

THE KURDS OF TURKEY: KILLINGS, DISAPPEARANCES AND TORTURE

THE KURDS OF TURKEY: KILLINGS, DISAPPEARANCES AND TORTURE

March 1993

Helsinki Watch

A Division of Human Rights Watch

**485 Fifth Avenue
New York, NY 10017
Tel: (212) 972-8400
Fax: (212) 972-0905**

**1522 K Street, NW Suite 910
Washington, DC 20005
Tel: (202) 371-6592
Fax: (202) 371-0124**

Copyright © March 1993 by Human Rights Watch.

All rights reserved.

Printed in the United States of America.

ISBN: 1-56432-096-0

Library of Congress Catalogue Card Number: 93-223310

Human Rights Watch/Helsinki (formerly Helsinki Watch)

Human Rights Watch/Helsinki is a nongovernmental organization established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Jeri Laber is the director; Lois Whitman is the deputy director; Holly Cartner and Julie Mertus are counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Christina Derry, Ivan Lupis, Alexander Petrov and Isabelle Tin-Aung are associates; Željka Markić and Vlatka Mihelić are consultants. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.

THE KURDS OF TURKEY: KILLINGS, DISAPPEARANCES AND TORTURE

Acknowledgments	i
Introduction	1
Southeast Turkey	6
Abuses by security forces	6
Abuses by the Workers' Party of Kurdistan (PKK)	11
Killings and disappearances	14
Killings in house raids	14
Killings of peaceful demonstrators	14
Disappearances	15
International standards for the use of lethal force	15
Suspicious killings	17
Torture	23
Suspicious deaths in police custody	23
Recent cases of torture	25
Istanbul	27
Ankara	29
Adana	31
Antalya	31
The government's steps to end torture	36
Law reform	39
Political freedom	42
Free expression	45
Freedom of the press	45
Freedom of assembly	46
Freedom of association	47
Recommendations	48
To the government of Turkey	48
To the Workers' Party of Kurdistan (PKK)	49
To the government of the United States	49
Appendix A	51
Appendix B	54
Appendix C	55

ACKNOWLEDGMENTS

This report is based largely on a ten-day Helsinki Watch fact-finding mission to Turkey in August 1992 during which Lois Whitman, Deputy Director of Helsinki Watch, met with government officials, lawyers, human rights activists, journalists, recent detainees and others in Istanbul, Ankara, Adana and Antalya. It was written by Lois Whitman and edited by Jeri Laber, Executive Director of Helsinki Watch and Erika Dailey, Helsinki Watch Research Associate. Much of the material included appeared in *Broken Promises: Torture and Killings Continue in Turkey*, a report issued by Helsinki Watch in December 1992.

INTRODUCTION

Kurds in Turkey have been killed, tortured and disappeared at an appalling rate since the coalition government of Prime Minister Suleyman Demirel took office in November 1991. In addition, many of their cities have been brutally attacked by security forces, hundreds of their villages have been forcibly evacuated, their ethnic identity continues to be attacked, their rights to free expression denied and their political freedom placed in jeopardy.

This is the third report that Helsinki Watch has issued since 1988 on the plight of the Kurdish minority in southeast Turkey.¹ It describes some of the events that have taken place since Prime Minister Suleyman Demirel's coalition government took office and their effects on the Turkish Kurds in southeast Turkey.

By way of background, Helsinki Watch reported in 1988:

The Kurds -- there are some twenty million in the world today -- have never had a country of their own, although they lay claim to a large region which they call Kurdistan and have shared a common language, religion and culture for thousands of years. The oil-rich, mountainous region that the Kurds inhabit was carved up after World War I and parceled out to Turkey, Iran and Iraq. Kurds are now living in all of those countries and, in smaller numbers, in Syria and the USSR. The largest group of Kurds is in Turkey, but it is absent from Turkey's official census figures because the Turkish government denies the very existence of the Kurds, whom they refer to as "mountain Turks."

Repression of the Kurds in Turkey dates back to Ataturk and the establishment of the Turkish Republic in 1923. In that year the Treaty of Lausanne between Ataturk and the Allied powers conferred international recognition on the new Turkish state and carved up the territory claimed by the Kurds, giving the largest portion to Turkey. There was no mention of the Kurds in the document. Indeed the sections dealing with the protection of minority rights apply only to Turkey's "non-Muslim minorities," not to the devoutly Muslim Kurds. Between 1925 and 1939, there were constant revolts and peasant uprisings in the Kurdish regions of Turkey, exacerbating the government's fears that the Kurds were striving for recognition as a nation and that they had ties to Kurds in other countries. Turkish governments have used harsh measures in their efforts to suppress the Kurds and make them assimilate. The Kurdish language, Kurdish schools, Kurdish publications, Kurdish associations, Kurdish names and Kurdish music are banned. People have been sent to prison merely for acknowledging in public that there are Kurds in Turkey...

[In 1984 the secessionist Workers' Party of Kurdistan (PKK) began carrying out guerrilla warfare against Turkish security forces,] seeking an independent Kurdistan. Its terrorist tactics have resulted in hundreds of civilian and military deaths in an underreported war that remains largely hidden but has nevertheless forced Turkish authorities to confront the existence of a

¹ The earlier reports were: *Destroying Ethnic Identity: The Kurds of Turkey* (March 1988), and *Destroying Ethnic Identity: The Kurds of Turkey, an Update* (September 1990).

"Kurdish problem."

The situation of Turkey's Kurds has changed somewhat since we wrote that report; Turkish authorities no longer speak of the "mountain Turks," and Kurds are sometimes referred to by name in the Turkish press. In addition, a law outlawing the speaking of Kurdish on the street was repealed; but it is still illegal to speak Kurdish in court, in official settings, or at public meetings. And most of the cultural prohibitions remain in effect. In addition, the PKK's guerrilla war continues more strongly than ever, and appears to have far more support among Kurds than it did in 1988.

Prime Minister Suleyman Demirel's coalition government, stating its commitment to human rights reforms, took office in Turkey in November 1991. During the pre-election campaign, candidate Demirel publicly recognized the "Kurdish reality" -- a reference to the Turkish Kurds living in southeast Turkey.² In January 1992, two months after his election, the prime minister told Helsinki Watch that he planned to win the confidence of Turkey's large Kurdish minority (estimated at about ten million of Turkey's fifty-seven million people) by restoring its cultural rights and ending the village guard system that forces local people to take up arms to support the military in its fight against the PKK.

Unfortunately, the cultural rights of the Kurdish minority continue to be abused in southeast Turkey and the village guard system is as firmly entrenched as ever. The village guard system forces villagers to choose between serving as armed guards, vulnerable to PKK retribution, or abandoning their homes and lands. Moreover, Turkish security forces have decimated nearly 300 Kurdish villages and forced their residents to flee since the coalition government came to power.

In addition, Turkish security forces have attacked Kurdish cities in the southeast with increased ferocity. They rained such intense destruction on the town of Sirnak in August 1992 that all but two or three thousand of the town's 35,000 inhabitants reportedly piled their belongings onto wagons and trucks and abandoned the town. Officials barred many journalists from most areas of the town and from interviews with the mayor or other officials or residents, suggesting that the government was trying to prevent the public from finding out what happened. Similar large-scale attacks against civilians reportedly took place in 1992 in Batman, Agri, Kulp and Cizre. As a result, Kurds have been leaving the southeast in the thousands and moving to other areas in Turkey.

Moreover, the Turkish government has utterly failed to investigate the assassinations in southeast Turkey in 1992 of more than 450 people who were killed by assailants using death squad tactics. Among those killed were journalists, teachers, doctors, human rights activists and political leaders; many suspect government complicity in the killings. Some disappeared, only to turn up dead by a roadside some time later. Although some of the victims were last seen in the hands of police, the police usually deny having detained the victims or claim that they held them briefly and then released them. The Turkish government appears to have made no serious effort to find the murderers or to investigate possible police involvement in disappearances.

Among the many victims of assassination were thirteen journalists and four distributors of a pro-Kurdish newspaper. All but two of the journalists wrote for left-wing or pro-Kurdish journals; several had written about purported connections between a "counter-guerrilla" force or a Hezbollah group and Turkish

² The vast majority of people living in southeast Turkey are Turkish Kurds.

security forces. These journalists were apparently targeted as part of an on-going vicious campaign to silence the dissident press. Many were shot in the back—sometimes with one bullet to the back of the head—by unknown assailants.

On coming to power, Prime Minister Demirel's coalition government promised significant improvements in Turkey's abysmal human rights record. Sadly, the promised reforms have not come about; on the contrary, killings, torture and other human rights abuses in Turkey have become significantly worse -- in western Turkey as well as in the southeast.

During 1992, security forces shot and killed seventy-four people in house raids -- thirty-four in the southeast -- and the evidence suggests that the killings were deliberate executions. Security forces also shot and killed more than 100 peaceful demonstrators in several incidents in the southeast in 1992.

A promise to end torture has been repeatedly broken by the coalition government, despite the fact that Prime Minister Demirel came to power promising "police stations with glass walls." A legal reform bill was enacted in late November. Unfortunately, its maximum detention periods do not meet standards set by the European Court of Human Rights: ordinary criminal suspects can be detained for up to eight days, and political suspects for up to thirty days.

In August 1992, Helsinki Watch interviewed at length 24 people in four cities in western Turkey -- Istanbul, Ankara, Adana and Antalya -- who told terrible stories of recent torture at the hands of police. Many of them were Kurds. Their accounts, some of which are recounted in a later section, and the stories of others like them, show that the vile practice of torture continues in Turkey. It permeates the criminal justice system and is not confined, as some believe, to suspected terrorists or Kurdish separatists. Moreover, sixteen people died in suspicious circumstances in 1992 while in police custody; police claim that six of them, including three children between the ages of 13 and 16, committed suicide. Ten of the sixteen deaths were of Kurds in the southeast. Prime Minister Demirel's government has made no serious effort to investigate these cases or to bring an end to torture.

In January 1992, Prime Minister Demirel, Deputy Prime Minister Erdal Inonu and other Turkish officials told Helsinki Watch of their ambitious plans for change. Legislation to protect detainees from torture was only one of many planned reforms, including amendments to the constitution and revision of the restrictive press law.

None of this has come to pass. In addition to the assassinations of reporters in the southeast, other members of the press—particularly left-wing opposition journalists—continue to be harassed, threatened, beaten, detained and tortured. Reporters are charged with the crimes of insulting the president, criticizing the military or public prosecutors, disseminating separatist or communist propaganda, and praising acts that are considered crimes. Some have been sentenced to prison terms for such crimes of thought. The journals that have run into the most serious problems with Turkish authorities are small, pro-Kurdish journals.

When asked to take responsibility for these abuses, Turkish officials are quick to blame the escalating terrorism in Turkey. To be sure, Turkey is experiencing a rising tide of terrorist incidents. In the southeast, according to the Turkish government, almost 1,000 civilians have been killed by the PKK since 1984. In western Turkey, assassinations of police, judges and other officials, most of them attributed to the left-wing extremist organization Dev Sol (Revolutionary Left), are becoming more frequent in Istanbul and

other major cities; at least fifty-four police and other officials were assassinated in 1992.

But the Turkish government, in dealing with this deplorable situation, appears to have abandoned its initially declared commitment to a "state of law based on human rights and freedoms." Instead of attempting to capture, question and try people suspected of these killings, police have embarked on a campaign of house raids. During 1992, forty alleged terrorists were shot and killed in house raids in western Turkey – twenty-six in Istanbul, nine in Ankara, and five in other western cities. A similar pattern can be seen in the southeast, where thirty-four alleged members of the PKK were shot and killed in house raids. Police routinely claim that these deaths occurred in the course of shoot-outs with suspects. But while the suspects were shot dead, police were almost never killed or even wounded, strongly suggesting that the raids were not shoot-outs but deliberate executions. Extrajudicial killings in which police act as judge, jury and executioner are outlawed by both international human rights law and the laws of war.

Contrary to international laws and standards, police continue to shoot and kill peaceful demonstrators; at least 103 were killed in 1992 – all but three of these were killed in the southeast. In March, during the celebration of *Nevroz*, the Kurdish New Year, government troops opened fire and killed at least 91 demonstrators in three towns in the southeast. Another nine people were killed in the southeast in demonstrations in August. Peaceful demonstrators were also killed in 1992 in Izmir, Adana and Antalya. No one has been charged with any of these deaths.

The government appears to have abandoned many of its early promises that could have afforded protections to the Kurdish minority. Among these promises were a commitment to replace the repressive 1982 constitution that was written following the military coup of 1980, and, in the interim, to abolish anti-democratic provisions in the current constitution that, for example, forbid university professors and civil servants from joining political parties. The government's program included promises to change laws that discriminate against women, to provide trade union rights for civil servants and to enact trade union laws that comply with International Labor Organization standards, to abolish restrictions on political and religious freedom, and to abolish the Higher Education Council. These promises have not been kept either.

In the initial days of the new administration some positive steps were taken: Eskisehir Prison, known for its brutality and isolation cells, was shut down; 227 people who had been deprived of their citizenship for political reasons regained it; and some films and cassettes were removed from a list of banned artistic works. The government ended a ban on the use of the Kurdish language on the street, although Kurdish is still banned in courts and other official and public settings; one Kurdish-language newspaper, *Welat*, was allowed to be published; and a policy of allowing parents freedom in choosing their children's names (including Kurdish names) was adopted. A Kurdish institute was permitted to open in Istanbul, although it was forbidden to hang up a sign outside its office. The institute was raided by police on November 15, 1992, however; its books and records were seized and its employees detained. On January 18, 1993, *Cumhuriyet* reported that an Istanbul court had denied official registration to the institute, since it was based on "a race." The decision is being appealed.

Justice Minister Seyfi Oktay, Interior Minister Ismet Sezgin and Human Rights Minister Mehmet Kahraman all emphasized in conversations with Helsinki Watch in August 1992 that the government remains committed to change, to the establishment of "a transparent democracy," and to making changes in the constitution and laws, as initially proposed by the coalition government.

But appropriate actions are not forthcoming. Killings, disappearances, brutal torture and other violations of human rights are still taking place. Prime Minister Demirel's government has not

demonstrated the political will or ability to end these loathsome practices, either on paper or in reality.

The Bush administration was extremely supportive of the Demirel government, even going so far as to congratulate Turkey on its "use of restraint" against the Kurdish population during *Nevroz* when government troops shot and killed at least ninety-one peaceful demonstrators. Turkey remains the third largest recipient of American aid, after Israel and Egypt. For fiscal year 1993 the United States will provide Turkey with \$575 million in foreign assistance -- \$450 million in military loans and \$125 million in economic support grants.

In light of the massive continuing abuse of human rights in Turkey, Helsinki Watch recommends that the U.S. government end all military and security assistance to Turkey until such time as Turkey no longer manifests a consistent pattern of gross human rights violations, or state clearly, as required by Section 502b of the Foreign Assistance Act, what extraordinary circumstances warrant provision of military and security assistance to Turkey in light of its pattern of violations. Helsinki Watch also recommends that the training of Turkish police officers under the Antiterrorism Assistance Program be promptly discontinued.

Helsinki Watch recommends to the Turkish government that it end abuses of civilians in southeast Turkey and abide by the requirements of international humanitarian law, the laws of war; end restrictions on Kurdish ethnic identity; abolish the village guard system; abide by international standards requiring law enforcement officials to use lethal force only when absolutely necessary and in proportion to the immediate danger faced when conducting raids on houses suspected to contain "terrorists;" deploy nonlethal methods of crowd control; punish security forces who kill civilians without justification; investigate thoroughly and promptly all suspicious deaths and disappearances and prosecute those responsible; end all torture in police interrogation centers and prosecute torturers; shorten detention periods and provide detainees with immediate and regular access to attorneys; and end restrictions on free expression. Further recommendations are detailed at the end of this report.

Helsinki Watch recommends to the Workers' Party of Kurdistan (PKK) that it end all abuses against civilians and observe promptly and scrupulously international humanitarian law -- the laws of war.

SOUTHEAST TURKEY

In southeast Turkey, the guerrilla war begun by the PKK (Workers' Party of Kurdistan) against security forces in 1984 markedly intensified in 1992. Civilians were attacked by both security forces and the PKK in violation of human rights laws and standards and international human rights law -- the laws of war.

ABUSES BY SECURITY FORCES

Shortly after assuming office in November 1991, Prime Minister Demirel announced that his coalition government would acknowledge "the Kurdish reality." Meeting with Helsinki Watch in January 1992, the prime minister stated that the government would abandon the village guard system -- a system in which villagers are forced to choose between acting as armed village guards, thus becoming targets for the PKK, or abandoning their villages.³

The hopes raised by the new government's statements have been dashed. Although accurate figures are difficult to obtain, it appears that of the about 5,000 deaths related to political violence in the southeast since the guerrilla war started in 1984, about 2,000 have taken place this year. The PKK appears to be better armed and to have stepped up its actions against security forces and, sometimes, against civilians as well. Government forces have attacked Kurdish cities and villages with increased ferocity and have maintained the village guard system. Prime Minister Demirel told reporters on October 4 that his government was not seeking a negotiated settlement with the PKK, but would crush the uprising militarily. "I no longer see a place for a political solution," he said.

As noted earlier, in 1992 security forces in southeast Turkey shot and killed more than one hundred peaceful demonstrators, killed thirty-four people in house raids, and failed to investigate the vast majority of the suspicious deaths of more than 450 people, in some of whose deaths security forces may have been involved.⁴ Included in those deaths were the murders of thirteen journalists, eleven of whom were Kurds writing for left-wing or pro-Kurdish journals -- several had written on the purported connections between a "counter-guerrilla" force and Turkish security forces. Moreover, a number of people have disappeared in southeast Turkey, and the government has made no effort to investigate the disappearances.

All of these events have taken place in the context of an increasingly violent guerrilla war. In 1992 a pattern emerged in which PKK guerrillas attack military forces in a town; security forces then retaliate against the civilian population with such ferocity that homes and shops are destroyed and inhabitants forced to flee. In some cases, witnesses have denied the government's version of events -- denying that the PKK had attacked town installations. Exactly what happened is sometimes difficult to discover. But the

³ In May 1990, Helsinki Watch interviewed many villagers who had abandoned their homes and fields rather than serve as village guards. See Helsinki Watch report, *Destroying Ethnic Identity: The Kurds of Turkey (An Update)*, September 1990.

⁴ See section on Suspicious Killings, below.

net result has been that many thousands of Kurds have left their towns and villages and gone either to other areas in the southeast or to western Turkey.

In one example of this pattern, in August security forces attacked Sirnak so fiercely that by October only between two and three thousand of the about 35,000 residents reportedly remained in the city. The government reported that the PKK had attacked Sirnak in large numbers (at first the government said 1,500 PKK troops; then it reduced the figure to 1,000 and later to 500), and that security forces had been forced to wage a house-to-house campaign to root out the guerrillas. Townspeople denied that the PKK had attacked in such strength; some said the PKK had not attacked at all. Some reports indicated that a small band of PKK fighters had attacked a village on the outskirts of Sirnak, but not Sirnak itself. At any rate, the end result was the virtual destruction of the town and the exodus of the vast majority of its residents.

The Sirnak episode was not the first time during the Demirel administration that troops had apparently decided to punish civilians for attacks against the military. On April 22 in Batman a police officer, Ahmet Yildiz, was killed on the way to his office. Security forces then reportedly opened a wide-scale operation in Batman, raiding and destroying offices belonging to the Batman branch of the Human Rights Association (HRA), the Batman office of the newspaper *Yeni Ulke* (New Land), the HEP (People's Labor Party) Provincial Center, and many shops. Security forces seized HRA documents and archives and reportedly detained about 100 people.

On September 10, in the Hamur district of Agri, six Turkish soldiers died in a clash with the PKK. Soldiers then reportedly opened fire on civilian houses with heavy weapons, including hand grenades. The mother of two children, ages 7 and 9, who were killed, said: "Soldiers started shooting at our houses. We didn't know what to do. All the houses in the village were destroyed."

In a later incident, Turkish newspapers reported that on October 3 PKK members fired on a military vehicle near the bus terminal in the town of Kulp. An armed clash followed between the PKK and security forces. Two soldiers were killed and eight wounded. Security forces then reportedly opened fire and shot randomly at houses, shops and vehicles until nightfall. At least five civilians were killed and four wounded. One of the wounded, Vahit Narin, reportedly died after being soaked with kerosene and set on fire.⁵ All telephone lines were reportedly cut and entry forbidden to the town, and heavy artillery fire and fire from helicopters continued for three days. Many residents reportedly fled the town in terror.

On November 7 in the Cudi region of Cizre, a mine apparently laid by the ARGK (People's Liberation Army of Kurdistan, an armed wing of the PKK) was hit by a panzer tank carrying twelve security force members. The security forces then reportedly retaliated by firing on the civilian residential area for four hours with German BRT 60 panzers and other tanks and heavy artillery. During the attack, a shell hit the house of Haci Cekirge, killing nine people, including five children. Many residential and commercial buildings were heavily damaged.

In an extremely disturbing development, 296 villages in the southeast were destroyed by security forces between *Nevrozin* March and the end of the year and their residents forced to flee, according to the Kurdish Institute in Paris.⁶ The Institute also reports that six cities, including Sirnak, Kulp, Dicle, Varto, Hani

⁵ Amnesty International *Urgent Action*, Oct. 6, 1992.

⁶ See Appendix A for a list of the 296 villages.

and Cukurca, and some neighborhoods of Cizre, have been partially or completely destroyed this year.

Kurds have been leaving the southeast in the thousands; no one knows the exact number. The Kurdish Institute in Paris reports that many thousands of Kurds leave the southeast every month for Mersin, Adana, Istanbul, Izmir and Bursa, among other places. Some have gone to Europe as well, mostly to Germany, Norway and Sweden. Kurdish members of Parliament told Helsinki Watch that there is a continuous migration.

A doctor whose family came from Silvan told Helsinki Watch:

After Dr. Ayhan was killed [see chapter on Killings and Disappearances], all the other doctors left the area. In 1989 there were about 100,000 people in Silvan -- now there are only fifty or sixty thousand. People are terrified and also there are no jobs, no businesses for people to make a living in. The products in the field -- cotton and rice and tobacco -- can't be properly harvested because people can't leave their houses in the evenings. It's too dangerous. Some crops need to be harvested quickly, even at night. These crops are the most important factors in the economy. After the *Nevroze* events in Sirnak, all sixty health care personnel left the area. Health services are in chaos in southeast Turkey now.

In August, Zubeyir Aydar, a Kurdish Member of Parliament from Siirt in southeast Turkey, told Helsinki Watch about the deteriorating conditions in the southeast. He and four other Kurdish parliamentarians (Sedat Yurttas, Selim Sadak, Ali Yigit and Nizamettin Toguc) had just returned from a trip to the southeast:

We visited eight provinces, including Urfa, Mardin, Hakkari, Van, Batman, Bitlis and Kiziltepe. In order to get any information on what was happening in the southeast, we had to go there ourselves. In the first place, there is no such thing as being detained without being beaten. People are beaten on the streets, in their shops, and on the way to the gendarme stations.

And many people are suffering in house raids by security forces. Yesterday [August 6] in Siirt the house of Omer Kacar in the Cakmak region was raided. At about 1:00 or 2:00 a.m. thirty or forty police -- some in uniform and some in plain clothes -- surrounded Kacar's house. It's a big house, and the family were all sleeping. Police broke down all the doors. Everyone was beaten -- some fainted. Omer and his pregnant daughter-in-law, Fatma Kacar, were beaten. Two sons were detained; one was released the next day, but one, Mehmet Kacar, is still in custody. All the furniture was thrown around. This kind of thing happens all the time.

Our most serious problem is contra-guerrilla aggression. Many people have been killed this year -- journalists and opposition leaders. In the last fifteen days, ten people were killed in eight provinces. Six people were killed in Yardere in February.

Also, people are detained all the time. After we left the area, 22 people we talked with or who took us around, were detained. The mukhtar [headman] of Kurka Ceto, a village next to Yardere, was detained in February. He had been a healthy man; now he walks with a cane because of the Palestine hanger torture. He was released ten days ago; he had been detained since February.

Everywhere we went we were stopped at checkpoints. The security forces were waiting for us; they said, "the known mission is coming." At Habur Bridge in Sirnak soldiers stopped our car and fired in the air. At Ortakoy in Sirnak, near the Iraqi border, we were stopped and soldiers said they would search us. We said, "By law, you cannot search members of Parliament." The lieutenant said, "We don't recognize immunity for the HEP Parliamentarians." They surrounded us with guns pointed and searched us.

We were not permitted to go to some areas, for example to the town of Beytusebab. They said there was not enough security. Twenty-three villages there are under a food embargo -- they can't get food from the town because they supposedly would give it to the guerrillas. So seven or eight thousand people are eating only grass.

Another terribly important issue in the region is land mines. All along the border villages are mined. No one knows where the mines are. Dozens of people are dying from mines -- shepherds, children and others. And many people have been severely wounded. The military plants mines because they think the guerrillas may come through, then people or animals step on the mines. Just yesterday five animals died in fields. The problem is that no one knows where the military put the mines, not even the military.

The PKK uses mines too, but usually when they know the military is coming through -- just before a convoy comes, they will plant a mine. But from time to time civilians step on PKK mines too, and are killed.

Our people have been attacked from the air. On June 28 [1992] and again on July 11, Turkish military planes, fighter planes, F104s or F16s, American-made, attacked a civilian settlement on the Sulo Plain in Semdinli, in Hakkari province. The planes didn't bomb the people, but shot at the tents people were in. They shot at tents and people and cattle. Five people were killed and thirty-three wounded. On June 28, four planes passed by twice, shooting. On July 11, six planes made three sorties with machine guns. The government said later that one bomb had fallen off a plane by accident, but it wasn't true. The planes were deliberately firing at civilians. One woman who was eight months pregnant was wounded -- the baby was wounded, too. Doctors had to perform a caesarian, and the baby died.

We went to Van, and after we left, the mayor of the Yuksekova district of Van called us in the next town at about 2:00 a.m. to tell us that after we left a special military team came to Yuksekova and started firing in the air. Then they went to the HEP headquarters and broke the door down and smashed up the office. Then they went to the restaurant, hotel and barber shop that we had visited and shot the places up -- they destroyed them. And they beat visitors at the hotel. Then they detained between forty and fifty people. They told the detained people, "We'll kill you if you continue to meet with the Kurdish parliamentarians." When we heard this, we went back to Yuksekova and took videotapes of the damage.

One important complaint that people all over the area have is that they are not allowed to take their animals to the plains anymore. These people are animal herders; that's how they make their living. If they can't go to the plains, they can't live. In the winter they stay in the valleys with the animals, where they can stay warm. In the summer they go to the plains -- it's too hot for the animals in the valleys; they get sick and die. So if the herders can't take their animals to the plains,

the animals die.

A terrible thing happened in Kokarsu village in Tatvan town on June 8 [1992] at about 7:30 p.m. Mehmet Sisman and Ahmet Sisman were detained. Two days later, on June 10, they were released at about 5:00 p.m. At about 7:00 p.m., the father, Ahmet Sisman, took his sons and sons-in-law to a village for feasting and prayer – he's an imam [religious leader]. On the way, between 7:30 and 8:00, all thirteen persons were detained, and all thirteen were shot dead, including one 12-year-old. It happened one kilometer before Kokarsu. Previously villagers had often been detained, charged with helping the PKK. People believe that the murders were carried out by village guards and special military teams. The government said the PKK stopped the minibus and killed all thirteen, but no one believes it. These people were sympathetic to the PKK; there was no reason for the PKK to kill them. The PKK said they didn't do it. There have been many similar incidents; the government always says the PKK was responsible, but no one believes it.

The trip we took was very dangerous; local people told us we should not do it. And there were some places we could not go to. After dark everyone stays in the house; it is not safe to go outside.

In a disturbing new development, Kurds who have left the southeast to escape the violence have been attacked in several cities in western Turkey. Reports indicate that in Alanya, Kurdish people were afraid to leave their homes after a funeral of some Turkish soldiers on October 29. The funeral was reportedly followed by attacks on Kurds and their property in which fifty-four houses and shops were destroyed. Turkish authorities reportedly took no action to stop the attacks or to prosecute those responsible.

In early October, Kurds in the Fethiye district of Mugla were reportedly attacked after some Fethiye-born soldiers were killed in clashes with the PKK in the southeast. Attacks included setting on fire a restaurant belonging to a Kurd. Ten Kurdish families who had been living in Fethiye reportedly moved out of the area because of the attacks.

In Adana, a human rights activist told Helsinki Watch:

Pressures have intensified greatly against the Kurds in Adana. In the Kurdish neighborhood of Daglioglu houses are shot at by police in Panzers. Even inside the medical center, there are police in each room. Before you see the doctor, you are interrogated by police: why did you come? what's wrong? So people are afraid to go to the medical center.

You can't go out at night. You can't sleep on the roof in the summer time, which is our tradition. You can't go to work late at night -- you'll be detained by police. On July 23, [1992] at around 11:00 p.m., everyone in a coffee house was detained -- more than one hundred people. The next day at 3:00 p.m. they were all released without charges; they had never been interrogated, just detained.

Arbitrary detention happens regularly to members of organizations like the Human Rights Association. Some people organized a small demonstration in a park after journalist Hafiz Akdemir was murdered; eight reporters and several passersby were detained. Police charged the HRA with

organizing the demonstration. [The Adana branch of the HRA was ordered closed by authorities in November 1992.]

In Antalya, a lawyer told Helsinki Watch about a pattern of abuse against the Kurdish community:

In Antalya, most human rights abuses are against Kurds. Lots of Kurds have come to Antalya; most are poor, and can only find temporary, poorly-paid work. During sensitive periods, police go to parks, cafes and coffee houses where Kurds gather and raid them. They look at someone's I.D., and if he or she is Kurdish, the police consider them suspects and take them into custody. Also there have been many house raids, especially of people who are members of the HEP. The house raids take place for no significant reason. Detentions intensified during *Nevroz*— I don't know the exact number, but I represented people in five or six incidents. Kurds are under very close surveillance. People who are detained are treated much worse if they are of Kurdish origin. A friend of mine was taken in and charged with an ordinary crime involving the use of alcohol; when police saw that he was a Kurd they tortured him intensely, including forcing a truncheon into his rectum.

ABUSES BY THE WORKERS' PARTY OF KURDISTAN (PKK)

Helsinki Watch continues to receive reports of the killing of civilians by the PKK, including the following:

- * On December 25, 1991, eleven people were killed when a group of PKK sympathizers reportedly attacked a shopping center in Istanbul with firebombs.**
- * In mid-March 1992, PKK separatists reportedly hanged three people in the southeast who had been condemned by popular tribunals; bank notes were stuffed in all of their mouths (a common signal that the PKK considered the victims informers).**
- * On May 28, PKK separatists allegedly killed three civilians, Husnu Islek, Zubeyir Ucak and Celal Kaya, in Cemi hamlet in Bingol province for refusing to cooperate with the PKK. Residents of Cemi were allegedly forced into the village square to watch the execution.**
- * On May 29, the body of village guard Huseyin Aksoy, who had been kidnapped, was found hanging on a utility pole on the road between Cizre and Idil; the PKK was allegedly responsible.**
- * PKK militants reportedly executed as an informer Mehmet Dasdelen in the village of Baskale in Digor district of Kars on June 2.**
- * The body of Abdurrahman Ay, a member of the Motherland Party (ANAP) and a member of Idil's town council, was found hanging from a telephone pole in Alakamis village on June 2; an autopsy revealed that he had been strangled by a rope. The PKK claimed responsibility.**
- * On June 20, the body of Hamit Uren was found hanging from a tree in Uludere district of Sirnak; the PKK was believed responsible.**

* **PKK guerrillas reportedly killed fourteen villagers, nine of them children, and wounded eight others in raids on the houses of village guards in the village of Seki in Batman province and in Guroymak in Bitlis province on June 22.**

* **In late June, PKK separatists reportedly killed five people, including a member of the village guard, in an attack on Elmasirti village in Bingol province.**

* **On June 26, PKK rebels allegedly killed ten worshippers at a mosque in Diyarbakir; thirty rebels allegedly drove men from the mosque, tied their hands and shot them with automatic weapons.**

* **On July 27, PKK militants reportedly stopped a bus near Mazidag district of Mardin and killed Kadir Kaya (55), whose son is a village guard.**

* **PKK militants reportedly raided Askale village in Agri on August 17 and executed Mahmut Incekaya (30) as a state supporter.**

* **The body of Abdurrahman Akkus (45), kidnapped by PKK militants on September 9 from Yuzbasilar village, was found hanging from a utility pole in Igdir. A leaflet on the body stated that Akkus had been killed "as he was an informer and a supporter of the state."**

* **In late September the PKK killed twenty-nine people, including many women and children, in Cevizdali in Bitlis Province.**

* **The bodies of Nevzat Ciftci and Ahmet Altinhan, both aged 22, were found in a field between Danali and Cevrimova villages in the Besiri district of Batman on October 8; they were reportedly killed by the PKK on charges of "betraying the organization."**

* **The PKK reportedly killed a teacher, Emin Uyanik, and his wife, Zeynep Aydin, in Bolumlu village of Bismil on November 11.**

In addition to the killings of civilians, in early September, PKK separatists allegedly abducted five tourists, including three Americans, two Austrians and a Briton, near the town of Karliova, and detained them briefly.

* * *

International humanitarian law -- the laws of war -- prohibits the killing and mistreatment of civilians during an internal armed conflict. Both security forces and the PKK, as noted, have killed and mistreated civilians. Helsinki Watch urges both sides to observe the laws of war and to refrain from killing or mistreating civilians.

KILLINGS AND DISAPPEARANCES

The Demirel government has taken no action to investigate and prosecute those responsible for killing peaceful demonstrators and civilians in house raids. It has also failed to investigate disappearances allegedly caused by security forces and most of the suspicious killings of at least 450 Kurdish civilians in southeast Turkey.

KILLINGS IN HOUSE RAIDS

Turkey faces serious law enforcement and military problems: extremist left-wing groups (chiefly Dev Sol -- "Revolutionary Left") assassinated fifty-four police and other officials in western Turkey in 1992, and also set off bombs in crowded civilian areas. The PKK continues to wage guerrilla warfare in the southeast, frequently in violation of international humanitarian law -- the laws of war.

But instead of attempting to capture, question and indict people suspected of illegal activity, Turkish security forces kill suspects in house raids, thus acting as investigator, judge, jury and executioner. Police routinely assert that such deaths occurred in shoot-outs between police and "terrorists," and, of course, when police are actually fired upon, they may properly shoot back. But in many cases in Turkey, eye-witnesses report that no firing came from the attacked house or apartment. Moreover, reliable reports usually indicate that while the occupants of the raided premises were shot and killed, no police were killed or wounded during the raids. This strongly suggests that the killings were, in fact, deliberate executions. Such summary, extra-judicial executions are outlawed by both international human rights law and the laws of war. In carrying out these deliberate executions, the Demirel government appears to have abandoned its stated initial commitment to a "state of law based on human rights and freedoms."

Turkish security forces shot and killed many more people in house raids during 1992 than they did in 1991. Helsinki Watch knew of nineteen people shot and killed in such raids in 1991 -- in Istanbul, Izmir, and Ankara. In contrast, Helsinki Watch knows of seventy-four people killed in house raids in 1992. Of these, forty were alleged terrorists shot and killed by Turkish police in western Turkey -- in Istanbul, Ankara, Adana and Mersin. Thirty-four were alleged PKK members shot and killed in house raids in southeast Turkey.

KILLINGS OF PEACEFUL DEMONSTRATORS

Contrary to international laws and standards, Turkish police continue to shoot and kill peaceful demonstrators -- more than one hundred were killed during 1992. By contrast, during 1991, ten people were killed by police using live ammunition as a method of crowd control. In March 1992, during the celebration of the Kurdish New Year, government troops opened fire and killed at least ninety-one demonstrators in three towns in the southeast.⁷ Nine others were killed in demonstrations in the southeast in mid-August.

⁷ For details, see Helsinki Watch newsletter: *Kurds Massacred: Turkish Forces Kill Scores of Peaceful Demonstrators*, June 1992.

Peaceful demonstrators were also killed in Istanbul, Izmir, Adana, and Antalya in 1992. No one has been charged in any of these deaths.

DISAPPEARANCES

A number of people disappeared in Turkey during 1992 after witnesses reported that they had been taken into custody by security forces. In some cases, the person's body turned up later, as happened in the killing of human rights activist Vedat Aydin in Diyarbakir in July 1991.⁸

In August 1992, Helsinki Watch was told by Zubeyir Aydar, a lawyer and a Member of Parliament from Siirt, "We don't care about torture any longer -- it's unavoidable. What we care about are killings and disappearances; it happens over and over -- police come to someone's house and take him away. The family goes to the police station or the gendarmerie station and ask for him. The police say, 'We never took him.' Then the family goes back with a witness who says that he saw police take the person. Then police say, 'Well, we had him, but we let him go.' Then the person's body turns up outside of town."

Mr. Aydar told Helsinki Watch about one such case:

Nezir Acar, who was born in 1964, disappeared two months ago from Dargecit. It was eleven days after Ramadan -- about April 20. He had visited his friend Hasan. The house was raided at about 10:00 p.m. and he was detained. The next day his family tried to find him. At first, police said they hadn't detained Acar, but later they admitted they had detained him, but said he had been released. He has been missing since.

Mehmet Demir, 32, the Deputy Provincial President of the People's Labor Party (HEP), disappeared in January 1992. According to Amnesty International, Mr. Demir, a Kurd, left his restaurant in Siirt at 5:30 on January 10, saying he would return in ten minutes. He has not been seen since. People in teahouses reported that identity checks were being carried out at the time from a police minibuss parked in the street.⁹

INTERNATIONAL STANDARDS FOR THE USE OF LETHAL FORCE

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), to which Turkey is a signatory, states in Article 2 that:

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it

⁸ See Helsinki Watch newsletter, *Turkey: Human Rights Activist Killed*, July 1991.

⁹ Amnesty International *Urgent Action*, Jan. 15, 1992.

results from the use of force which is no more than absolutely necessary:

a) in defense of any person from unlawful violence;

b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

c) in action lawfully taken for the purpose of quelling a riot or insurrection. [Emphasis added.]

Article 15 of the ECHR provides that there can be no derogation from Article 2 during time of war or public emergency, except for deaths resulting from lawful acts of war.

The International Covenant on Civil and Political Rights contains similar guarantees of the right to life in Article 6(1) and also provides that there can be no derogation from that right "in time of public emergency which threatens the life of the nation" (Article 4).

The Code of Conduct for Law Enforcement Officials, adopted by the United Nations General Assembly on December 17, 1979, states in Article 3:

Law enforcement officials may use force only when *strictly necessary and to the extent required* for the performance of their duty. [Emphasis added.]

Special Provision 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in August 1990, states:

Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when *strictly unavoidable* in order to protect life. [Emphasis added.]

Helsinki Watch believes that the standard for the use by security forces of deadly force should be one of "absolute necessity" as set forth in international agreements and standards. In addition, the force used should be in proportion to the actual danger. Thus, the two key principles governing the use of lethal force are "absolute necessity" and "proportionality." Turkish security forces have not met these standards when shooting unarmed demonstrators or when carrying out house raids against suspects.

SUSPICIOUS KILLINGS

During 1992 there was an extremely disturbing increase in the number of suspicious deaths in southeast Turkey. Hundreds of people were killed by unknown assailants; many of those people were leaders or in positions of responsibility in the Kurdish community – doctors, lawyers, teachers, political leaders, journalists, human rights activists, businessmen. These were not victims of robberies or people shot in the crossfire between security forces and the PKK. These were civilians who were deliberately targeted for assassination. *Reuters* reported on February 26, 1993 that 450 people had died in such assassinations in 1992.

The Turkish government has put the total even higher, at 534 killings. On February 10, *Cumhuriyet* reported that Minister of the Interior Ismet Sezgin had stated that in 1992 there had been 881 casualties – victims of mysterious crimes by unknown assailants (in Turkish, *faili mechu* – in the thirteen provinces under emergency rule in southeast Turkey. Of these, Minister Sezgin said that 342 deaths had been caused by the PKK and 192 by Hizbullah. In addition, he reported that the PKK had carried out 257 attempted assassinations and Hizbullah 90. Minister Sezgin said, "these mysterious crimes are caused by the PKK or Hizbullah. This demonstrates clearly how baseless it is to claim that there is a counter-guerrilla involvement in these events." Since these assassinations and attempted assassinations are referred to as crimes by unknown assailants, one wonders on what evidence Minister Sezgin based his claim that the PKK was responsible for 599 crimes and Hizbullah for 282. No one has been charged with any of these acts.

During a February 14 press conference for national and foreign journalists at the Diyarbakir Airport, Minister Sezgin, discussing the problems in southeast Turkey, said:

If we wanted to, we could round up all of them, kill them and say they committed suicide (*Cumhuriyet*, February 15, 1993).

An appalling total of sixty-nine people were reportedly murdered in the southeast in January 1993 alone,¹⁰ a startling increase over the twelve assassinations reported by the Turkish Human Rights Foundation for January of 1992, the previous year.

Human rights activists were among the victims. Siddik Tan, a human rights activist who was a board member of the Batman branch of the Human Rights Association, was killed on June 20 in a neighbor's house in the *Hurriyet* quarter of Batman in southeast Turkey. He was reportedly slain by three armed attackers. Mr. Tan had lost the sight in one eye in an earlier attack on July 2, 1991, by a bomb that had been placed in his car. Mr. Tan was also an active member of the HEP (People's Labor Party). Kurdish members of Parliament told Helsinki Watch in August that twenty-three HEP leaders have been killed since the beginning of 1992; another ten were killed between July and December 1991.

Another human rights activist, lawyer Metin Can, the president of the Elazig branch of the Human Rights Association, was murdered in February 1993. Murdered along with him was his friend, medical doctor Hasan Kaya. Mr. Can and Dr. Kaya disappeared on February 21, 1993, after Mr. Can reportedly received a telephone call from someone claiming to be a police officer. Mr. Can was reportedly told that a

¹⁰ *Kurdistan News*, February 18, 1993 (based on newspaper accounts). See Appendix B for a list of their names.

client of his had been injured in an automobile accident and was told to go to the police station immediately. Mr. Can then called Dr. Kaya and the two men left for the police station in Mr. Can's car.

The bodies of the two men were found under a bridge near Tunceli on February 27. Both bodies bore marks of torture. Each man had been killed by one bullet to the head.

Thirteen of the suspicious killings since January 1992 were of journalists. All but two of the journalists had written for left-wing or pro-Kurdish journals; several had written about purported connections between a "counter-guerrilla" force and Turkish security forces. Eleven of the thirteen were deliberately targeted for assassination -- several were shot in the back. One was shot by security forces as reporters emerged from a hotel carrying white flags during the violence surrounding the Kurdish New Year. Although in several cases there were eyewitnesses, the Turkish government has made no serious effort to investigate the murders or to find the killers, who appear to have acted with impunity.

The thirteen journalists were:

* **Halit Gungen, 22**, a reporter for the left-wing weekly, *2000'e Dogru* (Toward 2000), killed in the journal's Diyarbakir office on February 18, 1992. The February 16 issue of the journal had featured a cover story on the purported relationship between the Hezbollah (Party of God), an Islamic terrorist group, and the counter-guerrillas, an armed force allegedly linked to security forces.

* **Gengiz Altun, 24**, the Batman correspondent for the weekly pro-Kurdish newspaper, *Yeni Ulke* (New Land), killed by six bullets fired into his back on February 25 as he was on his way to work. A *Yeni Ulke* official alleged that Altun had recently been threatened with death at Gercus Gendarmerie Station. Mr. Altun had written articles about the alleged activities of government-backed counter-guerrillas; the most recent had been published in the February 2-8 issue.

* **Izzet Kezer**, a journalist for the mainstream daily, *Sabah*; shot and killed by security forces in Cizre on March 23 during violence that followed the celebration of the Kurdish New Year. During a state-imposed curfew, Kezer and other journalists emerged from their hotel waving white flags. No shooting was going on at the time. Kezer, at the head of the group, reached an intersection and was shot dead by security forces who fired from an armored personnel carrier. No action has been taken against the security forces responsible for his death.

* **Mecit Akgun**, a reporter for *Yeni Ulke*, whose body was found hanging from a telephone pole near the village of Colova in Nusaybin on June 2. A statement found on his body saying that he was "punished because he was a traitor" was allegedly signed by the PKK.

* **Hafiz Akdemir**, a reporter in the Diyarbakir office of *Ozgur Gundem* (Free Agenda), killed by a single bullet shot into the back of his head on June 8, fifty meters from his home in Diyarbakir. *Ozgur Gundem* began publication on May 30, 1992; reporters stated that they had received telephoned threats for several days, several addressed to Akdemir. Mr. Akdemir had recently interviewed human rights delegations visiting the region and had written about them, as well as about the workings of the "counter-guerrilla" forces in the region.

* **Cetin Ababay**, the Batman correspondent for *Ozgur Halk* (Free Public), shot in the head by

three unidentified men on July 29 while on his way home in Batman.

* **Yahya Orhan, 30**, the Gercus (Batman Province) correspondent for *Ozgur Gundem*, shot and killed by unknown assailants on July 31 at about 10:30 p.m. *Ozgur Gundem* reported that Mr. Orhan had been stopped on the street and threatened. According to his family, Mr. Orhan received a phone call at his home on July 31 in which he was told, "We have removed all journalists. Now it is your turn."

* **Huseyin Deniz, 36**, the Ceylanpinar (Urfa Province) correspondent for *Ozgur Gundem*, critically wounded by one bullet fired into his neck on August 9; he died on August 10. Mr. Deniz was also the regional correspondent for the daily, *Cumhuriyet*.

* **Musa Anter, 74**, a well-known Kurdish writer and journalist, shot and killed in Diyarbakir on September 20. Mr. Anter had written for *Ozgur Gundem* and *Yeni Ulke*, as well as for the Kurdish newspaper, *Welat*. He was also the chairman of the board of the Mesopotamian Cultural Center in Istanbul. Mr. Anter was reportedly lured from his hotel on false pretenses and shot in the outskirts of Diyarbakir. A relative accompanying him was shot and wounded at the same time.

* **Hatip Kapcak**, the Mardin reporter for a local newspaper, *Soz* and for the weekly journal, *Gercek* (Fact), killed in an armed attack in the Mazidagi district of Mardin on November 18. Mr. Kapcak had been researching and reporting on the activities of the Hezbollah organization, which allegedly has ties to security forces. Mr. Kapcak had served six years in prison on political charges following the 1980 military coup. After his release, he wrote for the mainstream daily, *Gunes*, and then for the daily, *Hurriyet*, before joining the *Soz* staff two months ago.

* **Namik Taranci, 37**, the Diyarbakir representative of the weekly journal *Gercek*, was shot and killed on November 20 on his way to work. He reportedly received three bullets in his head after an attack by two assailants and died on the spot. Mr. Taranci had allegedly received a telephoned death threat the night before his murder.

* **Ugur Mumcu, 50**, a well-known and respected columnist for the mainstream daily, *Cumhuriyet*, was killed by a car bomb on January 24, 1993. Three Islamic groups claimed responsibility for his death. Mr. Mumcu had recently written articles criticizing the growing influence of Islamic fundamentalism in Turkey.

* **Kemal Kilic, 29**, the Urfa representative of *Ozgur Gundem*, was shot dead with two bullets in the head by four assailants on February 18 at about 6:00 p.m. Mr. Kilic was killed near Kulunce village, about seventeen kilometers from Urfa. His assailants reportedly escaped by car. Mr. Kilic had been writing for the newspaper *Yeni Ulke* since the suspension of publication of *Ozgur Gundem* in January (see account below). Mr. Kilic was also a member of the board of the Urfa Branch of the Turkish Human Rights Association. Mehmet Senol, the Diyarbakir representative for *Ozgur Gundem*, reported that Mr. Kilic had applied for a gun license, but that his application had been rejected.

The government's attitude toward the deaths of the journalists has been most unsympathetic. On August 11, 1992, Prime Minister Demirel said, in relation to the earlier murders, "Those killed were not real journalists. They were militants in the guise of journalists. They kill each other." On January 14, 1993, State

Minister Mehmet Battalli claimed that Izzet Kezer was the only journalist to have been killed in the southeast. On the floor of parliament, Minister Battalli said: "Correspondents for the newspapers *Yeni Ulke* and *Ozgur Gundem* have relations with illegal organizations."

In late August, both Prime Minister Demirel and Interior Minister Izmet Sezgin told the Committee to Protect Journalists (CPJ) that security forces had had no involvement in the killings of the journalists. The Interior Ministry gave CPJ brief files alleging ties to illegal organizations or other illegal activity on the part of some of the reporters.

In a background paper on the PKK distributed in October by the Turkish Embassy in Washington, the Turkish government suggests that the journalists were killed by members of Hezbollah, which the government describes as "an Iranian-sponsored fundamentalist terrorist organization":

It is possible that Hezbollah has stepped up attacks on two local publications sympathetic to the PKK, *Yeni Ulke* and *Ozgur Gundem*, after articles appearing in them identified some Hezbollah members and made them targets for assassination by the PKK. Publications' staff members with past affiliations to the PKK have been killed, probably in retaliation. The fact that only these two publications have been targeted despite the presence in the southeast of a large number of journalists representing many newspapers and journals indicates that there is no general action against members of the press but rather an ideological clash and retribution between terror organizations.

Helsinki Watch has no way of knowing who killed the thirteen journalists or why. But the government's response to the killings -- suggesting that the journalists were not, in fact, journalists; that they were allied with the PKK; or that Hezbollah may have killed them -- is totally inadequate.

Distributors of left-wing or pro-Kurdish journals are also at risk; four have been murdered since the new government took office. On November 22, 1992, 32-year-old taxi driver Halil Adanir was burned to death in his car in Batman province. Mr. Adanir had been threatened several times to stop distributing *Ozgur Gundem*. Because of death threats, newspaper distribution companies stopped distributing *Ozgur Gundem* in November; the journal was then distributed by volunteers. In Diyarbakir, twenty-two newspaper vendors stopped selling the newspaper because of intensified threats.

Two more newspaper distributors were murdered in December. On December 16, Kemal Ekinci, who sold newspapers on Inonu Street in Diyarbakir, was killed as he left his house in the Saraykapi district. He had reportedly been warned not to sell *Ozgur Gundem*, *Yeni Ulke* or *2000'e Dogru*. In early December, Kemal Ekinci had acted as a spokesperson for newspaper vendors who were protesting the prevention of newspaper sales in Diyarbakir.

On December 31, a disabled youth named Lokman Gunuz, who had been distributing *Ozgur Gundem* in Nusaybin, was shot and killed in the Kisle section. He had started distributing the newspaper that day.

A fourth newspaper vendor, Orhan Karagaar, 30 years old, was killed in Van on January 19, 1993. He, too, had reportedly been threatened not to distribute pro-Kurdish newspapers.

In January 1993, the publishers of *Ozgur Gundem* decided that problems in distributing the newspaper made it impossible to continue publication. Most distributors had refused to handle the

newspaper, and they felt that distributing the paper privately had become too difficult and too dangerous. The newspaper was therefore discontinued.

Members of other professions were targeted for assassination in southeast Turkey in 1992, as part of an apparent campaign to destroy the Kurdish leadership in the southeast. Members of the Turkish Medical Association told Helsinki Watch in Ankara about the killing of one of their members: Dr. Mehmet Emin Ayhan, an internist born in 1954 who lived and practiced in Silvan in the southeast. They charge that on June 10, 1992, Dr. Ayhan was shot dead in front of his house with one bullet in the back of his head. The doctors report that the murderer, who they say is known locally, was reportedly seen by witnesses, but police have not even interrogated him.

In August, a member of Parliament described to Helsinki Watch the case of Menav Simsek:

Three months ago Menav Simsek, a member of the Municipal Assembly in Silvan, was shot and killed by one bullet in the neck. His father saw the shooting, and ran after the man who killed him. The father fired several shots, but the man was wearing a bullet-proof vest, so he was shot only in the leg. Police came and took the man, whose name is Fikret Akdas, to a military hospital in Diyarbakir. No charges at all have been filed against him; it's as though Fikret Akdas simply doesn't exist.

It is widely believed in Turkey that a counter-guerrilla organization affiliated with the security forces is responsible for many of the assassinations in southeast Turkey, including the murders described in this report. In May 1992 Amnesty International reported:

The *kontrgerilla* was originally created in 1953 as part of the secret service and called the Special Warfare Department (Ozel Harp Dairesi). The Special Warfare Department consisted of five branches, one of which -- the Special Unit -- is said to have specialized since 1984 in operations against insurgents in the southeast. . . . [I]t is impossible to confirm or deny the rumours that these killings are part of a secret campaign by the *kontrgerilla* . . . *Turkey: Torture, Extrajudicial Executions, "Disappearances"*, page 22.

It is also believed by many that the Hezbollah group, which is also believed responsible for many assassinations, is affiliated with the counter-guerrillas. Helsinki Watch has no way of evaluating these claims. In a November 1992 report entitled *Turkey: Walls of Glass*, Amnesty International said: "The killings have frequently been attributed to a local organization which uses the name Hizbullah. However, many of the victims are people who have previously been detained, threatened or tortured by the police, and there is growing evidence to suggest that the security forces are at least protecting the assassins, and may be inciting them."

There is at least one instance in which security forces were shown to have played a part in an attempted assassination. A member of Parliament told Helsinki Watch in August:

Three months ago, HEP board member Mehmet Menge went to Dicle with a young Kurdish boy named Rifat Akis, and said to authorities, "This boy was authorized by Bulent Eroglu, a lieutenant in the gendarmes, to kill me. The boy, who had been in custody, had been told he could go free if he would kill me. The gendarmes didn't know that the Akis family were friends of mine. The boy was very depressed, and came and told me."

The case was followed up by Turkish authorities, and a call was placed from the Ministry of the Interior to Lt. Bulent Eroglu by Rifat Akis. Authorities taped the call. Rifat Akis, whose code name was "Rambo," said to Eroglu, "I am in Diyarbakir. I found the man. I'll get rid of him."

Eroglu said, "Do not speak too openly on the telephone. Get rid of him and come here. Your 20 million [5\$4,000] is ready."

Akis asked: "How shall I do it?"

Eroglu replied: "Pull the fuse on the grenade and throw it at him. Shoot him in the head no more than three times. Don't worry, we have arranged everything. We'll say terrorists killed him. Your money is ready. I'll make a big man of you."

The parliamentarians who reported the case also gave the Ministry of the Interior the gun and bomb that had been given to Akis for the assassination.

As a result, all that happened was that Eroglu was transferred to Trabzon; no charges have been brought against him.

The case was widely reported in the Turkish press. [Amnesty International also wrote up the incident.]

*** * ***

Turkish authorities have a responsibility to investigate promptly, thoroughly and impartially the killings of the thirteen journalists, the twenty-three HEP members, the four newspaper distributors, Dr. Ayhan, Menav Simsek, and the rest of the more than 450 victims murdered in the southeast during 1992 and early 1993, and to indict, prosecute and punish those responsible.

TORTURE

"Torture is a crime against humanity; it is our duty to put an end to it." With these words, spoken to Parliament on November 25, 1991, Prime Minister Suleyman Demirel promised to end torture in Turkey. Unfortunately, his promise has not been kept. The Turkish government acknowledged this failure in a pamphlet entitled, "Human Rights in Turkey: A Record of Improvement," issued in June 1992:

Human rights organizations, national and foreign, have for long insisted that the most serious violation of human rights, torture, was widespread and used systematically in police stations Whilst not reaching the levels claimed, this degrading and inadmissible practice has not been totally eliminated.

The BBC reported on January 14, 1993, that large-scale round-ups of suspects were continuing to take place in Turkey, many in the southeast. The State Security Court (SSC) in Diyarbakir, overwhelmed with cases, had asked that a third courtroom be opened. The Diyarbakir SSC, which handled 2,515 cases in 1991, reported that it had been faced with more than 4,000 cases in 1992.

Suspects of both political and ordinary crimes are routinely and systematically tortured in police interrogation centers in both western and southeast Turkey. Appalling torture techniques are regularly used: suspension by the arms or wrists, which are often first tied behind the back of the naked, blindfolded victim; electric shock to the genitals and other sensitive parts of the body; *falaka* (beating the soles of the feet until they swell and bleed, sometimes making it impossible for victims to stand); rape, both vaginal and anal, sometimes using truncheons or gun barrels; shooting highly-pressurized water at victims who are sometimes constrained in rubber tires; severe beatings with sticks and truncheons; pulling victims by the hair, sometimes pulling out clumps of hair from victims' heads, beards or mustaches; death threats and threats to kill family members; placing victims on blocks of ice; forcing victims' heads into excrement; placing victims in small cells with attack dogs who attack and bite them.

SUSPICIOUS DEATHS IN POLICE CUSTODY

In 1992, sixteen people died in the custody of police or gendarmes (a police force used in outlying areas). An extraordinarily high percentage of these suspects -- six of the sixteen -- were said by police to have committed suicide; three of them were children between the ages of 13 and 16. In only three of the sixteen cases have investigations been reportedly undertaken by public prosecutors. Ten of the sixteen deaths were of Kurds in southeast Turkey:

*** Refik Akin, detained on January 29 by security forces in Sazlibasi village, Korkut district of Mus, in southeast Turkey, on suspicion of possession of an automatic gun. He was allegedly beaten while forced to lie naked in the snow. Mus Member of Parliament Muzaffer Demir said that Refik Akin had died on February 1 in Elazig State Hospital due to beatings and exposure to the cold. *Cumhuriyet* reported that the Mus prosecution office had opened an investigation into his death.**

*** Burhan Serikci, 18, detained during operations carried out at the beginning of March in the Ulular and Cefani settlements of the Besiri district of Batman in southeast Turkey. He died in the**

Batman Gendarmerie Station where he was interrogated. The date of death is unknown, but he was buried on March 8 in the village of Binek in the Kozluk district. The president of the Batman branch of the Turkish Human Rights Association, Sedat Ozevin, reported that he had discussed Serikli's death with the Batman governor, who had told him that Serikli had hanged himself with his blindfold. Ozevin said, "It is not possible to commit suicide with such a small piece of cloth. An investigation should be made into the case and the truth disclosed. The right to life should not be violated indifferently." An autopsy was performed and allegedly confirmed that Serikli had hanged himself. Villagers, however, reported that the body showed bruising under the arms (*Cumhuriyet, Hurriyet*).

* **Biseng Anik**, a sixteen-year-old girl, detained in Sirnak, in southeast Turkey, on March 25, during a house-to-house sweep following the unrest that took place during *Nevroz* the Kurdish New Year. She died in suspicious circumstances on March 28 while in police custody.

Mustafa Malay, the governor of Sirnak province, reportedly released a statement on her death that said:

"Biseng Anik was detained on 25 March. When the custody rooms were crowded, some detainees were put in other rooms to testify. Together with the girl who committed suicide were two other girls. Therefore, Biseng was taken to another room used by the security forces. In that room she committed suicide with a gun she found under the bed. The autopsy showed that she committed suicide" (*Milliyet*).

* **Tahir Seyhan**, an official of the People's Labor Party (HEP) in Dargecit in Mardin province in southeast Turkey. Mr. Seyhan died on April 11 after undergoing four days of interrogation. According to Amnesty International, the autopsy report indicated brain trauma as the cause of death. A relative of Mr. Seyhan has alleged that the officer in charge of the interrogation told Mr. Seyhan, "You are a dead man now." A staff member of the hospital where Mr. Seyhan died reportedly said, "It is an inhuman case. He was brutally tortured. His body was all in pieces" (Amnesty International *Weekly Update*, May 7, 1992).

* **Kesan Ali**, 16, who died in mid-April in police custody in Diyarbakir, in southeast Turkey. According to *The Guardian*, Kesan Ali was taken from his house by eight police officers a few days after the *Nevroz* celebrations in late March. Officials reported that Kesan Ali had committed suicide in custody. His family challenges this, reporting that part of his head was missing, and that he was almost unrecognizable. The rest of his body allegedly showed signs of torture as well.

* **Mithat Kutlu**, a bank officer detained on April 18 in the Bismil district of Diyarbakir. He died in custody six hours later. The autopsy allegedly showed that his death was caused by a brain hemorrhage and internal bleeding. A person who was detained with Mr. Kutlu reported: "They struck his head with truncheons and clubs. When he got a hard kick to his stomach, he lost his voice. He was left near us and we requested his hospitalization, but they refused. He was bleeding from his ears and mouth. He died shortly afterwards" (*Yeni Ulke*, Amnesty International).

* **Kadir Kurt**, 35, detained on the morning of April 19 in Birik village in Bismil district of Diyarbakir. He died that night in the Gendarmerie Battalion Command where he was interrogated. Davut Kurt, Kadir Kurt's brother, who had been detained with

him, said:

They tortured my brother beside me. They inserted a truncheon into his anus. One of my hands and a rib were broken by torture.

Kadir Kurt reportedly died from internal bleeding caused by pressure on his lungs from a broken sternum (*Yeni Ulke*, Amnesty International).

* **Mehmet Yilmaz, 80, detained on April 21 in connection with operations staged by security forces in Batman in southeast Turkey. Interrogated at Batman Security Directorate, Mr. Yilmaz became ill and was taken to Diyarbakir State Hospital on April 24. He died on April 25 and was buried in Batman on April 26; 2,000 people attended his funeral.**

The autopsy report stated that death was caused by bleeding in the brain. Batman officials asserted that Mr. Yilmaz suffered bleeding in the brain when his blood pressure rose, not because of torture. Mr. Yilmaz's wife, Ayse Yilmaz, reported that her husband had not had health complaints before his detention (*Yeni Ulke*).

* **Tahir Saday, 56, a village headman in Van in southeast Turkey, detained on October 20; his corpse was delivered to his family on October 25. Gendarmes said he had had a heart attack, but his body reportedly showed traces of torture. He had recently been threatened by gendarmes (*Ozgur Gundem*).**

* **Ramazan Altunsoz, detained on October 21 in Batman; his body was delivered to his family on October 31. Conflicting reports from the police indicated that he had been ill and that he had committed suicide with an iron bar. His body reportedly bore signs of torture. (*Ozgur Gundem*).**

Mehmet Kahraman, the Minister of Human Rights, has denied government responsibility for deaths in detention, declaring: "It would be impossible for any organ of government to kill any suspect in its hands." (Amnesty International *Weekly Update*, 17 July 1992.)

RECENT CASES OF TORTURE

In August 1992, Helsinki Watch interviewed at length twenty-four people in four different cities in Turkey: Istanbul, Ankara, Adana and Antalya. All told horrifying stories of having been tortured recently during interrogation by police. The witnesses represented a cross-section of detainees -- some were Kurds, some were left-wing activists, and some were suspected of ordinary crimes.

Of the twenty-four people interviewed:

- * **All had been detained during 1992.**
- * **Nine were released after extensive torture and not charged with any crime.**
- * **The length of detention ranged from twelve hours to fifteen days.**

- * **None of the twenty-four saw a lawyer during detention.**
- * **Only two saw doctors during detention.**
- * **Three were questioned in connection with ordinary crimes, 21 with political crimes.**
- * **The political offenses included:**
 - Writing for a left-wing or pro-Kurdish journal;**
 - Attending a leftist's funeral;**
 - Occupying a university building as a protest action;**
 - Hanging posters for a journal;**
 - Covering a protest demonstration; and**
 - Taking photos at a student demonstration.**
- * **Occupations included journalist (eight), teacher, lawyer, bookseller, nurse, laboratory technician, student (three), tradesman, construction worker and housewife.**
- * **Torture techniques included:**
 - suspension by arms or wrists, blindfolded and naked, while electric shock was applied to genitals and other sensitive parts of the body (nine detainees);**
 - falaka* (beating soles of the feet), (two);**
 - rape and sexual abuse (four);**
 - severe beatings (only one detainee was not beaten – a 58-year-old woman who was detained for twenty-eight hours when she left Istanbul to notify a family that their son had been shot and killed by police – she reported that the young man who accompanied her was severely beaten);**
 - being attacked with highly-pressurized water, sometimes hot, sometimes cold (four);**
 - being dragged by the hair or having hair pulled out (two);**
 - being placed in a cell with an attack dog and bitten (one);**
 - having one's face pushed into a septic tank (one);**
 - death threats (seven).**

Istanbul

In Istanbul, Helsinki Watch interviewed a 20-year-old Kurdish male training school student, who reported:

I was in Istanbul for a training internship. In the middle of April I was selling a magazine that was legal to sell, *Ozgur Halk* (Free People), at a festival given by HEP [People's Labor Party, a legal political party to which many Kurds belong] to celebrate the opening of the Sakariye HEP branch. Police asked me why I was selling the magazine, and I said, "It's a legal magazine, why shouldn't I sell it?"

After the festival, as I was leaving, I was surrounded by Special Team police from the Political Section [where interrogations take place]. They grabbed me, pushed me down and dragged me along, hitting the sensitive parts of my body. They took me to the Security Directorate [police headquarters] in Sakariye, one hour away, hitting me all the time.

When we got to Sakariye, they stripped me naked and gave me electric shock on my penis and my finger. For fifteen days after that I could not use my right hand. They said I must be Armenian, but I said, "No, I'm Kurdish." They also used *falaka* on me and highly pressurized water. My feet were so swollen I couldn't put my shoes on. For five days they kept that up -- the electric shock, *falaka* and pressurized water.

On the fourth day, police took me to see a doctor; my feet were swollen and there were marks all over my body. I couldn't use my hand and there were bumps on my head and a mark where I had been burned with a cigarette. But the doctor refused to report that I had been tortured. The police wrote a report that there were no torture marks on my body and the doctor signed it.

Then they took me back to the Security Directorate and continued to torture me on the fourth and fifth days. Then they took me to the prosecutor, who told me to sign a statement when I was blindfolded. He said if I didn't sign, they would take me back to police headquarters and kill me. I said go ahead and kill me -- I am being killed every day I am here. The prosecutor said that even if I was not detained, he would write to my training school and tell them to throw me out. The police told me that if I went back to school I would be killed at school by the Counter-Guerrilla; if I went home, they could easily kill me there, as easily as drinking water from a cup.

So they sent me to prison for three and a half months. I got out on July 28. I was charged with separatism and slogans. My case is pending.

Yesterday I tried to go back to school, but I was dismissed, even though I have not been convicted. For six months I've been treated very badly here, just because I am a Kurd. Police take me in, no matter what, and say I am organizing things. The police told me they would have killed me if other people hadn't seen them detain me. Some friends of mine have gotten death threats just because they are my friends. So I am going to go back to the southeast. If anything happens to me, the Counter-Guerrillas and the police are responsible.

Two women reporters for *Mucadele* (Struggle -- a left-wing journal), one of whom was Kurdish, told Helsinki Watch that both had been arrested on April 21, 1992, while covering the funeral in Kadikoy district of Istanbul of people killed by police in house raids on suspected "terrorists" in Istanbul on April 17. The first reporter said:

By law, reporters don't need permission to attend a funeral, but the police wouldn't let us in. We were walking around the cemetery when the police attacked. There were shots and we tried to hide. A woman took us into her house, but police searched the house and took us out to the police station. The whole police station was full of people. First they took us to Iskadar and then to Icerenkoy. The police Rapid Team was there. They beat and harassed people. It was terrifying. People were beaten and covered with blood. With some men you couldn't see the color of their shirts, they were so soaked with blood.

Altogether 300 people were detained. Police lined people up to put them in trucks to take to police stations. In the trucks they jumped on the backs of kids. Some kids were held by the neck and then pushed under the seats. The same things happened at the police stations too. We were not blindfolded.

I spent fifteen days at Icerenkoy police station. I refused to make a statement, and on August 6 I was taken to court, I think on charges of taking part in a funeral. But I never saw the charges.

For the fifteen days I was detained, I was beaten -- on the hips, the abdomen and the head. I asked to see a doctor, but they wouldn't let me. I went on a hunger strike with others, and the police didn't give us any water or sugar. At one point I fainted, and they hit me on the mouth and on the cheek. I asked to see a lawyer, but they wouldn't let me see one for the whole fifteen days. Nobody else was allowed to see a lawyer either. For seven days, they wouldn't tell my family where I was, but some families were allowed to see their children so that they could pressure them to stop their hunger strike. One of the twenty-five women detained with me was pregnant. The police knew it, but treated her as badly as everyone else.

Of the 300 detained, eighty-eight were charged under Art. 3713 of the Penal Code and Articles 1, 2 and 4 of the Anti-Terror Law. Prosecutors said the eighty-eight attacked the police with stones and Molotov cocktails, but that isn't true. The indictment is seven pages, but six pages is the list of the names of the eighty-eight people. The police wanted only close relatives of the murdered people to be in the cemetery. They even attacked people waiting at a bus stop. No police were wounded.

The second reporter told Helsinki Watch:

Police beat me because I said I was Kurdish. They beat everyone from the southeast. And they beat one woman from Konya who said she was a fundamentalist. My identity card was taken, and also a TL 100,000 bill (about \$201). I never got them back.

I was blindfolded as soon as I got to the police station. I refused to give a statement, and said I would give one only in court. I said I was a member of the press, then the police took the blindfold off. I was taken from Cinili to Kucukbakkalkoy police station. On the way, I was hit by police. The Rapid Team made us run through their lines. I was kicked on the hip bone -- it hurt for

days. In the bus, I had to put my head down -- if you raised it, you got hit with a truncheon. I was hit more than ten times. We traveled a long distance -- it took more than an hour. They swore at me continually. My lawyer came to the police station, but the police would not let him see me. I never saw a doctor. My family visited, but could only give me written messages.

Ankara

In Ankara, Helsinki Watch interviewed a 24-year-old Kurdish journalist and law student, Mr. K:

I was detained in Ankara on July 8 and held for fifteen days. I was charged along with thirty-one other people with membership in an illegal organization. The police in Turkey are franker than the politicians -- they told us, "You know you will be tortured." Everybody knows that if you are taken to the "garage" (Anti-Terror Division of the Security Directorate) you will be tortured with electric shock and pressured water and suspension, and have your head put into a septic tank.

I was arrested because someone claimed that I was a member of the PKK; he said I had left Ankara to become a guerrilla. But here I am in Ankara. I was a representative for the journal *Ozgur Halk* and I am a law student. The police know that I have been here and not in the southeast. The police told me they tapped *Ozgur Halk's* phones. One of them said to me, "We know you were excited during *Nevroz* (the Kurdish New Year); tell us about it."

Police searched my apartment and took away an *Ozgur Halk* calendar, legal journals, a photo album, a book of Kurdish short stories, a telephone book and a badge with Lenin's photo on it.

Police picked up my 18-year-old brother, who is a high school student in Mardin; he was staying with me. I asked them why they wanted him -- what was he charged with? Police told me, "You people brainwash others as well."

The torture in the garage was both psychological and physical. All thirty-two of us slept on a bare floor. We got a small piece of bread and a small cheese morning and night. We could go to the toilet only once in the morning and once in the evening. They swore at us all the time. If we asked for water or a blanket, they said, "Is this your father's hotel?"

I was blindfolded when they took me to interrogation. I couldn't see anything. They would lead you along and make you hit your head on a low door and laugh. They would hold your hand and lead you into a pillar and laugh. They would say, "So kid, can't you see what's in front of you? Look carefully."

We went on a hunger strike to protest. We wanted blankets -- it was freezing, and we went for five days without a blanket. There was no proper water. During the hunger strike they didn't give us water or sugar at all at first; then they gave them to us in the morning and evening. Another reason for the hunger strike was that we wanted them to take our statements and then take us to the prosecutor's office.

Nine of us were released when we finally got to the prosecutor's office on the sixteenth

day. Then after a hearing before a judge, six more were released. The other seventeen were arrested; then three of those were released. Fourteen are still in jail, in Ankara Central Closed Prison.

One of us, a shop owner, had his head pushed into a septic pool. He resisted, and his head was cut as well.

Another was injured from the suspension -- the top of his spinal column was injured. Another had burns under his arms from electric shock. All of us were given electric shock and suspended, including one 16-year-old boy with a heart problem, and one 18-year-old girl.

A woman in the cell next to mine asked for cotton pads for menstruation. The police officer said, "Hey, girl, haven't you ever wet yourself?" Then he took her out of the cell and beat her. She was not one of the thirty-two of us.

There was continuous noise in the cells for 24 hours. The cells had no lights -- we got dim light through the door. Before they released us, they showed us on TV as "terrorists." Our relatives and neighbors are all being treated as suspects. Now my landlord says I have to leave my apartment.

I couldn't see my lawyer. I never saw a doctor. My family couldn't bring me clean clothes. I couldn't wash my clothes. When I got out they were filthy.

In Turkey there is punishment without crime. If I had a cat from Kurdistan in my apartment, even the cat would be detained. Turkey is making superficial changes to try to get into the European Community, but there is no rule of law here -- we have no fundamental rights or liberties.

Mr. K's lawyer told Helsinki Watch:

Mr. K's family and the families of some of the other detainees hired me to represent them. I applied to see the young people, but the prosecutor denied my application. He said only mothers could visit. The mothers tried to visit, but the police would not let them.

Adana

In Adana, Helsinki Watch interviewed a woman lawyer, who reported:

On March 31 I was detained in Adana for several hours. I think it was because I am on the board of the Seyhan branch of HEP (People's Labor Party). The Security Directorate thinks we're all Dev Sol or PKK. The police always try to get suspects to say their lawyers are members of illegal organizations.

During *Nevroz* the police were in all the Kurdish areas -- the police pressure was intensified. They didn't let people in or out of the areas. HEP and some of the other organizations were worried and went to the governor's office. He wouldn't listen. We carried out a two-day hunger strike and held a mock funeral in front of the governor's office. HEP and the Socialist Party issued a press statement. Plainclothes police came and started hitting us. They threw me against

a wall. They made us and the reporters get into a minibus and took us to police headquarters, where we were treated very badly. We were blindfolded, and held each other's shoulders and went into police headquarters. Inside, they made us stand leaning against the wall with one finger. Because I am a lawyer, a friend at party headquarters asked the governor to release me. Police took all my belongings. They made me take off my boots, belt, jewelry, watch, rings and made me stand barefoot. A police woman searched my body extensively in front of policemen. I was very embarrassed. They pulled my hair and said, "Now we'll teach you a lesson. There are lots of statements against you by members of illegal organizations." The police bargain with lawyers' clients, and tell them that it will help them if they make statements against their lawyers.

Then police put me against the wall again in a different room. They told me I was a dirty chauvinist bad woman. They knew I was not Kurdish, but the HEP fights for Kurds' rights, and they knew I took Kurdish cases. I was released, but later I was charged with demonstrating and separatism under Articles 5 and 8 of the Anti-Terror Law, as well as violating the Law on Assembly. My case is pending in the Malatya State Security Court. Police say that I led a demonstration. They say I am making propaganda for the PKK and that I am a "very dangerous terrorist." We take all political cases, not just those from one organization. The police insult us, and tell our clients while they are torturing them, "Call your lawyer and make her save you from torture."

Antalya

In Antalya, Helsinki Watch interviewed Ms. R, a middle-aged Kurdish board member of the HEP:

On July 10, on the anniversary of the death of Vedat Aydın (a human rights activist and HEP officer murdered in Diyarbakir in 1991; no one has been charged with his murder), many people went to Diyarbakir for a demonstration. We went by bus from Antalya -- about 100 of us rented a bus. At Urfa, police came and searched us and insulted us, saying things like, "Why are you going to Diyarbakir?" They took us out of the bus and spread-eagled us against the bus.

The same thing happened at the entrance to Diyarbakir. The police made us get out of the bus and took us to the police station for identity control. The police held me by the hair there and hit people's heads against the walls. I said, "We have a legal paper, permission to demonstrate. All of us have identification." But they spread-eagled us against the wall again and kept us like that for five hours. They kicked us and hit us from behind. This happened to all six people from Antalya.

My husband was kicked severely. He lost two front teeth. He is still home, and can't work. He's 47; he has a back injury from the beating.

The police commissioner told us, "Your crime is your identity" because we were Kurds. After that, he put me and a woman journalist from *Hedefin* in an interrogation cell, and we were no longer beaten. But the men continued to be beaten. We were held for twelve hours. Then the commissioner said we could go. I said I would not go until everyone was released.

Eventually they released us all and put us on the bus and sent us back to Antalya -- they wouldn't let us into Diyarbakir. The same thing happened to many other busloads of people from all over Turkey who had wanted to demonstrate.

Mr. S, a 28-year-old Kurdish construction worker, told Helsinki Watch in Antalya:

On July 15 I was detained in Antalya; they kept me for three days, but I don't know where. They took me to different places.

I was in Cala neighborhood on a motor bike. When I turned a corner, I ran into the back of a car. Some people, I didn't know who, grabbed me and put my head under the seat of their car. They said, "Soon you'll see who we are and what we'll do to you." We drove for forty or forty-five minutes -- it should only take three to five minutes to go to the Security Directorate.

Then we drove on a small road for a while; I could feel the bumps. Then we stopped. I was blindfolded. They made me walk 100 meters or so. They searched me and took my wallet, my I.D., my pen and notepad. They asked questions about my family and my brothers and sisters. They said, "Now you'll tell us about the PKK." I said, "I'm not PKK."

They said, "We'll kill you. Transparency will not exist. The only way to deal with you Kurds is to kill you one by one." They made me lie down and put a gun to my head, and said, "Speak or we'll kill you."

This went on for four or five hours. They put a cloth around my neck and pulled it from each end. Another person stepped on the back of my neck. I fainted. When I woke up, one had a stone in his hand, and hit my arms and legs, and said, "You'll beg to die; we'll torture you so badly you'll beg to die."

Then they took me to what I think was the Security Directorate. They made me stand by the wall leaning against it with one finger from each hand. They would kick my feet out from under me and make me fall. Then I was given electric shock -- four times that night -- to my toe and my genitals. I was naked. They poured water on me, too.

One of them said, "We took you from the street. No one saw us. No one knows you're here. We could hang you on a tree and put 1,000 Turkish lira on the tree [the treatment given by the PKK to people considered traitors]."

Then they made me get dressed and put me in a car again and we drove for another forty or forty-five minutes. Then they took my blindfold off. They held my head and said, "Have your last look at the world -- you will die now." I looked around, and I saw trees and earth -- it was a mountainous area. Then someone turned on the car lights and gave me a pencil and paper, and said, "Write to your family -- tell them that you betrayed the PKK and the PKK punished you for that." Then they blindfolded me again, and I heard gunshots. They said the gunshots were to warn me -- "the next one will go to your forehead -- will you talk now?"

I told them I could tell them everything about my life, but I couldn't tell them what I didn't know. They threatened to kill me again.

Then they took me back to town and threw me in a cell. That evening I heard screams -- voices insulting people and cursing them. Then I was taken upstairs, to the second floor, I think. I was suspended and given electric shock, twice, for an hour and a half or so. I couldn't talk

anymore.

On the third evening I was told that someone had informed on me, calling the police number 055 (a special number set up for informers' use). They said I was collecting money for the PKK. But I never collected money for the PKK.

Then they finally said I had nothing to do with the PKK and they released me without charging me with anything.

All of my eight brothers and sisters have been tortured many times by the police. We experience brutality in Antalya, but it's much worse in the southeast.

Mr. A, 30, a Kurdish tradesman, told Helsinki Watch in Antalya:

I was detained twenty days ago in Antalya and held for two days and two nights. Then I was released without charges.

I had just closed up my shop and was getting into my car to go home. A civilian car stopped me; I didn't know it was the police. Four people got out of the car. They didn't ask me any questions, they just pulled me out of my car and forced me into their car. I said, "Who are you? What are you doing?" I wanted to tell my family what was happening to me, but they wouldn't let me.

They took me somewhere that I think was the Security Directorate, and started using electricity on me right away. They said, "You are cooperating with the PKK. We will kill all you Kurds one by one." They put electricity on my toe and my genitals and my little finger. I fainted. Then I woke up with pressured water coming at me -- they were pouring it in my mouth. I was naked and blindfolded.

Then someone said, "He's not talking, so let's take him to the forest and kill him." They put me in a car and we drove for 20 minutes or so. When we stopped, I could smell garbage. They put me near the garbage. Someone kicked me in the back and I fell with my mouth in the garbage. Then they made me get up and walk. I kept stumbling over stones and falling down; I was blindfolded.

They asked me if I had any last words. I said I was innocent. Then they tied me to a tree with my arms spread out. "We'll kill you the way you kill village guards and night guards," someone said. Then someone fired a gun past my right ear and my left ear. They said, "The last bullet will go through your forehead and we'll put 1,000 Turkish lira in your mouth." I said, "I have nothing to tell you." They fired a bullet over my head and said, "Let's kill him by torture." They hit my arms and legs with a stone, and then lay me on the ground and put a cloth around my neck and pulled from both sides. My face was to the ground and I was choking.

"Speak or we'll kill you," one said. "Say some lies and save your life."

Then they put a rope around my neck and tied my hands to my sides. My feet were hanging in the air. Then they released me and I fainted.

When I woke up, I was back in the Security Directorate or someplace like that. I rested for ten minutes. I heard screams of others being tortured. They showed me my friend's identification card and said, "You have contacts with the PKK through him." They wanted me to be an informer. My brother is in the mountains with the PKK -- they showed me his photo.

In the cell, I was lying naked on cement. For ten or fifteen minutes they beat me all over my body, but not on my face. Every toe was bleeding. Then they took me somewhere again and suspended me with my arms spread out and my feet dangling. They gave me electric shock on my finger, toe and genitals. They squeezed my testicles.

They suspended me three times. They put a truncheon in my rectum. I felt needles on my legs. It felt like they were tearing my arms off. "Talk, say something," they said. Then they took me down and squeezed my arm and put cream on it, and then suspended me again. For half an hour they fired pressured water at me -- it feels like there is a hole in your belly. They put it in my mouth too.

Then they took me back to my cell, beating me on the way. I was naked the whole time, without even any underwear on. They sat me down, naked, in my cell, and said, "We'll buy you a house. We'll give you five billion Turkish lira if you inform." I refused. They insulted me, and told me, "You'll lose your manhood, your wife will become a prostitute." Again they gave me electric shock and I fainted and they revived me with pressurized water. They beat my back and touched my rectum with a truncheon -- they didn't force it in. I got cuts under my eye. They made me lie on a bed and blew incredibly cold air at me over a block of ice. They shot water straight at my head -- I had a terrible pain in my head.

This torture stopped for maybe two hours in the two days and two nights. The last day they didn't let me go to the toilet. Eventually I peed on the floor by the door. Then four people beat me until they were tired. I couldn't even stand still because the pain from having my testicles squeezed was so severe. After two days they released me, and never charged me with anything.

In Antalya Mr. C, a 41-year-old Kurdish construction worker, told Helsinki Watch:

I was detained on the second night of Bayram, in June. I was held for 21 days and then released with no charges.

I was taken in at about 11:00 at night. I could hear screams of torture. This happened in Diyarbakir, not in Antalya. I own land in Diyarbakir, and I go there every year to visit my family and rent out the land.

At 11:00 p.m. I was reading *Sabah* newspaper in my family's home. A team in bullet-proof vests came in and I smiled and said, "What's up?" They made me lie on the floor and put gun barrels against me. Then they took me to the police station and then to the Rapid Force Center.

They tortured me with electricity and *falaka* and pressured water and suspension. There was one thing I just couldn't take -- they squeezed my testicles and the pain was so incredible I just couldn't stand it.

I kept asking them, "Why am I here?" I showed them the documents about my land. I never did anything against the state. But I was treated like a criminal. I have lost my entire belief in the state, my entire trust.

Mr. V, a 25-year-old Kurdish reporter, told Helsinki Watch in Antalya:

On March 22 I was covering a student demonstration at Akdeniz University for *Yeni Ulke* newspaper. It was during *Nevroz*. The police attacked the demonstrators and I took photos. The police saw me and another reporter. They detained us and broke my camera and took my film. I was detained for twenty-four hours. They my newspaper intervened and I was released with no charges.

I was not tortured with electricity, but I was badly beaten and insulted.

Now I am writing for *Ozgur Gundem*. In two months, four of my friends have been killed. If there is a concert or a demonstration and I go to it, police come to me and threaten me. Now I am living with no security. Anyone whose identification shows that they come from the southeast is treated like a criminal.

Lawyers who represent detainees -- both political and non-political suspects -- report that they are still not allowed to visit their clients in detention. Article 136 of the Turkish Criminal Procedure Code, as well as a September 1989 decree issued by then-Prime Minister Turgut Ozal, provide that detainees should have immediate access to attorneys. International laws and standards contain similar provisions. In practice, lawyers are almost uniformly denied such visits. Moreover, the International Helsinki Federation reported in July 1992 that Ercan Kanar, the chairman of the Istanbul branch of the Human Rights Association, had reported several incidents in which lawyers were beaten by police when they demanded to see their clients.

Doctors in the Turkish Medical Association told Helsinki Watch that the systematic use of torture continues in Turkey. The Turkish Medical Association has made these recommendations to the Turkish government:

- * Doctors should inspect detainees before and after detention and take notes of their complaints.**
- * A detainee who asks to be examined by his own doctor should be permitted to do so.**
- * If a detainee has no doctor, the Turkish Medical Association will provide a doctor.**
- * Medical examinations should take place outside the presence or hearing of police or gendarmes.**

So far the government has not accepted the association's recommendations.

THE GOVERNMENT'S STEPS TO END TORTURE

Helsinki Watch talked with several government officials about what steps they had taken to prevent torture, as had been promised by the Demirel government.

Minister of Human Rights Mehmet Kahraman told Helsinki Watch about the proposed law reform bill, and said, "The only way to get rid of torture allegations is by this legislation; it is important that it be passed right away" (see Law Reform section, below).

Interior Minister Ismet Sezgin reported:

As part of our campaign to end torture the government signed the Paris Charter, appointed a Minister of Human Rights and proposed changes in many laws, including the Criminal Procedure Code, the law on Police Duties and Powers, and the Emergency Laws, as well as the law reform bill.

Meanwhile, in the Ministry of the Interior, we have prepared and distributed a book on human rights to all police schools. It discusses the rights of suspects, police authority in interrogations, and the Paris Charter. Every policeman has a pocket copy, and gendarmes do, too.

We've also set up a division of human rights in the Interior Ministry, and have sent new regulations on detention to all units. We've also sent regulations for investigation and statement-taking to all units.

We're also renovating prisons and cells according to the European Convention on Human Rights' standards. The necessary money has been allocated.

We've also expelled ten police officers for mistreatment during the past eight months.

Minister Sezgin gave Helsinki Watch copies of the new regulations and orders; they can be found in Appendix C.

Minister of Justice Seyfi Oktay told Helsinki Watch:

The Ministry of Justice is responsible for the prisons, not the police stations. There is no torture in the prisons. You can visit our prisons anytime, anywhere.

Individual cases of torture can happen anywhere; police officers often lack education and have bad habits. Torture is not systematically used by the state; I hope you will find that cases of torture are individual incidents.

Istanbul Security Directorate Head (chief of police) Necdet Menzir told Helsinki Watch:

We are renovating the Security Directorate building to meet new standards. We need technical materials -- computers, cameras to follow people, more training. We are concentrating on education. We have close contacts with Marmara University, one of whose professors teaches human rights courses at our police schools. All of this takes time and money.

When Helsinki Watch told Mr. Menzir that we had interviewed at length eleven people in Istanbul with very serious allegations of recent torture by police, Mr. Menzir replied:

Torture is a very sensitive issue. They should talk to me. Maybe they are prejudiced against us. They can take their cases to court; legal procedures work. If we were really torturing people, the Turkish public would rise up against the practice. No one forced us to sign the Helsinki Accords. Our elected government acted according to the demands of the Turkish public. We are part of the west. Besides, torture happens all over; it happens in the United States as well. Our intentions are good and our will is good.

Mehmet Cansever, the head of the Security Directorate in Ankara, flatly denied that torture takes place in Ankara. When Helsinki Watch told him of interviews with people who alleged torture, he replied that the stories could not be true, that perhaps ordinary citizens had beaten someone before he had been detained. "Our police act with great maturity in treating our people. Police officers are not torturers. They are human beings with families and children. It is the fate of police officers in countries around the world to be accused of torturing detainees."

In Adana, Mete Altan, the head of the Security Directorate, told Helsinki Watch that the steps he had taken to prevent ill-treatment of detainees included special efforts to train interrogators in line with European standards. He said:

Human rights is a more and more important issue, so our forces must comply. We have different problems in Turkey. We had two military coups, in 1971 and 1980, and police had extraordinary authority. Educating police takes time. If I see torture, I intervene. It's a real problem -- when a police officer is killed and police catch his murderer, it's hard for them to respect that person's human rights. If I expect that police officers will get carried away during an interrogation, I go to it myself, and take part. I want to be there during the first emotional moments of my colleagues' encounter with the person. I always tell my staff that mistreatment now will give us lots of pain afterwards, and I will not permit it. Catching a criminal is good -- it should not be shadowed by abuse. Police in Turkey have a very difficult time dealing with terror; they are very tired from working overtime on terrorism. We are fighting with the enemies of democracy. If we had more money and more technical equipment to work with, things might be better.

Mr. Altan said that no police officers had been prosecuted in Adana in the two years (1991 and 1992) during which he had been in charge.

In Antalya, Sahin Cafer, the head of the Anti-Terror Division, told Helsinki Watch: We are training police regularly in how to handle detainees. We discuss all the new rules with them, so that we can avoid claims of torture.

Helsinki Watch believes that, in spite of the denials of officials, and in spite of steps that they claim have been taken to end torture, including new rules and regulations concerning detention and interrogation, torture continues to be a routine and systematic part of the interrogation process during the period in which a detainee is held in incommunicado detention. The Turkish government must demonstrate the political will to take concrete steps to end these appalling and inhumane practices that violate international law and standards. (See Recommendation section below for specific recommendations.)

LAW REFORM

Prime Minister Demirel's Government Program stated on page 10:

A state of law based on human rights and freedoms will be established throughout our country. In a state of law it is natural for citizens to benefit from and to develop their rights and freedoms. Guaranteeing rights and freedoms is only possible by using instruments of law.

In pursuit of this goal, the coalition government drew up in early 1992 a legal reform bill that would have somewhat shortened permissible detention periods and permitted detainees to have immediate access to attorneys. The bill contained other positive human rights features as well. The legal reform bill had been seen by many as the most important part of the government's "democratization" package, and as an acid test of the government's intention to improve the state of human rights in Turkey.

The bill was passed by Parliament and then, after a meeting of the National Security Council in which military leaders expressed their opposition to its chief features, it was vetoed by President Turgut Ozal. The government withdrew the bill in August 1992.

In November, Parliament passed a revised version of the legislation; it was signed into law by President Ozal on November 30. The most important provisions of the new law govern the length of detention and access to attorneys.

The new law is a grave disappointment. First, permissible lengths of detention are different for people suspected of ordinary crimes and those suspected of political crimes. In a section of the law disingenuously described by the Turkish Embassy as "Shortening of detention periods per European standards," the law states that ordinary criminal suspects can be detained for twenty-four hours for individual crimes, and for up to eight days for collective crimes (crimes committed by more than one person) before being brought before a court.

Eight-day detentions are in clear violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Turkey is a signatory. In *Brogan v. United Kingdom* (1988), the European Court of Human Rights ruled that a detention period of four days and six hours violated Article 5(3) of the European Convention on Human Rights, which provides that detainees must be brought "promptly" before a judge.

The new law provides that political suspects can be detained far longer -- for as long as *thirty days* before appearing before a judge. This provision is an astonishingly blatant violation of the European Convention.

With regard to a detainee's right to consult and communicate with his or her lawyer, the new law states that "the defendant has the right to meet in private with his lawyer during every stage of his interrogation and to communicate with him freely." The right to immediate access to an attorney has been guaranteed by Turkish law for some time in Article 136 of the Code of Criminal Procedure, as well as in a decree issued in September 1989 by then-Prime Minister Turgut Ozal. In spite of these protections, lawyers have reported to Helsinki Watch that such access is almost never granted. Whether the clear statement of

such a right in the new law will result in change remains to be seen.

Moreover, Cumhuriyet reported on November 19 in a summary of the provisions of the new law that political detainees would not have the right to consult a lawyer at all. If this report is accurate, political suspects will have even less protection than they do, at least on paper, at present. International standards provide that a detained person should have access to a lawyer: Principles 17 and 18 of the United Nation's *Body of Principles for the Protection of All Persons Under any Form of Detention or Imprisonment* (1989) state that a detainee "shall be entitled to have the assistance of a legal counsel," and "shall be entitled to communicate and consult with his legal counsel . . . without delay or censorship and in full confidentiality." The UN's *Basic Principles on the Role of Lawyers* (1990) states that "All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings" (Principle 1). Thus, international law requires that detainees should be represented by counsel even at the earliest stages of interrogation.

The new law also contains provisions forbidding torture or ill-treatment. Torture is already forbidden under Turkish law, however, and, as demonstrated at length earlier in this report, continues to be a routine and systematic part of the interrogation process throughout Turkey, for both criminal and political suspects, children as well as adults. Whether the restatement of this prohibition will lead to changes in practice remains to be seen.

In short, the new law reform bill is an example of a recurrent pattern in which the Turkish government announces with much fanfare a new development that is allegedly designed to improve human rights practices in Turkey. On closer examination, however, the new reform turns out to be little more than a public relations move -- an effort to convince the international community that Turkey is making significant human rights changes.

In his November 1991 government program, Prime Minister Demirel promised other legal reforms, including replacing the repressive 1982 Constitution, written after the military coup of 1980, and in the interim to abolish anti-democratic provisions in the current Constitution, such as one that forbids university professors to join political parties. The prime minister also promised to change laws that discriminate against women, to provide trade union rights for civil servants, to enact trade union laws that comply with International Labor Organization standards, and to abolish restrictions on political and religious freedom. None of these reforms has taken place.

Meeting with Helsinki Watch in August, Justice Minister Seyfi Oktay, Interior Minister Ismet Sezgin and Human Rights Minister Mehmet Kahraman all emphasized the government's commitment to legal reform and to the other reforms outlined in Prime Minister Demirel's program.

Minister of Justice Oktay told Helsinki Watch:

Since amendments to the Constitution require a two-thirds majority, we may not be able to change the entire Constitution, but we can change the human rights articles, including freedom of expression and the press, and the articles dealing with trade unions, the independence of the judiciary, judicial immunity and other articles that make the democratic functioning of political life more secure.

Also, we would like to improve the fundamental functioning of the country -- in the

separation of powers, for example. At present the executive branch sometimes functions as a legislative branch by issuing government decrees. We can change that.

We are also working on changes in many other areas, including juvenile court issues; the establishment of a judiciary police law so that prosecutors can carry out independent investigations; an attorneyship law that will strengthen and secure defense rights; a crime enforcement law dealing with the regulation of prison administrations; the political parties law; the press law and dozens of other laws.

We want to eliminate the old anti-democratic articles in the Penal Code, the Civil Code, and Criminal and Civil Procedure Codes.

We hope to have all this legislation ready by the fall of 1992.

Interior Minister Ismet Sezgin told Helsinki Watch:

We plan to change all the anti-democratic legislation now on the books. We want to set up a Ministry of Human Rights -- the establishment legislation is now in Parliament. We intend to pass the legal reform bill giving suspects the right to see their lawyers immediately and shortening the period of detention. We want to provide lawyers for poor people.

Meanwhile, the Ministry of the Interior has prepared a book on human rights to be used in police training schools; we have set up a Human Rights Division in the Ministry of the Interior; we are working on renovating prisons and cells according to the standards set up in the European Convention for the Prevention of Torture.

We have also passed legislation entitling nearly 300 people to regain the citizenship they lost after the September 12 coup. And we are preparing to modify the Constitution.

Helsinki Watch has concluded that none of the government's promises for law reform have, to date, been realized.

POLITICAL FREEDOM

In the new coalition government's program, presented to the Turkish Parliament on November 25, 1991, Prime Minister Demirel promised to restore political rights to the people of Turkey:

Political life will be institutionalized within a framework of basic rights and freedom. Injustices which appeared after the arbitrary abolition of parties and institutions will be rectified, prohibitions will be abolished and rights will be restored.¹¹

In keeping with the Prime Minister's promise, in June 1992 Parliament passed and President Turgut Ozal ratified a bill permitting the reopening of parties closed down in the wake of the 1980 military coup. One banned party has indeed reopened: on September 9, 1992, the Republican People's Party (CHP) resumed operations under the chairmanship of Deniz Baykal, former Deputy Chair of the Social Democratic Party (SHP). Since that time, several members of the SHP have switched their allegiance to the CHP.

On the other hand, two political parties have been ordered shut down since the coalition government took office. On July 10, 1992, the Constitutional Court ordered the closing of the Socialist Party (SP) on the grounds that it "aimed to violate the inseparable integrity and unity of the state." The Court said that statements in a leaflet published by the SP entitled "Solution of the Kurdish Problem" and statements by its president, Dogu Perincek, violated the Law on Political Parties by making separatist propaganda.

On July 22, 1992, the Constitutional Court ruled that the United Communist Party of Turkey (TBKP) was illegal and ordered it closed. The Court said that the basis for closing the party was that the party "aimed to establish the domination of one social class over another and to destroy the integrity of the country and its political system." The Court said that the party had violated the Code on Political Parties by selecting a banned name -- Communist -- and aiming to "create minorities." The leaders of the banned party have since appealed the Court's decision to the European Commission on Human Rights.

A third party, the People's Labor Party (HEP), is now under serious threat of closure. Made up largely of Kurds from southeast Turkey, the HEP joined forces with the Social Democratic Peoples' Party (SHP) before the October 1991 election. In March, 1992, however, the HEP parliamentarians left the SHP because of their opposition to the coalition government's policy on the southeast. As members of the HEP, they remain in Parliament. Efforts have since been made to strip the parliamentarians of their parliamentary immunity in order to prosecute them for statements deemed "separatist propaganda." In May, State Security Court Chief Prosecutor Nusret Demiral asked Parliament to lift the twenty-two deputies' immunity; in July, he asked the Constitutional Court to close the HEP. On September 8, 1992, the Constitutional Court began considering the case.

Kurdish members of Parliament told Helsinki Watch that the HEP has criticized the use of violence by both the PKK and the state, and that the party is against any violence that affects civilians.

As noted earlier, thirty-three HEP members have been murdered in the southeast since the killing

¹¹ Government Program, page 7.

of Vedat Aydin in July 1991. Moreover, since the beginning of the Demirel administration, HEP members have been continually harassed:

*** On December 24, 1991, former Adana HEP chairman, Kemal Okutan, was arrested by the Ankara State Security Court for his speech at the HEP Grand Convention in Ankara on December 15. Six other HEP delegates were also under investigation for their statements. A trial against the group began in March.**

*** In January 1992, Member of Parliament Hatip Dicle reported to the press that he and another Kurdish parliamentarian had recently been removed by force from a microphone in Parliament when they tried to speak on tensions in southeast Turkey.**

*** On March 24, 1992, the Istanbul State Security Court Prosecutor opened an investigation under Article 8 of the Anti-Terror Law of board members of the Istanbul branch of the HEP because of a March 1 meeting during which placards and slogans used during a demonstration allegedly spread "separatist propaganda."**

*** In April the Ankara State Security Court Prosecutor opened an investigation of HEP President Feridun Yazar in connection with a press conference he had held before the Kurdish New Year in March, alleging that he had disseminated "separatist propaganda."**

*** A leaflet entitled "End to State Terror and Special War," prepared by the Izmir HEP, was banned on July 5 by the Izmir State Security Court and an investigation under Article 8 of the Anti-Terror Law was begun against party leaders.**

*** HEP's Aydin Provincial President Lezgin Cilduz was arrested by the Izmir State Security Court on July 30 for "helping and sheltering PKK militants." Three other HEP members were under investigation on this charge as well.**

*** Security forces arrested HEP local chairman Celalettin Yayla and six other party officials in the district of Malazgirt in Mus Province on August 31.**

*** On September 19 the second Congress of the HEP was held in Ankara; Ahmet Turk was elected president. Speakers declared that the Kurdish problem could be solved by peaceful means instead of military methods and asked that the PKK be legalized. The Ankara State Security Court opened an investigation into the speeches.**

*** On September 25, following the monthly meeting of the National Security Council, fifteen members of the HEP were arrested. Included were former chairman Feridun Yazar, assistant General Secretary Kemal Okutan, Istanbul branch chair Felemez Basboga and Ankara branch chair Cabbar Gezici. The Council had stated that it would "take legal measures against those democratic institutions and media which support separatism and work against the unitary state structure, and thus have no constitutional or legal basis." On October 5, twelve of the fifteen members were released to await trial, while three remain in custody. All will be tried under Article 8 of the Anti-Terror Law.**

After the Constitutional Court ordered the closing of the Socialist Party, some of its members

formed a new party – the Workers' Party. In August, 1992, ten leaders and members of that party were detained in Ankara while distributing leaflets, and a trial against Workers' Party President Dogu Perincek began at Ankara State Security Court.

FREE EXPRESSION

Severe restrictions on free expression have continued under the coalition government, in spite of Prime Minister Demirel's promises. His Government Program stated on page 6 that:

The basic principles concerning human rights mentioned in the Paris Charter and all documents before it are indispensable prerequisites and vital inputs for our society as well.

Human rights practices in Turkey will be made to conform with international commitments, the political regime and the will to integrate with the civilized world.

In addition to the Paris Charter, the European Convention on Human Rights, to which Turkey is also a signatory, guarantees freedom of expression (Article 10). Similar guarantees are provided in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

FREEDOM OF THE PRESS

"Our Government is determined to create and establish the concept of a free and independent press in line with contemporary currents and developments," said Prime Minister Demirel in his Government Program in November 1991.

Mr. Demirel's determination was apparently short-lived. Since his assumption of power, thirteen journalists have been killed in southeast Turkey (see chapter on Killings and Disappearances) and their killings remain uninvestigated; four newspaper distributors who had been warned not to distribute *Ozgur Gundem* were killed; scores of journalists have been detained, beaten, interrogated, and harassed for their writings; many journalists have been tortured during interrogation (see chapter on Torture for examples)¹²; and some journalists have been tried and sentenced for their writings. Most were charged under the very broad Anti-Terror Law for such offenses as "criticizing" or "insulting" the president, public officers, Mustafa Kemal Ataturk or the military; printing "anti-military propaganda;" "praising an action proscribed as a crime;" or for generating or disseminating "separatist propaganda."

¹² In an example of the kind of torture meted out to journalists, Amnesty International reported on the case of Kurdish journalist Ihsan Kurt on October 23, 1992. Detained in Adana between October 12 and 19 for taking photographs for *Ozgur Gundem* at the funeral of a PKK guerrilla, Mr. Kurt reported to Amnesty International on his release:

I was outside the main crowd taking photographs. The police wanted to take my camera. When I refused to hand it over they started to hit me, breaking my glasses and my camera. They took me to the police station. There six or seven anti-riot police officers attacked me on account of an article concerning the police which had appeared in the newspaper I work for. They beat me with truncheons, sticks, the butts of guns, and kicked and punched me. My eye was cut, and my back was injured. I waited in the corridor of the police station, and everyone who passed said, "So you are the journalist," and beat me. I was more or less unconscious for three days because of the beatings I had received. I have two cuts on my head, wounds on my back and knees, and bruises and swelling all over my body.

Deniz Tezcel, a human rights reporter for the daily newspaper *Gunes*, who had written on the use of torture by security forces, was arrested on June 14, 1991, charged under the Anti-Terror Law with membership in an illegal organization, which she denies. She told Helsinki Watch in August 1992 that she had been interrogated in Ankara for fourteen days by police who said, "Because you publicize torture, terrorists shoot us. Your newspaper helps terrorists." She was remanded to prison for several months to await trial; her case is pending.

Turkish authorities have confiscated and banned dozens of issues of small left-wing or pro-Kurdish journals and raided editorial offices. The journals *Ozgur Gundem*, *2000'e Dogru*, *Yeni Ulke*, and *Mucadele* have been among those most frequently seized.

According to the Turkish Human Rights Foundation (TIHV), thirty-one journalists -- many of them Kurds -- were beaten with sticks, clubs or truncheons by police or security forces in twelve different incidents during the first six months of 1992. In addition, forty-one magazines and newspapers and twelve books were confiscated by court orders within that six-month period; many for "separatist propaganda," a charge based on articles dealing with Kurdish issues. Two writers were imprisoned for their articles: Ismail Okcu, a writer for the newspaper *Zaman* (Time), and Sinami Orhan, chief editor of the journal *Ak-Dogus* (White Birth). During the same period, eight different books of sociologist Ismail Besikci were confiscated and subjected to criminal investigations. Besikci himself was detained for one night in February, his home and belongings were searched, and twenty-five books were seized. Besikci himself is not Kurdish, but as a sociologist he has specialized in writing on Kurdish questions; he has served more than ten years in prison for his writings on Kurds.

In January 1993, writer Edip Polat, who recently left southeast Turkey, was sentenced to two years in prison and a fine of about \$10,000 because of his book, *We Changed Dawn into New Year*. His publisher, Hikmet Kocak of Basak Press, was fined about \$200,000 for publishing Polat's book. Both were convicted in Ankara State Security Court under Article 8(1) of the Anti-Terror Law.

On November 16, Prime Minister Demirel reportedly justified the confiscation of books by security forces following a raid by police on a book fair in Istanbul by saying: "You cannot say that no book is criminal. There are certain cases when a book can be regarded as criminal -- for example, separatism, Kurdish racism and Kurdish discrimination are crimes under the laws and Article 14 of the Constitution."

FREEDOM OF ASSEMBLY

The coalition government has continued to restrict freedom of assembly. During 1992, dozens of meetings, demonstrations and marches were banned, and dozens of demonstrators and marchers were detained, tortured and prosecuted. Many of these actions were taken against Kurdish groups in southeast Turkey. Moreover, as noted earlier, police used live ammunition as a method of crowd control, and shot and killed more than 100 non-violent demonstrators.

FREEDOM OF ASSOCIATION

Turkish associations were harassed, restricted, raided and sometimes closed during 1992 and many of their members detained, tortured and indicted. Many of these actions concerned the Kurdish minority in southeast Turkey. Some associations closed during 1992 were: Association for Struggle

against High Cost of Living and Unemployment; Association for Rights and Freedoms; Association for a Patriotic and Democratic Culture; Association of the Unemployed; Patriotic Women's Association; Art and Culture Association of Kartal; Folklore Education Association; and the People's Houses of Karsiyaka, Adana and Bursa. The associations were charged with such offenses as "shouting illegal slogans," "possessing confiscated or prohibited publications," violating the Law on Associations or the Anti-Terror Law, "having links with illegal organizations," "activities incompatible with [their] aims," or "carrying out illegal activities."

*** * ***

Helsinki Watch has concluded that free expression, including freedom of speech, assembly and association, is severely restricted in Turkey, contrary to international human rights laws and agreements. Helsinki Watch urges the government of Turkey to end all such restrictions.

RECOMMENDATIONS

Helsinki Watch makes the following recommendations.

TO THE GOVERNMENT OF TURKEY

Helsinki Watch recommends that the Turkish government:

- o Abide by international humanitarian laws in the conduct of military actions in southeast Turkey; in particular, protect the lives and property of civilians.**
- o Punish appropriately the killing, abuse and humiliation of civilians by security forces.**
- o Abide by international standards requiring law enforcement officials to use lethal force only when absolutely necessary and in proportion to the immediate danger faced when conducting raids on houses suspected to contain "terrorists."**
- o Deploy nonlethal methods of crowd control and, in particular, end the use of live ammunition except when necessary to prevent a threat to life.**
- o Punish appropriately security force members who kill civilians without justification during demonstrations or house raids.**
- o Investigate thoroughly and promptly all suspicious deaths and disappearances and prosecute those responsible.**
- o Abolish the village guard system.**
- o Acknowledge the existence of the Kurdish minority in Turkey and grant its members the civil and political rights held by other Turks.**
- o End restrictions that deprive Kurds of their ethnic identity, including restrictions on the use of Kurdish language, music and dance.**
- o Acknowledge the pattern of torture in police interrogation centers and take aggressive steps to end it.**
- o Prosecute torturers and increase the possible sentences for torture.**
- o Prohibit the use in court of confessions obtained by torture.**
- o Shorten permissible periods of detention so that detainees appear promptly before a judge, as required by international law.**

- o Assure detainees the right to be represented by attorneys from the moment of detention.**
- o Allow the International Committee of the Red Cross and other international organizations to visit detainees and prisoners on a regular basis.**
- o Release from custody all those held for the peaceful expression of their views.**
- o Stop all legal actions brought by the government against the press, writers and publishers based on the views they express in their writings or the factual material they report.**
- o End restrictions on freedom of association, assembly and religion.**
- o Repeal the Anti-Terror Law.**

TO THE WORKERS' PARTY OF KURDISTAN (PKK)

Helsinki Watch urges the Workers' Party of Kurdistan to end all abuses against civilians and to observe promptly and scrupulously international human rights law -- the laws of war. Common Article 3 of the Geneva Conventions of 1949 governs internal armed conflicts. It has as a central concern the civilian victims of armed conflicts. Among other things, it forbids murder, cruel treatment and torture, the taking of hostages, and humiliating or degrading treatment.

TO THE GOVERNMENT OF THE UNITED STATES

Helsinki Watch recommends that the U.S. government publicly condemn the human rights abuses detailed in this report and use its best efforts to persuade the government of Turkey to put into practice Helsinki Watch's recommendations.

In addition, Helsinki Watch recommends that the U.S. government end all military and security assistance to Turkey until such time as Turkey no longer manifests a consistent pattern of gross human rights violations or state clearly, as required by Section 502B of the Foreign Assistance Act, what extraordinary circumstances warrant provision of military and security assistance to Turkey in light of its consistent pattern of gross violations of human rights. (Turkey continues to be the third largest recipient of U.S. aid; for fiscal year 1992 it received grants of \$578 million in military assistance and economic support funds. For fiscal year 1993, in an important departure from past assistance patterns, military assistance for Turkey will be in the form of loans instead of grants. Turkey will receive loans of \$450 million in military assistance. Economic assistance, \$125 million in economic support funds, will continue to be provided in the form of grants. In addition, \$180 million worth of excess military equipment -- helicopters, aircraft, vehicles and the like -- was transferred to Turkey in 1991 and 1992.)

Helsinki Watch also recommends that the training of police officers under the Antiterrorism Assistance Program (\$3 million since 1984 for training nearly 900 Turkish police and government officials)

be promptly discontinued.

APPENDIX A

Source: Institut Kurde de Paris, November 1992.

APPENDIX B

APPENDIX C

(Unofficial Translations)

Regulations for Interrogation and Statement-Taking

It has been established that the interrogation authority of the police, carried out in accordance with articles of Law No. 2559 entitled, "Police Duty and Authority Law" and Judicial Procedure Law, should be carried out within the framework of the following regulation of interrogation and statement-taking.

Definition of Interrogation:

Interrogation is learning through systematic questioning the acts and knowledge of people who are suspected of committing a crime or who have committed a crime or who have information about a crime and a criminal.

A. Purpose is to clarify the incident and to uncover the crime and the criminal by asking the following questions:

- a. who**
- b. why**
- c. where**
- d. what**
- e. when**
- f. how**

B. Location of Interrogation:

Specially prepared interrogation rooms that belong to the security authorities where interior and exterior security are provided. Rooms with technical equipment should be preferred as interrogation locations.

C. Qualifications of Interrogator:

- a. Has taken interrogation course**
- b. Experienced**
- c. Familiar with psychology of criminality**
- d. Patient, cool and controlled**
- e. Well-prepared beforehand about issue to be interrogated on**
- f. Can grasp quickly**
- g. Controlled and polite toward criminal**

D. Rules of Interrogation

a. For security of detainee, search detainee and take away all objects that can drill, cut, burn and similar dangerous tools. Take valuables. Prepare document listing items taken. When detainee leaves detention, return all objects that do not create crime.

b. Obtain doctor's report for detainees before interrogation and after interrogation when taking detainee to court.

c. During interrogation, no torture or mistreatment can be applied to pressure the detainee; no physical or psychological pressure.

d. Length of interrogation can be not more than four hours without interruption and a total of eight hours a day. Between two interrogation sessions there should be at least two hours for eating and resting.

e. The names of the persons present in the room during the interrogation, the contents of the interrogation and all that has been discussed should be recorded systematically. These records should be kept open to inspection by authorities.

f. Detainee should be seated during interrogation.

g. Interrogator should move to core of issue after mild atmosphere is prepared.

h. Brief notes should be taken during interrogation and detainee asked to explain conflicting answers.

i. Information from archives should also be used. Information from other related units should be obtained.

j. No harsh debates should take place with detainee.

k. If it is understood that another crime may have been committed, the second crime should be investigated after the first is completed.

l. With the information received during the interrogation, operations like taking into custody or searching others may be necessary; teams on duty should be ready.

m. Confrontation or identification parade should be done if necessary; should be documented.

E. Interrogation Methods

a. Direct approach: holding mutual conversation if detainee confesses.

b. Close and understanding attitude (mild attitude due to understanding his situation).

c. Cause and effect method.

- d. Indirect approach.**
- e. Making up imaginative stories.**
- f. Cold treatment method.**
- g. Using suspects against each other.**

F. Process at End of Interrogation

a. Document beginning and end of interrogation, topic of interrogation, participants, at end of interrogation.

b. Fulfil necessary legal requirements about suspects.

c. Establish evaluation and cooperation.

d. Send suspect to court with no delay together with interrogation documents.

Interrogator should read this regulation before the interrogation and observe it.

August 6, 1991

**s/ Kamil Tecirlioglu
Deputy General Director
General Directorate of Security**

Detention Regulations

[undated, unsigned]

1. During detention, the detention center where the suspect is kept for a short time should be improved within the existing possibilities in order to do the following:

a. Fixed and durable benches should be provided in existing cells for suspects' rest.

b. Detainee should be provided with blankets according to the seasons and appropriate to the physical conditions of the cells.

2. In order to improve interrogation centers and cells according to Commission decisions, there should be:

a. One person to one cell seven meters square; two meters from wall to wall and two and a half meters from ceiling to floor.

b. All cells should have light and air circulation.

c. Toilet locations should be arranged.

Within resources, start implementing these regulations immediately. Construct new buildings that comply with these standards.

3. Administrative processes:

a. Follow length of detention requirements.

b. Take health requests of suspects into consideration in providing toilets and other needs.

c. As before, detainees should be examined by a doctor. Also before suspects are taken to legal authorities, doctor should examine again.

d. Examinations should be done by the Forensic Department or by a government doctor. However, if a detainee asks, he can get his own doctor, if it is not against the interest of the investigation. A list of private doctors can be prepared by authorities to meet the demands for private doctors.

e. During an examination, necessary security measures should be taken. The doctor can be left alone with the suspect.

Emergency Telegram Sent to All Governors from Interior Ministry, April 20, 1992

Since Turkey signed the UN Convention Against Torture, the UN Committee Against Torture decided to visit Turkey from June 7 to June 17. Can visit any city. Will not accept not having financial resources as excuse for not improving interrogation centers and cells. Every province will use its own resources and inform Interior Ministry about developments concerning improvements by latest April 30, 1992.

Ministry of the Interior