

£TURKEY

@Unfulfilled promise of reform

Since the beginning of 1995, Turkey has been under strong pressure from several inter-governmental organizations, including the European Parliament and the Council of Europe, urgently to begin a process of reform in the area of human rights. In April a resolution of the Parliamentary Assembly of the Council of Europe went so far as to pass a resolution calling for Turkey's suspension from the Council unless it managed to meet certain conditions - including steps to prevent human rights violations. Speaking on preparations for Turkey's possible admission to a customs union with the European Union (EU), EU Commissioner Hans van den Broek stated that "progress in the field of human rights was even more important than the technical measures" (25 April, *Agence Europe*). An interim report by the Commission of the EU entitled "Concerning the Reform Process, the Human Rights Situation and the Consolidation of Democracy in Turkey" of 5 July 1995 stated that "The European Union strongly supports constitutional and legal reform in Turkey and the Commission will continue to follow developments closely and will keep Parliament informed".

It is possible that this close monitoring has had some positive effect. The number of "disappearances", deaths in custody and political killings are somewhat lower than for the same period in 1994. These raw figures must be treated with great caution, however, since a number of other factors may be involved. Most importantly, sources of information have been drastically reduced over the past two years. Access to villages, the scene of most violations, is denied to local human rights activists, many journalists, and to most international monitors, including Amnesty International whose delegates have been banned and deported from the country (see below, page 3). The number of political killings in urban areas of the southeast may be falling simply because anyone who fears that they might conceivably be a target will probably have fled the region or the country. The enforced village evacuations, during the course of which many "disappearances" and extrajudicial executions occurred, have tailed off simply because the "programme" of emptying and burning villages which refused to join the village guard system is now to a large extent complete.

Moreover, for a country in which, five years ago, reports of "disappearance" and extrajudicial execution were almost unknown, the 1995 figures present a grim picture. In the first eight months there were at least 19 "disappearances", at least six deaths in custody as a result of torture, and more than 80 political killings (some in circumstances suggesting security force involvement). In violent disturbances in Istanbul in March, no less than 23 demonstrators were shot dead by police. Video recordings show police officers apparently

firing deliberately into the crowd with semi-automatic weapons (20 officers are currently on trial in connection with the killings).

Within the ten southeastern provinces under state of emergency it is almost unknown for prosecutions to be opened against members of the security forces accused of torture or extrajudicial execution. Throughout the rest of Turkey, since the beginning of 1995 there has been a slight improvement in public prosecutors' readiness to initiate legal proceedings. This is also a development which deserves careful monitoring. In the past, such prosecutions have taken many months and often several years. Convictions are unusual and sentences are rarely commensurate with the offences in question. It is therefore not possible at this stage to record a clear trend. However, if the increase in prosecutions of police officers for ill-treatment has helped to reduce the numbers of death in custody from 1994's shocking total of 29 it must be welcomed.

Amnesty International's February 1995 report *Turkey: A policy of denial* (AI Index: EUR 44/01/95) and the update to that report (AI Index: EUR 44/24/95) described the imprisonment of prisoners of conscience, torture of common criminal and political suspects (including children), death in custody as a result of torture, extrajudicial execution and "disappearance". In the intervening months, the Turkish Government has implemented none of the important safeguards against human rights violations long recommended by Amnesty International and international governmental organizations. The most urgently needed legislative changes are:

1. Abolition or reform of Article 8 of the Anti-Terror Law (under which most prisoners of conscience are held) which punishes "separatist propaganda" by up to five years' imprisonment.
2. Prompt access by all detainees in police custody to legal counsel (as a safeguard against torture).
3. Shortening of maximum police detention period so that all detainees are brought "promptly" before a judge (as a safeguard against torture and "disappearance").

These simple and practical steps would help to bring Turkey in line with international human rights instruments ratified by Turkey, and would fulfil the principal recommendations of intergovernmental organizations and expert bodies of the United Nations and Council of Europe as well as Turkey's own High Consultative Committee on Human Rights (see below, page 13).

In place of firm steps toward reform, the Turkish Government has issued a stream of confused and confusing signals. The much heralded “reform package” has yet to be delivered. While parliament failed to enact the long-promised changes to Article 8 of the Anti-Terror Law, a series of constitutional reforms (praiseworthy in themselves but of no significance at all for fundamental human rights) were presented as a major human rights achievement.

On the one hand, the former Human Rights Minister Azimet Köylüo_lu, speaking to the daily newspaper *Cumhuriyet* (Republic) on 7 March 1995, announced a coming golden age of human rights to begin after Turkey has concluded its customs union with the EU: “A human rights renaissance will be experienced in Turkey. A time will begin when there are no human rights violations, when people are not fed excrement¹, when villages are not evacuated and there is no ill-treatment ... Turkey will no longer be a country downtrodden with human rights violations and thought will no longer be a crime.” On the other hand, Turkey’s Deputy Chief of Staff General Ahmet Çörekçi voiced the army’s opposition to reform of Article 8 of the Anti-Terror Law, while expressing the extraordinary view that in their struggle with armed opposition groups, the security forces were being “held back by human rights and democracy” (*Reuter*, 1 July 1995).

A more consistent theme has been the Turkish authorities’ determination to prevent human rights monitoring. During the year several members of the Turkish Human Rights Association were arrested and tortured, and a number of foreign journalists faced various kinds of obstruction in their investigations.

The Turkish Government also continues to refuse to admit Amnesty International’s researcher. When a number of governments expressed concern over the ban at a meeting of the OSCE in Budapest in November 1994, the Turkish delegation assured them that Amnesty International as such was not subject to the ban, and that another delegate would be acceptable. Another delegate was sent in late May 1995, with the full knowledge of the Turkish authorities. He had been working for barely 10 days when he was arrested in Adana, interrogated in incommunicado detention for two days and deported on 7 June.

¹A reference to an incident in 1990 when a gendarmerie officer attempted to force villagers in Ye_ilyurt, near Cizre in __rnak province, to eat human excrement. The officer in question was convicted of ill-treatment, but the court decision was later overturned. A personal petition to the Council of Europe by the villagers, repeatedly detained by gendarmerie while the complaint was being heard, eventually reached a “friendly settlement”.

International governmental organizations have also been held at arm's length. The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has repeatedly asked the Turkish Government, in vain, to be invited to Turkey (see UN Index: E/CN.4/1995/61), while Turkey continues to resist encouragement by OSCE member states to invite an expert mission to investigate human rights under the so-called Moscow mechanism². In June, three members of the European Parliament visiting the country to look into human rights issues were grossly insulted by State Minister Ayvaz Gökdemir.

“Disappearances” and harassment of families of the “disappeared”

In its annual report (UN Index: E/CN.4/1995/36), the UN Working Group on Enforced or Involuntary Disappearances made the startling observation that it received more allegations of “disappearance” from Turkey than from any other country in the world in 1994. The Working Group reminded the Turkish Government that it should take “effective legislative, administrative, judicial or other measures to prevent and terminate disappearances”.

But people are still "disappearing" in Turkey. On the evening of 7 June 1995 villagers Ahmet Cingöz and Edip Aksoy were detained, in front of witnesses, outside a tea garden in the Da_kap_ district of Diyarbak_r, in the southeast of the country.

Several witnesses saw them detained by plainclothes policemen equipped with two-way radios who arrived in a white car and showed their identity cards. The families of Ahmet Cingöz and Edip Aksoy have repeatedly appealed in vain for information about their whereabouts to the Diyarbak_r State Security Court prosecutor's office, where the detention should have been registered.

“Disappearances” also took place in Istanbul. Hasan Ocak, wanted by police, was allegedly detained by them in Istanbul on 21 March 1995 and seen by a fellow detainee at Istanbul Police Headquarters. When his family examined photographs in the archives of the Forensic Medicine Institute, they discovered that his body had been found on vacant ground in the Beykoz district and later buried as that of an unidentified person. Shortly afterwards, the body of R_dvan Karakoç, missing since February and wanted by the police, was also identified by means of examining photographs at the Forensic Medicine Institute. His body had been found on the same patch of ground as that of Hasan Ocak and also buried without informing his next of kin in Istanbul.

² A delegation of the OSCE Parliamentary Assembly visited Turkey in May 1995 at the invitation of the Turkish parliament. Its cautiously worded report in June again stressed the urgent need for reform of Article 8, and questioned the effectiveness of steps taken by the Turkish Government to prevent torture.

The practice of "disappearance" is a human rights violation inflicted not only upon the victims but also upon their families. The families of more than a hundred people who have "disappeared" since 1991 have met a callous lack of concern from the authorities, while being subjected to ridicule and insults, beatings and detention by local security forces. Some have even been imprisoned (see AI Index: EUR 44/80/95).

The Detention Monitoring Office

It has increasingly been the practice of police to delay registration of detentions for several days after detainees are taken into custody in contravention of Rule No 7 of United Nations Standard Minimum Rules for the Treatment of Prisoners. The suspicion is that registration is carried out once the detainee has survived interrogation under torture. Close monitoring of detentions would prevent the practice of late registration of detainees and spare hundreds of families considerable mental torment every day. More importantly, it could save lives.

After cases of "disappearance" in police custody began to provoke concern among the general public, the General Director of Police Mehmet A_ar announced that a unit would be set up, as from 1 August, to track detained persons. The Minister of the Interior, introducing the scheme, said that although the Criminal Procedure Code provided that relatives should be informed about detentions, citizens experienced considerable anxiety when family members were detained. The monitoring offices were to collect information about detentions, and provide information to next-of-kin and lawyers.

Unfortunately, Detention Monitoring Offices are at the moment only operating in part of the country. In Diyarbak_r, for example, no Detention Monitoring Office has yet been established. In Ankara, however, a Monitoring Office has been set up with a public telephone number and staff. A lawyer who applied to the office on several occasions in August to track people lost in police detention told Amnesty International that the staff at the office "try to be helpful, but unfortunately they seem to be denied information by other branches of the police force - the Anti-Terror Branch in particular".

This was borne out by records of the Ankara branch of the Human Rights Association which applied to the Detention Monitoring Office in respect of 20 people in police detention during August 1995. The Monitoring Office was only able to confirm 10 of the detentions. For example, the brothers Yusuf and Sava_ Sa_ were detained by police from the Anti-Terror Branch on 18 August. On 21 August the Detention Monitoring Office told a lawyer who telephoned on behalf of their family that there was no record that they had been taken into police custody. The State Security Court prosecutor later confirmed that Yusuf and Sava_ Sa_ were in custody and gave permission for them to be interrogated until 29 August.

Effective record-keeping is one of the simplest and most practical safeguards against “disappearance”. Amnesty International will therefore follow the performance of the Detention Monitoring Offices with great interest, but regrets that the system cannot yet be counted among the “effective legislative, administrative, judicial or other measures to prevent and terminate disappearances” recommended by the UN Working Group on Enforced or Involuntary Disappearances.

Medical evidence confirms reports of torture and death in custody

The chain of bad practice, unreformed legislation and ineffective safeguards which has produced the pattern of “widespread”³ and “systematic”⁴ torture in Turkey has persisted unaltered since the beginning of 1995.

Amnesty International continues to receive many credible allegations of torture - often corroborated by medical evidence. The victims once again include several children.

Tayfun K_ars (13) and R_fat Onurcan, an adult, were detained in the Maltepe district of Ankara on 9 July on suspicion of theft. They were first taken to Çankaya Police Station and then to Ankara Police Headquarters. After release, Tayfun K_ars reported that at Çankaya Police Station he had “only been slapped in the face”, but that at Ankara Police Headquarters he had been hit on the feet and back with truncheons and subjected to electric shocks. Both were released on 11 July.

A medical certificate issued by the Forensic Medicine Institute on 11 July 1995 stated that Tayfun K_ars had cuts on arms and shoulders, swelling on the left ankle, and bruising and swelling about the ear and excused him from normal activities for three days. R_fat Onurcan, who had complained of being stripped, subjected to electric shocks, beaten on hands and feet with truncheons and sprayed with ice-cold water, was given a Forensic Medicine Institute report describing parallel bruises on the left side of the neck and left ear, various bruises on the back and shoulder.

There were other reports of ill-treatment of children in Ankara. Fourteen-year-old Halil Can Do_an alleged that he had been beaten, stripped naked, soaked with water under pressure and that his testicles had been squeezed during two and a half days in

³ European Committee for the Prevention of Torture, Public Statement on Turkey, 15 December 1992.

⁴ United Nations Committee against Torture, Report under Article 20, Convention against Torture, 9 November 1993

detention at Ankara Police Headquarters in March. He was again detained on 10 April and spent one night at Ankara Police Headquarters in a cell and was subjected to beating. On this occasion his allegation was supported by a medical report detailing “hyperaemic lesions 1-1.5 cm wide and 6-7 cm long around his neck and a 2 x 2 cm bruise on his left chest.”

Twelve-year-old Döner Talun complained that she was beaten, hung by the arms and subjected to electric shocks during interrogation at Ankara Police Headquarters (reported in *Turkey: A policy of denial - update 1*) after being detained on 12 December 1994 in the Çubuk district of the capital. Although individuals suspected of offences not covered by the Anti-Terror Law have the right to legal counsel and are supposed to be brought before a judge within 24 hours, Döner Talun was held without access to family or legal counsel for five days. A report issued by a doctor examining her on behalf of the Turkish Human Rights Foundation stated “the head and neck region were bruised and there was a scar between 0.5 and 1 cm on the cheek bone. She had signs of wounds on her skin, possibly made by blows...red marks on the forearms. There was evidence of minor bleeding and bruising on her stomach.”

There were at least six deaths in custody, apparently as a result of torture, during the first eight months of 1995.

Ali Haydar Efe was detained on 8 August on suspicion of a theft which had taken place in the building in which he worked as caretaker and interrogated at Ankara Police Headquarters. Since he was not being interrogated under the Anti-Terror Law he should have had access to legal counsel, and should have been brought before a judge after 24 hours. On 12 August, after four days’ incommunicado detention, he was taken to Ankara’s Numune Hospital where he died of “respiratory and circulatory failure” according to a Forensic Medicine Institute report. His brother Müslüm Efe, taken into custody on 11 August, claims that they were both tortured. He reported that, “We were subjected to every kind of torture including hanging by the arms, electric shocks, beating and sexual assault with a truncheon. On 11 August they took my brother for interrogation again. I listened to the screams of my brother for a long time. They were giving electric shocks. Later, my brother’s voice ceased.” Müslüm Efe, who was given a report by the Forensic Medicine Institute exempting him from work for three days, showed the marks of torture on his body to TV cameras. According to the daily newspaper *Yeni Yüzyıl* (New Century) of 14 August, the police authorities made a statement claiming that “Haydar Efe went out into the corridor to go to the toilet. He entered a room where the door was open and jumped through the iron fences at the window”.

The most recent allegation of death in custody was that of a journalist, Safyettin Tepe, who was detained on 22 August in Batman, and transferred to police headquarters in Bitlis, his home town, on 26 August. On 29 August his brothers were called to Bitlis

Police Headquarters to take the body of Safyettin Tepe, who they claimed had committed suicide by hanging himself from the bars of his cell door by his underwear. The family was ordered by the police to have the body buried quickly, and the funeral was held on the following day, 30 August. The family were refused access to an autopsy carried out by the local prosecutor and three doctors. The autopsy report does not firmly state the cause of death, but suggests that Safyettin Tepe committed suicide. The family has appealed for a second autopsy. Family members asked to talk to other prisoners who were in custody at the same time as Safyettin Tepe but were informed that no prisoners were being held. Another member of the Tepe family who had been held at Bitlis Police Station pointed out that the barred aperture is set approximately half way up the cell door and that it would have been impossible for Safyettin Tepe, about 1.80m in height, to have hanged himself from a point so near the ground. Amnesty International fears that Safyettin Tepe⁵ died as a result of torture.

Most detainees are medically examined after police custody by a doctor authorized by the State Forensic Medicine Institute. Evidence of injuries submitted in support of complaints of ill-treatment have been rejected by courts as unacceptable where the examination was carried out by a doctor not authorized by the Forensic Medicine Institute. Examinations by these state-appointed doctors are, however, frequently flawed. Scores of victims of torture have described perfunctory medical examinations, often carried out in the presence of soldiers or police officers from the units responsible for the original interrogation under torture. Amnesty International has documented several examples of Forensic Medicine Institute approved doctors issuing misleading medical certificates⁶. An investigation by the Turkish Medical Union resulted in a six-month

⁵ Safyettin Tepe is a cousin of Ferhat Tepe, the correspondent in Bitlis of the Kurdish-owned newspaper *Özgür Gündem* (Free Agenda), who was abducted on 28 July 1993, was seen by witnesses in police custody, and whose body bearing torture marks was found eight days later in a lake some 250 kilometres away. His murderers have never been brought to trial. Following Ferhat Tepe's death, Safyettin Tepe worked as a correspondent, initially for the Kurdish-owned newspaper *Özgür Ülke* (Free Land, successor to *Özgür Gündem*) in Adana and, after it was forced to close down on 3 February 1995, for its successor *Yeni Politika* (New Policy) which in turn was closed down on 16 August. *Yeni Politika* and its predecessors consistently reported human rights violations carried out in the southeast. In each case the papers were forced to close down by official closure or threat of official closure. Seven correspondents and 11 people distributing and selling these newspapers were murdered under circumstances suggesting security forces involvement, and two staff journalists became victims of "disappearance". Scores of its editors and other staff were detained and tortured. Many of them are still in prison and on trial or awaiting trial. The torture, death and "disappearance" of journalists would be a suitable area of investigation for the UN Special Rapporteur on Freedom of Expression in his planned visit to Turkey later this year.

⁶ *Erdoğan Kızılkaya - misleading medical report after torture* (AI Index: EUR 44/157/91); *Alleged Rape and Torture of Midwife Nurse Nazlı Top in Istanbul Police Custody* (AI Index: EUR 44/52/92); *Torture, extrajudicial executions, "disappearance"* (AI Index: EUR 44/39/92).

suspension for a Forensic Medicine Institute doctor who gave a false medical report concealing signs of torture on nine detainees. The doctor in question examined Fazıl Ahmet Tamer, one of the detainees, on 2 May 1994 and gave a report stating that no signs of trauma had been found. A report issued on 6 May by another branch of the Institute recorded partially healed wounds on various parts of the prisoner's body. Another continuing investigation by the Turkish Medical Union concerns doctors in the town of Eskişehir who allegedly suppressed medical reports confirming that Ahmet Özçil, admitted to hospital from police custody with kidney failure on 1 January 1995, had been tortured at Eskişehir Police Headquarters. In February a trial was opened against seven police officers accused of torturing Ahmet Özçil.

Amnesty International has repeatedly recommended that detainees should have the right in law to be examined by a doctor of their choice.

Extrajudicial executions and political killings

Amnesty International has continued to receive many credible allegations of extrajudicial executions carried out in the rural areas of the southeast provinces under state of emergency. In most cases the victims are members of villages which have refused to join the civil defence corps of village guards armed and paid by the government. Gendarmerie and members of the *Özel Tim*⁷, as well as village guards from neighbouring settlements have been responsible for such killings. In many cases, family members have submitted written testimony stating that security forces carried out extrajudicial executions.

Official suppression of evidence in the case of the killing of Mustafa Dölek gives an indication of why such killings are rarely subject to any judicial investigation. According to the daily newspaper *Cumhuriyet* of 20 July 1995, Sultan Dölek of Küçük Cennetpınarı village, near Pazarcık in the province of Kahramanmaraş submitted a petition to Pazarcık Public Prosecutor, stating that "on 24 June 1995 at about six o'clock in the morning, a knock came at our door. When we opened the door there were three Special Team members. My husband greeted them, saying 'good morning'. It happened right then, and they opened fire with their weapons. They said to me, 'If you make a sound, we will kill you too,' and slapped me. In order to make it appear like a clash, they smashed the door of our visitor's room. Then they took my husband's body away. Kahramanmaraş Public Prosecutor and two doctors signed an autopsy report to the effect that Mustafa Dölek had died in a clash, as a result of loss of blood from a wound in his leg, and recorded no chest wounds at all. At the request of the family, the body of Mustafa Dölek was exhumed and sent for a second autopsy at another branch of the Forensic Medicine Institute in Adana,

⁷ Special Operations Team - trained for close combat with armed members of the PKK, under the authority of the Interior Ministry.

which stated that Mustafa Dölek had died of “internal haemorrhage from the right lung and liver arising from a bullet striking the right side of the chest”. The Pazarcık Public Prosecutor confirmed that no clash had taken place in the village on the day in question, and opened an investigation into the incident.

As stated in the introduction, there were more than 80 apparently politically motivated street killings in the first eight months of 1995, while there had been nearly 400 in 1994. Some of those killed were involved in organizations that are legally recognized, but viewed with suspicion by the authorities and considered to be "separatist" - trade unions, political parties or newspapers. The clearest identifiable group of victims are members of the Peoples' Democracy Party (HADEP), a political party with largely Kurdish membership, which operates legally. Its predecessors HEP and DEP were closed down by the Constitutional Court for "separatism". More than 100 members and officials of these parties have been killed in street shootings since 1992, including the parliamentary deputy for Mardin, Mehmet Sincar, who was shot in Batman on 4 September 1993.

Many of these killings were attributed to the Ilim wing of the Turkish Hizbullah, described at length in the report of the Parliamentary Committee on Unsolved Political Murders, published in April. There has been a series of operations against Ilim and its rival, the Menzil wing, in past months, and the official explanation of the reduction in street killings may be that these operations have acted as a deterrent. However, there is evidence to suggest that security forces had been colluding in these murders. As a result, there are fears that such arrests and prosecutions are carried out for the sake of appearance rather than as a serious legal measure against such armed groups.

In order to establish whether or not these fears are well-founded, Amnesty International repeatedly appealed to the Turkish authorities for information about prosecutions of alleged members of Hizbullah but received no reply. However, incomplete details emerging in one important case do put in question publicly announced measures against organizations implicated in political killings. In response to an appeal about the killing of the Kurdish parliamentary deputy Mehmet Sincar in broad daylight in Batman on 4 September 1993, the Turkish Embassy in Madrid replied to Amnesty International on 2 December 1993 stating “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”. A report issued by the International Parliamentary Union revealed some of the details Amnesty International hoped to receive in its requests for information about the Hizbullah trials. The delegation was told by the Ministry of Justice that although the killing was established to have been committed by Hizbullah, *all those originally detained for the killing were acquitted for lack of evidence in November 1994.*

A challenge to the policy of denial

In its publication *Turkey: Policy of Denial*, Amnesty International suggested that an important barrier to change was the Turkish Government's refusal to acknowledge the scale of human rights violations taking place every day. In 1995, there have been some challenges to this denial from certain parts of the government and parliament. Former Human Rights Minister Azimet Köylüo_lu, according to *Cumhuriyet* of 23 March, stated that he had researched the extent of ill-treatment, and found that gendarmes and police were implicated in many methods of torture including "Palestinian hanging, crucifixion, attachment to telephone magneto, immersion in cold and salt water, beating with truncheons, sexual assault, stripping naked in the presence of relatives, electric shocks, beating with a sand-filled bag." He also announced that the office of the Prime Minister issued a circular on 13 February 1995 listing a number of requirements, including: that police should observe the limits to detention; that detainees should not be subjected to ill-treatment, no matter what their offence; and that instruments which might be used for the torture of detainees should be removed from police establishments⁸. Similar circulars concerning detention procedures were in the past routinely ignored by police officers. Such documents cannot take the place of the urgently needed legal and practical safeguards. Nevertheless, the implied admission in this circular that implements of torture might be used in places of interrogation was unprecedentedly frank.

There have been public acknowledgements of the problems of torture, "disappearance", prisoners of conscience and extrajudicial execution by the Human Rights Minister Azimet Köylüo_lu and his successor Algan Hacalo_lu, as well as the Justice Minister.

All three have also intervened and investigated certain specific allegations. Human Rights Minister Algan Hacalo_lu took up the cases of three young people, Mustafa Selçuk, Seyhan Ayy_ld_z (f) and _irin Erol (f), killed on 12 April by police raiding a house in the Bat_kent district of Ankara. The police claimed that the three were armed members of the illegal organization DHKP-C (formerly Devrimci Sol - Revolutionary Left) and that they were unavoidably killed in the course of an armed clash. Legal counsel of Mustafa Selçuk's family were denied entry to the scene of the crime and to his autopsy. A delegation comprising representatives of the Turkish Human Rights Association and the

⁸In its December 1992 statement, the European Committee for the Prevention of Torture announced that during an impromptu visit to Ankara Police Headquarters they had found "a low stretcher-type bed equipped with eight straps (four each side), fitting perfectly the description of the item of furniture to which persons had said they were secured when electric shocks were administered to them. No credible explanation could be proffered for the presence of this bed in what was indicated by a sign as being an 'interrogation room'...". Equipment apparently used for torture was also found in Diyarbak_r Police Headquarters.

Progressive Jurists' Association examined the house. They reported that the distribution of bullet holes and bloodstains suggested that the three were shot dead from close range after being made to lie on the floor. Nine bullet holes in the stairwell of the apartment block which had been adduced as evidence of an armed clash were not matched by holes in the door of the flat. The delegation concluded that police had fired out of the flat with the door open in order to create the impression of a clash. A prisoner remanded in custody in Ankara Closed Prison wrote to Amnesty International, stating that he was taken into detention at Ankara Police Headquarters just before the house raid, and that the police had told him, "Wait until the evening, then you will see, we are going to Bat_kent to kill Mustafa Selçuk and two women". A formal complaint accusing the police of unlawful killing was rejected by the Ankara Chief Prosecutor in July. An appeal against that rejection is due to be heard at Ankara Criminal Court.

The Minister for Human Rights Algan Hacalo_lu was reported by the *Turkish Daily News* on 27 April as having described the incident as "an execution without trial". The Minister prepared a report on the incident which is currently being examined by the Parliamentary Judicial Committee. Since 1991 more than 50 young people have been killed in similar raids on cafés and houses in Istanbul, Ankara and Adana - these killings have been marked by repeated allegations that warnings to surrender were not given, that attempts to surrender were ignored, and in many cases, those killed were unarmed.

More than two years after it was set up, the Parliamentary Commission on Unsolved Political Killings finally published its report in April 1995. More than a thousand new killings occurred during the Commission's investigation. The report is an unusual document that seeks to exonerate the security forces from any involvement in political killings (in some cases, in the face of rather strong evidence), while describing a context of deeply questionable practices on the part of almost all authorities in the emergency region. The report confirms that village guards and "confessors" (people who have turned state's evidence in exchange for a lighter sentence under the Repentance Law) are involved in lawless activities including killing and extortion; that "confessors" were illegally released from prison to accompany security forces on operations; that crimes committed by "confessors" were covered up by the intervention of public officials. The report also describes what appears to be suppression of information about collusion between gendarmerie and the illegal armed organization Hizbullah⁹.

⁹ "On 27 July 1993 at Batman Police Headquarters, the Chief of Batman Police and the Deputy Governor of Batman told the Commission that they had received information that there was a camp belonging to Hizbullah in the region of Seku, Gönüllü and Çiçekli villages, in the Gerçü_ district of Batman, and that military units in the area were giving assistance to this camp; that they had spoken to gendarmerie officials and that authorized military persons had told them that the militants of this organization had abused the relations in various ways, and for this reason they became disgusted with the organization and severed their links." Commission Report, p 5. The Commission wrote to the General Headquarters of the Gendarmerie who denied that there was any such camp. The report notes, however, that the Chief of Batman Police "in spite of the fact that he had shown success in the fight

Ministers and parliamentarians who acknowledged the problems even in such relatively oblique ways, faced strong criticism from some quarters of parliament and the security forces. They were not strongly supported either by the Prime Minister or the Interior Minister - the two actors with most power to effect change.

A wide-ranging report on torture was produced by the High Consultative Committee on Human Rights (attached to the office of the Prime Minister), and submitted to the Prime Minister, the Human Rights Minister and Parliament in late 1994. The report confirmed that interrogation under torture is “widespread and systematic”, and made recommendations for legislative and administrative reforms in order to halt the practice. The legislative measures included reducing detention periods for all detainees throughout the country to an absolute maximum of four days, and extending access to legal counsel to all detainees. The report became available in May 1995 but was never publicized, in spite of a Committee resolution that it should be.

More prisoners of conscience jailed under Article 8

Prisoners of conscience have been jailed under various articles of the Turkish Criminal Code - for insulting the organs of the state (Article 159), for insulting the founder of the Turkish Republic (Statute 5816), for praising a crime (Article 312) and other offences. However, most of the hundreds of people currently imprisoned or threatened with imprisonment for the expression of their non-violent opinions are indicted under Article 8 of the Anti-Terror Law, which outlaws all “separatist” statements “irrespective of the method or intention”.

Mehdi Zana, former mayor of Diyarbakır, and husband of the imprisoned parliamentarian Leyla Zana, is now serving a total of 12 years in prison for various offences under Article 8. The particular offence for which he was first arrested on 13 May 1994 was for testifying to the Human Rights Sub-Committee of the European Parliament in October 1993 and making his testimony public in Belgium. He was a prisoner of conscience for more than 10 years after the military coup of 1980. He is held in Ankara Central Closed Prison.

with terrorism, and had been successful in his post, was shortly afterwards and without any reason given, appointed to a passive post at the centre. That is to say, a public official who had told the Commission all he knew on certain subjects, in a sincere manner, ended up being removed from his post. After this event, public officials began to be visibly nervous towards the Commission. A number of officials who had previously readily given information to the Commission, refused to give information after this event, and provided data and documents only after long correspondence.”
Commission Report, p 6.

On 1 June, the lawyer and former secretary of Istanbul Human Rights Association (HRA) Eren Keskin was arrested to serve a two-year sentence under Article 8 for a letter to the Belgian parliament which was published in *Özgür Gündem* in 1993. She is currently held in Istanbul's Sa_malc_lar Prison.

Atılay Ayçın, the general president of Turkey's *Hava-__* [airline workers] trade union, is currently serving a 20-month sentence in Saray Prison near Tekirda_, convicted under Article 8. He was charged for a speech he made on 8 September 1991 at a meeting on the theme of "Fundamental Rights and Freedoms" organised by the Istanbul branch of the HRA. The prosecution at his subsequent trial alleged that he made statements in support of Kurdish separatism during this speech.

The trial against Turkey's leading novelist Ya_ar Kemal under Article 8 had its first hearing at Istanbul State Security Court on 5 May in a blaze of publicity. In protest at Ya_ar Kemal's prosecution, a group of 1080 intellectuals, writers, publishers and artists put their names to a book entitled "Freedom of Thought", comprised of articles written by people imprisoned or on trial for their writings. If their intention was to provoke a prosecution in order to bring Article 8 into disrepute, they were successful. A trial in Istanbul State Security Court has been launched under Article 8 against 99 of the 1080, including the prominent novelist Orhan Pamuk and other members of Turkey's literary and artistic elite.

A number of personal petitions are currently being examined by the European Human Rights Commission in respect of sentences under Article 8. However, submissions have also been made to the UN Working Group on Arbitrary Detention, which, on 31 May 1995, declared the imprisonment of Günay Aslan, Dr Haluk Gerger and Sedat Aslanta_¹⁰, all convicted under Article 8, as arbitrary and requested that the government of Turkey take the necessary steps to remedy the situation. In its decision, the Working Group expressed its concern regarding "the imprecise nature of charges such as those provided under Article 8/1 of the Anti-Terror Law, which could be used as a pretext for grave violations of the right to freedom of opinion and expression". The Working Group noted that the three men had made no incitement to violence and that therefore the application of this article constituted "a violation of their right to freedom of opinion

¹⁰ Günay Aslan, writer and journalist, was released in January after serving 15 months of a 20-month prison sentence in connection with his book "*33 Bullets*", about the alleged massacre of Kurdish villages in Turkey more than 50 years ago; Dr Haluk Gerger, academic, journalist and founding member of the HRA, is serving a 20-month prison sentence for a letter sent to a memorial meeting for three political prisoners who were executed in 1972. He is due to be released in September 1995; Sedat Aslanta_, lawyer and Deputy Secretary General of the HRA, is serving a three-year prison sentence for a speech he made to the 1992 Annual Congress of the HRA, in which he referred to the problems of Turkey's Kurdish minority. He was arrested in December 1994.

and expression, a right guaranteed under Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights".

The UN Special Rapporteur on Freedom of Expression has been invited to Turkey later this year. It is to be hoped that the Turkish Government or courts will by then have taken steps to secure the permanent release of such prisoners of conscience, and to enact changes in the law to prevent future such prosecutions.

Death penalty developments

The execution by beheading of four Turkish citizens in Saudi Arabia in August caused great indignation in Turkey and protests from government circles as well as the general public. It rekindled the general debate about the death penalty in Turkey and drew statements of condemnation of this punishment from politicians of all persuasions. Although *de facto* abolitionist - the last execution was carried out in 1984 - Turkey keeps the death penalty on her statute books. Currently, Seyfettin Uzundiz's death sentence is awaiting parliamentary approval of the execution; the death sentences of four people are with the Judicial Committee of Parliament awaiting confirmation and 26 death sentences are before the Court of Appeal for ratification. Many others are under sentence of death at various stages of the judicial process, or on trial with the death penalty being demanded for them by the prosecution.

Opposition abuses continue

During 1995 more civilians and prisoners have been brutally killed by armed opposition groups, including the PKK, DHKP-C, TIKKO (Turkish Liberation Army of Peasants and Workers) and IBDA-C (Islamic Raiders of the Big East - Front).

The report *Turkey - A policy of denial* stated that the PKK had been responsible for nearly 400 killings of prisoners and civilians since the beginning of 1993, and that most of their victims were Kurdish villagers who participated in the system of government-armed village guards. The report made clear that the extended families of village guards, including women and children, were also frequently killed by the PKK, and gave several examples of such abuses. A public response to this report by Ali Sapan, of the National Liberation Front of Kurdistan, the popular front established by the PKK, claimed that the villagers and teachers killed by the PKK were "members of MIT (Turkish intelligence agency)" or village guards, and that "the number of people killed is very limited".

Amnesty International has received many credible accounts of civilians being killed in the course of PKK attacks. Amnesty International has no reason to believe that the teacher Ersoy Yorulmaz (mentioned in *Turkey - A policy of denial*) shot to death by

armed members of the PKK at Ta_kesenli, Erzurum province, was a paramilitary. Moreover, at the time he was killed, he had been taken prisoner. Common Article 3 of the Geneva Convention, which the PKK claims to respect, explicitly forbids the ill-treatment or killing of prisoners.

For one civilian or prisoner to become a victim of such deliberate killing would be one too many. In fact, the victims are numbered in their hundreds, and the killings are continuing.

On 14 January 1995, two Iranian Kurds, Asker Tahiro_lu and Zeya Naz_m, were abducted and apparently interrogated under torture by PKK "Metropolitan Teams" before being shot to death. Their bodies, found on 29 January in woodland northwest of _stanbul, bore deep cuts and the ear lobes had been cut off.

On 25 June armed PKK members raiding the Olukba__ Plateau, in the Osmaniye region of Adana, reportedly abducted and shot to death Ali Niyazi Bila, Ali Yoku_ and Aliye Yoku_ (f).

On 25 August armed people took Zülküf K_1_ç and his two young brothers Kadir (16) and Halim (13) from the village of A_a in the Çat district of Erzurum. Official sources claim that the PKK was responsible, and there are precedents of PKK abuses in that area. On 27 October 1993 armed PKK members had abducted and killed 32 males, including six children, from Yavi, in the district of Çat.

DHKP-C was apparently responsible for the strangling of Latife Ereren at Istanbul's Sa_malc_lar Prison where she was remanded in custody on charges of membership of the organization. It appears that she was killed because it was believed she was an informer. DHKP-C also killed Hasan Levent on 16 June in Istanbul, for reportedly having given information to the police about the whereabouts of an alleged member of the illegal organization who was later killed in a police raid.