Terror Law, which is applicable throughout Turkey, any expression of separatist opinion is punishable by two to five years' imprisonment and heavy fines. This legislation was

introduced in 1991 but it was little used until 1993, when the number of imprisonments under its provisions began to rise. Alongside extra –legal attacks by security forces on figures perceived as supporting the Kurdish opposition, Article 8 is another weapon that the government wields in order to silence dissent. Anyone who expresses views concerning Turkey's ethnic minorities runs the risk of arrest and prosecution. Article 8 has been used against lawyers, human rights activists, political activists, trade unionists, academics, writers, publishers and journalists. There is now a sizable community in Turkey's prisons whose only "crime" has been the expression of non-violent opinions.

### ***Abuses by PKK guerrillas***

The PKK has also been responsible for grave human rights abuses in southeast Turkey. PKK guerrillas were responsible for over 200 arbitrary killings in 1993 and 167 arbitrary killings in the first 10 months of 1994. Victims included unarmed members of the security forces, children, teachers, local politicians, the families of village guards and other civilians. Many of the civilians were killed on suspicion of collaboration with the security forces.

### **THE HEALTH PROFESSION IN SOUTHEAST TURKEY: 1992**

When the TMA visited southeast Turkey in 1992 there was a clear pattern of violations by the security forces that were intended to impede the impartial work of health professionals. In some instances human rights violations were directed against health workers themselves.

In 1992 it was common practice for members of the security forces who brought detainees for medical evaluation to remain in the room during the examination. Doctors reported that they felt under pressure to issue reports that complied with the wishes of the security forces. Autopsies were usually carried out by inexperienced with little competence in post-mortem examinations, and local prosecutors were generally present at autopsies and intervened in the procedure. The result of this interference was the widespread production of false or inadequate forensic reports in cases involving the security forces.

Doctors faced arrest for treating wounded individuals, and at least five doctors were detained for varying periods in 1992 for having provided such care. In addition, doctors were caught up in the escalating pattern of arbitrary killings that was developing in southeast Turkey. In the first six months of 1992 at least two doctors were killed by unknown assailants.

Security forces often occupied hospitals and other medical facilities, sometimes using such

a facility as a base and shelter during a period of armed conflict. The 1992 TMA report indicated that the pressures on health professionals and their lack of security had led to an exodus of medical staff from the southeast, with a consequent shortage of medical personnel .

The 1992 TMA report contained a number of recommendations. It called for the prevention of the use of medical facilities for security purposes, and for an end to the violations of the rights to health and life in the southeast. A further key recommendation, recognizing that the independence of doctors performing

#### **Documented violations against health professionals in 1992**

- Intimidation and interference in forensic examinations*
- Arrest for treating wounded patients*
- Military occupation of health facilities*
- Extrajudicial executions*

forensic investigations is an essential step in exposing the practice of torture, was that interference by security forces, prosecutors and other non-medical personnel in forensic reports and autopsies should be prevented. This recommendation was repeated by the ECPT in its public statement in December 1992.

***In order to facilitate effective action by public prosecutors, the medical examinations of persons in police and gendarmerie custody carried out by the Forensic Institutes should be broadened in scope (medical certificates should contain statements of allegations, a clinical description and the corresponding conclusions). Further, appropriate steps should be taken to guarantee the independence of both Forensic Institute doctors and other doctors who perform forensic tasks, as well as to provide such doctors with specialised training.***

*ECPT, Public Declaration on Turkey, December 15, 1992, paragraph 26.*

#### **THE HEALTH PROFESSION IN SOUTHEAST TURKEY: 1994**

The 1994 TMA report, along with other information available to AI, indicates that the Turkish Government has taken no steps to end the violations that were made known in 1992. In particular, nothing has been done to ensure the independence of doctors during Forensic examinations. Far from diminishing in number, other violations against health professionals have become more widespread.

#### ***"Disappearances" and Extrajudicial Executions***

Health professionals continue to "disappear" or to be murdered in circumstances that suggest extrajudicial execution with the involvement of the security forces. Such murders are often carried out as street killings by unknown assailants who are never apprehended or identified. At least 10 health professionals are known to have "disappeared" or apparently to have been extrajudicially executed in the Emergency Zone since 1992:

Sehmut Akinci - *Health Official* - Shot dead in Silvan, 27 February 1992  
Mehmet Emin Ayhan - *Doctor* - Shot dead in Silvan, 11 June 1992  
Yakup Yondem - *Dental Technician* - Killed in Kiziltepe, 25 July 1992  
Selman Kurnay - *Health official* - Killed in Mazidagi, 1 November 1992  
Rodi Demirkapi - *Dentist* - Killed in Kovancilar, Elazig, 5 November 1992  
Hasan Kaya - *Doctor* - "Disappeared" in Elazig, 21 February 1993  
Zeki Tanrikulu - *Doctor* - Shot dead in Silvan, 2 September 1993  
Halil Kiraz - *Health Official* - Killed in Siverek, 26 September 1993  
Sehmut Akin - *Doctor* - Shot dead in Diyarbakir, 31 January 1994  
Recai Aydin - *Doctor* - "Disappeared" in Cinar, 8 July 1994



**Hasan Kaya**

Dr Hasan Kaya was the subject of an AI medical action in 1993. A medical practitioner in Elazig, Hasan Kaya "disappeared" on 21 February 1993. He was last seen alive in the company of Metin Can, a lawyer and chairman of the Human Rights Association in Elazig. The two men left Metin Can's house following a telephone call and expected to return within two hours. Metin Can's car was found abandoned on the day following their "disappearance."

Amnesty International issued a medical action on behalf of Hasan Kaya and Metin Can on 25 February 1993 (AI index: EUR 44/13/93), calling on the Turkish authorities to make all efforts to establish their whereabouts and guarantee their safety, but two days later the bodies of the two men were found near the town of Tunceli were found, approximately 120 kilometres from Elazig. Autopsies were conducted on the bodies, but the findings have not made public. The autopsies are said to have revealed that both men were tortured prior to their deaths. The body of Hasan Kaya bore marks of cigarette burns, he had a broken tooth and traces of cord around his neck. Both men had a single bullet wound to the head and Hasan Kaya's eyes had been gouged out. The killers of Hasan Kaya's have not been apprehended.

***Intimidation, Interference and Falsification of Forensic Medical Reports: "If I wrote it, it will be hell for me"***

No steps have been taken to ensure the independence of doctors who are asked to examine detainees or perform autopsies, as called for by both the TMA and the ECPT in 1992. The practice of intimidation of medical personnel during examinations and interference with forensic reports remains routine in southeast Turkey.

One doctor in the State Hospital in Diyarbakir, who was asked to examine a detainee who had been held in police custody, recounted the following experience to the TMA delegation in 1994:

*... they wanted a report from the State Hospital saying that no beating or pressure had been applied. I couldn't say "Undress, I'm going to examine you", since that would be interpreted as me taking sides against them. Anyway, I started, carried out an examination, and the man had apparently been hung up. I confirmed this, sat down, gave my report, and it was immediately torn up. I experienced these things. They ask/: "What are you writing, doctor?" They ask: "Have you made a report listing injuries?" If so, they can go elsewhere to get the sort of report they want.*

Detainees who are examined are often aware of the effect exerted by the presence of members of the security forces. An Iranian national detained in May 1994 in Konya, which is outside the Emergency Zone, gave the following testimony to AI:

*After about 12 days, they sent me together with other detainees to be examined by a doctor at a medical centre. The doctor appeared with the interrogator. The doctor asked me: "Are there*

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*any signs of torture?" I said no. What could I say, although I was bleeding from my urethra? My underpants were bloody. All the others also denied that there were marks of torture.*

Even when a victim is prepared to risk retribution and reveal that he or she has been tortured, intimidation aimed at the doctor often ensures that the evidence does not appear in the medical report. A female detainee who was examined at the Forensic Medical Institute of Diyarbakir reported to AI:

*I was examined by a doctor. The police threatened me not to say anything. But I did say that I had been tortured, and there were faint marks. He examined the Slight marks from the hanging. But he said - "If I write it, it will be hell for me."*

Similar interference is applied to post-mortem forensic examinations. It is still routine for prosecutors to be present at autopsies and it is clear that the conclusions of many autopsy reports involving deaths in custody or following "disappearance" are falsified. Although many autopsy reports are never made public, indications of their contents are frequently given and in many cases these are at odds with evidence that is plain to the family when it retrieves the body for burial.

The 25-year-old son of the mayor of the town of Hazro, Yucel Dolan, was arrested on 29 July 1993 and taken to Diyarbakir Gendarmerie Headquarters for interrogation. Two days later his father, Resul Dolan, found his unclaimed body in the morgue at Diyarbakir State Hospital. Resul Dolan had himself been arrested and tortured in 1981 and has repeatedly been accused of PKK membership. When washing his son's body for burial he says he saw evidence of beating on the lower legs, an injury to the back of the head and electrical burns on the legs and fingers. His son's genitals had been mutilated.

An autopsy had been performed on Yucel Dolan. The police did not permit the family to bury Yucel Dolan in Hazro but forced them to bury him in Diyarbakir, under their supervision. The family has received no autopsy report but the State Security Prosecutor told Resul Dolan that the doctors said his son died of a heart attack.

The effect of this pattern of intimidation and interference is to prevent the exposure of torture and killing, providing impunity to the perpetrators of these human rights violations. Physical intimidation coerces medical personnel to violate their own legal and ethical obligations, effectively forcing them to prop up a system of routine torture.

### ***The Consequences of Rendering Medical Aid***

Doctors who provide treatment for wounded individuals continue to face the threat of physical violence, arrest and detention as a result of their action. In many instances the period of detention lasts days to weeks. However, doctors also face the prospect of long periods of imprisonment. Dr Ilhan Diken was arrested in October 1992 for providing medical treatment to a wounded man and remains imprisoned in Diyarbakir prison.

Doctors who treat wounded people are arrested on the grounds of Article 169 of the Turkish Penal Code (TPC) and Article 7 of the Anti-Terror Law, which prohibit the provision of assistance to armed organizations or groups. However, Article 530 of the TPC enjoins upon doctors the responsibility to treat patients regardless of whether they appear to have committed a crime or not. The Turkish Code of Medical Ethics requires doctors to provide first aid and not to refuse to render emergency assistance. Finally, although Article 530 of the TPC requires health service providers to breach confidentiality and inform the authorities if they believe they have information about an offence, the penalty for failure to inform is financial and does not provide for a custodial sentence.

The 1994 TMA delegation concluded that it has become impossible for health professionals in the Emergency Zone to provide medical treatment without regard to language, religion, race, nationality and political orientation.

### ***The Effect on Health Professions***

The violence and intimidation directed against health professionals, together with the effects of having to deal routinely with victims of torture and political violence, have had a demoralizing effect on the health professions in southeast Turkey. Many health professionals have left, leaving reduced numbers and inadequate services. One doctor in Diyarbakir estimates that in 1994 there are about 60-65 general practitioners in the city, compared to the complement of 200-250 that worked there in 1992.

The depletion of health services has been exacerbated by the enforced transfer out of the Emergency Zone of many health professionals whose presence in the southeast is considered to be undesirable by the authorities. The 1994 TMA report lists a group of 40 doctors, dentists, nurses, midwives, laboratory technicians, and administrative health workers who have been transferred against their will by the government service to postings elsewhere in Turkey. Health professionals brought into the area from other parts of the country often serve short postings that disrupt the continuity of services and have difficulties in communicating with the local population, many of whom speak only Kurdish. The result is a health service that is now inadequate to the needs of the civilian population, which may contribute to the process of forced relocation that is government policy in certain areas of the Emergency Zone.

## **CONCLUSION**

Health professionals in the Emergency Zone of southeast Turkey work in a climate of fear that is generated by flagrant violations of human rights carried out both by government forces and opposition groups such as the PKK. Their professional duties entail dealing regularly with the victims of widespread torture and political killings. They are physically intimidated by the security forces into producing inadequate or misleading forensic reports, which play an important role in enabling these forces to continue torturing with impunity. They face the threat of violence, arrest, detention and imprisonment for carrying out their legal and ethical obligations to treat wounded people. They have "disappeared" and been extrajudicially executed by unknown assailants who have never been apprehended by the police.

These violations against health professionals are not a new phenomenon. They were all known to be taking place when a delegation of TMA visited southeast Turkey in 1992. Recommendations made in 1992 by the TMA, by the ECPT and by AI to bring these violations to an end have been ignored by the Turkish authorities. Evidence gathered by the TMA and by AI indicates not merely that these violations continued in 1994, but that they have become more widespread than before.

The health professions in the Emergency Zone of southeast Turkey are now depleted and demoralized after years of violence and harassment. The availability of health care to the general population has diminished, adding a further dimension to the government's policy of "total war" against separatism.