

BROKEN PROMISES

Torture and Killings Continue in Turkey

**Human Rights Watch/Helsinki
(formerly Helsinki Watch)**

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Human Rights Watch/Helsinki was 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 executive 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.

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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.

The government of Turkey was extremely cooperative in arranging all of the interviews that Helsinki Watch requested with government officials, including Justice Minister Seyfi Oktay, Interior Minister Ismet Sezgin, Human Rights Minister Mehmet Kahraman, and the directors of the Security Directorates in Istanbul, Ankara, Adana and Antalya. The government also granted Helsinki Watch permission to visit interrogation centers in police headquarters in all of the above cities, as well as in two others which, because of time limitations, we were not able to visit on this trip.

Helsinki Watch is grateful to the many recent detainees, human rights activists, lawyers and others who shared with us their experiences; in many cases their identities have been concealed for their protection. Helsinki Watch is also grateful to the Turkish Human Rights Foundation, which regularly makes available to Helsinki Watch and other human rights groups important and timely information on human rights abuses in Turkey.

INTRODUCTION

A year has passed since Prime Minister Suleyman Demirel's coalition government, committed to human rights reforms, took office in Turkey--a period long enough to produce significant change. But the promised reforms have not come about; on the contrary, killings, torture and other human rights abuses in Turkey have become significantly worse.

In the first eleven months of 1992, security forces have shot and killed seventy-four people in house raids, and the evidence suggests that the killings were deliberate executions. Security forces have also shot and killed more than 100 peaceful demonstrators. Moreover, many people have disappeared while in custody of police or gendarmes. In the southeast, the Turkish government has utterly failed to investigate the assassinations of 165 people 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.

A promise to end torture has been repeatedly broken, 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, Helsinki Watch interviewed at length 24 people in four cities in Turkey--Istanbul, Ankara, Adana and Antalya--who told terrible stories of recent torture at the hands of police:

- **Nazli Top, a 23-year-old nurse, told of being brutally tortured by police in Istanbul in April. Two months pregnant at the time, Ms. Top was blindfolded and stripped, then raped with a truncheon, given electric shock while suspended by her wrists, beaten and sexually abused. After ten days in custody, she was released without charges; police said it was a case of mistaken identity. Ms. Top has a medical report attesting to her injuries.**
- **Ismail Yilmaz, a 40-year-old laboratory technician, told Helsinki Watch of being terribly tortured by police in Istanbul in April. Questioned about a non-political crime, Mr. Yilmaz was blindfolded, severely beaten, given electric shock while suspended naked, raped with a truncheon, and put six times into a cell four meters square with a German Shepherd dog that repeatedly attacked and bit him. He showed us large nasty scars on his wrists and legs from the bites. After two days, Mr. Yilmaz was released with no charges.**

These accounts and 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. Sixteen people have died in suspicious circumstances this year while in police custody; police claim that six of them, including three children between the ages of 13 and 16, committed suicide. Prime Minister Demirel's government has made no serious effort to investigate these cases or to bring an end to torture.

In January Prime Minister Demirel, Deputy Prime Minister Erdal Inonu and other Turkish officials

told Helsinki Watch of 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. Demirel had publicly recognized the "Kurdish reality" and told us that he planned to win the confidence of Turkey's large and long-abused Kurdish minority 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 (Kurdish Workers' Party), a secessionist guerrilla force waging violent warfare in the Kurdish southeast.

None of this has come to pass. 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.

In a horrifying new development, eleven journalists and one distributor of a pro-Kurdish newspaper have been shot and killed since February in southeast Turkey. All but one of the journalists wrote for left-wing or pro-Kurdish journals; several had written about purported connections between a "counter-guerrilla" force and Turkish 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. To date the government has made no serious effort to find the murderers of these reporters.

Reporters are not the only victims of assassinations. More than 165 people—doctors, teachers, political and community leaders, local officials—have been struck down and killed in the southeast by unknown attackers using "death squad" tactics. Others have disappeared, only to turn up dead by a roadside some time later. Although some of them were last seen in the hands of police, the police usually deny having detained the victim or claim that they held him briefly and then released him. Again, the Turkish government appears to have made no serious effort to find the murderers or to investigate possible police involvement in disappearances.

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. 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 and more frequent in Istanbul and other major cities; at least fifty-four police and other officials have been assassinated this year.

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 indict people suspected of these killings, police have embarked on a campaign of house raids. Since February, forty alleged terrorists have been 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 have been shot and killed in house raids since February. Police routinely claim that these deaths occurred in the course of shoot-outs with suspects. But while the suspects are shot dead, police are almost never killed or even wounded, strongly suggesting that the raids are not shoot-outs but deliberate executions in which, according to eye-witnesses, shots are not fired from the targeted houses. These extrajudicial killings in which police act as

judge, jury and executioner are outlawed by both international human rights law and the laws of war.

In southeast Turkey, government forces have attacked Kurdish villages this year with increased ferocity, and have maintained the detested "village guard" system that forces villagers to choose between serving as armed guards, vulnerable to PKK retribution, or abandoning their homes and lands. Security forces recently rained such intense destruction on the town of Sirtak that all but two or three thousand of the town's 35,000 inhabitants piled their belongings onto wagons and trucks and abandoned the town. Officials have barred many journalists from most areas of the town and from interviews with the mayor or other officials or residents, suggesting that the government is trying to prevent the public from finding out what happened. Similar large-scale attacks against civilians appear to have taken place this year in Batman, Agri, Kulp and Cizre.

Contrary to international laws and standards, police continue to shoot and kill peaceful demonstrators—at least 104 have been killed this year. 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 have been killed this year in Izmir, Adana and Antalya as well. No one has been charged with any of these deaths.

The government appears to have abandoned many of its early promises, such as 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 hated Higher Education Council. These promises have not been kept either.

In the initial days of the new administration some positive steps *were* taken: the notorious Eskisehir Prison 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*, is being 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, but it has been forbidden to hang up a sign outside its office and it was raided by police on November 15—its books and records were seized and its employees detained.

The Demirel government has been far more open to Helsinki Watch than previous administrations. In August, Turkish officials permitted us to visit all the interrogation centers we wanted to see and arranged appointments with senior officials. Moreover, Justice Minister Seyfi Oktay, Interior Minister Ismet Sezgin and Human Rights Minister Mehmet Kahraman all emphasized in conversations with Helsinki Watch 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 has been 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 91 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 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 members of 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; 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; and end restrictions on free expression. Further recommendations are detailed at the end of this report.

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

* * *

In a publication entitled, *Human Rights in Turkey: A Record of Improvement*, issued in June 1992, the Demirel government said:

Much has been accomplished in responding to the human rights questions that have been the subject of criticism at home and abroad. While there is still some way to go before the goals that have been set can be accomplished, Turkey's Coalition Government has irrevocably put the country on a course towards a most stringent observance of the internationally agreed standards to which the country is committed.

Unfortunately, as Helsinki Watch demonstrates in this report, actions speak louder than words.

KILLINGS AND DISAPPEARANCES

In violation of international human rights and humanitarian laws, the Demirel government has taken no action to investigate and prosecute those responsible for killings of civilians in house raids and of peaceful demonstrators. It has also failed to investigate disappearances allegedly caused by security forces and suspicious killings of more than one hundred sixty-five 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") have assassinated fifty-four police and other officials in western Turkey in 1992, and have also set off bombs in crowded civilian areas. The PKK (Kurdish Workers' Party) 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 have reported 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 have 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.

A self-described socialist artist active in the Ortakoy Cultural Center in Istanbul told Helsinki Watch in August about house raids that had been carried out in Istanbul in April:

One of our actresses, Ayse Gulen, 28, was declared by police to be a terrorist, and was shot and killed by them on April 17, 1992. On that day, eleven people who police said were members of Dev Sol were shot and killed in house raids on four different apartments in Istanbul. Four others were arrested. No police were wounded, although the police claimed that the raids were shoot-outs.

Ayse was a revolutionary actress, staging people's hopes and beliefs for the future, and her own belief in socialism. She worked with the Ortakoy Cultural Center for three years, doing stage and street performances. She did lots of plays before thousands of people in

workers' neighborhoods, and was very well-known.

The police decided her apartment was a "cell house" of Dev Sol. Her family in Germany had given her the apartment for her wedding. The police say that someone shot at them from the apartment, and that Ayse was killed when the police shot back. But we have documented proof that the shells on the floor were from police guns, and Ayse's body had about sixty bullet wounds--her family saw the body in the morgue. The most important wound was a shot to her head.

A friend of hers, Ayse Nin Ergen, 24, who was in the apartment with her at the time, was also shot and killed by police. She also had a bullet in her head. Both of them were shot in the bathroom by the bathtub--one of them had been taking a bath. Ayse's sister, who sings with Group Yorum (a left-wing group frequently banned and detained by police), was not home at the time, and so was not killed.

The concierge and the neighbors said that all the shooting took place inside the apartment, and that Ayse's door had been broken in. No police were wounded. The two women were apparently unarmed.

In Adana, a Human Rights Association official described to Helsinki Watch a house raid in April in which three young people had been killed:

The three people who were killed were Guven Keskin, 18, Siddik Ozelik, 19, and Esmâ Polat (also known as Yosma Santur), a 21-year-old woman. They were killed in the Kurtulus neighborhood of Adana on April 29th or 30th.

At 4:00 p.m. the apartment was surrounded by hundreds of police who attacked it with heavy weapons--bombs and long-distance weapons. Security forces said it was an apartment used by an illegal organization. Witnesses said that no warnings were given and that no shots came from the apartment. No police were killed or wounded. It appears that the people could easily have been arrested without any shots being fired at all. Instead, they were all found dead in the bathroom of the third-floor apartment, where they were apparently hiding. All of them were unarmed.

Helsinki Watch later asked Mete Altan, the head of the Security Directorate in Adana (the police chief) what had happened in the raid. He said:

Guven Keskin died with a gun in his hand. These were people who had killed a division head a few months ago. Guven Keskin was appointed a fighter for an armed revolutionary unit in 1991.

We knew the three were at that address, and we heard that they were going to run away. We sent teams to the address and asked them to turn themselves in. They said they would resist, and sang revolutionary marches. We asked the public prosecutor to come to the scene; he did, and tried to persuade them to give themselves up. He talked to them through the door--they had put things behind the door. We gave them five minutes. Then they fired at us through the door, and we started shooting them. The whole operation took

about two and a half hours.

Eight or ten police took part—they were members of a special team. After the operation, a bomb exploded in the house and three officers were wounded, one seriously. His name is Nusret Kacar. He is still recovering.

Helsinki Watch has no way of knowing which version of the events in Adana is correct; we urge the government of Turkey to conduct a thorough and impartial inquiry to determine what happened in Adana and in the other cities in which people have been killed in house raids and to prosecute those found responsible for improper conduct.

Killings of Peaceful Demonstrators

Contrary to international laws and standards, Turkish police continue to shoot and kill peaceful demonstrators—more than one hundred have been killed during 1992. 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 91 demonstrators in three towns in the southeast.¹ Nine others were killed in demonstrations in the southeast in mid-August. Peaceful demonstrators have also been killed in Istanbul, Izmir, Adana, and Antalya in 1992. No one has been charged in any of these deaths.

Disappearances

A number of people have 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 has turned up later, as happened in the killing of human rights activist Vedat Aydin in Diyarbakir in July 1991.²

In August, 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. 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 reported on one such case:

Nezir Acar, who was born in 1964, disappeared two months ago from Dargecit. It was

¹ For details, see Helsinki Watch newsletter: *Kurds Massacred: Turkish Forces Kill Scores of Peaceful Demonstrators*, June 1992.

² See Helsinki Watch newsletter, "Turkey: Human Rights Activist Killed", July 1991.

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.

Helsinki Watch has received reports of disappearances that have taken place in both southeast and western Turkey--most of them in Istanbul:

- **Mehmet Demir**, Deputy Provincial President of the People's Labor Party (HEP), 32. 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 minibus parked in the street. Amnesty International Urgent Action Appeal, January 15, 1992.
- **Durmus Caylak**, detained in Fethiye (Mugla) on February 9 for smuggling; police told his father that he had jumped out of the police car and escaped.
- **Nazmiye Sevgin**, a young girl taken into police custody on March 30 in Aksaray, Istanbul; the Human Rights Association reported she had disappeared. Her mother reported that police had been harassing her daughter.
- University students **Huseyin Yaman** and **Soner Gul**, detained by political police on May 5 in Bayrampasa in Istanbul. Their lawyer reported that police denied having detained the students.
- **Hasan Gulunay**, 32, detained on July 20 in Istanbul. An employee at the land registry office, Gulunay was seen in detention at the Gayrettepe Political Police Division by another detainee. Police deny holding him. Amnesty International Urgent Action Appeal, July 31, 1992.
- **Ayhan Efeoglu**, a 25-year-old student activist detained in Istanbul for the ninth time on October 6, 1992. Police deny detaining him, although another detainee reports that police told him in detention that they were holding Efeoglu.
- **Cengiz Uguz**, detained in Icerenkoy, Istanbul, on October 11. Police denied that he had been taken, but a journalist held at the Anti-Terror Division of Police Headquarters in Istanbul reported seeing Uguz in detention.
- **Tugrul Ozbek**, detained at the Anti-Terror Division at Police Headquarters in Istanbul on October 10 after a police raid on an alleged Dev Sol "safe house". Three people subsequently detained reported seeing Ozbek in detention and hearing police call Ozbek by name. Police deny holding Ozbek.
- **Semih Genc** and **Mustafa Atalay** were reported missing in November in Ankara; both were reportedly seen by the Bursa correspondent of *Mucadele* in detention on November 8. Police deny detaining them.
- **Feday Sahin** was detained in early November in Kocaeli; authorities at first denied detaining him,

but later admitted that he had been held at the Anti-Terror Department of the Kocaeli Security Directorate. He remained missing in mid-November.

Suspicious Killings

During 1992 there has been an extremely disturbing increase in the number of suspicious deaths in southeast Turkey. About one hundred sixty-five people have been killed by unknown assailants; most of those people were leaders or in positions of responsibility in the Kurdish community—doctors, lawyers, teachers, political leaders, journalists, human rights activists, businessmen.

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 HEP (People's Labor Party). Kurdish members of Parliament told Helsinki Watch in August that twenty-three HEP leaders have been killed this year; another ten were killed between July and December 1991. Six more HEP leaders were killed between August 15 and December 1.

Eleven of the suspicious killings were of journalists. All but one 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. Nine of the eleven 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 eleven journalists were:

- **Halk 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

Colova village 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.

- **Hafız 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, 50 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 were 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.
- **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 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 died on the spot with three bullets in his head after an attack by two assailants. Mr. Taranci had received a telephoned death threat the night before his murder.

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

In late August, both Prime Minister Demirel and Interior Minister Izzet 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 eleven 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. On November 22, 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 has been distributed by volunteers. In Diyarbakir, twenty-two newspaper vendors stopped selling the newspaper because of intensified threats.

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. On June 10, Dr. Ayhan was shot dead in front of his house by one bullet in the back of his head. The murderer, who 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. 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 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, and a call was placed from the Ministry of the Interior to Lt. Bulent Eroglu by Rifat Akis. The call was taped. 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 [£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 eleven journalists, the twenty-three HEP members, Dr. Ayhan, Menav Simsek, and the rest of the one hundred sixty-five victims murdered in the southeast during 1992, and to indict, prosecute and punish those responsible.

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 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 results from the use of force which is no more than *absolutely necessary*. [Emphasis added.]**
 - 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.**

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.

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.

Suspects of both political and ordinary crimes are routinely and systematically tortured in police interrogation centers in 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 even 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; pulling hair from victims' 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

Torture in police custody can lead to death. 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.

The sixteen deaths were:

- **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 (*Cumhuriyet*).
- **Burhan Serikli**, 18, detained during operations carried out at the beginning of March in Ulular and Cefani settlements of 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 Binek village of 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 *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. (*The Guardian*)

- **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, eighty years old, 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*)

- **Agit Salman, a forty-two-year-old taxi driver, detained by political police in Adana on April 27. He died in custody on April 29 at Security Headquarters in Adana, where he was interrogated. Police officials stated that an autopsy showed that Agit Salman had died of a heart attack. His wife, Bedie Salman, said, "My husband was killed by torture. Agit had no illness up to now." (*Milliyet*)**

In Adana, Helsinki Watch was given photographs of Mr. Salman's body that showed bruises and other marks consistent with torture on his back, his chest, his arms and legs and the soles of his feet. Mete Altan, the head of the Security Directorate in Adana, told Helsinki Watch that he did not know why Mr. Salman had died, and said the public prosecutor was looking into the case.

- **A thirteen-year-old student, detained on April 29, was charged with murder. He died in his cell in Gumushane Closed Prison in northeast Turkey on May 2. Officials alleged that the student, whose name was not disclosed, had had a nervous breakdown and committed suicide. (*Meydan*)**
- **Hasan Guldal, detained on May 23 in Sivasat district of Artvin in northeast Turkey, charged with membership in an illegal organization. He appears to have died sometime after June 1 while in detention in Artvin Provincial Gendarmerie Command, where he has allegedly tortured during interrogation.**

Huseyin Gocer, who was detained with Hasan Guldal and is now incarcerated in Nevsehir E Type Prison, reported to the Turkish Human Rights Foundation that both he and Mr. Guldal were badly tortured in detention. Mr. Gocer reported last seeing Mr. Guldal on May 28; he said that Mr. Guldal's body was swollen, he was continuously vomiting blood, and then he went into a coma. Mr. Gocer reported that security forces later told him, "We killed Hasan Guldal while he was escaping and then threw his corpse into Coruh River." (Turkish Human Rights Foundation)

- **Nurettin Aslan, 55, detained in Istanbul on July 22 on allegations of drug smuggling. Mr. Aslan died the same day in suspicious circumstances at the Istanbul Narcotic Branch Directorate. Police asserted that Mr. Aslan committed suicide by jumping into a stairwell from an eighth floor landing. He died in a hospital. (*Hurriyet, Milliyet*)**

On August 5, Helsinki Watch met with Mr. Zeki Erdogan, the director of the Narcotic Branch Directorate in Istanbul to discuss Mr. Aslan's case. Mr. Erdogan reported that shortly after Mr.

Aslan was taken into custody, three or four police officers were accompanying him to the elevator in order to take him to his house to get ownership papers for a truck used for smuggling drugs, when he suddenly threw himself over the railing in the elevator hall and down the stairwell. Asked whether Mr. Aslan was handcuffed at the time, Mr. Erdogan said that he was not, that handcuffs were usually put on suspects in the elevator or on the ground floor. Helsinki Watch noted that metal fencing around the stairwell extended to the ceiling on lower floors, but that such fencing did not exist on the eighth floor. The police officers who were with Mr. Aslan have not been suspended or relieved of duty; Mr. Erdogan reported that officers would be suspended only if convicted. The Istanbul Public Prosecutor's Office is investigating the case.

- **Caglayan Kartal Genc**, who died in police custody in Adana in early September. His corpse was placed in the lemon garden near his home in Erdmli. (Source: human rights activist in Adana.)
- **Remzi Basalak**, a youth who died in police custody in Adana on October 23. He had been apprehended in connection with a robbery. An autopsy revealed that he had died from a brain hemorrhage; police asserted that he had fallen down and hit his head on the ground while being apprehended. (*Hurriyet*)
- **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 Karaman, 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 recent torture 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 12 hours to fifteen days.

- **Three were questioned in connection with ordinary crimes, 21 with political crimes.**
- **The political offenses included:**
 - a. Writing for a left-wing or pro-Kurdish journal;**
 - b. Attending a leftist's funeral;**
 - c. Occupying a university building as a protest action;**
 - d. Hanging posters for a journal;**
 - e. Covering a protest demonstration; and**
 - f. Taking photos at a student demonstration.**
- **Occupations included journalist (8), teacher, lawyer, bookseller, nurse, laboratory technician, student (3), tradesman, construction worker and housewife.**
- **Torture techniques included:**
 - a. Suspension by arms or wrists, blindfolded and naked, while electric shock was applied to genitals and other sensitive parts of the body (nine detainees);**
 - b. Falaka (beating soles of the feet), (two);**
 - c. Rape and sexual abuse (four);**
 - d. 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--the young man who accompanied her was severely beaten);**
 - e. being attacked with highly-pressurized water, sometimes hot, sometimes cold (four);**
 - f. being dragged by the hair or having hair pulled out (two);**
 - g. being placed in a cell with an attack dog and bitten (one);**
 - h. having one's face pushed into a septic tank (one);**
 - i. death threats (seven).**
- **None of the twenty-four saw a lawyer during detention.**
- **Only two saw doctors during detention.**

Istanbul

In Istanbul, Helsinki Watch interviewed eleven people:

- **Nazli Top is a slender, delicate nurse, 23 years old, who is a little over five feet tall. She told Helsinki Watch:**

On April 27, when I was driving home from my work at the hospital [in Istanbul] with a friend, police stopped my car and asked my identity. I showed them my identity card. They asked me what I did and I told them I worked in a hospital. Then they asked for my hospital identification. I told them I didn't carry it with me, that it was in the hospital. A policeman said to me, "Well, we don't like your looks. We'll take you to the police station to see who you are." So they took both me and my friend to the police station.

When we got to the police station, they told me they wanted to search my apartment. I said, "If I'm here to check my identity, why do you have to search my apartment? If my house is to be searched, I want a lawyer."

I was very scared that they would kill me--there have been lots of street executions and house raids. They told me they would search my house. I said, "That's illegal, you need court permission." Then they prepared some sort of paper that I think was a fake.

They put me in an unmarked car and drove to my neighborhood. They beat me in the back seat--they hit me on my back and my stomach, even though I told them I was two months pregnant. They pulled my hair and twisted my fingers backwards. I screamed, and people were watching.

Then they took me back to the police station--it was the Bahcelievler Station--and beat me some more. They said they didn't believe that I was pregnant. My nose was bleeding and they wiped my face off.

Then they took me to Gayrettepe [the main police station, where interrogations take place]. They took me downstairs and I sat on a chair. Then they held my hands behind me and hit my stomach and gave me electric shock on my toes and my fingers. They said, "You asked for a lawyer--what is the use of a lawyer? No one can question what we do."

Then they took me upstairs--my lips were bleeding and they washed my face again. In the office one of them pretended to be nice and said he would call a lawyer. Then they started a routine of half an hour of torture and half an hour of nice, paternalistic talk. One of them put his hands between my legs and then squeezed my breasts and spoke sexual words to me.

Then they took me downstairs again and I heard my friend screaming. One of them said, "If you don't confess to shootings and to treating wounded people in your apartment, we'll torture you like we're torturing your friend."

Then they beat me with a sharp stick on my hands and back and arms. I still have the marks after three months.

Then they took me to a room called the "operation room." You could call it a torture room. There I was naked and they tied me up with a sheet and suspended me by the arms. I was blindfolded. They hit me and gave me electric shock--one wire was on my toe and one on my nipple or on my sex organ. They hit me in the stomach and asked if I was pregnant and mocked me. They threatened to rape me. One of them said, "We are the true civil servants. You are not. Work with us--all who are tortured talk in the end."

Then they hit me with a truncheon all over my body. Then they put a truncheon in my vagina. They tried to put a truncheon, and then a bottle, in my rectum, but didn't succeed. Then they untied me and took me down. I had no feeling in my arms. They brought in my

friend, who had had falaka and whose feet looked terrible. Then they made me sign a paper.

All of this happened in 24 hours, but I wasn't released until ten days after I was detained. The second evening I rested in my cell. On the third day they used pressurized water on me. Then they made me put my clothes on and they interrogated me about a trade union. They seemed to be looking for a reason to do all this to me.

There were 26 cells in Gayrettepe with lots of different people in them--some Kurds, some workers, some people from different backgrounds. Many of them were heavily tortured while I was there--some had bad wounds. No doctors or anyone else treated them. Six people, including me, went on a hunger strike.

On the third day they took me to someone they said was the prosecutor, but I don't think he was. He beat me up and tried to strangle me.

After ten days the police wrote a paper saying that I looked like someone who had done some shooting. I refused to sign a statement--I had nothing to do with any shooting incident. So then they released me. They never charged me with anything at all--just released me. Now I am bringing a lawsuit against the police. I have medical reports to support my case.³

During Helsinki Watch's meeting in August with Interior Minister Ismet Sezgin, Mr. Sezgin raised the case of Nazli Top, saying that her claims were "all lies." He then gave a copy of the police report on the case to Helsinki Watch; the report states:

First Governorship Security Office

July 22, 1992

To the Minister of the Interior:

On April 27 at 4:45 p.m., during a highway search, a car changed direction. It was stopped and the two women passengers were taken into custody at Bakirkoy Police Station. During the preliminary interrogation the two women said they didn't know each other, although they were in the same car. Then they went on a hunger strike and refused to answer questions or give their addresses. So they were sent to the Anti-Terror Division at Gayrettepe, where they showed the same behavior. Therefore they were suspected as Dev Sol militants.

³ Nazli Top is not the only pregnant woman to have alleged rape by security forces while in detention. Helsinki Watch was told by an American Embassy staff member and by a member of Parliament of the case of Menice Kirtay, a 22-year-old Kurdish woman who was detained in southeast Turkey on June 19. Two months pregnant, she was reportedly raped with a truncheon and a gun barrel, as a result of which she lost the baby. She has a medical record supporting her allegations. She was reported as saying, "I don't want to live any more; I want to die. At the police station they told me to speak Turkish, but I can't. So they tortured me and I lost my baby."

Nazli Top acted suspiciously and did not cooperate with authorities. She tried to win time by giving wrong addresses. She went on a hunger strike and refused to answer questions. When it was established that she worked as a nurse, teams went to the address she gave. They found publications *Emegin Bayragi*, *Kurtulus*, *Ozgur Halk*, and hand-written organizational materials. There was also a photograph of her with Zeynel Sarar, the woman who had been in the car with her. Also there was an illegal leaflet signed as Devrimci Sosyalist Genclik Harek (Revolutionary Socialist Youth Movement). In the search, it was found that these publications reflect the ideas and thoughts of the illegal organization called TKP/ML Harriket (Turkish Communist Party/Marxist-Leninist Movement).

In a forensic report dated May 5, 1992, a doctor reported that Zeynel Sarar could not work for five days, but found no marks on Nazli Top.

Nazli Top was sent to the State Security Court on May 7, 1992.

She was not kicked, beaten or suspended. The fact that she has not lost her child shows that her claims are lies and unsupported accusations.

This incident shows that members of illegal organizations knowingly and unjustly accuse the police. The purpose is to pacify the security forces and make them unable to work.

Nazli Top sent her claim to the Istanbul Prosecutor's office in the form of a complaint. The prosecutor's office has dropped the case, saying it didn't have jurisdiction. This decision is being investigated by our department.

Signed by Deputy Governor Kemal Eren

- **Ismail Yilmaz, 40, told Helsinki Watch:**

On April 27, three plainclothes policemen came to my apartment (in Istanbul) and took me in a civilian car to the police station two kilometers from my house. They accused me of sexually harassing a woman. They were drinking beer. One of them dragged me along the floor by my hair. The other two beat me with thick sticks or truncheons while I was on the floor. After 40 days, I still have a bump on my head from the beating. I said, "Why are you doing this?" I begged for mercy. I started vomiting and then I fainted. They woke me up by throwing buckets of water on me. While I was coming to, I heard one policeman say, "If he dies, why don't we hang him with his own belt inside the cell." When I heard this, I said, "I'm fine, I'm fine." I feel bad when I think of it (Mr. Yilmaz began to cry at this point). I get very nervous. I have been seeing a psychiatrist--I lose my balance when I talk about what happened.

The police put wires on my penis and my toe and gave me electric shocks --one of them sat on top of me to hold me down. Then they put me in a small cell, about four meters square, and put a dog--a German Shepherd--in the cell with me. He bit me all over (Mr.

Yilmaz showed Helsinki Watch scars on both wrists and on his knees--purple scars about one inch or one and a half inches in diameter!. He tore my clothes. I put my jacket over my head and the dog tore my jacket and my clothes to pieces. Later the police burned my clothes and gave me a painter's smock to wear. They would put the dog in with me for about ten minutes--they did it about six times.

I kept throwing up--I felt my brain was injured and asked the guard for ice for my head. They told me to stand up, but I was dizzy and kept falling down.

Then they started torturing me again, and again they dragged me by my hair. I said, "Why are you torturing me?" They said, "A policeman named Merter was killed in Istanbul, will you confess?" I said, "I will confess anything, sign anything, if you will just stop torturing me, even if I get 15- or 20-year sentences."

They kept torturing me, it was really sadistic. I was given electric shock about six times. After the third time I was blindfolded. Then they threatened my wife and my child--they said they would fuck them. They pulled out my hair. I was sitting down, and one policeman pushed me down with his knee on my shoulder and pulled my hair out. He pulled out some hairs from my mustache, too. After 40 days, it's just growing back.

The last two times they gave me electric shock I was stripped naked. They pushed a truncheon about two inches into my rectum. They put a belt around my neck and dragged me along the floor.

Also they hit me in the kidneys--I still have blood in my urine. My urologist, Dr. Halin Hattat, says that ultrasound showed a tear in my kidney and that I may have to have my kidney removed. I'm also being treated by a psychiatrist, Dr. Sahika Yuksel, and I am on tranquilizers.

All these things happened in two days and two nights at the police station. Then they released me without charging me with anything at all. Now I am suing the police. Twice police have followed me and told me they would kill me if I didn't give up the case. They said, "You publicized it; you work with the Human Rights Association--there are dark forces behind it."

There is no security for me in Turkey--for me or my family. I don't want to live in Turkey anymore and I want the world to know what happened to me. My story was in the newspapers, with pictures of terrible bruises on my back and buttocks and arms. They hit me with a sandbag, which sometimes doesn't leave marks, but causes internal injuries.

I know the woman who accused me of sexual harassment--she lives in my village. She came to my house for medication--I was a lab technician. My sons, both high school students, were home at the time. She said I raped her while her husband was in the toilet. She is unbalanced--I have documents showing she is in psychiatric treatment. The police only asked me about rape once, then they accused me of killing a policeman. At one point I even broke a window and tried to jump out, I was so desperate. The police stopped me.

At one point I asked to make a phone call. They told me that if I would let them fuck my wife they would let me call her.

I had to leave my job because of this—I am a laboratory worker and I lost my concentration. I was afraid I would make mistakes and some innocent person would suffer, so I quit. Now I have no job and no future in Turkey. I want the world to know.

Necdet Menzir, the head of the Security Directorate in Istanbul, told Helsinki Watch that he knew nothing about Mr. Yilmaz's case.

- **Two students: A 20-year-old woman (A), and a 23-year-old man (B), both members of the Turkish Revolutionary Communist Union--Youth Communards (TIKB), who wanted the name of their organization used, but not their own names, related their experiences in detention to Helsinki Watch:**

On March 3, 1992, 463 miners died while working under primitive circumstances, using 150-year-old techniques. Although gas had been increasing in the mine, they were forced to work. The ruling class ignores the lives of workers in order to increase profits.

On March 9, 27 students from TIKB occupied a building at Bosphorous University (in Istanbul) to protest the deaths of the miners. We announced that we would occupy the building for three days, and hung slogans out the window saying things like, "Long live the revolution and socialism." The building was surrounded by the police Special Team--the Rapid Team.

On the second day of our occupation, police cut off the electricity and water and didn't let friends bring us food. So we went on a hunger strike to protest.

Later that day, March 11, we agreed to leave if the police left the campus. But the police raided the building at noon. A group of 150 to 200 people--other students and our families--were gathered downstairs to support us. The police tried to break through our barricades and we tried to stop them with our hands and bodies. At 4:30 the police withdrew and different reformists tried to convince us to come out. They said we would not be detained, but would go right to the prosecutor's office, not to the police station. But there have been so many street executions, disappearances and actions by counter-guerrilla forces that we did not believe the promises.

At 4:30 police drilled through the wall (we had barricaded the door). They jumped on us on the floor and dragged us downstairs by the hair, hitting us with truncheons; there were five or six policemen for each student. Some students' noses were broken, and we were all covered with blood from head wounds. Twenty of us have medical reports saying that we were tortured.

The Rapid Team and plainclothesmen took us to Gayrettepe. There we were beaten on the stomach and the kidneys.

Student A, the 20-year-old woman, said:

I was sexually abused by police. They touched my breasts and my vagina. Three or four of them did that for several minutes. Then they beat me on the face, the ribs and my back--all during the first few minutes in Gayrettepe.

During my interrogation in the Rapid Team's office, I was blindfolded and given electric shock to my fingers two or three times--I was dressed at the time. They swore at me constantly.

I was at Gayrettepe for seven days. The torture took place during the first three or four days. I asked for a lawyer, but was not allowed to see one.

Then I was charged with resisting the police, destroying state property, preventing education and hanging banners. I was sent to Bayrampasa Prison, where I spent three and a half months. My case is pending.

The government has made lots of promises about transparency and democracy, but none of them has been fulfilled. At my first court hearing, I was handcuffed and beaten by soldiers going to court and back to prison. They hit me and other students on our heads with truncheons; four of us had brain injuries.

Student B, the 23-year-old man, told Helsinki Watch:

At Gayrettepe we went on a hunger strike to protest our treatment--we stayed on it until we went to prison. At Gayrettepe police first beat me on my head, shoulders and back--all over my body.

For three or four days they interrogated me, using electric shock--they did it two or three times during one day. There were four or five of us in the cell, for different cases. We were at the mercy of the guards if we wanted to go to the bathroom. We kept singing marches, so we were beaten. For seven days we resisted the torture and no one signed a statement--that is a TIKB tradition. We are very frightened; we live in a country where you do not know if you will be killed.

- **Student C, a 20-year-old male training school student,⁴ told Helsinki Watch:**

I was in Istanbul for a training internship. In the middle of April I was selling a legal magazine, *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,

⁴ Student C agreed to be identified by name, but in his case, as in the cases of the other victims identified only by initials, Helsinki Watch is withholding his name for his protection.

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.

- **Fifty-eight-year-old woman: Ms. D, a 58-year-old woman with broken and uneven teeth, dressed in peasant clothes and wearing a scarf, told Helsinki Watch in Istanbul:**

My children are revolutionary people. On April 16, police shot and killed eleven people in house raids in Istanbul. I went to the mortuary to see if my children were there. When I saw a list of names, my son's name was not there. Some lawyers were there, and they

asked me if I would go to Denizli to tell some families that their children had been killed. I agreed, and I went to Denizli on April 20 or 21 and met with a father, mother and grandmother. They said they would come and pick up the bodies.

Then, while I was waiting for a bus to take me back, police came and took me to the Denizli police station. They asked me why I had come. I told them, "My children are revolutionaries. In the name of humanity, I came here to tell others what had happened to their children." The police said, "Are you working for money?" I said, "No, for humanity." The police took my purse with TL 250,000 (about \$50.) They took away my scarf and sweater and said very bad words to me--they said I was a whore and took men in without a religious ceremony. It was so bad, I was terrified. They blindfolded me. I spent 28 hours at the police station.

The young man who was with me was beaten badly by police for 27 hours without stopping. He was in a different cell from mine; I could hear his voice while he was being beaten--it hurt me so badly. He told me not to worry--he said, "Don't worry, it's their duty. I can face it."

After the 28 hours, they put us on a bus to go back to Istanbul.

A few weeks ago, police detained my daughter, who is 19. She had gone to a funeral in Adana. When she came back, police detained her and put a gun to her head and threatened to kill her. She was detained for eight days and badly beaten; there was no room in Gayrettepe, so they took her to Cizil Station in Istanbul, a horrible place--dirty, with insects. She was released with no charges.

I have a son who has been in prison for two years. My other son is afraid of the police; I am dependent on him but he is afraid to come home (Ms. D cried as she reported this).

- **Thirty-Year-Old Socialist Artist: E, a balding, slight 30-year-old self-described socialist artist, told Helsinki Watch:**

I work in the Ortakoy Cultural Center (OCC) in Istanbul, a non-profit arts center that aims to produce alternatives to the culture and artistic products of the bourgeoisie and the dominant classes.

There have been frequent police raids against the OCC and it has been closed down twice by police although there has been no court decision closing it. According to police, anyone who doesn't comply with the establishment, or who criticizes the system, is a "terrorist."

Since July 11, eleven of the twenty-one artists who took part in a festival in Eskisehir on June 19 have been detained. The festival was called, "This life is ours--love and friendship night." A theater group from Ankara put on a short play and a slide show about people who had recently been murdered. All five actors were detained with all seven members of the organizing committee. They were kept for four days. The Eskisehir prosecutor wanted to arrest them, but the court ordered them released. Two hours later they were detained again on the bus to Ankara. Now all have been arrested and charged with separatist

propaganda under Article 8-1 of the Anti-Terror Law. The members of Group Yorum (a left-wing singing group that is frequently banned or detained by police), who also performed in the festival, are in hiding.

On July 11, police came to the center looking for Group Yorum. They said they would detain all 24 people in the center; the OCC said they could not do that. So the police called in more police. One security officer, Ali Osman, said, "Tomorrow, July 12, will be a bitter day for Dev Sol. We heard you are going to have a memorial for the ten Dev Sol people killed on that day in 1991." But we had not been planning a memorial service.

We asked for a guarantee that no one would be tortured if we agreed to go to Gayrettepe. The security officer said nothing would happen. So all 24 of us went with them to Gayrettepe. On the same day, 21 people who were watching a film at the OCC were taken to another police station and kept until evening for identity checks, then released.

The 24 of us were kept in Gayrettepe for one week. In an unsystematic fashion, we were tortured one by one, taken blindfolded from our cells. When the police took me, they told me to speak. I said, "About what?" Police said, "Tell us something. Write down what you want to talk about." I said, "I will say nothing, because I am protesting being brought here." For twenty to twenty-five minutes I was beaten by two or three policemen with fists and kicked. They hit my knuckles until they were swollen. They hit me on my kidneys and the left side of my chest; the spots just disappeared three days ago. I can't inhale deeply--my rib cage was injured. And they broke one of my teeth. For two or three days after we were released, I could hardly get out of bed. I never saw a lawyer or a doctor while I was detained.

All 24 of us were beaten in offices two floors above the cells. I was the oldest, at 30. One person was 16; the rest were in their twenties. The 16-year-old was slapped, but not badly beaten. He was on a holiday from high school. He received a lot of psychological pressure; it was a terrible experience for him--he was terrified. Some of my friends were kicked in the testicles. Ali Osman held another friend, a woman, by the hair and the feet and threw her to the ground. Her pelvis and her ribs were injured--she is slowly healing under medical treatment.

Besides beating us, they told all of us that we would end up like Ayse Gulen (an OCC actress shot and killed by police in a house raid on April 17--see section above on house raids) if we continued working at the OCC. They swore at us horribly and made death threats continually--"Your end will not be good."

Two people in the cell next to mine--not with our group--were tortured systematically with electric shock and falaka. We helped them to walk to the bathroom, as they couldn't walk alone, and they told us about the techniques used. They couldn't use their arms because they had been suspended at intervals for four days.

- **Two Women Reporters:** Two women reporters for *Mucadele* (Struggle--a left-wing journal), F, 29, and G, 21, told Helsinki Watch that both had been arrested on April 21, 1992, while covering the

funeral in Kadikoy, Istanbul, of people killed by police in house raids in Istanbul on April 17 (see section on house raids, above). Ms. F reported:

By law, reporters don't need permission to attend a funeral, but 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 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, 88 were charged under Art. 3713 of the Penal Code and Articles 1, 2 and 4 of the Anti-Terror Law. Prosecutors said the 88 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 88 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.

Ms. G said:

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 \$20). 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 only give one in court. I said I was a member of the press, then the police took the blindfold off. I was taken from Cinili to Kucukbakkalkkoy 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.

- **Journal owner:** Ms. H, a 24-year-old owner of a youth journal, told Helsinki Watch:

I was detained in a raid in Kucukarmutlu in Istanbul on April 20, with a reporter from my journal. It was early in the morning, before dawn. Members of the Special Team, the Rapid Team and the political police came to my house. They had a list of names, but our names were not on the list. However, they knew our names and wanted to search the house. I was afraid I would be shot.

Police searched the house and found nothing, but said they were going to detain us. We said we would not go, but they dragged us out. We screamed slogans as they were dragging us out--like "Human dignity will overcome torture." They tried to shut us up by putting cloth in our mouths.

Police beat and kicked us and then gave us to the Special Team, who were wearing bullet-proof vests. One of them hit my head on his vest--it was very hard. Then I sat in a police car with the Special Team. Someone continuously hit me in one place on my back--I was hit fifty or sixty times. Also they wrapped something around my head, making it hard to breathe.

Then I was put into a different car. While they were transferring me they beat me. I was taken to Gayrettepe. I refused to sign a statement. A policeman beat me all over my body while taking me to a cell.

On the second day I was interrogated about nothing special. My hands were tied and I was blindfolded. One police woman threatened me with torture; she threw me against the wall several times and hit my head. I never saw a doctor. On the seventh day I saw my lawyer in the presence of five policemen. After my lawyer left, the policemen threatened to torture me.

They kept me in detention for thirteen days, but they never charged me with anything. It turns out there was a large sweep by police of "terrorists" at the time, but when they took the detainees to the prosecutor, there was no evidence against them, so they were all released.

- **Journalist:** Ms. I, a 31-year-old journalist, told Helsinki Watch:

I am a representative of the journal *Mucadele* (Struggle) in Trabzon (in northeast Turkey). On November 8 I was detained for the first time after a house raid by police. I was held for 20 days, charged with "illegal publication" and later acquitted. I have brought a case against police for torture--I have medical reports substantiating my claim. The case is continuing.

On March 20 I was detained for one day and tortured. I have a report from Trabzon hospital. I was blindfolded and beaten up in my cell; my back was injured. I was released with no charges.

On April 20 I was detained for five days in Trabzon and beaten badly. I was charged with attending the funeral of Sinan Kokuk who was killed by police on April 17. Thirty-six people were detained, beaten and given death threats. We complained to the prosecutor's office.

On May 25 I was detained, and then arrested on May 27. Seven people were arrested at the time. We were beaten and given death threats. Police put guns to other people's heads, but not to mine. I was threatened—they told me I was part of a conspiracy to prepare and throw explosives. But when they charged me, it was for "membership in an illegal organization." I was held for two months and released on July 22 at my first court hearing.

I never saw a lawyer at any of the times I was detained, and I saw a doctor only at the end of the detention periods.

- **Thirty-two-year-old man: Mr. J, a 32-year-old man who did not want his name used, told Helsinki Watch:**

I live in Kucukarmutlu, a neighborhood of poor people in Istanbul. The authorities want the poor people to leave; two houses have been bulldozed flat. On April 21 there was a police operation in which the entire neighborhood was surrounded by the Rapid Team and Panzers. People resisted, including me. I was detained. The police hit people and harassed journalists. They wouldn't allow photos to be taken.

About 130 people were arrested and taken to court. Seventy or eighty had broken arms or head injuries. Women were sexually harassed in police cars. In the police station some women were raped with truncheons. When we asked that the injured people be taken to a hospital, they beat us more, instead. I was beaten and had four injuries on my head and a swollen ankle. Also my ribs were injured and I had trouble breathing. I tried to protect my head with my arms when the police were beating me, so my arms were swollen. I was taken to a hospital where they sewed my head wounds without using any anesthetic. The police wouldn't let me stay in the hospital—they took me back to the police station.

I was detained for twelve days. Then I was taken to the State Security Court and from there sent to prison, where I spent three months waiting for my trial. Everybody who was arrested had wounds, so the prosecutor used those to say that people had resisted arrest. I was charged under the Anti-Terror Law with membership in an illegal organization and attending a funeral, but I was eventually acquitted.

Ercan Kanar, the head of the Istanbul branch of the Human Rights Association (HRA), told Helsinki Watch that the Istanbul HRA had records on seventy cases in which people alleged that they had been tortured in detention—all seventy cases are backed up by medical reports. About ten of the cases concerned people detained in connection with ordinary crimes. The other sixty cases are of people detained in connection with political offenses. He reported that between 70 and 80 percent of people

picked up for both political and ordinary crimes say they were tortured in police custody. He emphasized that many of the worst cases of torture are of people who are still in jail and cannot be interviewed by human rights workers. One of his clients was raped in the rectum with a bottle--his rectum was almost destroyed; Mr. Kanar has a medical record substantiating the charges.

Ankara

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

I was detained in Ankara on July 8 and held for fifteen days. I was charged along with 31 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 of the 32 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 16th 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 32 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 five victims of recent torture.

- **Twenty-Six-Year-Old Man:** Mr. L, a 26-year-old man who was detained for hanging up a poster for a journal, told Helsinki Watch:

I was picked up on April 28 and held for twenty hours at the Adana Security Directorate. I was tortured the whole time. Regular police hit me for half an hour with truncheons and

rifle butts and then took me to the political police. The political police blindfolded me and kicked me and hit me with truncheons--they kicked me to the floor. They searched me and beat me at the same time.

Then they took me a few floors downstairs and did a "yard beating," where there's a circle of many police. They passed me from one to the next like a ball, then knocked me down and jumped on me. Then they questioned me and insulted me, like saying that I was a member of an illegal organization. They asked me the names of the other people in the organization.

After the yard beating I was stripped naked and beaten while a superior came and asked me questions. My nose was bleeding and my arm was injured. They threw me against a wall, and hit my head against the wall. It was like a movie--all the time they were kicking me around.

Then they took me to another room with carpet on the floor. Someone helped me put on my clothes. Then another man, maybe a commander, talked to me like a priest, and advised me. He relaxed me psychologically.

Then I was stripped naked again. This time they put me in incredible pain--a newer kind of pain. They knocked me to the floor and then bent my legs over my head and someone sat on my legs and I was hit. It was really incredible pain. In my shoulder too. Then my head was put between a policeman's legs and my arms were pulled up behind my back. It was like suspension without being suspended. And all the time they were beating me, especially on my back.

Then they took me to another place and suspended me with strong things tied around my wrists. My toes just touched the floor. They poured water over me with buckets and hit me on the back and the chest.

The commander came in and hit my penis with a truncheon. I urinated blood for three days after that.

In another room I was suspended again--I felt a lot of cold air. Police held me around my chest and said, "After this you'll get TB." I was suspended for what seemed like hours with my arms above my head. My left hand was numb.

I was detained for no reason--I had been hanging a poster, which was legal, for a journal that is legal. When they took me to the State Security Court I was arrested and charged with defacing a public building. I spent two and a half months in jail after that. The second time I appeared in court I was released--on July 14, 1992. My case is still pending. I still have back pain. My doctor says I'll have it for six months or so.

My fifteen-year-old sister was detained this week for a day and beaten. She's an actress.

- **Woman Lawyer: Ms. M, a lawyer, told Helsinki Watch:**

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. 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 give you a lesson. There are lots of statements against you by members of organizations." 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."

- **Mr. N, a 24-year-old reporter for *Mucadele* (Struggle--a left-wing journal), told Helsinki Watch he had been detained in Adana for five days, starting on June 10, during the Bayram holiday.**

Some people were protesting the shooting of journalist Hafiz Akdemir in a silent demonstration in a park. Five minutes after the demonstration ended, a friend and I were detained. We were put on the ground with guns at our heads. It was the political branch of the police. They would'nt tell us why they were holding us.

Then they took us to the Political Branch (the Anti-Terror Division). We were blindfolded and beaten by many people. They hit us with their fists and kicked us and hit our heads against the wall. This went on from 12:00 until 4:00 p.m. They they took us out and put us in a car and took us to the hospital. There were marks on my arms and legs from an earlier beating in detention last year.

Then police took us back to the Political Section and the beatings continued. I refused to give a statement under torture. On the third day, when I was still refusing to sign a

statement, police said "We'll write out questions and you can sign, saying you refuse to answer." But there were spaces between the questions, so I wouldn't sign.

I was beaten fiercely, all over my body. I started a hunger strike and so I was very weak. One of them pulled me by my testicles along the floor. They threatened to kill me. One said "Because you won't sign a statement, we know you have done something. We're not men if we let you live in Adana. Now we'll show you what counter-guerrilla is."

After five days I was released. I was charged with demonstrating--my case is pending. Last year, when I was working for the same journal, I was detained. Police made me lie on a block of ice while they gave me electric shock. Water increases the effect of the shock. The pain was terrible--I developed wounds on my back; the marks are still there. They stepped on me and hit my head against the floor. As a member of the socialist press I suffer from extreme pressure. The government is trying to hide the extent of terror in the country.

- **Ms. O, a 20-year-old reporter, told Helsinki Watch:**

I was detained in Adana for six days, starting on April 10. As a journalist for *Mucadele*, I was covering a demonstration that took place after Hafiz Akdemir's funeral. While people were leaving, police attacked, and beat and kicked and detained many people. In detention I was beaten, insulted, and told, "We'll kill you like Hafiz Akdemir." I was charged with marching without permission. Police can only hold you for 24 hours without charges for violating the law against demonstrations, but I was held for six days. My case is pending.

I've been detained six times in the last two years, just because I am a member of the socialist press. Each time I was heavily tortured and told to leave the region.

- **Mr. P, a 28-year-old bookseller, told Helsinki Watch:**

I was detained on June 9 or 10 for six days in Adana for violating the law on demonstrations. My case is pending. I was beaten, insulted and threatened. They said, "We'll fuck you." As many as ten kicked and hit me all over my body at one time. They questioned and beat me six times or more.

I had not been part of any demonstration. I came out of a building and police took me. I'm a member of the Adana Human Rights Association. Police always threaten the Human Rights Association while beating you. They say they will close it down and kill us all.

Antalya

In Antalya, Helsinki Watch interviewed six people who told of recent torture at the hands of police.

- **Mr. Q, a 38-year-old teacher, told Helsinki Watch:**

On May 19, after midnight, I was taken to a police station in Antalya. I spent one night there and was charged with attacking and threatening the police. Then I spent two months in jail.

On May 19 I was in a telephone booth—I kicked the booth because my token got stuck. A police officer who was on patrol took me to the Sanayi police station. A policeman insulted me and asked where I was from. He slapped me and spit on me. He said, "Why are you here? Why don't you go back to Kurdistan?" Because I had two years of law school, I knew that I was entitled to have a lawyer, so I asked for one, but they wouldn't let me see one.

The police tied my hands and feet and shot pressurized water at me. I was beaten heavily. They pulled out my hair and beat me on the elbows and knees for between one-and-a-half and two hours. At my first beating, they beat me with truncheons and fists and kicked me. One said, "Now you are in my hands, no one can save you." I was beaten by four or five police—the chief one was Kadir Koc, the Deputy Commissioner. I know because I was not blindfolded the whole time.

They said, "Take this, you Kurd." At one point I fainted. They threw water on me to revive me.

Kadir Koc came into the room and said, "Now I'll fuck you." He rammed a truncheon into my anus. Then he took it out and said, "Eat this now," and put it in my mouth. My eyes were open, so I saw it was Kadir Koc.

They tortured me until 7:30 a.m. New police came at about 8:00 a.m. They let me get dressed. They took me to the Political Section and took my fingerprints. They looked up my records, but I didn't have a record—I've been a teacher for nine years. Then they took me to the prosecutor's office with my hands tied. I didn't go to court until 4:30 p.m. They didn't let me see my lawyer until I got to court. I spent two months and ten days in jail—my case is still pending. Now I am suing Kadir Koc. The same judge will hear both cases.

- **Ms. R, a middle-aged board member of the HEP, told Helsinki Watch:**

On July 10, on the anniversary of the death of Vedat Aydin [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. Police made us get out of the bus and took us to the police station for identity control. 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 ~~Hedef~~ in an interrogation cell, and we were no longer beaten. But the beatings continued on the men. 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, 28, a construction worker, told Helsinki Watch:**

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 40 or 45 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. T, 30, a tradesman, told Helsinki Watch:**

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 in 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 by my side. 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 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. "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 5 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. The pain from having my testicles squeezed was so severe. After two days they released me, and never charged me with anything.

- **Mr. U, 41, a 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* 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, 25, a reporter, told Helsinki Watch:**

On March 22 I was covering a student demonstration at Akdeniz University for *Yeni Ulke*. It was during Nevroz. 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 24 hours. They my newspaper intervened and I was released with no charges.

I was not tortured with electricity, but was heavily 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. 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. One doctor reported on the torture of two doctors in Kocaeli in western Turkey in July:

Dr. Hyseyin Usta and Dr. Nesrin Usta were severely tortured in Kocaeli. We sent faxes to the Ministers of the Interior and Human Rights, to the Security Directorate, to the Governorship office, but we got no response. The two doctors were arrested on July 2. On July 9, before being sent to the Istanbul State Security Court, they were seen at the Forensic office. The report there indicated that they both had marks on their shoulders and under their arms, consistent with suspension, and marks on their genitals consistent with electric shock.

This was a typical incident for us; in front of everyone, even though everyone knows about it, torture is being done, and no one is punished for it. We want the torturers punished as well as those who prepare for torture and those who close their eyes to it.

The Turkish Medical Association has made these recommendations:

- **Doctors should inspect detainees before and after detention.**
- **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.**
- **Doctors who examine detainees should take notes of the complaints.**

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

The Government's Steps to End Torture

Helsinki Watch talked with 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 A.

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 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 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 in Istanbul eleven people with very serious allegations of 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 are not torturers. They are human beings with families and children. It is the fate of police 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 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 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 and take concrete steps to end these appalling and inhumane practices that violate international law and standards.

CONDITIONS IN INTERROGATION CENTERS

During his election campaign in the fall of 1991, Prime Minister Demirel promised that Turkish police stations would have "glass walls." Because of this pledge, Helsinki Watch asked the Turkish government for permission to visit interrogation centers--the Anti-Terror Divisions--in police stations in six cities in Turkey. All of these requests were granted, as well as our requests to meet with officials in charge and to meet with the relevant cabinet ministers. The granting of our requests reflected a far more open posture on the part of the Demirel government than we had seen in the Ozal/ANAP (Motherland Party) government, which had consistently denied Helsinki Watch permission to visit Turkish prisons.⁵

Because of scheduling problems, Helsinki Watch was able to visit interrogation centers in only four cities: Istanbul, Ankara, Adana and Antalya. We also met in Ankara with Mr. Cevdet Saral, the Interior Ministry official in charge of all of the Anti-Terror Divisions in police stations throughout Turkey.

Both Interior Minister Ismet Sezgin and Justice Minister Seyfi Oktay told Helsinki Watch that cells in prisons and police stations will be brought up to the standards set by the Council of Europe. Minister Sezgin stated that the necessary funds have been allocated to this project and that work toward that end is progressing.

Cevdet Saral told Helsinki Watch that among the major changes now being implemented is an order that every police station house only one person in one room. In addition, cells are to be seven meters square with adequate natural and artificial light. Inmates are to be provided with reading materials and light adequate to read them. Showers are also to be provided for inmates, according to Mr. Saral. He told Helsinki Watch that investigators will be sent from Ankara to all of the provinces to determine whether local police stations are complying with the new orders. In September a Code of Practice for Remand in Custody was issued by the Ministry of the Interior, spelling out these and other changes.⁶

Helsinki Watch visited police headquarters in Istanbul, Ankara, Adana and Antalya. In each city we toured the Anti-Terror Divisions and met with the officers in charge. In large police stations in Turkey, detainees are taken to different divisions, depending on the offenses with which they are charged. All offenses investigated under the Anti-Terror Act⁷ are dealt with in the Anti-Terror Divisions. Ordinary crimes and drug offenses are investigated in different divisions by different personnel.

⁵ Authorities were not as cooperative with members of the Turkish Parliament's Human Rights Commission, however. On July 23, police refused to allow Urfa M.P. Halil Ibram Celik and Istanbul M.P. Halit Dumankaya to enter the Ankara Political Police Center. On August 2, M.P. Celik and Istanbul M.P. Tinaz Titiz were not allowed to enter Diyarbakir E Type Prison to interview inmates who had made complaints.

⁶ See Appendix B for the full text of the code.

⁷ The Anti-Terror Act (Law 3713) is a highly restrictive law passed in April 1991. It defines terrorism so broadly that almost anyone can be convicted of terrorism; for example, anyone who presses for change in the economic or social system can be prosecuted. And there is no requirement that violent acts be committed in order to trigger the act. For details, see Helsinki Watch newsletter, *Turkey: New Restrictive Anti-Terror Law*, June 1991.

Cells in the Anti-Terror Divisions were empty in Ankara, Adana and Antalya at the time of the Helsinki Watch mission. Cells in Gayrettepe in Istanbul contained twelve men; each man was alone in a cell. The cells in all four cities were clean. Most had very little light, usually light that entered the cell from the corridor. Most were bare, containing no beds, chairs, sinks or toilets. The cells in the Anti-Terror Division in Gayrettepe in Istanbul, on the other hand, contained beds that nearly filled the cells (which measured approximately five feet by seven feet; mattresses and sheets were on the beds. They contained no windows, shelves, tables, sinks or toilets. A toilet area outside the cells contained sinks and toilets, but no showers.

A week or so after the Helsinki Watch visit, most of the twelve men were released from Gayrettepe. Later, a Helsinki Watch representative interviewed one of the released detainees. The detainee reported that three days before Helsinki Watch was scheduled to arrive, all cells had been thoroughly cleaned. He said that the filthy foam mattresses on which inmates had been sleeping had been removed and replaced by beds with clean mattresses and sheets. He said that detainees who had been locked up three to a 5' x 7' cell were then given separate cells. He also reported that several inspections of the cells took place, including one by Security Directorate Director (Police Chief) Necdet Menzir. In addition, he said that Mehdi Zana (a former mayor of Diyarbakir who served ten years in prison for non-violent activities, and the husband of member of parliament Leyla Zana), who was then in custody, had been moved out of the Anti-Terror Division during the time of Helsinki Watch's visit.

The released detainee also reported that all thirteen (including Mehdi Zana) were released from custody at the time of their first court appearance. Charges of possession of false identity cards have been made against two of the men; the rest were released without charges. The detainee reported that two of the men had been tortured—one for five days. He reported that, apart from Mehdi Zana, none of the men was politically active; all, he said, were Kurdish businessmen who were arbitrarily detained.

All of the personnel with whom Helsinki Watch talked in Istanbul referred to inmates as "criminals," not as suspects, detainees or inmates, although all were still being investigated, and none had been charged with a crime.

Director Resat Altay of the Anti-Terror Division in Gayrettepe told Helsinki Watch that inmates were not allowed to have visitors or to write or receive letters. He said that although the police station did not provide meals, inmates' relatives were allowed to bring food and clothes for the inmates. If an inmate had no relatives who could bring food, a special fund existed to obtain food for those inmates. He said that detainees wear their own clothes and that no books, radios or TVs are allowed in the cells.

Mr. Altay and his staff showed Helsinki Watch some areas currently being used for meetings between inmates and their lawyers; the usual quarters for these meetings had been destroyed recently in an accidental explosion. Mr. Altay reported that guards are present during inmates' meetings with attorneys and are instructed to listen to what is said.

For the last few years, video cameras have been used to film some interrogations, but the videotapes are re-used, not kept. Mr. Altay said he would like to keep the videotapes for possible use as evidence, but that his budget did not provide for that.

Asked whether police received complaints about the treatment of detainees in custody, Mr. Altay said that all detainees are treated in a civilized manner, but that some of them sometimes wound

themselves in order to provide evidence that will supposedly show that they had been mistreated.

Asked what was done about police officers who used unnecessary force, Mr. Altay said that the law was clear, and that police officers would be punished according to the level of violence they had used. However, he said that during the twelve or thirteen years in which he has been doing this work, he has never known a police officer to be disciplined for violence against detainees.

In Ankara, Burhan Tansu, the director of the Anti-Terror Division, showed Helsinki Watch the cells and interrogation rooms. The cells were approximately four feet by seven feet. They were clean and odor-free. The division contained adequate showers and toilets, an interrogation room painted black, and a room for identification parades with a one-way window.

Mr. Tansu complained that many organizations--the Human Rights Association, the Contemporary Lawyers' Association, the Prisoners' Relatives Association--make trouble for the police by alleging mistreatment of detainees and giving that information to foreigners. He said that he now receives letters of complaint from the United States, possibly because of the actions of Amnesty International.

In Adana, a tour of the cells in the Anti-Terror Division revealed empty, clean cells and adequate toilets and washing areas.

In Antalya, Helsinki Watch met with Sahin Cafer, the director of the Anti-Terror Division. Asked what steps he had taken to prevent ill-treatment of detainees, Mr. Cafer said that there were fewer "anarchic" elements in Antalya than in other cities in Turkey, and thus fewer detainees.

Mr. Cafer said:

Detainees are usually held for ten days--sometimes only for three or four days--and can see relatives within 24 hours with the permission of the public prosecutor. Their families can bring them money or clothes. Their lawyers can see them right away if they apply to the public prosecutor's office for permission. Police are present during any meetings between a detainee and his lawyer--that's for security purposes, for example, a detainee might try to jump out the window.

We are working to improve the conditions in our cells. Interior Minister Sezgin has ordered better light, greater cleanliness, and bedding for the cells. We have problems with light here, as our cells are in the basement, so there is no way of letting in direct sunlight. But we've changed the cells in the other police stations --nine or ten of them. Some of them look like three- or four-star hotels. Antalya is a tourist city, so our priority has been to improve the police stations where people are first held.

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.

A tour of the cells in the Anti-Terror Division revealed windowless cells, usually with padded benches for sleeping attached to two or three walls. One cell was approximately 9' x 13'; three cells were about 6' x 10'. The light was very dim. Mr. Sahin said that ten people had been held in the four cells for two days during the Kurdish New Year; fourteen others had been held in outlying police stations. A toilet area

contained two sinks and one toilet. An interrogation section contained a desk, two chairs, and a one-way window.

TRAINING OF TURKISH POLICE BY THE UNITED STATES GOVERNMENT

Since 1975, United States law (Section 660 of the Foreign Assistance Act) has prohibited the training of foreign police forces by the United States. In recent years, however, exceptions have been made in two areas: foreign police can now receive U.S. training here or in their own countries to combat drug smuggling and terrorism.

Meeting with police and government officials in Turkey in August, Helsinki Watch looked into the question of police training in the U.S. Cevdet Saral, the head of the Anti-Terror Division in the Interior Ministry, reported that between 60 and 80 police officers are trained in anti-terrorism in the United States every year. Recep Altay, the director of the Anti-Terror Division in Istanbul, told Helsinki Watch he had recently been trained in crisis management in Louisiana. Other police officers reported having been trained in the U.S. In one office, a framed State Department certificate hung on the wall, stating that the head of the Anti-Terror Division had been trained in the U.S.

Helsinki Watch has learned that the program is administered by the Antiterrorism Assistance (ATA) program. The ATA reported that training and equipment have been provided to the government of Turkey since 1984. Nearly 900 Turkish police and government officials have participated in twenty-nine training programs and seminars. Training costs over this period have amounted to \$3,049,000, and another \$271,000 has been spent on equipment such as metal detectors, X-ray machines, crime scene kits and bomb dogs. All of the training has taken place in the United States, except for two document examination courses and one airport security management course that were carried out in Turkey. For fiscal year 1992, \$666,000 was spent on training and \$50,000 on equipment.

Training courses have included senior crisis management, document examination, vital installations security, civil aviation security, incident scene management, VIP protection, post-blast investigation, terrorist analysis, forensic lab procedures, antiterrorist operations, explosive detector dog handling, explosive incident countermeasures, antiterrorist operations, airport security management, intra-agency police coordination, and similar subjects.

Helsinki Watch believes that U.S. training of police forces in Turkey should be ended. The fact that police officials receive training in the U.S.--attested to by prominently displayed certificates--unjustifiably and improperly suggests American complicity in the routine and systematic use of torture during interrogation in police custody. Such implications do harm to the image of the U.S. in Turkey.

SOUTHEAST TURKEY

In southeast Turkey, the guerrilla war begun by the PKK (Kurdish Workers' Party) against security forces in 1984 intensified markedly in 1992. Civilians continue to be 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.⁸ But hopes for peace in the Southeast 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 in the southeast since the guerrilla war started in 1984, about 2,000 have taken place in 1992. 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 southeast Turkey security forces have this year shot and killed more than one hundred peaceful demonstrators, have killed 34 people in house raids, and have failed to investigate the suspicious deaths of more than one hundred fifty people, in some of whose deaths security forces may have been involved. Included in the one hundred fifty deaths were the murders of nine journalists, eight 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 recent months a pattern has emerged: 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, i.e., that the PKK had attacked town installations and it is sometimes difficult to discover exactly what happened. But the 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, particularly to Adana, Antalya and Izmir.

In one example of this latest pattern, in August security forces attacked Sirmak so fiercely that by

⁸ 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.

October only between two and three thousand of the 35,000 residents 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; this figure was later reduced to 1,000 and then 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 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 shops or offices belonging to the Batman branch of the Human Rights Association, the Batman office of the newspaper *Yeni Ulke* (New Land), the HEP (People's Labor Party) Provincial Center, and many others in the city. Security forces seized HRA documents and archives and 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 at 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 (Amnesty International "Urgent Action", Oct. 6, 1992). 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 fled the town in terror.

On November 7 in the Cudi region of Cizre, a mine apparently laid by the ARNK (People's Liberation Army of Kurdistan—an armed wing of the PKK) was hit by a Panzer 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.

Two hundred ninety-six villages in the southeast have been destroyed by security forces since Nevroz in March, according to the Kurdish Institute in Paris, and their residents forced to flee. The Institute also reports that six cities, including Sirnak, Kulp, Dicle, Varto, Hani 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. They are leaving for Mersin, Adana, Istanbul, Izmir and Bursa, among other places. Kurdish members of parliament told Helsinki Watch that there is a continuous migration. Some have gone to Europe as well, mostly to Germany, Norway and Sweden.

A doctor whose family came from Silvan told Helsinki Watch:

After Dr. Ayhan was killed (see earlier chapter on Failure to Investigate Suspicious Killings), 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 Nevroz events in Sirnak, all sixty health 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 gendarmerie stations.

And many people are suffering in house raids by security forces. Yesterday in Siirt (August 6) the house of Omer Kacar in the Cakmak region was raided. At about 1:00 or 2:00 a.m. 30 or 40 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. More than 150 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 Beytusebab town. 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 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 are 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 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 33 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 40 and 50 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 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; and 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 have been afraid to leave their homes since a funeral of some Turkish soldiers that took place 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 have reportedly taken 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 Ismail Derici. 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, 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 were detained and several passersby. Police charged the HRA with organizing the demonstration. [The Adana branch of the HRA has since been ordered closed by authorities.]

In Antalya, a lawyer told Helsinki Watch about a pattern of abuses 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 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 Kurdish Workers' Party (PKK)

Helsinki Watch continues to receive reports of human rights abuses carried out by the PKK, involving the killing of civilians, 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.**
- **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 Baskale village of 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 Seki village 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; 30 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.**
- **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.**
- **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 state supporter."**
- **The bodies of Nevzat Ciftci (22) and Ahmet Altinhan (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 teacher Emin Uyanik and his wife, Zeynep Aydin, in Bolumlu village of Bismil on November 11.**

* * *

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.

LAW REFORM

Prime Minister Demirel's Government Program stated:

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. (Page 10.)

In pursuit of this goal, the coalition government drew up 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.

In November, Parliament passed a revised version that was signed into law by President Ozal on November 30.⁹ 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 24 hours for individual crimes, and for up to eight days for collective crimes 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 that exceeded 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.

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 by then-Prime Minister Turgut Ozal in September 1989. In spite of these protections, lawyers

⁹ See Appendix C for a summary of the bill released by the Turkish Embassy in Washington. The full text is not available at present.

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 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 UN'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, 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 stated 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 supposedly 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 promises has been kept.

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.

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. (Government Program, page 7.)

In keeping with the Prime Minister's promise, in June 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, the Republican People's Party (CHP) resumed operations under the chairmanship of Deniz Baykal, a 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, 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--"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, the Constitutional Court ruled that the United Communist Party of Turkey (TBKP) was illegal and ordered it closed. 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. Made up largely of Kurds from southeast Turkey, the HEP joined forces with the SHP before the October 1991 election. In March, 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 22 deputies' immunity; in July, he asked the Constitutional Court to close the HEP. On September 8, the Constitutional Court began considering the case. In mid-November, several Kurdish HEP parliamentarians began a hunger strike to protest not being allowed to address parliament about Kurdish questions.

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 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, MP Hatip Dicle reported that he and another Kurdish parliamentarian had been removed by force from a microphone in parliament when they tried to speak on tensions in southeast Turkey.**
- **On March 24, 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 made "separatist propaganda."**
- **In April the Ankara State Security Court Prosecutor opened an investigation of HEP President Ferudun 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 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, twelve 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, nine of the twelve 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, 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

Sharp restrictions on free expression have continued under the coalition government, in spite of Prime Minister Demirel's promises. His Government Program stated 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. (Page 6.)

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, nine journalists have been killed in southeast Turkey (see Chapter on Killings and Disappearances) and their killings remain uninvestigated; 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)¹⁰; 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 "separatist propaganda."

¹⁰ 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. Detained in Adana between October 12 and 19 for taking photographs for *Ozgur Gundem* at the funeral of a PKK guerrilla, Mr. Kurt reported 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 (Cevik Kuvvet) 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, *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 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; 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* (Free Agenda), *2000'e Dogru* (Towards 2000), *Yeni Ulke* (New Land), and *Mucadele* (Struggle) have been among those most frequently seized.

According to the Turkish Human Rights Foundation (TIHV), thirty-one journalists 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. 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.

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. 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. 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."

Freedom of Religion

Helsinki Watch met with Moslem fundamentalists in Ankara in August at the offices of *Mazlumder*.

One woman, a 23-year-old student who had studied at Middle Eastern Technical University, told Helsinki Watch that she had been expelled for wearing a headscarf. Headscarves are permitted in some universities but not others. The student's lawyer, Zeynep Sen, reported:

The law is not clear; some departments permit headscarves, some do not. I represent several students in challenges to their expulsions; the cases usually take two years, during which time the students cannot attend the university. One case has been at the European Court of Human Rights for a year and a half, but there has been no decision.

Moslems can think as Moslems, but if you try to live as a Moslem you are punished. I am a lawyer, but because I wear a headscarf I am not permitted to practice in court. A friend of mine who tried to practice in court wearing a headscarf had her membership in the bar association cancelled last year; she is challenging it in the Administrative Court.

*** * ***

Helsinki Watch has concluded that free expression, especially freedom of the press but also freedom of speech, assembly, association and religion, 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:

- **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 and, in particular, end the use of live ammunition except when necessary to prevent a threat to life.**
- **Punish appropriately security force members who kill civilians without justification during demonstrations or house raids.**
- **Investigate thoroughly and promptly all suspicious deaths and disappearances and prosecute those responsible.**
- **Acknowledge the pattern of torture in police interrogation centers and take aggressive steps to end it.**
- **Prosecute torturers and increase the possible sentences for torture.**
- **Prohibit the use in court of confessions obtained by torture.**
- **Shorten permissible periods of detention so that detainees appear promptly before a judge, as required by international law.**
- **Guarantee detainees the right to be represented by attorneys from the moment of detention.**
- **Allow the International Committee of the Red Cross and other international organizations to visit detainees and prisoners on a regular basis.**
- **Release from custody all those held for the peaceful expression of their views.**
- **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.**
- **End restrictions on freedom of association, assembly and religion.**
- **Repeal the Anti-Terror Law.**
- **Abide by international humanitarian laws in the conduct of military actions in southeast Turkey; in**

particular, protect the lives and property of civilians.

- **Punish appropriately the killing, abuse and humiliation of civilians by security forces.**
- **Abolish the village guard system.**
- **Acknowledge the existence of the Kurdish minority in Turkey and grant its members the civil and political rights held by other Turks.**
- **End restrictions that deprive Kurds of their ethnic identity, including restrictions on the use of Kurdish language, music and dance.**

To the Kurdish Workers' Party (PKK)

Helsinki Watch urges the Kurdish Workers' Party to end all abuses against civilians and to observe promptly and scrupulously international human rights law--the laws of war. These laws forbid summary executions as well as ill-treatment of civilians.

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. Alternatively, the U.S. government should 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: REGULATIONS FOR INTERROGATION AND STATEMENT-TAKING

(UNOFFICIAL TRANSLATIONS)

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 tha 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