

■ **HRFT** ■
Human Rights Foundation of Turkey

■ **1995** ■
Human Rights Report ■

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HRFT
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T U R K E Y
HUMAN RIGHTS REPORT

Ankara, February 1997

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ABBREVIATIONS

ANAP	Motherland Party	HEP	People's Labour Party
CHP	Republican People's Party	İHD	Human Rights Association
CMUK	Code of Criminal Procedures	MHP	Nationalist Movement Party
DEP	Democracy Party	RP	Welfare Party
DGM	State Security Court	SHP	Social Democratic Populist Party
DHKP-C	Revolutionary People's Liberation Party	HRFT	Human Rights Foundation of Turkey
ĐSK	Confed. of Progressive Trade Unions	TĐKKO	Workers' Peasants' Liberation Army
DYP	True Path Party	TTB	Turkish Medical Association
HADEP	People's Democracy Party	Türk İş	Confed. of Workers' Trade Unions

PREFACE

One more annual human rights report by the Human Rights Foundation of Turkey is brought to the public attention. This report, (*) dealing with human rights abuses observed in 1995, was prepared by the Documentation Center of the HRFT. We produced this report with the aim of informing and warning the public at home and abroad, as well as authorities, about human rights abuses, and enabling them to reach their own conclusions. For this report, we assessed the news received from our own sources, newspapers, journals and other publications, evaluated HRFT's daily reports, the information given by the Human Rights Association Headquarters and branches, and other human rights activists, as well as official statements and speeches of authorities at every level.

Since we are an independent non-governmental organization defending human rights, we gave priority to the abuses originating from the structure and the characteristics of the regime that were caused by anti-democratic provisions of the Constitution and laws, or by the political power or public officers. Nevertheless, taking into consideration the dimensions and extent of violence in Turkey and its present situation, the acts and attacks carried out by certain armed groups, particularly by the PKK, were also assessed and included in the report. While preparing the report, we were extremely careful about the accuracy of information and the trustworthiness of the sources, and we tried to present the events objectively. Many reports which were obtained from just a single source, but could not be confirmed or were not reliable or deemed to be exaggerated, were not included in the report. We hope that any individual, organization, authoritative body or any circle that will read our report will assess it without prejudice and be objective in a similar way.

This report evaluates the human rights abuses witnessed in 1995 under several headlines: "Introduction," "The Kurdish Problem," "Murders by Unknown Assailants," "Extra-judicial Executions," "Capital Punishment," "Torture," "Freedom of Thought, Press and Belief" and "Freedom of Organization." These sections were divided into sub-sections, which include numerous sample cases. However, the examples do not cover all of the developments and abuses observed during the year; but a small portion of them. Therefore, one should take into account that there were many more human rights violations in 1995 than figures and examples show.

HRFT President Yavuz Önen's article entitled "Dark Panorama of Human Rights in Turkey" evaluates the human rights situation and present human rights problems, and enumerates the measures that should immediately be taken on this issue. In his evaluation, Yavuz Önen

(*) "Turkey Human Rights Report-1995" is available in return for US \$ 10 or its TL equivalent from "TİHV Menekşe 2 Sok. No: 16/6 Kızılay - Ankara (06440) / TURKEY."

touches on the approach of the Foundation towards certain important subjects in Turkey and in the world in 1995 and 1996, and provides information about the works of the Foundation, and pressure and obstacles it encountered.

The Documentation Center of the HRFT started its work as of March 1990, when the Foundation began functioning. The Center has been preparing daily human rights reports (except on Sundays and Saturdays) since 2 April 1990. At the Documentation Center, newspapers and journals have been evaluated, press clippings have been classified and filed according to their topics. Additionally, a computer supported data-bank, and archives of documents and video cassettes have been formed. Through documents and information it has, the Documentation Center helps the individuals and organizations interested in human rights issues, and supports the human rights struggle in this way.

Up to date, the Documentation Center has prepared various reports along with its daily work, brought these reports to the public attention in Turkey and abroad, and contributed to publicizing the activities of the Foundation. These reports are as follows:

- 1990 Press Report (Turkish-summary in English)
- Report - 1990 (Turkish-English)
- Torture Report - 1991 (Turkish-English)
- Turkey Human Rights Report - 1991 (Turkish-English)
- 100-Day Report - 1992 (Turkish-English)
- 6-Month Report - 1992 (Turkish-English)
- Turkey Human Rights Report - 1992 (Turkish-English)
- 500-Day Report - 1993 (Turkish-English)
- Following the Coalition Government - 1993 (Turkish-summary in English)
- Turkey Human Rights Report - 1993 (Turkish-English)
- File of Torture -12 September 1980/1994 (Turkish-English) Prosecuted and acquitted.
- Education in the Emergency State Region 1984/1994 (Turkish-English)
- The DEP File - Deputies are on Trial (English)
- Turkey Human Rights Report - 1994 (Turkish-English)
- Education in the Emergency State Region 1984/1995 (Turkish-English)
- File of Torture -12 September 1980/1995 (Turkish-English)

We are thankful to all friends who took part within the activities of the Documentation Center, who paid efforts for the publications and reports, who worked for days and nights for the continuation of the works, and who supported us in prosperity and in hard times.

We present our warm regards to all friends and all human rights advocates who supported us in every stage of our work, who provided us with documents and information, and together with whom we struggled for years. We miss our lovely friends who passed away.

23 February 1997 / ANKARA

DARK PANORAMA OF HUMAN RIGHTS IN TURKEY

Despite all impediments, those who struggle for human rights managed to stay on their feet. Bans, prosecutions, punishments, attacks by the State and governments with all of their institutions against human rights advocates, counter-propaganda for both the domestic and foreign public; all these have fallen short of preventing the efforts put out to institutionalize the universal values of human rights in Turkey. The incidents that have developed in the last two years justify the assertions of human rights advocates, and constrict the realm of the official ideology and discourse. The tendency for a civilian society has risen. It has become a social desire to eradicate the “gangs,” which have not paid the least care for the principles of the democratic law state based on human rights, which have put Turkey in trouble before the world because of human rights violations, and which have governed the country by exploiting people’s beliefs and national values. This report prepared by our Documentation Center will achieve its function as much as it serves the purpose succinctly mentioned above.

At first, it is necessary to disclose a fact: human rights violations in Turkey are widespread and systematic. These violations are existent in almost every aspect of life. Hundreds of examples to justify this fact appeared on the scene in 1995 and 1996.

The police used excessive force in all kinds of mass demonstrations, authorized or not, and killed numerous people, wounded and maimed for life many others. They prevented people from utilizing the right to democratic and political mass demonstration. Uniformed or plain-clothes police officers opened fire on people in the Gaziosmanpaşa and Ümraniye districts of İstanbul, and killed or heavily wounded many of them. During these incidents, the Alewi-Sunni conflict was incited and provoked.

The right of organized masses to engage in the politics, of the dissident political parties, especially of the People’s Democracy Party (HADEP), the Labor Party and the Freedom and Solidarity Party (ÖDP), was continuously and brutally violated. The Labor Party was asked to be closed down. As for the HADEP and the ÖDP, it was frequently witnessed that some officials consistently contrived excuses for their closures. The Democracy and Change Party was closed down in a trial which concluded in 1996.

Those who wanted to partake in a press conference to be held in a street in Ankara by the Labor Party, and wanted to go altogether to the Constitutional Court to attend the trial launched because of a request for closure of the party, encountered a brutal attack by the police. The police caused bloodshed; more than a hundred people were wounded on their heads, or their arms or legs were broken. Not contented with this bloodshed, the police pretended not to notice a counter-demonstration, supposedly formed spontaneously by a so-called civilian group waving Turkish flags. It was reported that these people had been disturbed by the Labor Party's demonstration, which they allegedly saw while passing-by.

The HADEP underwent nation-wide persecution. It encountered raids against its provincial and district organization centers, physical attacks, persecution of its executives and members, and unlawful implementations. Party leaders and members were killed in armed attacks. Almost all party leaders, including Chairperson Murat Bozlak, were arrested on the pretext that the Turkish flag was torn down in a party congress held on 23 June 1996. Posters of the ÖDP were seized, and trials were launched against its leaders.

Instead of making efforts to prevent torture, the political powers preferred to persist in protecting the officials who were claimed to be the torturers. These officials, who are personally responsible for various human rights violations, especially for torture, were protected and promoted. Their prosecution was rendered ineffective in prolonged trials. The officials responsible for torture were protected under the shelter of the Law on Prosecution of Civil Servants and the "Law to Fight Terrorism." People, including minors, were convicted to heavy prison terms based on their testimonies received under torture.

Murders by unknown assailants, extra-judicial executions, disappearances, and, especially in the State of Emergency Region, forced migration and burning down of villages prevailed in 1995, though decreased in number compared to previous years. Tunceli, and its neighborhoods, became the scene for such practices. Even the ministers were not allowed to visit this region, and fascist demonstrations of special team members were often witnessed. The Tunceli Provincial Governor was threatened by special team members. Similar incidents also began to be seen in Sivas in the latter part of 1995.

Special team members, who were assigned from the East or Southeast region to western parts of the country, continued their unrestrained deeds and violence there. They are the people who inflicted torture on high-schoolers in Manisa.

Disappearances, among the most important and serious violations during the last 4 or 5 years, still continue. The incidents of disappearances and the cases of Hasan Ocak, Rıdvan Karakoç and Ayşenur Şimşek, who were found dead after having disappeared, provoked widespread protests in the country and abroad. However, despite these protests, disappearances did not come to an end, or were not ended. Instead, the Saturday meetings of the mothers of missing people were prevented, and the mothers were dragged on the ground and detained. Pressure on the relatives of the missing people increased to the extent that the police attacked with their dogs the people who held a demonstration in İzmir to hear something about the fate of their children.

Police violence against reporters for newspapers, journals and television stations reached the level of beating people to death, as was the case in the murder of Metin Göktepe. The police did not hesitate to break into the center of the Turkish Journalists Association. It is impossible to estimate the total number of journalists who were beaten and insulted, whose cameras were shattered or whose rolls of film were seized. Pressure on newspapers became business as usual. Hundreds of trials were launched against them. Convictions were given in connection with articles and speeches which contained certain phrases such as "Kurd," "Kurdistan," "Kurdish people" and "the region." Aliza Marcus, a correspondent for Reuters, was forced to leave Turkey

when the Ministry of Foreign Affairs did not extend her work permit. Freedom of expression was restricted under numerous legal provisions, especially with Articles 6 and 8 of the “Law to Fight Terrorism,” and Articles 155, 158, 159 and 312 of the Turkish Penal Code. World-famous writers and artists also got their lot from the suppression. İsmail Beşikçi, Yaşar Kemal, Çetin Altan, Ahmet Altan, Fikret Başkaya, Haluk Gerger, Şanar Yurdatapan and İlhan Arsel are only a few of the thinkers who encountered pressure in this regard.

Article 8 of the “Law to Fight Terrorism” was amended, after provoking widespread protests for being a bases for over 6,000 trials against freedom of expression. The scope of this article was seemingly conscripted. Nevertheless, the amendment did not go beyond mere show. Nor was the expression of thought exempted from being a crime because of the existence of the aforementioned articles of the penal code.

Hunger strikes and death fasts were staged in prisons in consequence of interventions and provocation of the officials incumbent at prisons, especially during the period Mehmet Ağar was the Minister of Justice and Minister of Interior Affairs. Provocations of Mehmet Ağar, dis-sonant attitudes of Şevket Kazan, who was assigned the Minister of Justice after Mehmet Ağar, and recklessness of the government brought about the deaths of 12 prisoners in 1996. Violence and tension throughout Turkey raised during this period, and the subsequent deaths were not limited to deaths in prisons. Nevertheless, cruelty in prisons did not fade away and problems were not removed after the hunger strikes and death fasts came to a halt. A short time after these incidents, 10 prisoners were beaten to death in an attack against the prisoners in the Diyarbakır Prison by special team members, gendarmes and guardians.

During the May 1 celebrations in 1996, 3 people were shot dead by the police, hundreds of people were detained and beaten. This incident showed once again intolerance by the political powers towards democratic demands and demonstrations. Here, it is necessary to mention the attitude of the media, which constitute an integral part of and is fostered by the system. Two demonstrators were killed by the police early in the morning on 1 May, but most of the newspapers did not give space to this incident, nor did any TV channels. They described an atmosphere as if “police officers defended themselves when demonstrators attacked them.” After such provocative headlines as “attacks against flowers, shops and the police,” the police backed the support of some publications and television channels, and began to consider it legitimate to intervene in public meetings by using every kind of violence.

Negative attitudes towards the actions staged by both civil servants and workers for their social and financial rights and for democratization of the country did not change. Trade union-ists were routinely beaten in demonstrations. Additionally, they were detained in their houses and workplaces, arrested and prosecuted. In Diyarbakır, numerous unionists were arrested and prosecuted in 1996 on the bases of merely libelous testimonies of PKK repentants.

1995 and 1996 witnessed massive demonstrations held by workers and civil servants. Türk İş (Confederation of Workers’ Trade Unions of Turkey) decided to go on a strike when the government showed an irreconcilable attitude in the collective bargaining negotiations in 1995. The strikes, which met great participation, were supported by mass demonstrations. The strikes and accompanying demonstrations proved to be effective in the political arena, too.

The Confederation of Public Laborer’s Unions (KESK) was not granted permission to demonstrate. The police tried to violently suppress demonstrations. Numerous workers were wounded, detained and prosecuted. Trade unionists were again under the compass of punishments and investigations. Certain amendments were made to the Constitution, allowing civil servants to establish trade unions. However, after these amendments, the distinction between a

trade union and an ordinary association was thrown off, as the trade unions were not given the right to strike and collective bargaining, for which a struggle has been going on for years.

Silence prevailed among organized sectors of society when the Kurdish problem came up as an issue, but a report prepared by Doğu Ergil upon the request by the Union of Chambers and Commodity Exchanges of Turkey (TOBB) inspired serious discussions. But the discussions called forth by this report, which itself was the first voice of the business circles on the Kurdish problem, ended when certain circles expressed their reactions in the form of “accusations.”

Assailants of political murders and other culprits responsible for violations of rights in the State of Emergency Region were not prosecuted. People who left their hometown and migrated or were forced to migrate somewhere else in or out of the region, were compelled to live in unhealthy conditions without jobs, education and security. The state neither helped nor showed interest in the problems of these people. In the region, rights of civilian people were intensively violated. Freedom of travel was restricted in rural areas. Embargoes and sieges kept people from meeting their most vital requirements such as food and clothing. Operations, demolishing and burning down houses, forced migration occurred in various intensities.

The İHD encountered intensive pressure. The number of trials launched against İHD Chairperson Akin Birdal exceeded 15. He was sentenced to 1 year in prison because of a speech he delivered in Mersin during the 1995 Peace Week. Representatives of Amnesty International faced similar pressure inflicted on human rights organizations and their leaders. Helmut Oberdiek and Jonathan Sugden were forbidden to enter Turkey. This prohibitive practice reached to the highest level when foreign parliamentarians were forbidden from entering Turkey.

Violations are not investigated, investigations are prolonged

Assailants, guilty of the violations summarized above, have usually been protected, and promoted in the bureaucracy. Some trials launched against them were dropped due to prescription. These officials are protected under the shelter of the Law on Prosecution of Civil Servants and the “Law to Fight Terrorism.” The president, the prime minister and other administrators frequently claimed that “actually there is no human rights violations in Turkey, but incidental cases which occur during the state’s legitimate efforts to preserve its nation and land from extremist left and separatist terror.”

Such approaches and evaluations have provided moral support to security forces, especially those who use violence. Perpetrators who engaged in illegal activities under the protective shelter of the state, have been proclaimed “honorable patriots,” as expressed by Deputy Prime Minister Tansu Çiller. It has almost become impossible to launch investigations against “honorable patriotic-heroes” and put them on trial, for they committed crimes with the protection and provocation of the prevailing ideology. Prosecutors and judges, who do not have a special and independent status, carry out their tasks under the constraints of “national and spiritual values.” Additionally, in certain trials of special importance, they even face intervention or instructions.

In this way, the trial in connection with the massacre in Gaziosmanpaşa and Ümraniye was put in a dark and endless tunnel, the light at the end of it was dimmed by the ballistic examination of 6,000 police guns. In addition, the venue was changed, and the trial was transferred to Trabzon, which is 1,079 kilometers away from İstanbul. The venues of the trials against the Manisa torturers and on the murder of Metin Göktepe were also changed. However, the Sivas massacre, in which 35 intellectuals and artists were burned to death, was evaluated as a simple impetuous act.

The police state strengthened

During the two-year period, power of the police was reinforced, and the police organization has become an important power center which has much influence on political developments

and daily life. Demonstrations by police officers frequently took place after extra-judicial executions or funerals. Those suspected of torture and extra-judicial executions were assigned to the most important offices and posts in the security organization.

Some retired generals and police chiefs were elected deputies from lists of conservative political parties in the elections of December 1995. Former security directors, former governors of the State of Emergency Region and governors of the provinces under state of emergency, not content with simply being politicians and parliamentarians, also undertook important tasks in government. Ünal Erkan, the governor of the State of Emergency Region during a period when more than 2,000 villages were burnt down and demolished, and when more than 3,000,000 people were forced to migrate, was assigned as the Minister of State responsible for urbanization and housing development; Mehmet Ağar, who was formerly the Chief Security Director during the period when murders by unknown assailants, torture incidents, extra-judicial executions and disappearances reached the highest level, was at first assigned as the Minister of Justice and then as the Minister of Interior Affairs. A traffic accident in Susurluk, Balıkesir, which will be mentioned below, curtailed Mehmet Ağar's rapid succession suddenly. The public pressure and political balances within the government compelled this minister to resign.

These former police chiefs or directors were not only embraced by the National Assembly and government, but they were also supported and rewarded with chairs in executive boards of big companies and banks.

The developments witnessed after a traffic accident in the Susurluk District of Balıkesir on 3 November 1996, verify the claims that an ally of mafia-village guards-parliamentarians, which was formed by police officials, ultra-nationalists and repentant PKK militants, is responsible for numerous violations and murders. The intelligence services of the state know very well that this body has a role in numerous murders by unknown assailants, extra-judicial executions and disappearances, and certified this with many reports. The accident in Susurluk has not only proved the existence of this ally but also uncovered the existence of such relations within the political sphere. It is these connections that bring the police chiefs and directors to the National Assembly and assign them as ministers.

The recent disclosure of drug and arm smuggling networks including police and military officers, of the casino-tycoons, wanted murderers and others subsequently, proved the existence of certain state-supported centers, which have been called as "gladio," "counter-guerrilla" or "gang," but the existence of which has long been denied.

Relations and illegal incidents which have been revealed so far cannot be interpreted as the deeds limited only to certain officials who "abused" their duty. Nor can they be covered up. These militant police forces, whose roles in the human rights violations were clearly laid bare, are the fruits of an anti-democratic system inclined to warmongering and violence. Human rights violations are structural and natural outcomes of this system. A thorough effort should immediately be made to bring these centers to light and annihilate them.

As shown evidently by these recent developments, this structure, which favors unlawfulness, violence, oppression and war, should be changed. It is an undeniable fact that even the constitutional and legal bodies have been trampled and Turkey has been dominated by murder gangs during the 17-year period after the 12 September military coup. This structure protected and rewarded perpetrators and offered them all resources of the state, instead of prosecuting them. The triangle of State-Mafia-Politics was fostered in the political parties, bureaucracy, Parliament, government and other state institutions. It has become not merely a political force but also an economic one, i.e., a force of black money. Consequently Turkey has become a crucial crossroads in the drug traffic.

Efforts by Ministry of Foreign Affairs

The Ministry of Foreign Affairs has become a new center of pressure, invective and counter-propaganda against human rights organizations during the last 2 or 3 years. The counter-propaganda of the ministry started targeting our foundation from late 1995. Additionally, it is worth noting that these attempts by the ministry came to be an issue when the chairperson of a so called “social democrat” political party was the minister.

The Ministry of Foreign Affairs, in its press statements and in letters sent to foreign missions in Turkey, challenged the HRFT and İHD, accused us of engaging in politics and “supporting the separatists.” However, activities of the ministry against us did not remain at this level.

One week after the European Parliament gave its assent to Turkey’s admission to the customs union, the Ministry’s General Directorate responsible for the European Council, Human Rights and OSCE called representatives of all the armed forces of the state, of intelligence services, and of the ministries of Justice and Health to a meeting on the purpose of evaluating the undertakings of the HRFT and taking required measures. After this meeting was held, prosecution offices initiated investigations against the HRFT centers in 4 provinces. The investigations launched by the İzmir and Ankara Public Prosecution Offices ended with decisions of non-prosecution, whereas the trial launched against our İstanbul Representative ended in acquittal in the first hearing.

The trial launched against two of our friends in Adana is still under way. In this trial, the court accused us of “not receiving a license from the Ministry of Health” and “not notifying the addresses of torture victims to the competent authorities.” Our defense in the trial in regard to medical ethics and debates on law will be published in a book after the end of the trial.

The *raison d’être* and mission of the HRFT are to put the universal values secured by international conventions into practice in our country. The practical expression of helping and safeguarding torture survivors is that the relation between the person and the concerned organization should be a confidential one, depending on mutual confidence. Confidence, as a principle of universal medical ethics, is of vital importance in many respects in such a specific issue as torture treatment. It is an indisputable prerequisite in recuperation and protection of social, psychological and physical well being of the torture survivor.

We did challenge and are still challenging the claims of the Ministry of Foreign Affairs before the court. Nevertheless, the attitude of the ministry clearly demonstrates the feelings and approaches of rulers in Turkey towards democracy and human rights. Unfortunately, these feelings are not positive. Additionally, this case shows that we have a long time to wait to see the results in democratization efforts and in attempts to decrease human rights violations.

False attempts

Politicians are undoubtedly affected when Turkey, because of human rights violations in the country, encounters criticisms and some economic restrictions by the United Nations, European Council and European Union in line with the international conventions it undersigned. Therefore, especially in periods when Turkey is brought on the agenda of such international organizations, governments pretend that they are preparing “democratization” packets regarding the points of criticism. In each case, especially the United States and Western European countries are satisfied with this propaganda and applaud such tricks of democratization.

The most apparent example of such an approach is the 15-item constitutional amendments, which were brought on the agenda by the government prior to the voting on the customs union at the European Parliament. The amendments, which leave intact the anti-democratic structure of the 12 September Constitution, are limited to merely reducing the age of voting and of

eligibility to political parties and enabling executives of trade unions and professional organizations, academicians and university students to be members of political parties—which were already obtained after social struggles. These amendments were taken as “indications of democratization” by the EC-member countries, which ratified the Customs Union Protocol, and by the State Department of the United States, which praised and supported such a situation. But what would they say about the subsequent experiences?

The foreign governments follow a double-dealing policy when they exaggerate and applaud minimal steps taken by Turkish governments regarding democratization and human rights, and when they are satisfied with Turkish governments’ “championship of democracy and human rights,” which in fact tends to procrastinate and mislead both the foreign and domestic public. The decisive factors in this policy towards Turkey are the 65-million population of Turkey, its relatively flourishing middle class, and its increasingly important strategic position because of the new power balances in the Middle East, Caucasus and Balkans. Nevertheless, such a policy legitimizes and indirectly supports appalling human rights violations in Turkey.

The amendments to Article 8 of the “Law to Fight Terrorism” in late October 1995, is another attempt to deceive the foreign public. Now, tens of people who are still in prison, hundreds of people who were convicted, and thousands of people who were put on trial under Article 8 of the “Law to Fight Terrorism” or some other articles of certain laws restricting freedom of thought and expression, prove that this amendment does not bear any meaning in the least.

In August 1996, the Law on Provincial Administration, which was declared to be put into effect after the State of Emergency rule is lifted and which would be a means for the new democratic regime, was swiftly enacted in the National Assembly in an urgent meeting, immediately ratified, and put into force after promulgation in the Official Gazette. The attempts to put this law into force had been restrained by democratic public pressure in the last few years, but it was accomplished this time, in the period of the second crisis in the Gulf.

This bill grants authority to all provincial governors to call military troops and security forces to intervene in any incidents, without a written request but solely with a verbal statement. It also authorizes the governors of the provinces located right on the border to hold military cross-border operations. Thus, the governors can implement the authority which actually belongs to the Parliament and can proclaim martial law in a province against any kind of social action, including strikes and mass demonstrations, and can declare war against neighboring countries. According to the bill, governors shall not be subjected to the inspection of the Council of State and to the existing provisions on public adjudications for their expenditures during such an operation. A new center of power, consisting of the Minister of Interior Affairs, provincial and district governors and commanders, was thus introduced in our administrative system.

The same bill will also provide an opportunity for huge investment: to maintain on-line connection among all security stations via a computer network. The data recorded in this system will be processed by the Ministry of Interior Affairs. At the first stage, tourist resorts such as hotels, guest houses and motels will be connected to the system. Punishment to be given to those who do not reveal their IDs was increased. Voluntary and temporary village guards can have license to hold and carry weapons, and thus a new militia force has come to receive legal status. Among the amendments are certain provisions that grant authority to the security forces to open fire with the specific intention of shooting the target.

It is also known that this bill was prepared upon Mehmet Ađar’s proposal. Considering the facts, which came out after the accident in Susurluk and brought about the resignation of Mehmet Ađar, it can clearly be discerned that these amendments bear a meaning which exceeds all what has been said so far. The close connection between security directors and MP Sedat Bucak, the

chieftain of the Bucak Tribe heading over 10,000 village guards who are now under the shelter of the Law on Provincial Administration, had uncovered another power center in Turkey, a secret one.

Elections and the results

Turkey has entered a period of significant political instability after the early general elections in December 1995. This period of instability introduced debates on political Islam because of the identity of the Welfare Party, which emerged from the election by gaining the highest number of chairs.

The results of the December 1995 elections imply important messages also in regard to the number of votes cast in favor of the HADEP. The HADEP, which collected approximately 4,5 % of the total votes, could not win any seats because it could not get the 10 % of the national threshold, although it came first in most of the provinces in the State of Emergency Region and collected votes sufficient to gain some 20 chairs. The HADEP was successful in the State of Emergency Region, and gained a high number of votes, but it was not able to receive votes from Kurdish people who live or were forced to live in other provinces outside the region.

The year 1996 was a tumultuous period in the history of Turkey with respect to political developments. The results of the general elections of December 1995 pushed political Islam forward within the realm of politics, with a 21 percent of the votes it collected. First, no government could be established. Then, ANAYOL (*) coalition government was established, but it was dissolved due to unsettled internal disputes. Subsequently, REFAHYOL (**) coalition government took the vote of confidence and started to govern Turkey.

Before the establishment of the REFAHYOL coalition government, conservative political parties, such as the DYP and the ANAP, declared to the domestic and foreign public that the Welfare Party was a serious threat against the western world and democracy. They considered to oppose to the Welfare Party as being respectful to democracy and human rights, but they did not hesitate to make negotiations with the very same party to set up a coalition government after the elections. Before the European Parliament gave its assent to the customs union, they said that a negative result would open a way for the Welfare Party, that this party would drive Turkey apart from the West and make it dependent on the “East,” and even that this party would make Turkey “a fortress of Islamic fundamentalism.” Nevertheless, these claims were all swallowed after the corrupt practices, private possessions and certain relations of Tansu Çiller came up as an issue. In the meantime, the conditions for the most bizarre coalition government in the history of Turkey emerged suddenly, when the RP faced accusations that the money collected for aid to Bosnia was deposited in the accounts of the RP member and “trustee” Süleyman Mercümeç. The coalition government was established upon a bargain of covering up the corrupt practices of both parties, and accomplished a “historical reconciliation.”

However, headed by Prime Minister Necmettin Erbakan, the Welfare Party preserved the political lines of the other parties, which it had formerly criticized by defining them as “imitators of the West.” The Government devoted its efforts to gain the sympathy of the European countries and especially of the United States. Upon the request of the General Staff, it signed a military cooperation agreement with Israel, to which it has long been antagonistic. It extended the periods of

(*) ANAYOL is a coinage of the names of two political parties constituting the coalition government, “Anavatan Partisi” (Motherland Party) and “Doğru Yol Partisi” (True Path Party).

(**) Another coinage of the words; “Refah Partisi” (Welfare Party) and “Doğru Yol Partisi”.

the State of Emergency and the Operation Provide Comfort. It immediately approved the military projects of \$ 5.5 million proposed by the Turkish Armed Forces.

Political Islam could not and did not make any changes in the Turkish foreign policy, despite Prime Minister Erbakan's visits to some Islamic countries, primarily Iran and Libya, which in fact aimed to carry good messages to the voters of the RP.

As for the domestic policies, political Islam followed policies to survive the government. With the votes of the Welfare Party deputies, the National Assembly found it needless to launch an investigation into the files of corrupt practices of Deputy Prime Minister and DYP Chair-person Tansu Çiller, which had once been submitted by the Welfare Party deputies. Thus, RP proved that it was not different from the other political parties and had nothing to be scared of. Additionally, it remained ineffective just as the others in the field of democracy and human rights and in finding a solution to the Kurdish problem.

The approach of the new coalition government regarding human rights problems was not different from former ones. Torture, extra-judicial executions, disappearances, burning down of villages and forced migration continued. There were efforts to suppress the Kurdish problem with violence and military methods. In consequence of this approach and insensitivity, two of the most dramatic incidents in the history of Turkey occurred: 12 prisoners died in 1996 in a hunger strike and death fast staged by thousands of prisoners, and security forces beat 10 prisoners to death in the Diyarbakır Prison on 24 September 1996. The brutal attitude of the security forces, especially during mass demonstrations, became more relentless under the rule of this Government. People, regardless of their age or sex, were beaten when they wanted to hold demonstrations or submit petitions to some state bodies. Dragging people on the ground or beat-ing them to death became unchanging images of daily life.

Despite this dark human rights panorama, a deceptive discourse of "democratization" always remained on the agenda. What happened so far always showed the unreality of this discourse. Nevertheless, the US Secretary of State praised and immediately supported the democratization attempt declared by Tansu Çiller. However, no new democratization program was brought on the agenda. The package under issue was merely composed of certain amendments to be made to certain laws as a prerequisite of the 1995 amendments to the Constitution, which had been made prior to the general elections and signing of the Customs Union Protocol. Even these amendments have not been made to date, and this points out a significant example of insincerity and ephemeral policies.

The attitude of the REFAHYOL government towards labor was not different from that of its predecessors. In the very first days of its establishment, the government declared it would accelerate privatization. It not only made this statement, but also took steps in line with its decision. The immovables of the social security institutions, which were bought or built by cuts from the wages of the working people; lodgments and real estates belonging to the public establishments were put on sale for nothing. Steps were taken for privatization especially in the fields of energy and telecommunications. Voices raised against privatization were not taken into consideration. The deeds against labor were not limited to privatization. Increases in wages always lagged behind the inflation rate, despite promises.

Threat of Sheriat

Threat of shariat cannot be reduced only to the rule of this government. Longings for shariat have utterly penetrated into our life for years and become widespread thanks to the support of populist approaches of all right-wing political parties and of the policies followed after the 12 September military coup. The claim that "shariat is the natural way of life in a country where 99

percent of the population are Muslim,” was disseminated through state apparatus, and legitimization of this claim was sought. The period of the REFAHYOL government has not gone beyond being a period during which such efforts intensified a little more.

Political Islam with its shariat-based ideology has been backed both from the inside and outside since the 1950s. Political Islam began gaining strength in the post-Second World War era, with the new opportunities provided by the multi-party regime in Turkey, and with the advantages provided by the Islamic front from Afghanistan to Turkey, which was constituted under the scope of the “Green Belt Project” of NATO in the name of the “anti-Communist” struggle in the cold war period.

Islam and shariat have become socially and economically widespread and a dominant ideology in the society thanks to the state’s support for religious sects by means of the Directorate of Religious Affairs, the courses of reciting the Koran and religious *imam hatip* high schools, and thanks to these sects’ epidemic organization. The opportunities created in the period after to the 12 September military coup have led the shariat adherents to fully sprout. The shariat adherents have become “a state in the state,” in other words, an “empire,” with their companies in the fields of trade and education, with their schools at every level, their courses and dormitories for students, their publications and books, their radio stations and TV channels, and with their ideology.

As a result of these developments, we now face a political Islamic movement allied to nationalist-racist currents in an atmosphere of warfare. The oppressive regime in our country has a nationalist-fundamentalist ideology today, based on a synthesis of Islamism and Turkism. The gangs, religious sects, and corrupt and looting organizations are the products of such an atmosphere. The accident in Susurluk has merely disclosed some few players of this game.

Conclusion

Unfortunately, our annual reports delineate a dark panorama, since Turkey continues its feature of being one of the foremost countries in the world, with respect to human rights violations. The HRFT and all human rights advocates, fully aware of their responsibilities, will continue to be pertinacious in the struggle for turning this picture upside down.

We believe that forces of democracy and human rights advocates will not yield to pressure and oppression, will overcome all obstacles, and will be successful in the end.

1 February 1997 / Ankara

Yavuz Önen
HRFT President

BALANCE SHEET OF 1995

DEATHS

Deaths in custody or in prison	19
Deaths due to torture or medical negligence	9
Deaths during hunger strikes	2
Deaths during Newroz incidents	None
Deaths during attacks on settlements	1
Deaths during house and workshop raids	21
Deaths in fire on demonstrators	26
Deaths for disobeying stop warnings, etc.	49
Deaths in mine explosions	45
Murders by unknown assailants	166
Deaths in attacks on civilians	112
Deaths in armed attacks and assassinations	99
Security officers killed in clashes	780
Militants killed in clashes	1007
Deaths in clashes between village guards	21
Deaths in local elections	1
Deaths in political clashes and incidents	12
Total number of people killed	2370

TORTURE

Deaths in detention or in prison	19
Disappearances	43
The number of tortured individuals (*) (known to the HRFT)	1232

FREEDOM OF PRESS, THOUGHT AND BELIEF

Killed journalists/press workers	1
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(*) 241 people, including 72 children and 254 females, verified the torture with medical reports they received from official institutions. 17 of the females who reported that they had been tortured, stated that they had been raped or sexually harassed.

Killed newspaper vendors	None
Press workers who disappeared	None
Journalists attacked by public officers	56
Confiscated newspapers and journals	504
Confiscated books	28
Closed newspapers and journals	19
Total period of closures	67 months 24 days
Convicted journalists, writers, etc.	75
Total of imprisonment terms	107 years 6 months
Total of fines	7 billion 620 million TL (*)
Prisoners of thought imprisoned after their sentences were ratified	46
Arrested journalists and writers	83
Arrested deputies	7
Arrested political party executives	13

FREEDOM OF ORGANIZATION

Killed İHD executives	None
Closed down İHD branches	2
Closed down democratic mass organizations	18
Killed political party executives/mayors	8
Killed teachers	7
Killed health personnel	None
Closed political parties	1
Political parties demanded to be closed	1

(*) The sentences and fines given under Article 8 of the “Law to Fight Terrorism” prior to the amendments to this article on 30 October 1995 were not taken into consideration. For this reason, there is a relative decrease in the imprisonment terms and fines when compared to 1993 and 1994.

INTRODUCTION

Turkey remained in the red on the human rights balance sheet in 1995, as in the previous years. Throughout the year, human rights and freedom, first and foremost the primary right to life, were continuously violated. Extra-judicial executions and murders by unknown assailants continued. Torture continued to be applied systematically in police stations and especially in political police centers where the political suspects are interrogated. Claims concerning torture cases were not followed up. The Kurdish problem remained unsolved, becoming even more complex, and clashes continued. Armed attacks and bombings carried out by the PKK against defenseless civilians, mass transportation vehicles and facilities available to tourists continued. In this atmosphere of violence, a total of **2370** people lost their lives as a result of clashes, extra-judicial executions, torture, armed attacks and assassinations, and because of murders by unknown assailants (the number of people who lost their lives was 2933 in 1992, 3492 in 1993, and 4041 in 1994).

Books, journals and newspapers were confiscated and destroyed. Speakers, writers were silenced and imprisoned. Armed attacks and bombings against journalists and press facilities, pressure on and attacks against political parties, trade unions and democratic mass organizations continued. Activities of these organizations were prevented and banned, their members and leaders were detained and imprisoned. Numerous demonstrations, meetings and concerts were not permitted. In many demonstrations, demonstrators were beaten and shot by security officers. Pressure on and attacks against the dissident political parties continued. The public was presented only one side of issues, and the facts were turned upside down.

Expectations concerning improvements in working life were in vain. Promises that laws would be amended relating to workers' rights and union rights, which had been put in force during the 12 September coup, were not fulfilled. Dismissals continued and increased. Civil servants' trade unions were not given a legal status. Most of the rights and freedoms called for in international human rights documents were deemed "luxuries". Instead of protecting human rights, those who violate them were protected. Human rights defenders became targets, and were accused of being supporters or members of armed organizations.

Apart from the human rights issue, Turkey also witnessed important political developments, experienced political crises, could not get out of the economic bottleneck, and was in trouble in foreign policy in 1995. The DYP-CHP coalition government, once again, made no

efforts to defend human rights and took no important steps to put them into practice. The coalition government, which frequently gave promises on “democratization” and an “administration respectful to human rights” throughout the year, did not keep the promises, but acted contradictingly. The coalition governments continued to make promises in 1995 that were not kept.

Positive developments

Debates on amendments to the Constitution, which lasted for 2 months in the Parliament, ended early in the morning on 23 July. As a result of the debates, 16 articles of the 1982 Constitution were amended; amendment proposals concerning 6 articles were rejected. The amendments, which enable members of executive organs of professional institutions, trade unions and foundations, to be elected deputies, the administrators of the 12 September period to be prosecuted, and which decrease the age for being elected a deputy from 30 to 25 are among the rejected proposals. In the voting held in the morning on 23 July for all Constitutional amendments, 360 deputies voted in favor, while 32 deputies voted in opposition. Amendments were ratified by President Süleyman Demirel on 25 July, and promulgated in the 26 July 1995 issue of the Official Gazette and came into force. The main titles of the amendments, (*) which do not bring important changes from the point of view of democratization are as follows:

- The number of deputies rose from 450 to 550.
- Deputies were enabled to change their parties.
- The policy foreseeing ouster of the deputies who are members of a closed down party from membership of the Parliament was ended (excluding those who caused a party to be closed down with his/her words and acts).
- Party leaders were given the right to make a statement in trials demanding closure of their parties.
- The date the Parliament starts to work was postponed from 1 September to 1 October.
- It was decided to hold local elections, which were to be held within one year before or after general or by-elections for parliamentary membership, on the same days with the general or by-elections.
- The required age to become a political party member and to vote was lowered to 18.
- Turkish Republic citizens living abroad and prisoners were granted the right to vote.
- University lecturers and students were given permission to be members of a party.
- Parties were enabled to establish youth and women’s divisions.
- Provisions prohibiting parties from contacting and collaborating with associations, trade unions, foundations, cooperatives and professional institutions were lifted.
- Clauses at the introductory part of the Constitution, which praised the 12 September coup and the administrators of the period was removed, and the clause of “this constitution determining the eternal being of the Turkish country and nation and the indivisible integrity of the eminent Turkish state” was included instead.
- Some amendments were made to the article that was shown to be an obstacle to the civil servants’ establishing trade unions, but comprehensive freedom for unions was not brought.

One of the most important debates in 1995 was the amendments to Article 8 of the “Law to Fight Terrorism”, which had importance concerning the freedom of thought and press. The draft

(*) The amendments were inadequate for the prevention and even decreasing of human rights abuses, and from the point of view of democratization. Besides, most of the amendments remained on paper as the necessary amendments in the related laws were not made. This situation did not change in 1996, too.

bill that foresees some amendments to Article 8 of the “Law to Fight Terrorism” passed in the Parliament with the votes of deputies from the DYP and CHP following the discussions on 27 October. According to the bill, the text “regardless of the method, aim and idea” was omitted from the former law. The lower and upper limits of the prison sentences that might be given under Article 8 were reduced from 2 years to 1 year and from 5 years to 3 years, respectively. Suspension of the sentences or commutation of them to fines were left under the jurisdiction of courts unless the same crime is committed more than once. The bill did not foresee amnesty for those convicted or tried under Article 8.

The case files of those convicted under Article 8 were reviewed by courts within the context of the amendments after the amendments came into force. Verdicts of either annulment, shortening, reprieve or commutation to fine of sentences were delivered, and in certain trials, sentences given previously were not changed. The ongoing trials continued.

The amendments were in essence a vain attempt to hoodwink the public; they failed to exempt thought from being an offense. Those who wrote or spoke especially about the Kurdish problem continued to face convictions. Decisions of acquittal were rarely delivered at the end of re-prosecutions. It was understood that those who had been released after the amendments would be imprisoned as soon as the conviction decisions given during re-prosecutions were upheld by the Supreme Court. Additionally, prisoners of thought, such as İsmail Beşikçi and Işık Yurtçu, against whom there have been several convictions, were not released at all.

In 1995, interesting developments were witnessed in the political arena. The SHP and the CHP were unified under the roof of the latter. The unification decision was taken in the general assemblies of the two parties held in Ankara on 18 February. After the unification decision, Hatay Deputy Hikmet Çetin was elected the Chairperson of the CHP. Unification of the SHP and CHP caused certain changes in the Cabinet. In the meantime, Minister of Culture Ercan Karakaş, opposing the practice of State of Emergency and refusing to sign the related circular, resigned on 25 June. Ercan Karakaş said the following in his petition: “As a result of the discussions and evaluations that have been going on for a while, I have come to the decision that the coalition government, of which I am one of the founders and a member, has fallen, through its continuing policies, far beyond the aims stated in its program. First, the laws are being ignored. This situation harms the identity of the party and fails to meet the expectations and needs. I would like to inform you that, under these circumstances, I would not be able to continue to conduct my work with the responsibility of governing.” İsmail Cem was appointed the Minister of Culture on 10 July.

The 27th Ordinary Party Congress of the CHP was held on 9 and 10 September in Ankara. In the Congress, Antalya Deputy Deniz Baykal was elected the Chairperson of the CHP by receiving the votes of 681 of 1068 delegates. Other candidates Murat Karayalçın and Metin Oktay received 309 votes and 8 votes, respectively, while 70 delegates cast empty votes. Deniz Baykal’s election as Chairperson of the CHP led important crises in the political arena.

The DYP-CHP coalition government, which had been in power for 4 years, ended following the meeting held by Prime Minister Tansu Çiller and CHP Chairperson Deniz Baykal on 20 September to talk about the future of the coalition government. It was reported that the two leaders did not come to an agreement as Tansu Çiller did not accept 3 demands of Deniz Baykal, “a high increase rate in the wages of workers”, “removal of İstanbul Security Director Necdet Menzir, the Sinop Governor and the Manisa Security Director from their duties” and “an end to assignment of racist-religious staff to state bodies”. In his statement after the meeting, Deniz Baykal said that the coalition ended *de facto*, even if not legally, and added: “Now, an election should be held in Turkey as soon as possible.” Prime Minister Tansu Çiller submitted the resig-

nation petition of the coalition government to President Süleyman Demirel on the evening of the same day.

Then Tansu Çiller formed a minority government composed of DYP deputies. The minority government, which was approved by President Süleyman Demirel on the night of 5 October, could not secure a vote of confidence from the Parliament. Out of the 421 deputies who voted on 15 October, 230 cast votes against the Government while 191 of them voted for the government. In the ballot, deputies from the ANAP, CHP, RP, DSP, BBP and YDH, and 7 deputies from the DYP cast opposing votes whereas 164 deputies from the DYP and those from the MHP, MP and YP voted in favor. Six deputies from the DYP did not vote. Tansu Çiller, in her speech after the vote of confidence, demanded an early election to be held on 24 December.

Right after the minority government's failing to secure a vote of confidence, the DYP and CHP agreed upon a new coalition government. The framework and the basic principles of the new coalition government, were handled in the meeting of Tansu Çiller and Deniz Baykal held on 16 October. Meanwhile, İstanbul Security Director Necdet Menzîr resigned on 16 October in order to ease the formation of the new government. The bill prepared by the DYP and the CHP for an early election, before the government was founded, passed in the Parliament on October 26 after long lasting debates late into the night, and it was decided to hold an early election on 24 December. The DYP-CHP coalition government headed by Tansu Çiller was proclaimed on 30 October. The cabinet was comprised of 18 DYP and 11 CHP members, and 3 independent ministers were assigned under Constitutional provisions since a general election would be held on 24 December. The new government secured a vote of confidence with 243 votes cast in favor on 5 November.

Early elections were held on 24 December, and 85 % of the voters cast votes in the elections. According to the results of the elections, the RP which collected 21.3 % of the valid votes won 158 seats in the Parliament, the ANAP won 132 seats with 19.6 %, the DYP won 135 seats with 19.2 %, the DSP won 75 seats with 14.6 %, the CHP won 50 seats with 10.7 %. The Nationalist Movement Party (MHP) (8.2 %), the People's Democracy Party (HADEP) (4.2 %), the New Democracy Movement (YDH) (0.5 %), the Nation Party (MP) (0.5 %), the Re-Birth Party (YDP) (0.5 %), the Worker's Party (İP) (0.3 %) and the New Party (YP) (0.1 %) could not win any seats because they could not get the ten percent of the national threshold. The People's Democracy Party, which was able to collect 4.2 % of the vote nationwide, came in first with a significant lead in Diyarbakır, Batman, Siirt, Hakkari and Van, and came in second in Ağrı, Mardin, Şırnak, Tunceli and Muş. The failure of the People's Democracy Party in passing the national threshold resulted in an increase in the number of seats won by the RP. According to the election results, none of the political parties won enough votes to govern alone.

Prior to the elections, attacks were carried out against certain political party buildings and election offices, some candidates were detained or activities of some candidates were prevented. The elections, contrary to previous ones, were peaceful except for a few incidents. A total of 4 people were wounded in clashes with stones and clubs between DYP and RP followers in the Kağızman District of Kars, and between DYP and ANAP followers in the Koç Village of the Arpaçay District of Kars. In an incident which took place in the Van Ferit Melen Primary School, a person named Şevket Yiğit (24) was shot dead. A group of about 50 people in the Gazi Quarter of İstanbul demonstrated a while. Three people were detained after a fight that broke out between DYP and HADEP followers in the Sason District of Batman.

Foreign protests

Turkey was frequently condemned on international platforms in 1995 because of human rights abuses, and remained on the agenda. Turkey was criticized and condemned in reports by many human rights organizations, particularly by Amnesty International and Human Rights

Watch. The condemnations intensified on the Kurdish problem, torture cases, extra-judicial executions and freedom of thought. The criticism and condemnations of Turkey increased even more when DEP deputies were arrested, the DEP was closed, the deputies were convicted and when some administrators of the HRFT and İHD were sued.

The “1995 World Report”, published by Amnesty International in June and containing evaluations of 1994 in 151 countries, stated that torture was “widespread and systematic” in Turkey, and at least 55 people had disappeared in detention. The report stated that hundreds of cases of murders by unknown assailants had taken place in the southeast provinces, and there were allegations that most of these cases were “extra-judicial executions”. It also added there had been claims that “extra-judicial executions” had taken place during the operations carried out in İstanbul and Ankara especially against the DHKP-C. The report stated as a positive point that the death penalty was abolished *de facto* in Turkey, and death penalties had not been carried out for the last 10 years. Despite this, it stated that the courts continued to give death penalty. The report also stated that the PKK targeted civilians, and the PKK was held responsible for at least 170 killings of civilians. Prosecution of the former DEP deputies was also included in the report. In addition, it was mentioned that an Amnesty International researcher had been denied entry into Turkey on allegations that “he had connections with the PKK”, and the government’s accusations in this respect were rejected.

The 1995 report by Amnesty International incited protests in the Turkish government. Ministry of Foreign Affairs Spokesperson Ömer Akbel alleged that Amnesty International had made serious judicial mistakes in their approach to human rights, and accused the organization of “disseminating false information and justifying terrorist violence”. Ömer Akbel, accusing the organization of not mentioning terms like “terror”, “terrorist”, “terrorist act”, “terrorist practice” and “terrorism fact”, said the following:

“Claims of human rights violations by the state forces are derived from few examples, and generalized to cover the entire country. The report had been written in a way that would justify the use of violence, even the terrorist violence for struggle for rights. The report also attributes different meanings to terms like guerrilla, militant, political prisoner, political rights apart from those generally accepted legal principles in the world. Amnesty International carries out campaigns in certain countries in connection with human rights abuses, and then criticizes those countries via the exaggerated claims compiled in this way. The report, despite the accurate information provided by us, has intentionally down-played the number of the civilians killed by the terrorists.”

In his response to the Turkish government’s criticism of the report, Jonathan Sugden, the Chief of the Turkey Desk of Amnesty International said, “Unfortunately, our report on Turkey is based on evidence. Torture claims were certified through medical reports. Additionally, prosecution offices launched trials against certain officials for inflicting torture, and convicted these officials. Signs of torture were found on the bodies of those who died in detention. It is out of the question to think that those signs were made by the families after receiving the dead bodies of their relatives.” Jonathan Sugden noted that although they had submitted the torture claims to the Turkish government, they were not able to get any indication that those claims had been investigated, and added, “For example, in the case of Kenan Bilgin, which we mentioned in our report, there are undersigned testimonies of 9 people, including a lawyer, who had seen him at the police station, but Kenan Bilgin has never been seen since then. The Ministry of Foreign Affairs should explain how those in detention could escape to another country.”

Another report by Amnesty International, entitled “Turkey: Unfulfilled Promise of Reform” was published on 21 September. The report emphasized that Turkey, which sought

admission to the customs union and which had been under pressure from several intergovernmental organizations such as the European Parliament and the Council of Europe, began a process of reform in the area of human rights. At the same time, the report noted, disappearances, deaths in custody, extra-judicial killings and political killings continued, prisoners of conscience were jailed for their non-violent opinions. The report, which praised the explanations and the statements by the state ministers responsible for human rights, Azimet Köylüoğlu and Algan Hacaloğlu on torture, extra-judicial executions and disappearances, said, "They were not strongly supported either by the Prime Minister or the Interior Minister- the two actors with most power to effect change."

In his evaluation of the report, Jonathan Sugden pointed out that the human rights record in 1995 was more positive than the previous year, and said, "According to us, this might not be an indicator of a real decrease in human rights violations. But if it is so, this is the result of the close follow-up of last months. And this means that, the European Union and others, which have been following up the developments, are obliged to continue this." Nurettin Nurkan, the then-Deputy Spokesperson for the Ministry of Foreign Affairs, strongly reacted against the report, and said, "It has been observed that Amnesty International, by never mentioning terrorism, by ignoring the human rights violations by the terrorist organizations or passing over these with useless points, and by trying to point to the Turkish authorities as the violators of human rights, has been following certain political goals known heretofore, instead of revealing the facts."

In a statement made by Amnesty International on 27 September, it was denoted that the Turkish government did not keep its promises regarding "an improvement in the human rights situation", and that deaths due to torture, disappearances, political killings and imprisonments for non-violent opinions continued in Turkey. In the statement, it was indicated that the human rights situation of Turkey had grown worse when compared to 5 years before, and Turkey had not abided by the recommendations of the UN Committee against Torture or the European Committee for the Prevention of Torture, although it had declared it would do so. In the statement, it was also emphasized that Turkey was being closely followed up by the international community, firstly by the European Union.

Turkey was also frequently criticized by certain states, first and foremost the United States, because of human rights abuses. In September, the U.S. government cut by 10 % the 1995 military assistance to Turkey, which was \$364 million, because of the human rights violations and the Cyprus problem. The U.S. administration asked Turkey to make a satisfactory effort to improve the human rights situation in the country and move forward on solving the Cyprus problem so that it could give the military assistance foreseen for Turkey, without any cuts. Protesting this decision, the Turkish government declared that it would not accept the 10 percent portion of the assistance even if the condition was lifted.

In the U.S. State Department's annual human rights report, which was publicized by U.S. Assistant Secretary of State John Shattuck on 1 February, human rights abuses witnessed in Turkey in 1994 were stated under sections such as "political and other extrajudicial killings", "disappearances", "torture and inhuman treatment", "arbitrary arrest, detention, or exile", "denial of fair public trial", "arbitrary interference with privacy", "use of excessive force". (*) In these

(*) This report, which drew strong protests from Turkey, was evaluated by the Foreign Ministry as follows: "With this report, it is understood that the U.S. State Department Human Rights Desk staff are so inexperienced and amateur that they do not deserve to carry out the weight of the State Department within the American system." In addition, Minister of National Defense Mehmet Gölhan, during a press conference on 2 February, maintained that the U.S. administration had been influenced by the public, and said, "Human rights

sections, cases were stated with names and numbers, and the information publicized by the İHD and the HRFT was frequently referred to.

In the report, court cases against the DEP deputies, academicians, journalists and jurists for their speeches, writings and publications were criticized in the section entitled “freedom of speech and the press”. In the section entitled “freedom of peaceful assembly and association”, cases of security forces’ breaking up a number of planned demonstrations, closure of the DEP, and labor unions’ inability to have ties to political parties were condemned. In the section entitled “freedom of religion”, claims on the restrictions on the practicing of Protestants, compulsory religious instruction, prejudice of the Religious Affairs Directorate against Alewis were narrated, and the Greek Orthodox Patriarchate’s interest to re-open the seminary on the island of Halki, the Armenian Patriarchate’s complaints of harassment from local officials and Muslim extremist groups were included. In the report, the following were said:

“Government security forces forcibly evacuated and sometimes burned villages, for the purpose of preventing their inhabitants from providing aid and comfort to PKK guerrillas or in retaliation for a PKK raid on a nearby Gendarmerie post. Some villagers who migrated to the cities told reliable sources that they had been evacuated for refusing to participate in the para-military village guard system. Some lost all their belongings when their houses were burned. Despite the Çiller Government’s pledge in 1993 to end torture and to establish a state of law based on respect for human rights; torture and excessive use of force by security personnel persisted throughout 1994.

The human rights situation in Turkey worsened significantly in 1994. The police and security forces often employed torture during periods of incommunicado detention and interrogation, and the security forces continued to use excessive force against noncombatants. Various agencies of the Government continued to harass, intimidate, indict, and imprison human rights monitors, journalists, lawyers, and professors for ideas which they expressed in public forums.

Disappearances and mystery murder cases continued at a high rate in the Southeast. The PKK and the radical Islamic *Hizbullah* appear responsible in some cases. In other cases, however, the evidence implicated government security forces. In many human rights cases, the targets of abuse were ethnic Kurds or their supporters. Moreover, the Government infrequently prosecuted police or security officers for extrajudicial killings, torture, and other abuses; in the cases which produced a conviction, lenient sentences were usually given. Political murders and extrajudicial killings attributed to Government authorities and terrorist groups continued at the relatively high 1993 rates. Government authorities were responsible for the deaths of detainees in official custody; suspects in houses raided by security forces; and other types of civilian deaths in the southeast. Human rights organizations also maintain that security forces were complicit in a number of ‘mysterious killings’.”

Other protests

Turkey was in trouble in 1995 because of subsequent reports by the international organizations criticizing her. To follow are some of the reports criticizing Turkey:

Western European Union: (*) “The solution to the Kurdish problem is in granting some sort of a political and administrative autonomy within the framework of the territorial

and democratization are the topics that we already work on. It is not necessary to put us under pressure in this issue.”

(*) The report prepared by the Western European Union Parliamentary Assembly in the beginning of June was one of the toughest in recent years, as it included the demand of autonomy for the Kurds.

integrity of Turkey. Otherwise, this problem will continue to threaten the security and stability of Turkey and restrain Turkey's implementation of balanced security and defense policies and its integration with European institutions. We reproach every kind of terrorist activities, even if they are used to attain political ends. It is the right and obligation of the Turkish Government to protect its people against terrorism. However, it should also know that the Kurdish problem cannot be solved with military operations. Even if Turkey becomes successful in annihilating the PKK in Northern Iraq, it is observed that the conflict in its own territory is bound to continue. Turkey, during the operations in the Southeast against the Kurds, uses violence against the civilian people and makes discrimination. Torture, murders and other human rights violations place people into the lap of separatist movements and the PKK."

OSCE: (June) "The Turkish authorities approach the problem of terrorism as 'There is no Kurdish problem, but terrorism.' Turkey, because of the PKK, 'Suffers much and faces huge economic losses.' For this reason, all the OSCE member countries should support Ankara against terrorism and to protect its territorial unity. There are claims that violence is used and torture is inflicted in the struggle against terrorism. The security forces are held responsible for some of these claims. The Turkish government is taking measures to prevent torture and ill-treatment. However, the implementation of these measures should be followed up closely."

European Parliament: (April) "We reproach the terrorist activities of the PKK, but military operations cannot bring a solution to the Southeast problem. Turkey has to find a political solution to this problem. The military equipment that shall be provided to Turkey by the EC-member countries should be given, as in the case of Germany, on the condition that Turkey should withdraw from Northern Iraq. The human rights situation in Turkey does not pave the way for the customs union for the time being. We support the EC Chair France's warnings to Turkey and suspension of the German military aid."

European Council Parliamentary Assembly: (April) "The Assembly is deeply concerned with the human rights violations caused by the armed struggle between the state forces and the PKK and the Kurdish nationalists in Turkey, especially in the southeastern part of the country. It emphasizes Turkey's right to struggle against terrorism, like other countries, within the framework of the international law. It reproaches Turkey's military intervention in Northern Iraq. It regards this intervention as being in contravention of international law, and expresses its deep concerns as to the security of the civilian people. It expects from Turkey to withdraw its forces from Northern Iraq without any delay, and to start initiatives for a peaceful solution to the Kurdish problem. It expects from the Turkish authorities, within the framework of their efforts to reach this end, to assist the Assembly for establishing a fact-finding mission to the conflict regions of the Southeast."

It denotes that there has been no important progress in the constitutional and legal reforms in Turkey, despite the guarantees repeatedly given by the Turkish Government and the demands continuously expressed by the Assembly. It strongly condemns the conviction of the Kurdish parliamentarians because of their political opinions. It determines that, due to the points stated above, Turkey falls far beyond her responsibilities stemming from the status of the European Council. It proposes to consider that Turkey should be invited to withdraw its forces from Northern Iraq and to seek a peaceful solution to the Kurdish problem on the basis of the principles in the Conventions and the Status of the European Council, to ask for a specific period from Turkey to amend its Constitution and the laws in accordance with the norms and the principles of the European Council, to consider suspending Turkey's representation right unless meaningful developments are recorded as to the topics stated above until the Assembly meeting to be held between 26-30 June, 1995."

Customs Union

Another noteworthy topic of 1995 was the discussion on Turkey's admission to the customs union. After this period, during which intensive diplomatic contacts were witnessed, the European Parliament gave its assent to the decision and Turkey was admitted to the customs union that came into effect on January 1, 1996. Commercial relations and interests among the governments played an important role in Turkey's admission to the customs union. Turkey continuously experienced hard times in the last year in which she was seeking admission to the customs union.

The European Parliament, during its session on 19 December 1994, demanded the customs union negotiations to be immediately stopped and the Association Council meeting to be held on 19 December in Brussels to be postponed. Despite this demand, the Association Council held its meeting on December 19, 1994. However, no decision could be reached, and the meeting was postponed to March 6, 1995. The European Parliament Foreign Commission decided to "suspend the inter-parliamentary relations with Turkey" on the pretext of the prosecution of the DEP deputies. In the statement regarding this decision, which also meant the suspension of the operation of the Turkish-European Joint Parliamentary Commission, it was disclosed, "this decision would be in effect as long as the uncertainty in the case of the former parliamentarians continues."

The European Parliament disclosed on 15 February that "human rights abuses in Turkey prevent Turkey's admission to the customs union, and for that reason, observations would continue until October". And on 3 March, the Cyprus problem came on the agenda. During the Association Council meeting held on 6 March, the declaration that paved the way for the admission of Turkey to the customs union was signed. In the text, it was said that the decision would come into effect at the end of the year, technical obligations would be revised in October for the last time, and an assent of the European Parliament to the decision was necessary.

The European Council Parliamentary Assembly took a recommendation decision on 26 April with a 2/3 majority, and demanded from the Committee of Ministers, the authorized body of the Council, to decide on suspension of Turkey's membership if "any meaningful progress was not maintained within two months". This decision provoked protests. Turkish parliamentarians left the hall during the meeting, and came to the decision that they would not participate in the meetings unless a reverse action was taken. The Turkish Council of Ministers discussed the decision of the Parliamentary Assembly during its meeting on 28 April, and decided to release a harsh declaration. In the declaration read by the Government Spokesperson Yıldırım Aktuna, it was said: "The decision is unacceptable, unjust and irrelevant. The Council of Ministers assumes that unjust and irrelevant decisions would do nothing but harm the relations between the European Council and Turkey."

While these developments were being witnessed, Turkey got into trouble when Minister of State Ayvaz Gökdemir uttered the word "prostitutes" to refer to European Parliament Socialist Group Leader Pauline Green, Greens Group Leader Claudia Roth and Radical Group Leader Catherine Lalumiere during their visit on 1 June. European Parliament President Klaus Hansch and the 3 parliamentarians wrote letters to Prime Minister Tansu Çiller on 8 June, protesting the incident, and demanding a full apology from Ayvaz Gökdemir or a denial statement from the government instead.

In the meantime, Ayvaz Gökdemir, who had qualified his insult by saying, "These words are of our people, and they reflect a national sensitivity and anger.", alleged that his words were not directed at the parliamentarians, and did not apologize publicly for quite a long time. Ayvaz

Gökdemir was compelled to apologize on 10 June. Prime Minister Tansu Çiller also sent a letter on 12 June to the 3 parliamentarians and apologized.

Claudia Roth filed a lawsuit against Minister of State Ayvaz Gökdemir, who insulted her by calling her a “prostitute”, with the demand of compensation of TL 3 billion. The first hearing of the trial was held at the Istanbul Court of First Instance No.7 on 30 November. In the hearing, in which Claudia Roth and Ayvaz Gökdemir did not participate, Gökdemir’s lawyer Eyüp Yörükoğlu submitted two statements of apology by Ayvaz Gökdemir. The judge did not allow the hearing to be monitored by journalists.

The 37th Association Council that met in Luxembourg on 30 October, decided that Turkey had accomplished its technical obligations. Reporter Carlos Carnero, who spoke at the European Parliament Foreign Commission on 31 October, proposed to vote for the decision after the elections. However, this proposal was not accepted upon the intervention of the Socialist Group. Meanwhile, Leyla Zana was awarded the European Parliament Sakhorov Prize on 8 November. Diplomatic initiatives on the customs union were intensified on various levels in November. Firstly Germany, France, Spain and England, various states disclosed their support for Turkey. The Socialist Group and the Christian Democrats decided to support Turkey during the voting at the European Parliament. The European Parliament gave its assent to the decision, which foresaw the admission of Turkey to the customs union, with a great majority on 13 December.

İHD Chairperson Akın Birdal disclosed that the European Parliament, by admitting Turkey to the customs union, had given approval to the human rights violations in Turkey, and by so doing, it had contradicted the universal administration of human rights and the obligation to protect them. Akın Birdal said the following: “The European Parliament’s assent to admit Turkey to the customs union before Turkey enacted its obligations contradicts the European ideal. The warning of cutting off the financial assistance should there be serious human rights abuses is far from being serious. Turkey is a member of the European Council. Although it is a signatory party of the European Human Rights Convention, it failed in adopting the rights and freedoms stemming from this convention in its judicial system. The European Parliament, by admitting Turkey to the customs union, gave approval to the human rights violations in Turkey.”

Intolerance

Protests against Turkey enhanced the protests against international human rights organizations and officers of foreign countries. As of August 1994, foreign delegations coming to Turkey to monitor human rights and democratization were forbidden to meet with judges and prosecutors. The following idea played a determining role in this policy which was put on the agenda by Foreign Affairs Minister Mümtaz Soysal: “Since Turkish deputies have no opportunity to meet judges and prosecutors and to affect them regarding the trials, which are under way, why do we give such a privilege to foreign MPs? An opportunity which is begrudged from Turkish deputies should not be given to foreign MPs.” The first foreigner affected by this policy was Michael Angel Martinez, the Chairperson of the Parliamentarian Assembly of the Council of Europe, who came to Turkey in September. During preparation of his visit schedule, appointments with Constitutional Court President Yekta Güngör Özden and Ankara SSC Prosecutor Nusret Demiral were made for Michael Angel Martinez. Both of the appointments were canceled upon the request of Mümtaz Soysal. Michael Angel Martinez was not allowed to meet with the administrators of the HRFT and İHD, either.

German journalist Corinna Guttstadt, Turkey correspondent for the newspaper “Junge Welt” published in Germany, was deported on allegations that she had “inappropriate activities”. She was detained by the police on the morning of 8 February in İzmir, where she went in order to carry out a research for a news story, and taken to İstanbul on the same day. Corinna Guttstadt,

who spent the night in custody, was sent to Frankfurt by plane on the morning of 9 February. In the statement she made at the Frankfurt Airport, Corinna Guttstadt said that after being detained she had been searched being stripped by female police officers and kept in a cell. She also stated that she had not been allowed to call the German Embassy, and her demand for a lawyer had been refused. Two small children of Corinna Guttstadt, who have been in Turkey for one year and living in Mersin, remained in Turkey for a long while after her deportation.

Helmut Oberdiek, who came to Turkey on behalf of Amnesty International and carried out researches on human rights abuses, was detained by the police on the morning of 6 June in Adana. Helmut Oberdiek, who was kept at the Foreigners Department of the Adana Security Directorate for 24 hours, was interrogated by the officers from the Departments of Foreigners, Anti-Terror and Intelligence. Helmut Oberdiek, about whom a file of conviction was opened and whose photographs and fingerprints were taken, was released by the Adana Public Prosecution Office on the morning of 7 June. Subsequently, he was brought by plane to İstanbul under police surveillance. In the evening, he was deported. Until he was sent to Germany by plane, he was kept under police surveillance at the İstanbul Atatürk Airport. Delimitation documents dated 10 August 1994 and 14 December 1994, which ban the entrance of Helmut Oberdiek to Turkey, were shown as justification for his deportation. Helmut Oberdiek said that he had not been exposed to torture or any ill-treatment, but copies of documents and notes relating to his negotiations, were taken and he had been threatened once at the Adana Security Directorate. Hüsni Öndül, the Secretary General of the İHD made a statement concerning the case and protested the detention and deportation of Helmut Oberdiek.

Jonathan Sugden, the Chief of the Turkey Desk of Amnesty International, (*) stated that they would inform the European Union, OSCE, European Commission and United Nations about the deportation of Helmut Oberdiek. Jonathan Sugden said the following: “The way our representatives are treated shocks us. Helmut Oberdiek’s having been kept in custody for 40 hours, without access to food and drink, sleepless, and without access to telephone, is an indicator of Turkey’s failure to act in accordance with the international convention that it had undersigned. We had assured a guarantee from Mümtaz Soysal, when he was the Minister of Foreign Affairs, that there was no problem with Helmut Oberdiek’s travel to Turkey. Before his visit, we had informed the Foreign Ministry. There was no problem at the border. Yet, he had been detained in Adana where he carried out research.” Jonathan Sugden said, “In spite of taking the necessary precautions that would enable it to improve its human rights record, the government follows a policy of denial.”, and added that deportation of Helmut Oberdiek was a violation of the Moscow Document that had been signed by Turkey.

Helmut Oberdiek, after going to Germany, answered questions by an Evrensel newspaper reporter, and told what he had gone through. The questions and answers are as follows:

Q: *It was disclosed that you had voluntarily left Turkey.*

“It is not true. I was detained. I declared that I did not want to leave. I faced a petty blackmail in detention in Adana. They said, ‘Either pay the expenses of 2 police for escorting, or we will keep you in detention until a team comes from İstanbul.’ And I told them that it would be funny to pay extra for something that I did not want. Later on, money was found in the Adana Security Directorate.”

Q: *Did they disclose the grounds for your detention?*

(*) Jonathan Sugden, who was accused of “spreading propaganda of the PKK” by the Ministry of Interior Affairs, has been denied entry to Turkey since September 1994, too.

“The funny thing is that I still don’t know the grounds. They invited me to the police station in Adana. They said, ‘We will have a chat’. They did not search me, but they looked at my belongings piece by piece. Four hours later, they told me that I was denied entry into Turkey. There is no document. There is nothing in written form. The one who had taken the decision is not known. I wanted to phone to the German Embassy, Prime Ministry and Ministry of Interior Affairs. They stalled me for 40 hours by saying ‘Later on’. When I arrived at the airport in İstanbul, I called the Human Rights Foundation. I announced that I was in detention and going to be deported.”

Q: *Why did you go to Adana?*

“I came to carry out a 3-week research on behalf of Amnesty International. There were many complaints from Adana; torture, extra-judicial execution. No disappearances, but there were other cases. That was the reason why I went to Adana.”

Q: *Was the decision communicated to you before your deportation?*

“No. But, I read from the papers on the table while I was being kept in detention that the Ministry of Interior Affairs had taken a decision on 10 August 1994.”

Q: *How would Amnesty International react regarding this incident?*

“If the decision is not lifted, I will appeal to the court. Amnesty International thinks that Turkey has closed its doors to the organization. The chief of the Turkey desk is forbidden, I am denied entry. It is not known what kind of a decision would be taken against the next person. Even to determine that there are no violations, it is necessary to conduct research freely. Today, this is not possible. I have managed to conduct researches even under the harsh conditions of the 12 September period. It is not possible to understand this decision.”

Christopher Panico, representative of Human Rights Watch/Helsinki based in the USA, who came to Turkey in the beginning of June, halted his mission and left Turkey in protest of the style of Minister of Interior Affairs Nahit Menteşe. Kenneth Roth, President of the Human Rights Watch/Helsinki, protested the incident and disclosed the reason for halting the mission as “Minister of Interior Affairs’ attempt to misinform the public on the course of the mission”. Kenneth Roth, who stated that they have been dealing with human rights, torture, conditions of the prisons, censor and the Southeast problem for more than 10 years and following the human rights abuses committed by all parties, said, “Unfortunately, the minister tried to show us as an ally in the struggle they carried out by violating human rights. The minister had called the press, without informing us. He tried to convert the meeting to a propaganda instrument. Up to now, no government has made efforts to such an extent in order to deceive its own people. Under these circumstances, it was impossible to continue the mission as an independent organization.”

Meanwhile, Minister of Interior Affairs Nahit Menteşe said that Christopher Panico was “showing off”. Nahit Menteşe, who said “These kind of people are coming with different purposes, directed by certain people.”, alleged that Panico’s statement that “*a fait accompli* press conference was held” was not true.

Journalist Can Dündar, in his article entitled “***The Human Rights Blunder by Nahit Menteşe***” published in the Yeni Yüzyıl newspaper on 18 June 1995, summarized the developments as follows:

Turkey, which has been pining for years that the international human rights organizations did not condemn the PKK, has spurned an opportunity in this regard... This incident has turned into a “scandal” when the Human Rights Watch/Helsinki representative, who came to

Turkey in order to conduct an investigation on the spot, left Turkey upon a “political statement” by Minister of Interior Affairs Nahit Menteşe.

While Menteşe has disclosed to the *Yeni Yüzyıl* newspaper, “I told about the PKK terrorism within the framework of the information by the Ministry of Foreign Affairs”, the Ministry of Foreign Affairs authorities has complained, “We have missed a very important chance that we could have benefited from at the international level”. For years, Amnesty International or similar organizations’ not condemning the PKK attacks against civilians, despite the fact that they have been concentrating on the human rights violations witnessed in Turkey, has been criticized by the Turkish Government.

And finally, the Human Rights Watch/Helsinki, which have been following the situation in Turkey for more than 10 years, decided after long discussions to report on the human rights abuses by the PKK. Christopher Panico, the research specialist of the organization which is known for their influence in the European capitals and the US Congress, first came to Turkey in August 1994 and held some meetings. However, during his first visit Panico was not able to meet with the authorities in the Southeast, and he said that he could not write a report on second hand information, and demanded permission to travel to the Southeast and meet with the parties to the problem. Mümtaz Soysal, the then-Minister of Foreign Affairs, discussed the issue with Jeri Laber, the Executive Director of the organization, in New York in the fall of 1994, and a mission was planned to be held in June.

In fact, the HRW wanted to investigate the human rights abuses both by Turkey and the PKK, and prepare two reports. However, the Turkish Foreign Affairs, well aware of the influence of the organization in the West, attributed a special emphasis on the subject, and preferred to present the case as “The Western organizations will condemn the PKK at last.” And for this purpose, they got high-level appointments for the representative. In schedule of HRW Representative Christopher Panico were appointments with state ministers Necmettin Cevheri and Algan Hacaloğlu, as well as appointments with ministers of Interior Affairs, National Education and Culture, the General Staff Office Plan and Operation Branch Director, and the Chairperson of the Parliamentary Human Rights Commission. These meetings in Ankara would be followed with the meetings in Adana and Diyarbakır. The Foreign Ministry, in a letter sent to the MİT, the National Security Council and the related bodies prior to the mission, demanded that all kinds of facilities be provided for the representative’s visit to the Southeast. In the letter, it was said, “It is no doubt that we will extensively benefit at the international level from the report that would be prepared by this organization and that would focus solely on the abuses by the PKK”.

Panico started his mission last week with the meetings in İstanbul and Ankara. While he met with officials before noon in line with the appointments taken by the Ministry of Foreign Affairs, he met with non-official bodies such as the İHD; HRFT, HADEP in the afternoons. And by so doing, he was planning to prepare two separate reports both on the PKK attacks against the civilians and Turkey’s policy of forcing people to migrate from the villages in the Southeast.

After having an “utmost impressive” meeting with Ambassador Gündüz Aktan at the Ministry of Foreign Affairs, he knocked on the door of Minister of Interior Affairs Nahit Menteşe. However, the Minister was not able to catch the meeting as he was in the Parliament. Upon this, the meeting with Security Director General Mehmet Ağar was brought forward. When the Minister came, his room was filled with about 30 journalists.

In fact, most of the journalists had come to ask the Minister’s opinion on the “Menzir case”. However, Minister Menteşe did not miss the chance, and gave a speech on the importance of the mission: “Our friend has come to Turkey in order to investigate the activities of illegal

organizations and determine their damage on the spot.” Then he made a call to the world: “Let’s fight against terrorism together”. Then he told about PKK terrorism at length.

When this speech was translated to him, Panico got furious. Because, not only the PKK but also Turkey had committed human rights abuses, and he had come to Turkey to investigate both. However, Menteşe had been talking as if the investigation had concluded and the only thing to do had been to determine “the harm that the PKK had caused”. When the journalists asked Panico about the course of his visit, Panico said, “I came to investigate the human rights abuses in general. I cannot make a statement before concluding my study”. When the journalists insisted by asking, “Does it mean that you have not come to investigate solely the PKK?”, he belied the Minister by saying, “I cannot say yes.” After the journalists left, Panico and Menteşe had a meeting for 2 hours. Menteşe answered every question comprehensively.

However, Panico immediately called his office in New York after the meeting, and reported the situation. He stated that his visit had been presented unilaterally by the Turkish government, and he had been shown as a target to the PKK. Upon this, the HRW’s headquarters in New York decided that the mission be immediately suspended and the travel to the Southeast be canceled.

While Panico returned back to his country on the first available flight, the HRW announced the reasons for their decision. The statement was as follows: “Our characteristic to carry out missions as an independent organization was destroyed by the statement made by Minister Nahit Menteşe during his meeting with Panico. We have been reporting the human rights situation in Turkey since 1983, including torture, conditions of the prisons, censor, the Southeast problem, and the human rights abuses committed by all parties. However, the Minister, in front of television cameras during a fait accompli press conference, openly insinuated that Human Rights Watch was involved in the Turkish Government’s struggle against terrorism. The Minister’s statement which distorted the aim and autonomy of our work made it inevitable that our studies should be suspended for the time being.”

In the statement he made when the topic was published in our newspaper on 17 June, Minister of Interior Affairs Nahit Menteşe noted that he had met with his guest and answered his questions within the framework of the information provided by the Ministry of Foreign Affairs, and said, “As I do with every visiting representative, I told our friend about the PKK terror and the inhuman attacks. If talking about these is a blunder, I commit this blunder everyday”. Minister Menteşe also added that pressure from certain other organizations on the HRW might have caused the termination of the mission.

The Ministry of Foreign Affairs authorities mentioned the influence of the reports prepared by the Human Rights Watch on the European public and on the US Congress during the discussions on foreign assistance, and said, “At this moment, a report prepared against the PKK by such a respected organization would provide us with a card. We have just ruined such a great opportunity.”

In the meantime, in a news story entitled “The PKK’s Pawn Europeans” published in the Zaman newspaper on 13 June 1995, it was alleged that “the PKK gave an important part of the income that they received from the drug trade to the European parliamentarians as a bribe and thus made them prepare reports against Turkey”. Upon this news story, German Greens Party Deputy Amke Dieter-Schener, one of those whose name was mentioned, launched a lawsuit against the Zaman newspaper. Amke Dieter-Schener disclosed she believed that the source of the allegations in the Zaman newspaper was the Turkish government, and said, “In this news story, certain crimes were attributed to the parliamentarians in the European countries other than the usual political blasphemy by the conservative politicians and press. I came to Turkey in order to follow the trial

launched against the executives of the İHD Diyarbakır Branch, and the Turkish government was informed by the German Embassy on the purpose of my travel. The aforesaid article is the latest example of the attempts to slander those who criticize the human rights abuses in Turkey. This attempt can be regarded as a preparatory step aiming at pro-paganda in order to ban another of those critical observers.” The Press Council also agreed with Amke Dieter-Schener, and unanimously decided to warn the Zaman newspaper and journalist Ahmet Kaya.

German citizen Ralf Paesler, one of those mentioned in the news story, stated that the accusations published in the Zaman newspaper were an indication of the deadlock Turkey is in. Ralf Paesler, who stated that the state of emergency, emergency laws, torture, massacre and pressure were facts of life in Turkey, stressed that he was on the side of those who struggle to put an end to the pain experienced in Turkey and fight for a humane life. Meanwhile, in a statement made by the British Labor Party Press Office, it was said that David Angelina and Frank Hauser, who were presented as their deputies by the newspaper, were not deputies, and even their names had never been heard before.

The prosecution of German citizens, Andreas Günter Landwern and Karen Braum who had been arrested in 1994 on charges of “acting as couriers for the PKK”, started at the İstanbul SSC on 24 January. The indictment read out in the hearing, demanded sentences of up to 5 years in prison for Andreas Günter Landwern and Karen Braum under Article 169 of the Turkish Penal Code. The defendants, who were cross-examined, pleaded not guilty and said that they had not acted as PKK couriers. At the end of the hearing, Andreas Günter Landwern and Karen Braum, who were under arrest for 3 months, were released.

Turkey-Greece relations

The relationship between Turkey and Greece was also bad in 1995 due to the reciprocal vetoes in connection with the problems of increasing the territorial waters to 12 miles, claims of support to the PKK, pressure on the West Thrace Turks, and establishment of a NATO headquarters at the Aegean Sea. Technical meetings conducted at the junior level, which continued in 1994 despite the tension between Turkey and Greece due to the 12 miles crisis, halted completely in 1995. In protest of the Turkish government’s statements on the 12 miles issue, Greece halted the meetings on cultural cooperation unilaterally. Turkey rejected the demand by the Greek government to re-start the technical meetings, stating that all problems, including the problems of the continental shelf in the Aegean Sea and territorial waters, should be handled in bilateral meetings in order to maintain a prevailing peace between both countries.

The U.S. policy of avoiding any tension between Ankara and Athens within the framework of the “confidence building measures”, prevented tensions among both countries that would lead to a war. Meanwhile, news indicating that “Syria had provided Greece with bases on its territory” caused protests by Turkey. The attack by the Greek fanatics against State Minister Yıldırım Aktuna with stones and clubs was among the factors that increased the tension.

Iranian refugees

Among those foreigners who were persecuted in 1995 were the Iranian refugees who escaped from Iran and came to Turkey in order to seek political asylum or go to other countries. The refugees were detained or continuously disturbed, and even occasionally deported and sent back to their death. For this reason, some of the Iranian refugees staged a sit-in act, on first at the headquarters of the United Socialist Party (BSP) in the beginning of August, and then at the Mamak district center of the same party. The refugees, about 30 of whom were children, were under intense pressure throughout the action.

For example; an Iranian woman named Mehin Ercümendi, who came to Ankara from Germany in order to help the Iranian refugees in Turkey, was hit intentionally by unknown people in a black car on 10 November. About 30 Iranian refugees, who visited Mehin Ercü-mendi at the hospital after the incident, were detained by police on the grounds that “they did not have passports”. Meanwhile, Mehin Ercümendi was also kept in detention for a while.

An Iranian refugee named Bahman Nacibi, who was abducted by 4 unknown people on the evening of 11 November, was tortured for about 2 hours. In a statement about the incident, BSP Vice Chairperson Hakan Tahmaz said, “The Turkish government insists on not caring for the Iranian refugees. The responsible parties for the abduction and torturing of the Iranian refugees right in the middle of the city and the attempt to kill them are the Ministry of Interior Affairs and the government. As a result of the examination of Bahman Nacibi at the HRFT, it was found that there was renal parenchymal injury due to torture.

Of the Iranian refugees who staged a sit-in at the headquarters of the BSP, Kobra Bahrani and Asgar Zelfakari were detained by police on the morning of 21 November, and taken to the Foreigners Branch of the Ankara Security Directorate. In a statement made by the Iranian Refugees Coordination Committee on the incident, the 2 detainees were requested to be released, and it was stated, “If these persons are deported, they will face cruel punishment and execution. We protest the attitude of the police, and we deem the Ministry of Interior Affairs and the Government responsible for the fate of the detainees.”

In his article published in the Siyah Beyaz newspaper on 13 July 1995, journalist Hasan Uysal wrote about the position and the problems of the refugees in Turkey and Turkey’s approach towards the refugees as follows:

If we consider the phrase “Variety of the people in a country is the wealth of that country” to be true, Turkey has become one of the richest countries in the world. Thus, even if we do not take into consideration the settled people, there are 1,700,000 refugees according to official figures and 3,000,000 in fact, who entered Turkey openly or secretly, from 53 different countries. () Thus, the number of the Turks living abroad and those foreigners who took shelter in Turkey seem to be equal.*

The number of people who entered Turkey openly or secretly and stayed as refugees is 1,700,000, according to official figures. This number does not include those 600,000 people who entered Turkey as tourists and who did not leave. Nearly 90 % of the refugees who entered Turkey are male. Among the refugees, Iranians come first with a population of 1,500,000. Then comes the Iraqis with 300,000.

Some of those refugees destroy their IDs and passports after entering Turkey through the ordinary channels. These refugees do not face any difficulty when they want to get out of Turkey. However, those who enter Turkey without any valid documents or those who use illegal ways get in trouble; for those who do not have an entrance do not get a permission to exit. Thus, 600 people who came to Turkey through illegal ways cannot get permission to exit although they have found a 3rd country that accepts them. In addition, they face the risk of extradition to their countries. And this means death for most of them!

It is quite astonishing to talk with the refugees, and listen to what they have gone through. H.D., who has come from Iraq and who is not permitted to leave Turkey although he has obtained

(*) In the report entitled “The Status of the Refugees in the World”, which was prepared and made public on 16 November by the UN High Commissioner of Refugees, it was recorded that a total of 25 thousand refugees came to Turkey in 1995, and 17 thousand people had gone through Turkey to other countries.

a visa from the USA, explained how he had passed through the Iraqi border and entered Turkey without any difficulty and without confronting with anybody, and adds, "After passing the border, I immediately went to the police station. I said that my cousin was also in Turkey. They did not ask me for anything, and said, 'Okay.' And I came to Ankara." Additionally, some of the refugees had shown invalid, fake papers at the border gate, and they had been let in. And naturally, those who passed the border with this kind of fake documents have the status of "illegally entering without any valid documents". There are also many people who entered Turkey without confronting anybody and without showing anything that one wonders if we have "united with Iran and Iraq" or not.

As to the refugees who do not have entrance and whom we did not permit to exit, authorities of the Ministry of Foreign Affairs Foreigners Directorate have a reasonable explanation: "If we give such permission, this will be heard in the neighboring countries immediately and 5 or 6 million people will enter Turkey within a few months".

Another interesting point is that, the Turkish Government which had signed the "UN Convention relating to the Status of Refugees" dated 28.7.1951 with a 10 years' delay, had put a reservation on one of the articles, and said "I shall not apply the provisions of this convention for those who come from countries other than Europe". And since people generally do not escape from France, Sweden, Switzerland or England and seek asylum in Turkey, those coming from South America, Africa or Asia are not regarded as "refugees" but as "guest foreigners". These guests do not have any rights as they are not regarded as refugees in Turkey. Turkey does not provide them with financial assistance. The only connection these people have with Turkey is to obtain a "temporary residence permit" until finding a third country via the UN. In line with the convention, the only organization which gives support is the High Commissioner of Refugees. This is limited to the \$100 monthly allowance paid to each refugee. Refugees have to find a house, maintain necessary goods, and feed themselves with this \$100 in a foreign country.

Other noteworthy incidents, and political and economic developments witnessed in Turkey in 1995 are as follows:

The HRFT and the İHD executives, against whom trials were launched at the Ankara SSC under Article 8 of the "Law to Fight Terrorism" in connection with the books "File of Torture" and "A Cross-section of the Burnt Down Villages", were acquitted in the hearings held on 11 January.

Journalist-writer Onat Kutlar (59), who was severely wounded as a result of the bombing of the Opera Pastry Shop in the İstanbul Taksim Square by unknown persons on 30 December 1994, died at the hospital where he was treated on the morning of 11 January. Onat Kutlar was buried in İstanbul on 14 January. In the attack, also a woman named Yasemin Cenobayan (36) had lost her life.

In a statement he made on 18 January, Mehmet Nuri Yılmaz, the Director of Religious Affairs, stressed that "men are superior to women in the Koran", and said, "If beating would maintain the continuity of the family, the woman could be beaten. However, beating is not a religious precept stated in the Koran. There is nothing indicating that you are obliged to beat." Nuri Yılmaz, who attended the meeting organized by the Federation of Women's Associations held at the hall of the Religious Affairs Foundation, also defended polygamy.

Alaattin Çakıcı, one of the important leaders of the rightist mafia, had his former wife Uğur Kılıç killed at Uludağ on 20 January by his hired assassin. Dündar Kılıç, the father of Uğur Kılıç, alleged that Ahmet Özal, Semra Özal and a high-ranking National Intelligence Organization (MIT) officer in Ankara had connections with the killing of his daughter. Abdurrahman Keskin, who killed Uğur Kılıç, surrendered to the gendarme. Abdurrahman Keskin received a life sentence by the Bursa Heavy Penal Court No.1.

Journalist-writer Uğur Mumcu was commemorated with demonstrations held throughout Turkey on the second anniversary of his death. (*) President Süleyman Demirel said, "The murderers will be found sooner or later." Over 1 million signatures, collected with the demand that the murderers of Uğur Mumcu be found, were submitted to the National Assembly Chairperson Hüsamettin Cindoruk by Önder Sav in the name of the Watch Committee on the Murder of Uğur Mumcu.

Conviction and imprisonment of İskeçe (Greece) Mufti Mehmet Emin Aga in January provoked protests. In his statement, İHD Chairperson Akın Birdal said the following: "The conviction of Mehmet Emin Aga is a violation of the freedoms of religion and conscience which have been secured under international conventions, especially under Article 18 of the Human Rights Declaration. The conviction, which is also an attitude against the rights of minorities, has wounded in the heart not only the West Thracians but all human rights advocates. With this decision, personal security and freedom has been violated. Greece should immediately take back this unjustified decision and the İskeçe Mufti should be released."

Burhan Kerküklü, the MHP member Mayor of the Kilis Gaziantep, was killed in an armed attack on 31 January. It was revealed that Burhan Kerküklü had been killed because of a clash of interests among the MHP advocates working at the Municipality. Of the people who had been involved in the killing of Burhan Kerküklü, İsmail Mısırlı was sentenced to 30 years in prison by the Ankara Heavy Penal Court No.6, and 6 people were sentenced to prison terms ranging from 4 months to 1 year 5 months. In the trial, 6 people were acquitted.

The law relating to the protection of consumers was enacted by the Parliament on 24 February. The law foresees the establishment of courts related to consumers rights, establishment of the Consumers Council, prevention of commercials that would take advantage of the children and the old, establishment of the Commercials Board, placing of explanatory information on dangerous commodities and the right to change a defective commodity.

The "Law on the Provisions to be Implemented on Assailants of Certain Crimes" which is publicly known as the "Repentance Law", was put in effect again for a 4-month period on 8 March. The law, which had been occasionally put into force since 1985, foresees no sentence or diminished sentences for the members of illegal organizations if they make some confessions in order to enlighten the relations, acts and activities of their organizations. The law also provides certain facilities to the repentants such as having a new identity and being employed. Authorities stated that the number of persons who had made confessions in accordance with the Repentance Law for the last 10 years, was more than one thousand.

On the night of 12 March, unknown people fired at coffee houses in the Gazi Quarter of the Gaziosmanpaşa District of İstanbul, which are frequented by Alewis and left-wing persons. In the attack, Halil Kaya died and 19 people were wounded, 5 severely. The assailants also killed Mesut Efe, the driver of the taxi they had seized and used during the attack, by cutting his throat. The armed attack caused great protests. Demonstrations which started in the Gazi Quarter right after the incident, spread to the other quarters of the city and then throughout Turkey. In consequence of the police's extensive use of guns during the demonstrations in the Gazi and 1 Mayıs quarters of İstanbul, 23 people died and over 300 people were wounded.

On 20 March, Turkey launched a large-scale air and ground operation against the PKK camps and positions in the Northern Iraq. About 30-35,000 soldiers were involved in the

(*) Although 3 years have passed since the killing of Uğur Mumcu on 24 January 1993, the murderers have not been apprehended yet. In addition, no advances have been achieved in the investigation. As a result of falsifications, contradictions and attempts to cover up the incident, the investigation is at a standstill.

operation which continued on a field of 220 kilometers between Şemdinli and Habur. The military units which participated in the operation were drawn back starting from 24 April.

A coal mine located in the Sorgun District of Yozgat and belonging to a private enter-prise caved in at about 04.00 p.m. on 26 March. As a result, 40 workers died, 10 workers got wounded. The coal mine where the accident took place, had been closed by inspectors of the Ministry of Labor on the grounds that there had been no life security, but the closure decision had been annulled by the Kayseri Labor Court.

Engin Civan, former General Manager of the Emlak Bank who was charged with accepting a bribe, (*) was sentenced to 7 years 6 months in prison and fined TL 62.5 billion on 7 April, while businessman Selim Edes was released on bail of TL 111 billion taking into consideration the period he served in prison. After his release, Selim Edes settled in the USA.

Kemal Tekin, the Mayor of the Nazımiye District of Tunceli, was killed by 2 unknown persons who went to his house at about 09.30 p.m. on 7 April. The killing of Kemal Tekin, who had won the local elections held on 27 March 1994 as an independent candidate, caused tension in the Nazımiye District. It was learned that Kemal Tekin had been killed by PKK militants on the grounds that "he had cooperated with the State".

Fire opened at random during demonstrations held when the Turkish football team beat the Swiss football team on 27 April and became the group leader in the European Cup, resulted in deaths and injuries. As a result of the fire, a woman named Sultan Albayrak in İstanbul Mecidiyeköy and a university student named Tolga Mola (19) in Bilecik were shot dead. In İstanbul Kocamustafapaşa, a child was strangled when the scarf wrapped around his neck got tangled with an iron stick, while his father watched the game. Around the country, 14 people were wounded due to gun shots. Police officers also contributed to the rowdiness and use of guns by demonstrators, most of whom carried the 3 crescent MHP flags and were flashing the MHP sign of the wolf with their hands. When the Turkish football team won the game with Hungary on 6 September, again unruly behavior was witnessed and fire was opened at random in many provinces, especially in İstanbul and Ankara. During the incidents, a child named Eda Aydoğdu (6), who was standing at the balcony of her house in the Okmeydanı Gürsel Quarter of İstanbul, got wounded by a bullet in her back. On the Laleli Street in Ankara Keçiören, a person named Fatih Erdoğan, who was celebrating the score, was shot in the neck. In the Eskibey Quarter of Adana, Süreyya Söndüren (15) got wounded from a gun shot. During the rowdiness when Turkey tied with Sweden on 15 November and rose to the European Cup finals, a group of MHP adherents attacked the HADEP Ankara Yenimahalle District Organization building with stones. In the attack, which was carried out right after the football game, building's windows were broken.

Mihail Gorbachev, former President of the Soviet Union, was booed and showered with rotten eggs by students at the Middle East Technical University where he went to give a talk on 28 April during his visit to Turkey. A trial was launched against 22 students in connection with the incident.

The May Day Worker's Holiday was celebrated with authorized demonstrations and meetings in many areas, firstly in İstanbul, Ankara, İzmir, Adana and Bursa. The meetings and demonstrations, in which thousands of people participated, ended quite uneventfully since the police did not intervene and preferred to watch the demonstrations from a far. A group of persons who wanted to march following the demonstration held in the Uğur Mumcu Park in Adana were

(*) Engin Civan was wounded as a result of an armed attack on 19 September 1994. This attack brought to light a bribery scandal which captured public attention for a long period. The names of many famous people, including those of the wife and children of former President Turgut Özal, were involved in the scandal.

dispersed by beating by the police, and 3 people were wounded. Before the demonstration in İstanbul, a clash with clubs and stones broke out between the police and a group who refused to be searched by the police.

Cemalettin Kaplan, who founded the “Anatolian Federation of Islamic State” in Germany where he lived as a refugee, and who declared himself the “Caliph of the Islamic world”, died on 16 May. Cemalettin Kaplan, who carried out activities against the laic order of the Republic of Turkey and who was known as the “Black Voice” to the public, had been deprived of his citizenship by the decision of the Council of Ministers in 1984.

Bekir Kutmangil, the owner of the newspapers Yeni Günaydın, Süper Tan and Ekonomik Bülten, was killed by 3 unknown people who waylaid his car on the Kore Şehitleri Street in İstanbul Mecidiyeköy at about 07.30 a.m. on the morning of 23 May. It was reported that there was no political motivation for the murder and he might have been killed because of his commercial relations. In connection with the killing of Bekir Kutmangil, 8 people, including the assailants, were arrested and a trial was launched against them. In the trial that started at the İstanbul Heavy Penal Court No.6 on 16 August, defendants İbrahim Cici, Hüseyin Vurçekiç, Engin Gölve and İbrahim Yücel were requested to be given the death penalty under Article 450 of the Turkish Penal Code, whereas the remaining 4 defendants be sentenced to various prison terms on charges of “assisting the murder”. Cross-examined during the hearing, the defendants pleaded innocent and stated that their testimonies had been received under torture.

For the first time in the history of the Constitutional Court, a member was elected president twice consecutively. Yekta Güngör Özden, whose term as the president of the Court expired on 7 May, was re-elected president of the Constitutional Court on 25 May. In the election, Yekta Güngör Özden received 6 votes while the other candidate Güven Dinçer received 4 votes, and one member voted for Selçuk Tüzün. After being elected, Yekta Güngör Özden said, “Before the elections, I have heard that meetings were held between certain columnists and members of our court, and there were efforts to convince the members of our court to vote against me. However, I did not believe them. Those who think that I am on their side or I am against them will be mistaken.”

İsa Armağan, who, together with his 3 friends, raided 4 different coffee houses in Ankara Balgat on 10 August 1978 and killed 5 leftist people and wounded 12 others, was brought back to Turkey from Germany on 30 May. (*) İsa Armağan, who was arrested on May 31, was kept at the Ankara Central Closed Prison for a short time, and then secretly taken to the Bandırma Prison. İsa Armağan, who had received a life prison term, but whose sentence had been reduced to 10 years after the “Law to Fight Terrorism” came into force, will remain in prison for 11 years 8 months 20 days when the period he stayed in prison was taken into consideration. (İsa Armağan had also been sentenced to various other prison terms for extortion and injuring people.)

Minister of Culture Ercan Karakaş applied to the Prime Ministry on 2 June for the lift-ing of the Council of Ministers decision dated 27 May 1951, which had deprived Nazım Hikmet of citizenship. No result could be obtained from the application until the end of the year.

Unknown people opened fire against a family having a picnic around the Tırazlı village of İzmir at about 04.30 p.m. on 4 June. In the attack, Huriye Kaçırılmaz, Beşir Kaçırılmaz (40), Hüsnüye Kaçırılmaz (65), Dilek Kaçırılmaz, İbrahim Kaçırılmaz and Zöhre Kaçırılmaz died, while 4 children

(*) After having been sentenced to life in the trial he had been prosecuted, İsa Armağan had escaped from the Mamak Military Prison along with his friend Mustafa Pehlivanoğlu. Mustafa Pehlivanoğlu had been arrested shortly afterwards, and executed after the 12 September military coup. İsa Armağan, who had hidden in Turkey for a while, had gone to Iran and then to Germany in 1991 and applied for asylum.

named Muhammet (7), Alpaslan (5), Şükrü (12) and Veysi Beşir Kaçırılmaz (9) were wounded. It was revealed that the attack had no political motivation.

Tens of thousands of civil servants demanding “trade union rights accompanied by the rights to strike and collective bargaining” and “a democratic Constitution”, staged one of the most well attended rallies in the recent years. Civil servants, who came from various parts of Turkey to Ankara by buses, gathered at the Hipodrom Square on the morning of 17 June. The civil servants arrived at the Zafer Square and met there with the civil servants from Ankara. The civil servants, which exceeded 70,000, started to stage a sit-in at the Kızılay Square. The sit-in also continued into the night of 17 June, ending at 06.00 p.m. on 18 June.

İHD Chairperson Akın Birdal said that Turkey, which has one of the worst records of countries that violate the right to settlement with the implementation of evacuating villages, would have been rewarded should the HABITAT-II be held in Turkey in 1996. In the press conference he held on 29 June, Akın Birdal, who said that 2,469 villages had been evacuated in the State of Emergency Region, held the government responsible for this policy and added that the evacuation of the villages had completely changed the structure of the population in the region. Akın Birdal also said that it would be convenient to hold HABITAT-II in Turkey if and only if the policy of evacuating villages is stopped and compensation is paid to those people whose villages had been evacuated.

Journalist-writer Aziz Nesin died in the Çeşme District of İzmir due to a heart attack at about 01.00 a.m. on 6 July. Aziz Nesin, who was one of the founders of the İHD, was buried in the garden of the Foundation that he had established. In order to hide the grave of Aziz Nesin, 8 different graves were established according to his own will.

Politician, writer and academician Mehmet Ali Aybar (87), who was being treated at the hospital because of his lung problems, died on 10 July due to heart failure. Mehmet Ali Aybar, the leader of the closed down Workers’ Party of Turkey and Socialist Revolution Party, was one of the founders of the İHD. Mehmet Ali Aybar, who was an İstanbul deputy between 1969-1973, was buried in the Aşiyân Cemetery after the ceremony held in İstanbul on 13 July.

The visit by UN Secretary General Boutros-Gali to Turkey, which would have taken place on 18 July, caused great reactions by the Islamic and chauvinist groups. Various demonstrations were held when it was heard that Boutros-Gali would come to Turkey in connection with a ceremony on the occasion of an honorary doctorate he was awarded by Ankara’s Bilkent University. As a result of the demonstrations, Gali deterred from coming to Turkey. Meanwhile, Prof. İhsan Doğramacı, founder of Bilkent University and the Chairperson of the Board of Trustees, disclosed that it was out of the question to award Boutros-Gali an honorary doctorate.

The flood and landslide following the heavy shower on the night of 13 July in the Senirkent District of Isparta caused many casualties and material losses. In consequence of the flood and landslide, 105 houses in Senirkent remained under mud or were ruined totally and 69 houses were partially destroyed. As a result of the disaster, 74 people died, 47 people were injured. Gülay Yaşın, the Vice Director of the Turkish Foundation of Struggle with Erosion, Tree-Planting and Protection of the Natural Assets (TEMA), stressed that the disaster in Senirkent had taken place due to the absence of plant life and soil erosion. Gülay Yaşın said the following: “If there was plant life on the mountain, these would have absorbed the water like a sponge and prevented this. The State is obliged to protect the land under Article 44 of the Constitution. This incident is not the first of its kind, and will not be the last. Is it necessary to experience a disaster in order to see things? This incident is not a natural disaster but an outcome of the nonchalance of politicians.”

The Supreme Court announced on 14 June its decision in the Fatsa Revolutionary Path case, which was among the most crowded trials launched after the 12 September military coup. In

the decision which involves 460 defendants, sentences passed on 266 defendants by the Martial Law Court, acquittal verdicts for 149 defendants, and decisions of dropping the charges against 14 defendants were upheld. Of those defendants whose sentences were upheld, 8 had been given the death penalty and 14 had been sentenced to life imprisonment. The Supreme Court found the sentences passed on 20 defendants to be inadequate, and overturned 2 decisions of acquittal. 20 defendants whose sentences were found inadequate were begun to be re-prosecuted under Article 146/1 of the Turkish Penal Code. Those 9 defendants whose sentences were overturned were put on re-trial under Article 146/3. Names of the defendants who were put on re-trial under Article 146/3 of the Turkish Penal Code are as follows: “Sedat Göçmen, Aydın Akyazı, Ahmet Aktaş, Ekrem Aslantaş, Fahrettin Öztürk, Dursun Öztürk, İrfan Bölükbaşı, Hüsamettin Keskin, Zati Yücel Özel, Feridun Ekiz, Aydın Oral, Hicabi Karadeniz, Mahmut Keskin, Ahmet Küçüköksüz, Bahattin Oğuzer, Bayram Türkmen, Cemal Sadman, Zekai Top, Emir Yaşar and Osman Nuri Yaman.”

Gümüşhane Bar Chairperson Ali Günday (35) was shot to death by İzzet Kıraç (44) at his office in Gümüşhane at about 10.00 a.m. on 25 July. İzzet Kıraç, who delivered himself to police after the murder said that he had killed Ali Günday because “he had not allowed female lawyers to wear headscarves while attending court hearings”. İzzet Kıraç stated that he had been living in Adana and had come to Gümüşhane just to kill him.

The İHD General Administrative Board members and branch chairpersons held a 1-hour sit-in act in front of the United Nations Representative Office in Turkey on 26 July, and demanded an urgent action for Bosnia. The İHD executives, who gathered in front of the Representative Office building carrying banners that read “End the massacre and the double standard in Bosnia”, “Peace in Bosnia, now” and “Rights should be equal and free in every-where”, wanted to give a letter to be submitted to Boutros-Gali, but were not let in the building on the grounds that “they did not get an appointment 48 hours in advance”. A United Nations officer came to the door, took the letter and said they would communicate it to Boutros-Gali. İHD Vice Chairperson Ercan Kanar said that the prevention of the İHD executives from entering the building had demonstrated the human rights approach of the United Nations, and said, “The United Nations has the attitude, behavior and anxiety of the guilty.” The letter stated that the Serbs had intensified their attacks after the London Conference as the United Nations failed to take dissuasive measures, and read, “Today, the United Nations mechanism is paralyzed regarding Bosnia problem. Far from avoiding the genocide, the Peace Keeping Force has weakened to an extent that it cannot even protect itself. The main reason for this situation is the monopolistic structure of the United Nations that is dependent solely on 5 big states. We would like to remind you once again the common ideals in the documents that should have bound your organization, and invite you to take a decisive attitude against Serbian chauvinism.”

When the collective bargaining negotiations deadlocked, about 160,000 workers at the state-owned plants and enterprises went on a strike beginning the morning of 20 September. The number of the workers on strike exceeded 300,000 in a short period of time. An important segment of the workers participated in the strike, which was the most widely participated in strike of the Republican period, were the Türk İş member workers. The collective bargaining negotiations between the Government and Türk İş resulted in an agreement on 27 October.

An earthquake, the center of which was in the vicinity of the Dinar District of Afyon, devastated numerous settlements in the west of Turkey at 05.57 p.m. on 1 October. As a result of the earthquake measuring 6.1 on the Richter scale, most of the buildings in Dinar were caved in or destroyed. Additionally, there were 3 after shocks in the region at 08.03 p.m., 08.24 p.m. and 10.51 p.m. As a result of the earthquake, 34 people died and 162 people were injured. The earthquake also caused damage in the Evciler, Sandıklı and Kızılören districts of Afyon.

Bülent Uluer, a youth leader of the period before the 12 September 1980 military coup who was living abroad for about 17 years, returned to Turkey on 2 October. Bülent Uluer, who came to İstanbul by plane, did not face any difficulties while entering Turkey.

Tens of thousands of civil servants demanding “trade union rights accompanied by the rights to strike and collective bargaining” and who were suffering from low wages, staged a work stoppage for one day all over Turkey on 17 October. Because of the action, numerous state institutions and hospitals could not function, many schools could not offer classes to students. The action especially affected daily life in İstanbul, and caused glitches in transportation schedules. The civil servants, who did not start working, held protest demonstrations in many settlements especially in İstanbul, Ankara and İzmir.

About 1,500 students protesting the 350 percent increase in the money collected at the universities in the name of “tuition”, held a rally in Ankara’s Kızılay Square on 20 October. Despite the obstacles by the policemen, the students gathered at the square at noon and demonstrated for an hour by shouting slogans. In the meantime, a petition which was signed by 350,000 people to protest the increase in the tuition, was submitted to the Parliamentary Presidency by the representatives of the students. After the rally, during which disputes and fights between the policemen and the students were frequently witnessed, a group of 400 students who wanted to march towards the Cebeci Quarter, were truncheoned by the police who were trying to disperse them. In the clash which broke out when the students responded by throwing stones, windows of various buildings and vehicles around were broken, while 10 students were detained. In the meantime, most of the students who came to Ankara from other provinces in order to attend the rally, were extensively prevented. About 200 students who came to Ankara by train from İstanbul, were not let out of the station by police. Thirty-nine buses of students coming to Ankara from various provinces, were halted by the police at the entrance to the city in the morning hours. With the students in them, the buses were taken to the Security Directorate. The students were kept under custody until the end of the rally. Additionally, about 150 students from various universities in Ankara were detained by the police who raided parks and cafeterias in the vicinity of Kızılay where students were waiting in order to attend the rally, while another 50 were detained by the police who took security measures in the vicinity of the universities. All of the detained students were released after the rally ended.

On 26 October, the Supreme Court disclosed its decision relating to the sentences passed for 7 former deputies of the DEP, which was closed down by the Constitutional Court, and for Şırnak Independent Deputy Mahmut Alınak by the Ankara SSC. The sentences given to Ahmet Türk and Sedat Yurtdaş were overturned on the request that “they should be prosecuted under Article 8 of the ‘Law to Fight Terrorism’ instead of the Turkish Penal Code”. Mahmut Alınak and Sırrı Sakık’s sentences were overturned on the request that “the fines should be heavier”. The sentences passed for Hatip Dicle, Leyla Zana, Orhan Doğan and Selim Sadak were upheld. As a result of the decision, Ahmet Türk and Sedat Yurtdaş were released. Hatip Dicle, Leyla Zana, Orhan Doğan and Selim Sadak will remain in prison until 2005.

Of the 4 students prosecuted on charges of “having beaten a person named Osman Gün (18) to death” after the football game between Fenerbahçe and Galatasaray, Mustafa Nihat Gençer was sentenced to 2 years 3 months 15 days in prison. In the trial that ended at the Kadı-köy Heavy Penal Court No.1 on 31 October, the other 3 defendants were each sentenced to 1 year 4 months 20 days in prison.

Ankara SSC Chief Prosecutor Nusret Demiral retired on 31 October. Later, he became a member of the MHP, and participated in the elections as a deputy candidate of this party.

In İzmir and its surroundings, 55 people died and more than 150 people were injured as a result of a flood caused by heavy rainstorm that started at about 02.00 a.m. and lasted until 05.30 a.m. on 4 November. The flood caused serious damage in the Yamanlar, Örnekköy, Bayraklı, Şirinyer, Güzelbahçe, Maltepe, Çiğli and Alsancak quarters of İzmir. More than 200 houses and numerous vehicles in these quarters were destroyed, over 2,000 houses were flooded. Most of the deaths and injuries took place in the slums around the river banks in Yamanlar and Örnekköy. With the flood in İzmir, Turkey had to face once again the grave results of the problems caused by migration to big cities, slum houses, and lack of infrastructure in the slum areas. After the flood, epidemic diseases were observed in the region. Meanwhile, a coffee shop owner named Şahin Öztürk died after having contracted to “Weil” disease, which is not a well-known disease, which is transmitted through rats’ urine in the sewerage system. Nuray Öztürk, the wife of Şahin Öztürk, said the following: “Our house was destroyed during the flood. Now we do not have a single belonging. If the necessary measures had been taken, my husband would not have died.”

The prosecution of 24 people, against whom a trial was launched for embezzling from the Primary School Teachers Health and Social Assistance Fund (İLKSAN), launching illegal automobile purchases and buying land for excessive prices in order to put the state at a financial loss, ended. In the hearing held at the Ankara Heavy Penal Court No.6 on 29 November, İLKSAN Administrative Board former President Bilal Büyükkaya and the Transactions Com-mission member İrfan Oğuz were each sentenced to 9 years 9 months in prison, Transactions Commission member Ahmet Özgür was sentenced to 7 years 3 months in prison, and Sedat Çolak, owner of the Tercüman newspaper who sold land to the İLKSAN for inflated prices, was sentenced to 2 years in prison. Eighteen defendants were sentenced to prison terms varying between 3 years and 5 years 3 months, whereas Canan Sarısözen was acquitted, and the trial against Selahattin Fahri Acuner was dropped since he had died.

On 28 December, the Supreme Court disclosed its decision on the Revolutionary Path trial that ended at the Ankara Martial Law Court No.1 in 1989. Accordingly, decisions regarding 65 defendants were upheld with revisions, and decisions regarding 87 defendants (7 capital punishments, 36 life sentences) were upheld without any change. Appeal demands by 5 defendants were rejected, and the case against 1 defendant was dropped due to his death. Cases against 176 defendants were dropped due to expiration. Among those whose sentences were upheld were the defendants Mahmut Memduh Uyan, Sadettin Kahraman, Erol Kartal, Tevfik Güneş, Atilla Kılıç, Ertuğrul Ak and Kemal Özer, who were all sentenced to death, and Revolutionary Path leaders Oğuzhan Müftüoğlu, Mehmet Ali Yılmaz, Ali Alfatlı, Ali Başpınar and Nasuh Mitap, who all received life sentences. These people had been released within the context of the conditional release provisions of the “Law to Fight Terrorism” that entered into force in 1991. Accordingly, those sentenced to death had been kept for 10 years in prison and those life sentenced for 8 years. The sentences passed on 23 defendants by the Martial Law Court for charges of “being members of the organization” were found insufficient, and overturned. The names of 23 defendants, who will be prosecuted with the request for death sentences under Article 146/1 of the Turkish Penal Code are as follows: “Cahit Akçam, Halil Yasin Ketenoğlu, Bünyamin İnan, Murat Parlakay, Yalçın Bürkev, Erdoğan Genç, Nuri Özdemir, Nurettin Aytun, Emin Koçer, Hasan Ertürk, Yaşar Kambur, Atalay Dede, Veli Yıldırım, Hüseyin Aslan, Yeter Güneş, Akın Dirik, Melih Pekdemir, Celal Mut, Hilmi İzmirli, Mehmet Hassoy, Yusuf Yıldırım, Osman Nuri Ramazanoğlu and Hıdır Adıyaman.” In the trial launched at the Ankara Martial Law Court No.1 following the 12 September military coup, 7 defendants had been sentenced to death, 36 had received life sentences, 346 had been sentenced between 2 years and 6 years in prison. The charges against 129 defendants had been dropped, and 177 defendants had been acquitted. In his statement regarding the decision, Mehdi Bektaş, one of the defense lawyers, stated that they were “disappointed”. Mehdi Bektaş said that the decision was not a judicial one but a political one, and

added, "After evaluating the situation, we may appeal to the European Human Rights Commission".

The trial launched at the Ankara SSC in 1991 against 23 defendants, 4 of whom were arrested, for "being members of the Devrimci Sol (Revolutionary Left) and carrying out armed actions in the name of the organization", ended on 29 December. In the trial, arrested defendants Orhan Özpolat, Mehmet Güngörmez, Feridun Yılmaz and Nevzat Şahin were first sentenced to death under Article 146/1 of the Turkish Penal Code (TPC), but these sentences were commuted to life sentences. Of the defendants, Murat Demir (lawyer), Hüseyin Koç, Necmi Suna, Ümmet Suna, Nail Çavuş, Tünay Bulduk, İbrahim Çuhadar, Günsel Şahin and Hülya Dede were each sentenced to 12 years 6 months in prison under Article 168/2 of the TPC for "being members of an organization", while Bedii Yarayıcı (lawyer) and Yakup Şahin were each sentenced to 3 years 9 months in prison under Article 169 of the TPC for "aiding an organization and harboring its members". Defendants Deniz Teztel (journalist), Ahmet Düzgün Yüksel (lawyer), Zeki Rüzgar (lawyer), Fatma Yaman, Sefer Nedim Ergüven, Sinan Duru, Osman Dağlı and Hatice Suna were acquitted. The investigation for the case had been carried out by former Chief Prosecutor of the Ankara SSC, Nusret Demiral, who entered in politics as a MHP member after leaving his post. Nusret Demiral had put together a special team, and brought journalist Deniz Teztel, who was then the chief editor of human rights issues at the Güneş newspaper, from İstanbul to Ankara by airplane. İstanbul Bar Chairperson Turgut Kazan had disclosed that lawyer Murat Demir had been tortured throughout the period he had been kept in detention. Later, the Forensic Medicine Institute had given a medical report to Murat Demir certifying that he had been tortured, and the case had been brought to the attention of Amnesty International and the United Nations.

In 1995, the high rate of inflation, which is among the most debilitating problems of the Turkish economy, did not decrease below the 1994 level, the year of an economic crisis. According to the report by the State Institute of Statistics, consumer prices rose by 78.9 % in 1995, while wholesale prices by 64.9 %. The price increase rate for public goods was 48.2 % while it was 71,8 percent for private goods. According to the 12-month average, the price of wholesale commodities rose by 88.5 percent.

THE KURDISH PROBLEM

The most vital issue of Turkey in 1995 was again the Kurdish problem. The Kurdish problem which is the most important reason for most part of human rights abuses in Turkey, became more complex than the previous years as a result of new developments and negative happenings. Political power remained deaf to all democratic demands that aimed at finding a democratic and peaceful solution for the problem. Military methods were seen and applied in a unique way to solve the problem. Violence continued to be the most significant aspect of the Kurdish problem. The authority of policy-making on the Kurdish issue and its practice were once again left to the discretion of the National Security Council and the General Staff Office. Thousands of people were added to those thousands who had lost their lives previously.

The voices of those who wanted or suggested a peaceful solution to the Kurdish problem could not be heard among those who defended and applied methods of pressure. Ideas and attempts different from the official ideology were subjected to heavy sanctions. Journalists and writers were arrested and sentenced. Pressure on political parties, democratic mass organizations and human rights activists intensified. The deputies, whose immunities were lifted, were prosecuted and convicted. All that had been experienced in the State of Emergency Region, and all the incidents that had taken place there were hidden from the public or made public with the facts turned upside down.

State of Emergency rule, which has been in force since July 1987 in southeastern Turkey, and the village guard system were not lifted in 1995 despite all promises, but they were in fact reinforced. The period for the State of Emergency rule (covering the provinces of Bitlis, Tunceli, Şırnak, Mardin, Van, Hakkari, Diyarbakır, Batman, Bingöl and Siirt) was extended three times.

(*) Extension of the period for the State of Emergency rule caused certain problems within the government. Minister of Culture Ercan Karakaş, who did not undersign the decree that foresaw the extension of the State of Emergency, resigned on June 25. The number and power of village guards was increased, and security affairs in some settlements completely revolved around village guards (for example in Siverek). During the operations carried out against the PKK, certain tribes which supported the state were entrusted along with the village guards.

(*) By the end of 1995, the State of Emergency rule was extended for the 25th time.

The dimensions of violence in the State of Emergency Region grew larger day by day. Pressure and inhuman treatment increased. Hundreds of villages were evacuated and burnt down. Towns and districts were damaged. Thousands of people left the settlements they had been living in for years and emigrated to other places and sometimes abroad. Extemporaneous quarters, where tens of thousands of people who had to leave their hometowns and migrate lived, were thrown up in Diyarbakır, Van, Adana and Mersin. Most migrants were preoccupied with the struggle of survival, seeking accommodation under unhealthy conditions. Extra-judicial executions, murders by unknown assailants and torture cases intensified. Numerous ground and air operations were carried out against the PKK camps and positions both in Turkey and outside its borders.

The PKK attacks against civilians and defenseless groups prevailed, though decreased compared to the previous years. Armed attacks and bombings were carried out against certain places where people were present en masse. Gendarmerie stations confronted PKK attacks. Everyday corpses of young soldiers who died during the clashes, raids or traps, were delivered to cities in western parts of Turkey. Funerals for the killed soldiers enhanced the reactions (which were continuously provoked also by certain TV establishments, newspapers and political parties) against the Kurdish people. Enmity, separation and difference, the repair of which happens to be very difficult, emerged between Turks and Kurds. (On the one side, many a Kurd who had lost a son, daughter or spouse, who had to leave the soil on which s/he had been living for years, witnessed violence and was tortured. On the other side, the relatives of soldiers who died during clashes and attacks, security officers who have been crippled and the Turkish people who are restless because of the attacks against civilians.)

The great damage to the Turkish economy, caused by the Kurdish problem, continued to increase. As a result of the violence, Turkey had to take on a financial burden amounting to trillions of TL. The economic balances, which in fact had been lame for years, were completely disrupted. The bill of this economic bottleneck was paid by workers, civil servants and people of small income.

The following are the sub-sections covering information about the developments related to the Kurdish problem, inhuman treatment in the State of Emergency Region, attacks by the PKK and similar events in 1995. (*)

a)- Cease-fire

The most significant development in the Kurdish problem was witnessed at the end of the year. PKK leader Abdullah Öcalan declared a unilateral cease-fire for the period starting from 15 December until the new government took office after the elections. Participating in a news program by phone on the night of 14 December in the television channel MED-TV that broadcasts in England, Abdullah Öcalan stated that the duration of the cease-fire could be re-determined in accordance with the attitude of the government to be established. Abdullah Öcalan, who also answered various questions directed at him, said, “Unless there is an attack aiming at annihilating us, we will not open fire. If our call does not receive a positive response, we will turn Turkey to hell. The cease-fire is not a tactic to save the day. It is to give a chance to the choice of peace. The other side should at least consent to political dialogue. We are not in a position to divide Turkey.”

(*) This section was prepared after evaluation of the developments on the Kurdish problem and the events which either occurred in the State of Emergency Region or in the places neighboring the region. However, the events which took place all over Turkey have been evaluated as a whole in order not to cause a rupture on subjects such as clashes, armed attacks, bombings, and assassinations. Additionally, murders by unknown assailants have been placed under a separate section.

In fact, the possibility that Abdullah Öcalan would declare a cease-fire was indicated in November. Abdullah Öcalan, who participated in a panel discussion by phone on the night of 20 November, disclosed that he was ready to go to Ankara in order that a prevailing peace be maintained. He said: "I want an unconditional cease-fire in union, and then negotiation. We shall hold a referendum. People from every minority, nation, sect and sex shall decide how to live together on a constitutional basis. Let's discuss this and submit it to the public. I will obey every decision regarding me. The sole thing I want is a fair discussion. I do not want anything else. I will come and say, 'The interests of Turks regarding the Kurds can be this and that.' The opposing party will say, 'That and the other can also be.' We will put the outcome to a referendum vote. I am ready to bear all legal responsibilities, if the result turns out to be against us".

Abdullah Öcalan, in a statement he gave to the newspaper *El Hayat* on the same period, noted that they were ready to give up armed struggle if the USA would take the role of a mediator for the solution of the Kurdish problem, and asserted that the ultimate solution for the Kurdish problem would be the establishment of a federation on the territory of Turkey, Iraq and Iran. He said that he wanted a federation within the borders of Turkey as a first step, and added "We are ready to lay down our arms if the United States wants to solve this problem through negotiations and peaceful means. We are ready to solve the problem within the borders of Turkey, without changing the borders."

On the same days, it came out that PKK leader Abdullah Öcalan had sent a letter to US President Bill Clinton, and asked "his intervention for a peaceful solution to the Kurdish problem." (*) In the letter, copies of which were also sent to Bob Dole, the leader of the majority at the US Senate, and the Chairperson of the House of Representatives, and which was dated 13 October 1995, it was claimed that the massacres against the Greek and the Armenian people in the past, had been directed at the Kurdish people at present, and the Turkish government was accused for violating human rights continuously. The letter read that the PKK had appealed to the armed struggle as all the other paths had been closed, and continued, "Unless we are attacked, we will not attack. We are ready to declare a unilateral cease-fire." In the report, which pointed out that information indicating that "the PKK was a communist party in the classical sense of the term", "it aimed at changing the borders of the Turkish state", and "it was insistent on separating from Ankara" were not true, it was said, "At the same time, we are against acts of terrorism. We are open to a federal solution, similar to the structure in the USA."

In a statement made by the European Representative Office of the PKK at the end of December, it was maintained that the cease-fire period had been started in line with a draft ratified by the European Parliament on 13 December 1995. "This decision praises a political solution via negotiations between Turkey, the PKK and other related parties. The European Parliament, by admitting Turkey to the customs union, has undertaken the responsibility of the decisions made. Europe should take a role in the political solution of the problem, use its political power, and give the financial support conditional on democratization," read the statement.

(*) PKK leader Abdullah Öcalan had sent a message to an international meeting about the Kurdish problem held in Belgium in March 1994, and said that they did not want to separate Turkey, that they were ready to discuss every alternative, including federation, and were open to all proposals on that issue, and that they would clear the way for an end to the war, if a ground for political solution and independent political activities was prepared. He had indicated that if a bilateral cease-fire was announced and negotiations for a solution were started under international observation, they would not ignore them. Abdullah Öcalan had said, "Untrue discourses about our struggle such as 'The PKK is not in favor of a solution.' or 'It does not have any approach except founding a separate state.' are baseless attributions."

The cease-fire declared by the PKK did not receive a response from the Government. Operations in the region, cross-border operations, big-scale clashes and deaths continued. The cease-fire proclaimed by the PKK, which did not prove to be beneficial practically, ended by mid-1996. For example; the operation launched by security forces in the region between the Çukurca and Şemdinli districts of Hakkari and the Iraqi border continued till 2 January 1996. The clashes that broke out during the operation which was carried out on land and air in the aforesaid region with the participation of 10,000 soldiers, resulted in casualties. On the same days, clashes also broke out in the Suki region in the Yüksekova District of Hakkari and near the town Uzundere in Çukurca. In parallel with the operation in Hakkari, an operation was staged in the rural area between Kulp, Silvan and Sason on 26 December. The most significant clashes during the same period took place in the vicinity of the Divriği, Hafik, İmaranlı, Kangal and Ulaş districts of Sivas. During the operations which were staged significantly against the Alewite villages from where the young people had migrated, the old women and men were gathered at separate places, and soldiers were settled in the evacuated houses. The cease-fire declared by the PKK proved to be useless in practice and ended in mid-1996.

b)- The Newroz festival

Before the Newroz festival, anxiety and tension prevailed in Turkey similar to previous years. Provocative statements and actions intensified towards 21 March. Security measures and pressure in the State of Emergency Region increased. Pressure and hindrance continued. Anxiousness prevailed in society. Meanwhile, the İHD demanded withdrawal of the security forces from the State of Emergency Region during the celebration meetings to be held on the occasion of the Newroz festival.

A delegation headed by İHD Chairperson Akin Birdal went to Diyarbakır on 20 March in order to re-open the İHD's Diyarbakır Branch which could not be opened for 20 days because of pressure, and in order to follow developments during the Newroz Festival in Diyarbakır. The delegation, which also included Hüsnü Öndül, the Secretary General of the İHD, and Nazmi Gür and Ragıp Zarakolu, Central Executive Board members, made a call to international human rights organizations before leaving for Diyarbakır, and said, "Our freedom and security are under threat. The administrative and judicial practice in Turkey forces us to emphasize this threat. Please keep an eye on us."

Twelve people, including 2 Dutchmen, 4 Spaniards and 6 Germans, were detained as they watched the students who were demonstrating at noon on 20 March at the Diyarbakır Dicle University on the occasion of the Newroz festival. The detainees were sent to İstanbul by plane on the night of 20 March in order to be deported. The Adana Governorate refused to grant authorization for the hanging of banners prepared by HADEP for the Newroz festival. In İskenderun, 7 members of the Organization Committee formed for the purpose of an authorized demonstration planned to be held on the occasion of the Newroz festival, were detained by the police on March 19th.

Apart from a few insignificant incidents, peace ruled in general during the Newroz festival. In many settlements in the State of Emergency Region, no attempt was made to celebrate the Newroz festival, except the fires set by children. Contrary to previous years, official meetings organized in the name of "Nevruz festival" came forth during the Newroz festival. Delegations from Turkic Republics such as Turkmenistan, Kyrgyzstan, Azerbaijan also participated in the meeting. In these meetings it was particularly stressed that Nevruz was a Turkish festival with roots in Central Asia. The official meetings failed in attracting attention from the public.

On the occasion of the Newroz Festival, HADEP organized authorized meetings in Mersin, İstanbul and Ankara on 21 March. No incidents took place during or after the meetings in

which thousands of people participated. The meeting organized in Adana by HADEP was held on 22 March. The meeting, in which 10,000 people participated, ended without any incident.

A group of 500 people who gathered in the İstanbul Fatih Park and held an unauthorized demonstration because for the Newroz Festival, were beaten and dispersed by the police. Forty-seven of the demonstrators were detained, then 23 of them were arrested. Prosecution of the 47 people, against whom a trial was launched in connection with the demonstration, started at the Fatih Penal Court of First Instance on 23 June. In the first hearing, the 23 people were released.

In İstanbul, the Newroz demonstrations held on the İstiklal Street and in Sarıgazi and Okmeydanı ended without any incidents since security officers refrained from interfering. In certain quarters of Adana which are inhabited by Kurds, small groups celebrated the Newroz festival by setting fires in empty fields and dancing the *halay*. In the meantime, the shops in the quarters in question were not opened. In consequence of the operations carried out by the police in Adana on 20 and 21 March, about 200 people were detained for “looking suspicious”. The detainees were released starting from the night of 21 March.

Seven students of the Mehmetçik High School in İstanbul Sarıgazi were detained by gendarmes on the grounds that “they distributed leaflets without permission”. The names of the detained students were as follows: “Hüseyin Genç, Hasan Gül (15), Mehmet Şengül (15), Tuncay Çelik (15), Esra Kılıççı (15), Filiz Kılıç (17) and Filiz Kabak (16).” Meanwhile, the families of the detained students made a statement at the İstanbul Branch of the İHD on 26 March, and said that their children had been detained for participating in the Newroz celebrations.

Seven foreigners (6 Germans and one Belgian), who had been detained on 27 March by police officers who came to the hotel where they were staying in Cizre, were taken out of the district after being released. The names of the 7 foreigners who were kept under police custody for a while are as follows: “Ute Rotermund, Marco Meyenschen, Helmut Klaas Sem, Thorsten Müller, Albrecht Müller, Oliver Kontany and Koem Raad Opgeuhaffen (Belgian)”.

During the Newroz celebration held at the United Socialist Party (BSP) Samsun Provincial Organization building on 21 March, a dispute arose when a police officer with video camera was not let in the building as “the celebration was an intra-party activity”. Upon the official complaint by the Samsun Security Directorate as to the incident, an investigation was launched against Provincial Chairperson Hüseyin Güngör and Central District Chairperson Şaban Akgün. The BSP executives, who were accused of “disseminating separatist propa-ganda”, were asked to come to the prosecution office and their testimonies were received. In their testimonies, Hüseyin Güngör and Şaban Akgün said, “The Newroz is the struggle day for the Kurds. This festival has been celebrated under bombs. To celebrate this festival as ‘Spring Festival’ by changing its essence under the pressure of the State, is nothing but distortion.”

The celebration organized by the HADEP Tarsus District Organization in connection with the Newroz festival was held on 25 March. The celebration, which started at 11.00 a.m. at the Beyaz Saray Wedding Hall with the speech by HADEP Tarsus Provincial Chairperson Ahmet Kızmaz, ended at about 03.00 p.m.. Over 500 people participated in the celebration, while about 100 people were not let in by the police. In Gaziantep, the Newroz was celebrated with a night organized by the HADEP provincial organization in a sports hall on 26 March. After the celebration, which was held under strict supervision of the police, 13 people were detained. The detainees were released on 27 March.

Seven people named Selahattin Efetürk, Adile Efetürk, Suphi İncesoy, Fahri İncesoy, Kadri İncesoy, Ali İncesoy and Halil Turgut, against whom a trial was launched in connection with a meeting held in İskenderun on 21 March 1993 due the Newroz Festival, were each sen-

tenced to 2 years in prison and fined TL 400 million. In the trial that ended at the Malatya SSC at the beginning of November, Sinan Bozdağ and Aydın Bağdaş were each sentenced to 1 year in prison and fined TL 200 million.

c)- Clashes, operations and attacks

Bloody clashes, operations and raids were also witnessed in the State of Emergency Region and its surroundings in 1995. Military operations and PKK attacks in the region continued. Turkey conducted numerous air and ground operations against PKK camps and units within or outside its borders. During the operations, civilian settlements were sometimes destroyed, some people died. (*)

In 1995, there were numerous clashes between security officers and armed groups all over Turkey, particularly in the State of Emergency Region and Northern Iraq, and in İstanbul, Adana and Sivas. A total of **1007** militants or armed people died during the clashes and attacks, including raids against military stations and units in the State of Emergency Region. The total number of security officers or people who died during clashes, and of the people who were accidentally killed in those clashes, is **780**. The following is the breakdown of the security officers, militants and other people who died during the clashes: (**)

Enlisted man	426	PKK	931
NCO-Specialized sergeant	84	DHKP-C	11
Military officer	41	TİKKO	26
Police-Watchman-Guard	37	TKEP-L	1
Village guard	155	İBDA-C	1
MİT officer	3	Hezbollah	1
Bomb disposal expert	1	Unknown	22
Repentant	3	Smuggler	8
Other	30	With stray bullet	6
TOTAL	780	TOTAL	1007

The following are examples of the operations, attacks, clashes and similar incidents inside or outside Turkey in 1995:

Village guards who laid in ambush in the Saklan-1 region on the Mardin-Nusaybin highway on 5 January, opened fire against a vehicle in which were the National Intelligence

(*) The high level of the clashes in the region also caused certain attacks in the big cities. For example; in İstanbul, a person named Murat Aldemir (25), who was working at a medicine firm, was killed by unknown persons. The corpse of Murat Aldemir, who was killed with 2 shots in the head and chest, was found in a car left at the 81st Street at the Telsiz Quarter of Zeytinburnu, İstanbul, on the night of 3 December. It was disclosed that Murat Aldemir had conducted his military service at the State of Emergency Region, and his pictures taken with the dead bodies of militants killed in the clashes had been published in some journals in 1992. The DHKP-C claimed responsibility for the attack.

(**) A total of **99** people who died during armed attacks and assassinations and whose chronological information is given on the forthcoming pages are not included in this section. Additionally, the numbers given regarding the people who were killed in clashes were determined depending on the information compiled by the HRFT. The HRFT, while carrying out its studies for 1995, fell into hardship in obtaining healthy and reliable information from the State of Emergency Region and its neighborhood. For this reason, the number of the people who were killed in the clashes in the region appear to be quite low to meet the actual number. When we consider the scale of military operations and attacks by militants, it can be easily estimated that the death toll (including security officers, militants and other people) is over **2500**.

Agency (MİT) officials. As a result of the fire which was disclosed “to have been opened accidentally,” MİT Regional Director (H.G.) and 2 MİT officials (S.E. and H.K.) were wounded.

A Sikorsky helicopter, which took part in the clash that broke out between PKK militants and security officers in the Gaztepe region between the Hani District of Diyarbakır and Genç District of Bingöl on 13 January, crashed, and Colonel Güner Ekici, Major Mehmet Aras, Captain Ferit Güneş, First Lieutenant Ali Çalışkan and non-commissioned officers Nazmi İnekçi and Salim Alıcı died. The helicopter reportedly crashed due to fire opened by the PKK militants.

Nine soldiers (2 military officers, 4 non-commissioned officers and 3 enlisted men), died as a result of the attack carried out by the TIKKO militants against a military team on its way for an operation in the vicinity of the Kalecik Village of Tunceli Hozat on 6 February, and the subsequent clash. The names of 7 of the killed soldiers are as follows: “Nevzat Altındaş (lieutenant), Muharrem Tutucu (second lieutenant), Ömer Cebeci (non-commissioned officer), Sedat Mert (non-commissioned officer), Alpaslan Koç (non-commissioned officer), Tarık Gültekin (non-commissioned officer) and Halil Varol (enlisted man).” In the clash, 2 TIKKO militants died, 21 soldiers, most of whom officers and non-commissioned officers, were wounded, one armored vehicle was destroyed completely and one partly.

Four people died in a clash that broke out between security officers and a group passing through the Akçakoyunlu region on the Turkish-Iraqi border in the Oğuzeli District of Gazian-tep on 14 February, who were taking ammunition to the DHKP-C militants. Three of those killed were disclosed to be smugglers while the 4th one, who carried a fake ID under the name Nizamettin Bahadır, was DHKP-C Middle East Committee Member İrfan Barlık.

Village guard Sabri Taş (45) died during a clash that broke out between village guards and PKK militants, who raided the Hocakuyu Village of the Ömerli District of Mardin on the evening of 23 February. During the clash, the house of Mahmut Tuz, the head of the village guards in the village, was completely destroyed. In this attack, Mahmut Tuz (48), his wife Rahime Tuz (41) and his children İbrahim Tuz (19), Remziye Tuz (23) and Şükrü Tuz (13) were killed. During the raid, 10 people (7 children, a woman and 2 village guards), were wounded. After this incident, village guards in the Hocakuyu Village resigned from duty. The village guards, after handing over their weapons to the Ömerli Gendarmerie Station on 2 August, were detained while leaving Ömerli. Names of some of the detained village guards are as follows: “İbrahim Gültekin, Şerif Altun, İbrahim Altun, Ramazan Altun, Ramazan Önder, Ramazan Saylık, Halil Saylık, Hasan Akyol and Mehmude Şato.”

As a result of the clash which broke out between the PKK militants, who raided the Hamzalı Village of the Kulp District of Diyarbakır on the morning of 4 March, and security officers, 3 village guards, one villager and 6 PKK militants died, 5 village guards were wounded. The Hamzalı Village had been raided by PKK militants on 1 January 1995 and a total of 19 people, 7 of whom were children, 8 were women and 2 were village guards, had been killed and 6 people had been wounded. (Detailed information is on page 115.) A clash broke out in the vicinity of Hamzalı Village on the morning of 13 September and continued till noon on 14 September. In the clash, non-commissioned officer Erdal Songur and 3 security officers died and 13 security officers were wounded, 2 of whom severely. The State of Emergency Regional Governorate stated that 51 PKK militants had been killed in the clash and 4 other PKK militants had been apprehended. Sources in the region did not confirm the statement by the State of Emergency Regional Governorate and stated that the number of the PKK militants who were killed was much less than the figure given by the Governorate and that more than 10 security officers or village guards had died in the clash.

In consequence of an armed attack carried out against a military convoy in the Gediksuyu region on the road between Tunceli and Ovacık on the morning of 18 March, one lieutenant, one second lieutenant and 13 enlisted men lost their lives while 20 security officers were wounded. The names of the soldiers killed in the attack are as follows: “Sabri Kartal (lieutenant), Mustafa Tayyar (second lieutenant), Murat Güven, Şener Sümer, Özer Ayrancı, Hüseyin Sezer, İsmail Yiğenoğlu, Altan Yenil, Ahmet Akdeniz, Cevher Dereli, Ahmet Saltık, Cengiz Aktaş, Erdinç Yiğiter, Ahmet Güvenen and Bülent Bester.” Meanwhile, State of Emergency Regional Governorate stated that 9 militants had been killed during the operations started after the attack.

A clash broke out between the PKK militants, who raided the Görümlü Village of the Silopi District of Şırnak on the night of 27 March, and the village guards. In the clash, 4 people, 2 of whom were children, and 3 PKK militants were killed while 2 village guards, and 3 people, including 2 children, were wounded.

On 14 April, TIKKO militant Halil Çakıroğlu (28) and his 2 friends were killed by security officers in the vicinity of the Yağcılar Village of the Kemah District of Erzincan. Halil Çakıroğlu’s elder brother Mehmet Çakıroğlu stated that his brother had been bayoneted in his stomach and throat, his head had been torn off, fingers of his right hand had been cut, and his shoulders had been extremely bruised. Mehmet Çakıroğlu told the following about the incident: “My brother and his 2 friends had been killed in the ambush on their way to Yağcılar Village to provide food. It had been alleged that my brother, along with his 13 friends, had been killed in a clash with soldiers. However, we learnt that my brother and his 2 friends had been buried, all in one grave, in Yağcılar Village. Upon our initiatives, the Kemah Public Prosecution Office permitted us to take the corpse. We immediately went to the Village Yağcılar and took my brother’s body out of the grave with the aid of the soldiers. It had by then been there for 10 days. When we took the body out of the grave, we saw that he had been bayoneted and the corpse had decayed.”

In a clash which broke out between DHKP-C militants and security officers in the vicinity of the Niksar District of Tokat on 20 April, 3 DHKP-C militants namely Suat Alkan, Duran Akbaş and Zeliha Güdenoğlu, and one security officer died. A delegation from the Rights and Freedoms Platform, who went to Tokat in order to investigate the case, stated that torture had been inflicted on the corpses that they had seen at the Niksar State Hospital. The following was said in the statement: “As a result of the investigation we conducted and the information we received from the people, we learnt that the bodies of the guerrillas had been tortured. Additionally, according to another source, it is highly probable that the guerrillas had been found alive. Head of Zeliha Güdenoğlu was completely torn open due to the bullets and kicks. Again, Suat Alkan had been beheaded and there were traces of blows on his body along with bullet wounds. The brain of Duran Akbaş was apparently bruised, there were bullet wounds on his body, and his elbow was torn out.”

In an attack carried out by PKK militants against a military unit in the Nizartepesi region of the Şemdinli District of Hakkari on the night of 28 May, 7 enlisted men were killed and one enlisted man was wounded. PKK militants opened fire against a vehicle carrying village guards on their way back from an operation, around the Ekindüzü Gendarmerie Station in the Pervari District of Siirt. In the attack, 2 village guards named Fevzi Boğa and Ali Karman died.

In a clash which broke out between the Yayalar Village of the Tatvan District of Bitlis and the Horoz Village of Hizan on 5 June, 14 PKK militants were killed. It was reported that the killed militants were not allowed to be buried and were kept for a while in a field.

A clash arose between security officers and PKK militants, who raided the Döşeme Village of the Eğil District of Diyarbakır on the night of 7 June. In the clash, 3 village guards named Ahmet Ceylan, Mehmet Polat (50) and Eşref Polat (48), and 2 civilians namely Fahriye Ceylan

and Ali Polat died. In addition, 4 enlisted men and 2 village guards were wounded in the clash. A group of PKK militants raided the Taşgedik and İkipınar villages of the Ömerli District of Mardin on the same night. As a result of the fire opened by the militants, village guards Mustafa Salman and Abdülaziz Demir (35) were killed.

An armed attack was carried out against a military unit located around the Sarıtaş Village on the Munzur Mountain in Tunceli on the evening of 11 June. In consequence of the attack, non-commissioned officer Mustafa Akgöz and 17 enlisted men died. The names of the killed enlisted men were: “Kemal Akça, Ali Paşa Gündüzlü, Mehmet Kara, Mehmet Ali Özer, İsmail Dinç, Hakan Şeker, Ali Akın, İmmet Özbilgin, Enver Yılmaz, Hacı Uzun, Turan Ay, Levent Birbent, Engin İnce, Ali Kızılkaya, Mustafa Bilgin, Mehmet Sarı and Ali Bozkurt.”

A clash broke out between the armed militants who raided the Ulukale Village of the Çemişgezek District of Tunceli on the night of 13 June, and security officers in the village. In the clash, 2 enlisted men namely Davut Kuzu and Abdullah Pektaş, and 2 village guards namely Veysel Demiroğlu and Hıdır Yaya died. DHKP-C militants who had raided Ulukale Village on the evening of 9 September 1994, had executed 7 people by shooting them.

The Ortaklar Gendarmerie Station located around the Şemdinli District of Hakkari was attacked by PKK militants on the night of 15 June. As a result of the attack, 2 non-commissioned officers named Ekrem Kayar and Vedat Özayar, and 13 enlisted men were killed. The names of the killed enlisted men were as follows: “Ali Akyol, İlimdar Atasoy, Hasan Çelik, Ali Çelik, Mehmet Demir, Mehmet Çadırcı, İrfan Üçeli, Halil Tatlı, Engin Çil, Ali Suyabatmaz, Arif Meydan, Sadık Şişman and Mehmet Öztürk.” Following the attack, soldiers named Hakan Pusat, Mehmet Sıkılğan, Ramazan Çelik, Tuncay Kabaklıoğlu and İsmail Başaran were taken hostage. DYP Hakkari Deputy Mustafa Zeydan asserted that the raid had been described one day before, but no measures had been taken. Mustafa Zeydan narrated the incident as follows: “Medeni Cidal of the Geleşan Village of Şemdinli went to the station and gave information about the raid in detail. Cemil Kaya also gave the same information to the Border Battalion Commandership. Another villager from Beğendik Village also denounced. However, no measures were taken despite these.” Mustafa Zeydan, who accused the Government of insensitivity, stated that he had narrated the problems to the Prime Minister, Minister of Interior Affairs and the Minister of National Defense, but all his efforts had ended up in vain. Mustafa Zeydan, who claimed that the control of the border had been transferred to the PKK by Barzani, stressed that his warning in that regard had also been disregarded. Mustafa Zeydan stated that the Hakkari Governor and the Commando Battalion Commander were not on speaking terms, and whatever one of them did, the other would make sure to spoil it.

During a clash which arose between security officers and PKK militants who attacked the defense posts of the Pirinçeken Gendarmerie Brigade located around the Çukurca District of Hakkari on the night of 20 June, 11 enlisted men and 2 PKK militants were killed, 4 enlisted men were wounded. As a result of the fire opened by the PKK militants who raided the Kaşak Village of the Mutki District of Bitlis on the same night, 5 village guards were killed while 4 others were wounded.

During a clash which broke out in the vicinity of the Yeşilyazı Town of the Ovacık District of Tunceli on 25 June, 5 DHKP-C militants named Kenan Gürz, Doğan Genç, Zehra Öncü, Figen Yalçınoğlu and Cem Güler, first lieutenant Yüce Sonkurt and 2 enlisted men died. The corpses, which were buried at the Municipal Cemetery by the Ovacık Municipality, were not delivered to their families for a long period of time despite all their efforts, on the pretext that “security could not be maintained and the corpses were not in a state to be transferred”.

In a clash which broke out in the vicinity of the Erikli Village of the Bismil District of Diyarbakır on the morning of 7 July, 2 PKK militants died. After the clash, the houses in Erikli Village, which had previously been evacuated to a great extent, were destroyed by soldiers. Three village guards named Ahmet Yıldırım, Ahmet Demir and Hüseyin Kaya died in another clash which broke out between the PKK militants who attacked the Hasbek Village of the Palu District of Elazığ on the same night, and village guards.

A group of PKK militants, who attacked the gendarmerie station in the vicinity of the Yalınca Village of the Gürpınar District of Van on the night of 12 July, killed one officer, one non-commissioned officer and 10 enlisted men. In the clash, 2 PKK militants died and 12 security officers were wounded. The following are the names of the killed security officers: “Mustafa Tümen (lieutenant), İsmail Toka (non-commissioned officer), enlisted men Hüseyin Demir, Bayhan Demir, Recep Çelik, Kemal Coşkun, Güldeniz Erdoğan, İsmail Efe, Mustafa Güngör, Mehmet Çerçil, Serkan Serdar and İlker Sabancılar.” In a statement made after the attack, the State of Emergency Regional Governorate declared that 7 soldiers had died during the attack.

A group of PKK militants attacked the Beştaş Gendarmerie Station in charge of protection of the radar station around Iğdır, on the night of 13 July. In the attack, 4 enlisted men, Osman Tuğban, Bülent Tozyılmaz, Müslüm Dal and Murat Çakan, died. In a clash which broke out on the Mount Bagok in the vicinity of the Nusaybin District of Mardin on the morning of 14 July, 2 PKK militants died.

A clash broke out between village guards and PKK militants, who raided the Uzundere Town of the Çukurca District of Hakkari on the night of 19 July. In the clash 10 village guards died and 12 village guards were wounded, 2 of whom severely. The names of the village guards killed in the clash are: “Mirhan Duman, Hamza Demir, Kazım Duyan, Kerim Korkmaz, Ali Korkmaz, Hacı Korkmaz, Mehmet Kaya, Ramazan Kaya, Süleyman Kaya and Seyfettin Kaya.”

A group of PKK militants, who raided the Hozat District of Tunceli on the night of 21 July, attacked the public buildings and the Security Directorate building. In the clash, which broke out upon the attack and continued for 4 hours, 2 police officers named Recep Duysak and Kemal Bulut Aslan, and a night watchman named Halis Akdemir died. After the PKK militants had left the district, an operation was carried out and more than 100 people were detained. Most of the detainees were released shortly afterwards, but 21 people were taken to Tunceli for interrogation. Of the 21 people, Bahtiyar Tuncer, Ali Murat Karabulut, Ekber Karabulut, Baki Dağan, Metin Tunç and Hasan Güler were released by the Tunceli Prosecution Office on 1 August. The condition of Bahattin Oğuz (60), the Chairperson of the Tunceli Tradesmen and Craftsmen Association, deteriorated due to torture.

In a clash which broke out in the Kovuktaş Village of the Hasköy District of Muş on the night of 26 July, 2 security officers died and 4 security officers were wounded. In addition, while the clash still went on, a military panzer, which was carrying security officers sent to the region, fell down to the River Karasu. In the accident, non-commissioned officer Erol Sayar, enlisted man İsmail Kuru, village guard Nurettin Kaya and village headman Mahmut Gücüyener died, and another non-commissioned officer Çetin Güler disappeared in the river. In a clash which broke out in the vicinity of the Lican Village of the Bahçesaray District of Van on 27 July, enlisted man Vedat Atik, 2 village guards and 4 PKK militants died.

A clash broke out between the special team members, who tried to raid a house in the Alibaba Quarter of Tunceli at about 1.00 p.m. on 27 July, and the militants who were in the region. During the clash, special team members Murat Seçkin, Muhittin Zeybek and Elvan Süslü and one militant died, and 2 special team members were wounded. After the clash, the special team members, who blocked entry to the Alibaba Quarter and Zeyintepe and Dağ streets in the quarter

and raided certain houses, evacuated and bombed the houses of İbrahim Çetin, Zeynel Açıkgöz, Ali Duman, Ali Kamber Çakır and Hasan Çiçek which were side by side on Zeytintepe Street. During the bombing, 6 PKK militants in the house of Hasan Çiçek died. Five of the militants had been burnt in such way that it was impossible to recognize them. Hüseyin Kılıç, whose house was bombed the air during the incident, said “My house was burnt down by the special team members 2 hours after the incident. Firemen came, but special team members did not let them work. They even did not permit us to get our stuff out of the house.”

As a result of the raid carried out on the night of 6 August by PKK militants against the gendarmerie station which is in charge of the protection of the radiolink station at the Haruna Mountain, which is 10 kilometers away from Şemdinli District of Hakkari, 3 enlisted men were killed. On the same night, a clash arose between the PKK militants who raided the Bataklik Hamlet of the Karlı Village in Yüksekova, Hakkari, and the village guards. During the clash, a village guard named Şükrü Ateş died.

In a clash which broke out in the Şişik Forests in the vicinity of the Mazgirt District of Tunceli on 11 August, 13 TİKKO militants died. The corpses of the militants were not handed over to their families, but abandoned to decay in the field. Relatives of the militants held a press conference at the Human Rights Association İstanbul Branch on 11 September, and stated that no records had been kept relating to the incident, no pictures had been taken, no autopsy had been performed and the identities had not been determined. The aforesaid people, who stated that they had conducted an investigation at the Şişik Forest in August despite all restrictions by the gendarme, said, “We could not find the corpses on the first day, we only managed to find them on the second. We observed that the corpses, which remained on soil for a long period of time, had decayed and their hair had stuck on to soil. We found the remnants of the clothes of our relatives among the burnt up stuff.” The names of 13 people killed in the clash are as follows: “Cemgil Budak, Soner Tokat, Hülya Raf, Servet Atalay, Şhriban Karakuş, Suna Bozkaya, Ali Cemal Altun, Kenan Çelik, Baykal Şahin, Ali Asker Şengezer, Erol Güngör, İmam Eceroglu and Tarkan Köse.”

Of the 5 children who were tampering with a hand grenade they found in the Hanuşağı Village of the Ovacık District of Tunceli, Güngör Koç (13) died as a result of the explosion at about 02.30 p.m. on 23 August, while Gülbeden Yeleser (12), Nihat İlik (13) and Cafer Güngör were severely wounded. The children were first treated at the Ovacık Health Center. Then they had been taken by ambulance under the escort of a military convoy, in order to be taken to the Tunceli State Hospital. Meanwhile, a minibus and an automobile joined the convoy in order to go to Tunceli. On the road, PKK militants waylaid the ambulance and the civilian vehicles when the military vehicles had left the convoy, and took Dilif Ağce, one of the 2 nurses in the ambulance, Kenan Yerlikaya, nephew of Tunceli Deputy Sinan Yerlikaya, and Ovacık High School Director Adnan Güneş, who were in the minibus, along with them. As a result of the operation carried out immediately after the incident, the 3 people who were abducted were rescued.

A clash broke out between village guards and a group of PKK militants who raided the Bulakbaşı Village of the Uludere District of Şırnak at about 10.00 p.m. on 8 September. In the clash which continued until the morning of 9 September, 4 village guards, 5 PKK militants and 5 civilians, including 2 women and 2 children, were killed and 13 people were wounded. In the clash, 8 of the houses in the village were burnt down by the PKK militants.

In a clash which broke out in the Katina and Hele regions in the vicinity of the Şemdinli District of Hakkari on the morning of 9 September and continued throughout the day, 4 enlisted men named Savaş Temurtaş, Bayram Kızıltan, Hüseyin Kılıç and Mehmet Burhan and a PKK militant named Kani, were killed.

PKK militants attacked a military convoy on its way for an operation in the Göz region in the vicinity of the Kırgeçit Village of the Gürpınar District of Van at about 03.30 p.m. on 20 September. In the attack, non-commissioned officer Bülent Bilger and enlisted men Yener Şahin, Bülent Koca, Sadık Kutuk, Reşit Uzun and Kansu Gül died and 4 enlisted men were wounded.

A clash arose between village guards and the PKK militants who carried out an attack against the Elmadalı Village in the Şirvan District of Siirt on the night of 22 September. In the clash, 6 village guards and 3 PKK militants died and 7 people, 4 of whom were village guards, were wounded. In another clash that broke out in the Kalaça Village in the Tuzluca District of Iğdır on the same evening, 3 PKK militants, one of whom was named Celal Aydın, died.

In an attack carried out by PKK militants against a radiolink station in the Deveci Village of the Hekimhan District of Malatya on the night of 10 October, 3 village guards named Mustafa Bulut, Hasan Bulut and İsmet Dönmez, and a private guard named Cemal Temel died. In a raid carried out against a mine in the same region shortly after this incident, a village guard named Süleyman Kaya and 2 watchmen named Ahmet Bektaş and Adnan Ünver were killed.

The Erdurağı Village of the Kurtalan District of Siirt was raided by PKK militants on the night of 7 December. In the clash that broke out during the raid, village guard Mehmet Cihangir, his wife and their child died, 7 village guards were wounded. Mehmet Cihangir, who died in the clash, had killed 3 PKK militants who had come to his house in the beginning of November. In a clash that broke out during the raid carried out in the region by security officers after the incident, one PKK militant died.

A group of PKK militants raided the Göçentaşı Train Station, which is 30 kilometers away from the Divriği District of Sivas, on the night of 8 December, and killed a non-commissioned officer named Mahmut Bozan and 2 enlisted men named İbrahim Seyis and Mehmet Alper, who were in a train carrying military equipment.

Colonel Rıdvan Özden

In the clash that broke out on 14 August in the mountainous region in the vicinity of the Ormancık Village which is 25 kilometers from the Savur District of Mardin, and lasted until the morning of 15 August, Mardin Gendarmerie Regiment Commander Colonel Rıdvan Özden, non-commissioned officers Abdurrahman Uçar and Çetin Ertaş and one village guard died.

This clash, which cost the lives of Colonel Rıdvan Özden and 3 security officers, shortly afterwards became one of the most discussed topics of Turkey. In a statement she made after the incident, Tomris Özden criticized the Government's Southeast policy, and maintained that the political powers used the soldiers to accomplish its interests. Tomris Özden asserted that numerous soldiers, including her husband, were well aware of the fact that the problem could not be solved with dying or killing, and said, "Numerous commanders, enlisted men and non-commissioned officers died. Thousands of them were crippled. All of them were in the struggle thinking that they could rescue the country. However, neither the country is rescued nor this problem is solved through this policy. The Southeast problem can be solved neither with dying nor killing. I spoke with Rıdvan yesterday for the last time. He said that they would go to an operation. He knew that he would die. Besides, in his last letter, he said 'I will die'. He was assigned a duty, and he carried out this duty. However, he knew that this was not the solution. My husband was a good soldier and a good man. He was a democrat in love with his country. The governments are using the soldiers for their political interests."

This statement by Tomris Özden caused discussions. Mehmet Gölhan, then-Minister of National Defense, made a statement on August 16, accusing Tomris Özden of "making politics". Mehmet Gölhan responded to Tomris Özden, who maintained that "the government's dirty policy

had caused the death of her husband”, by saying “These words seem to be political”. Mehmet Gölhan said the following: “It is necessary to investigate these words. A newspaper might have misinterpreted them. For this reason, they have to be questioned. I read them, too. I do not imagine that the wife of a colonel would utter these words after receiving such sorrowful news. There is politics in those words. We gave about 3,000 martyrs in the region so far. None of their relatives complained like this. Our colonel worked in the mountainous area in the region. How could his wife know about his living conditions? For this reason, I do not believe that she had uttered these words.”

Tomris Özden gave a speech during a peace meeting in İstanbul on 3 September, and saluted the spectators as she was standing side by side with a woman whose PKK member brother had been killed. She was later elected a member of the Party Assembly by receiving 572 votes during the CHP Congress held on 9 September. Tomris Özden, who entered the CHP 3 days before the Congress, became the first female politician who entered the executive body of a political party by receiving the highest number of votes.

The line Tomris Özden followed after the death of her husband caused fury and protest among certain circles. (*) Having shouldered the spokespersonship on behalf of these circles, Emin Çölaşan wrote an article for the newspaper Hürriyet dated 13 September 1995 and initiated a brand new discussion. The article by Emin Çölaşan in short is as follows:

The latest CHP Congress earned Turkish politics a ‘very precious’ personality! Martyr colonel’s wife Tomris Özden. This lady was elected a member of the CHP Party Assembly with the highest ayes possible. Yesterday, I got hold of a letter addressed to this lady whom nobody knew until now. (...) Yes, the signature under the letter sent to the lady from Mardin is quite interesting: “Colleagues of Martyr Colonel Rıdvan Özden...” Here I am citing it for you, extracting certain words and sentences:

“Esteemed Mrs. Tomris, we are witnessing your declarations and actions which would smart the bones of all our martyrs of terrorism in the person of our martyr commander, although you have no right to do so. There emerges a right to reply for us his comrades who too are ready to become martyrs for the same sake. There comes out a right for us to equip the public with the facts. You have no right to do this... For you were not a wife worthy of him. Your ongoing divorce case at the court is proof of this. The ones who know you and our commander, we all know that you were the worst thing that had ever happened to him.

A day before his becoming a martyr, he said to one of our friends, ‘What can I do, should I commit suicide?’, regarding his distress caused by you. The ones who have closely witnessed his becoming a martyr say that he had willingly gone for death. It is possible that maybe he thought death was the only way left to escape from you.

(...) However, make certain that we will not let you or the ones who use you to make politics upon the blood of the martyrs...

It is no use for you to embrace the relatives of terrorists.

(*) Tomris Özden was attacked by two sisters named Melahat Avcılar and Melek Avcılar on 28 November. Melahat Avcılar and Melek Avcılar were detained after the incident. Tomris Özden, who filed an official complaint against the sisters upon the attack, said the following her testimony at the prosecution office: “I bumped into two women while I was walking. At that moment, Melahat Avcılar slapped me while saying ‘Why are you looking at my headscarf?’ They pushed me on to the ground, and kicked me.” Melahat Avcılar, who rejected the accusation, claimed that Tomris Özden had called her “donkey foal” and slapped her after they had bumped into. After giving their testimonies, Melahat Avcılar and Melek Avcılar were released to be prosecuted without arrest.

Everyone should know and act accordingly that absolutely no one has the power to divide the Turkish Republic founded and entrusted to our care by Atatürk. It makes us sad to address you, the wife of a martyr in this way. But you made us do this.”

This letter has been sent to her from Mardin. The officers who have sent this called me. They provided me with their names, units and phone numbers... And they told about the relationship of Mrs. Tomris with her husband...

It is natural that disputes may take place in every family. It happened to this family, too. Tomris Özden came only twice to visit her husband in Mardin and stayed for just a few days. She lived in winter at the residence in İstanbul and spent the summers in Kuşadası... And every time she came to Mardin, scandals took place... And she has filed for divorce.

(...) Yes my dear readers, Mrs. Tomris, who went into politics as the “wife of the martyr colonel”, continuously talked about her husband and gave examples, had filed for divorce a while ago. Martyr Colonel Rıdvan Özden, who was already unhappy with his wife, was definitely knocked down when he received the suit petition. And maybe, as her friends say, he had thrown himself before the PKK and chosen suicide...

Upon this article, a group of journalists from the Progressive Journalists Association (ÇGD) launched a campaign on the demand that ÇGD member Emin Çölaşan should be ousted from the ÇGD for transgressing the ethics of journalism. The text which was made public for signature read as follows: “In his articles at the newspaper he works for, Emin Çölaşan, a member of our Association, has been violating universal and unchangeable principles of journalism and the basic principles stated in the Declaration of Human Rights such as ‘being anti-militarist, promoting peace, being against racial discrimination and accepting the privacy of people’. Recent example of this violation include his news and articles on the private life of Tomris Özden, the wife of Colonel Rıdvan Özden who had lost his life in the dirty war which has been continuing within the borders of the State of Emergency Regional Governorate. No journalist has the right to condemn and criticize one’s political beliefs or his/her sensitivity to any problem experienced in a country, by using his/her clothes or family relations as news material. Stemming from this point of view, we conclude that Emin Çölaşan has been openly violating Article 8 of the status of our Association which is on the principles of membership.”

As a result of the media bringing the private problems between Tomris Özden and her husband Rıdvan Özden into the political arena, there were protests. Tomris Özden said that they had previously come to the point of getting divorced because of a conspiracy, and she had reconciled with her husband before his death. But his colleagues had organized another conspiracy, this time against the corpse of her husband. In her statement on 13 September, Tomris Özden said the following: “My husband died a second time. He was killed by his colleagues of the Armed Forces a second time. No matter how they are aggrieved, I am the aggrieved one here. I should not have been blamed here. They should not have deciphered their commander in this way. This is a hideous attitude against me, my family and the Armed Forces.”

Tomris Özden, in her statement published in the 4 January 1996 issue of the newspaper Evrensel, (*) disclosed that her husband might have been killed by soldiers. Tomris Özden, who said that she had gone to Mardin and Diyarbakır and received information from her husband’s colleagues as to the incident, said that statements by different people had contradicted each other, and added, “Rıdvan might have been killed by Commando First Lieutenant Hurşit Can, whom he had been in dispute with. Hurşit Can had gone to the mountains for a while after having been

(*) Metin Göktepe, who interviewed Tomris Özden and wrote the news story, was detained by the police during a funeral held on 8 January 1996 and beaten to death.

relieved of duty, and started working once again at Diyarbakır after the death of my husband.” Tomris Özden recorded that First Lieutenant Latif Eren, in charge of the Mardin Gendarmerie Commandership, had confirmed her suspicion, and she said the following:

“The first statement after the death of my husband was that, ‘he had been killed with a Kanas rifle from a long distance.’ I met with Lieutenant-colonel Ahmet Cemal, who took office after the death of my husband, and a non-commissioned officer named Ahmet Bal. They told me that my husband had been killed as a result of the fire launched from a short distance. Additionally, a village guard had also been killed in the incident. However, nobody mentioned it. It was stated in the Forensic Medicine report that my husband had died due to a single bullet in the head fired from a long distance’. However, most of the military officials, whom we had met, made statements that falsified this. They said that my husband had been shot from a short distance in his back. My husband’s brother Nazmi Özden, who is a brain surgeon, made an examination on the corpse, and he says that he did not see any wounds in the front of the skull, but there was more than one bullet wound on the body. Because of this, we will try to urge for a second autopsy to be performed. I will not give up pursuing this incident.”

Tomris Özden, who said that Hurşit Can was given an award in Diyarbakır shortly after the death of her husband, added, “Everybody, whom I asked about Hurşit Can, told me that they did not like him, and that he was a fanatic nationalist. This proves that I am right to be anxious and worried.” (**)

d)- Developments in the Northern Iraq

In 1995, Turkey launched numerous air and ground operations against the PKK camps and positions both in Turkey and outside of its borders. During the operations, certain civilian settlements were destroyed and some people were killed. The most extensive of these operations was launched in March and April. On the morning of 20 March, Turkey launched a large-scale air and ground operation against the PKK camps and positions in the Northern Iraq. In the first statement made by the General Staff Office as to the operation, it was stated that the “Steel Operation” was continuing on a field of 220 kilometers between Şemdinli and Habur, and about 30-35,000 soldiers were involved in it. In the statement it was also expressed that “the operation had been launched in order to completely exterminate the activities of the PKK in the region and it would continue until this aim was reached”.

The Kurdistan Democratic Party (KDP), considered the operation to be an “invasion” and stated the following: “The operation is the most serious of all operations which have been carried out until now, from the point of view of its scale and intention. It is certainly breaking the territorial unity of Iraq.” It was also claimed that there were not any camps or positions belonging to the PKK in the region where the operation was continued. It was alleged that civilian settlements had been damaged and the soldiers who had entered Zaho had announced a short-term curfew. Replying to the statements by the KDP, the Ministry of Foreign Affairs claimed that no harm had been done to the civilians and no curfew had been implemented in Zaho.

During the air raids and cannon bombardment on 24 and 25 March, Gunka, Dargele, Beşili, Şilaza, Haşe and Kanisarki villages in Northern Iraq were damaged. All of the villages, except Haşe, suffered only material damage. However, 3 people died and 11 people were

(**) The Office of the General Staff made a statement after Tomris Özden’s statement was published, maintained that Hurşit Can had been under arrest at the Diyarbakır Military Prison when Colonel Rıdvan Özden was killed. In the statement, it was also said that Non-commissioned Officer Ahmet Bal, who was asserted by Tomris Özden as one of the names who had provided her with information as to the killing of her husband, had never taken duty in Mardin during his professional life.

wounded when bombs hit some of the houses in Haşe. Cevher Namık, the Chairperson of Parliament of the Kurdish Federated State, made a statement upon the incidents and indicated that the civilians had suffered during the operation and were subjected to pressure. He demanded that the Turkish soldiers withdraw from the Northern Iraq.

During the first days of the operation, one person died and one person was wounded due to the cannon fire at Kişhan. Ministry of Foreign Affairs official Müfit Özdeş, who made a statement at the Coordination Center in Zaho on 1 April, said, “The Turkish Armed Forces, who had been chasing after the PKK militants in the first days of the operation, had launched fire when they had seen that a group had entered a house in Kişhan. At that moment, 1 Northern Iraqi person had died, 1 other had been wounded. Müfit Özdeş said news indicating that 11 villages had been bombed was appearing in the foreign media, and that they would investigate those claims on the spot. But he said, until then, no such complaints had been filed with the Zaho District Governorate. Iraqi people living in the Keşan Village in the Hafanin region, who were caught in crossfire when the militants launched fire against the soldiers, left their houses and pitched tents at the entrance of the town of Batufa. A military official, who gave information on the evacuation of the village, said, “The villagers took this decision to preserve their lives. We recorded the villagers while they were leaving their village, as a precaution against distortion of this event by the foreign media.”

The military operation by Turkey in Northern Iraq also affected the refugees in the region. The UN High Commissioner of Refugees, in a statement on 21 March, indicated that humanitarian aid to the migrants in the region stalled, and alleged that about 5,000 Kurdish refugees who had had to leave Turkey in 1994 under pressure, were now being forced into being taken back to Turkey. About 1,200 Kurdish refugees who had left Turkey and migrated to Northern Iraq because of pressure in 1994, and who were staying in a camp around Zaho, were transferred by the UNHCR to the town of Etruş, 100 kilometers from Zaho, on 26 March. About 300 of the refugees in the camp near Zaho were transferred to Etruş on 30 March. The refugees were transferred under the supervision of United Nations’ officials and peace-keeping force.

A clash broke out between security officers, who attempted to carry out a raid against a house in the Abbasi quarter of Zaho on the night of 26 March, and the armed people in the house. During the clash, 2 village guards and 2 of the armed people in the house were killed while 2 security officers were wounded. No official statement was made as to the house raid.

Dohuk Regional Governor Abdülaziz Tayyip, who held a press conference on 4 April, said that Turkish soldiers who attended the operation had opened fire at the villagers between the Beneta and Bowerki regions and thus 7 shepherds had been killed. Stating that 4 women who witnessed the incidents were alive, Abdülaziz Tayyip said the following: “Until now, people of 51 villages ran away because of the operation. A total of 15,300 people living in those villages escaped. During the operation, 11 people were killed, 7 were wounded and 8 people disappeared. Our fields were damaged. We condemn the Turkish troops, and demand compensation for those killed.” The bodies of the shepherds named Abdülkadir İzzethan, İsmail Hasan Şerif, Serbast Abdülkadir, Abdullah Kerim Hüseyin, Abdurrahman Muhammed, Şerif Guli Zikri and Ahmet Fettah were shown to the journalists who attended the press conference.

Colonel Doğu Silahçoğlu, the Spokesperson of the General Staff Office, made a statement concerning the incident, and said that the security officers participating in the operation did not harm the civilians and that the shepherds in question might have been killed by PKK militants. Doğu Silahçoğlu added that an investigation had been launched into the incident. In the meantime, it was alleged that \$ 40,000 was given to the families of 3 of the dead shepherds as compensation. In his statement, Fazıl Demirci, an Iraqi Turkmenian, claimed that \$ 40,000 had been given to the families of the dead shepherds in the Silopi District of Şırnak. As to the incident,

Fazıl Demirci said, “You know, there are Kurdish shepherds killed in Northern Iraq during the Operation Steel. It was disclosed that the PKK had killed them and put the blame on the Turkish Government. Indeed, this was the case. However, the Turkish Government gave money to Barzani as compensation”.

A vehicle of the Red Crescent which was delivering material aid sent to Northern Iraq, was attacked by the Kurds living in the region on 5 April in a gas station located 10 kilometers from Dohuk. In the clash which broke out, 3 officers of the MİT (National Intelligence Organization) named Osman Bulut, Metin Mithat Okan and Yaşar Mutlu, and 4 Northern Iraqi Kurds named Hasan Muhammet, Ömer Muhammet, Ali Muhammet and Halit Şerif Muhammet lost their lives. During the incident, 2 peshmergas who were in charge of protecting the Red Crescent vehicle died, too, while about 25 people were wounded. The name of one of the killed peshmergas was discerned to be Osman Guli Zikri. The Kurds who attacked the Red Crescent vehicle are reportedly the relatives of the 7 shepherds who were found dead around the Mount Gara in the Dohuk region on 4 April. Osman Bulut, Yaşar Mutlu and Mithat Okan were buried at the Cebeci Military Cemetery following a military ceremony held at the Ankara Kocatepe Mosque on 7 April. State Minister Bekir Sami Dağ, MİT Undersecretary Sönmez Köksal, Ministry of Foreign Affairs Undersecretary Özden Sanberk, Red Crescent Director General Ünal So-muncu, Ankara Governor Erdoğan Şahinoğlu, Barzani’s Ankara Representative Safen Dizayee and numerous MİT members attended the funeral. MİT Undersecretary Sönmez Köksal came to the mosque along with numerous security guards, who prevented his picture from being taken. During the burial of the 3 people, film rolls of the journalists were forcibly taken away.

Unknown people who lay in ambush in the vicinity of the Derkerber Village near Zaho, launched a missile attack against the vehicles going to Zaho at about 08.30 p.m. on 6 April. Four people named İrfan Fettah, Tabir Fettah, Ramazan Fettah, Hayat Fettah and 4 children, the names of 2 of whom were Mervan Fettah and Metin Fettah, who were in 2 vehicles hit by missiles, died, 2 other people were wounded. Northern Iraqi İrfan Fettah, who died in the attack, had reportedly worked for a long period of time for the Kurdistan Democratic Party lead by Mesut Barzani. Zaho Security Director General Necip Çalan disclosed they had determined that the attack had been carried out by the men of Said Abdullah, the local representative of the Patriotic Union of Kurdistan (PUK) who is known to have close relations with the PKK.

In the meantime, while the operation in Northern Iraq went on, journalist Ragıp Duran went to the region and then cited his impressions in his article entitled “*Sahafi Türki Harab!*” (*) published in the 21 April 1995 issue of the newspaper Yeni Politika as follows:

For 11 days, I researched in the regions of Dohuk, Amadiye and Sersing taking Zaho as a base. Though regarding the professional conditions, there was the lack of telephone, fax and link lines and the accommodations and nutrition were restricted, KDP members were especially tolerant of the foreign press and the Turkish soldiers were especially tolerant of Turkish journalists. This should have something to do with the saying, “We are going to win this war under the auspices of the press.” Observations in two different areas, first the reporter-center relationships, then the comedy between the TSK (Turkish Armed Forces) and the Turkish Press.

Due to the fact that it is the journalists who are fluent in Kurdish that are covering the region, there is no such thing as a language or communication problem. A significant number of the reporters try to determine the facts with as little distortion as possible and communicate these to the Istanbul Headquarters. That is, I am not considering the ones who read and then communicate the statements by the General Staff entrusted into their hands. However, it is

(*) “The Turkish press is in ruins”

interesting that our colleagues employed by Turkish newspapers have a single source of information: The Armed Forces. The reporters are after the corpses of PKK members right beside the soldiers. Yet the TSK is only one of the existent powers in the region. First and the most important of all, there is the people of the region. There is the KDP, which is the official and theoretical sovereign of the region. There is the "Military Coordination Center" of Operation Provide Comfort in Zaho. Representation offices of various UN agencies, first and foremost the High Commissioner of Refugees, have almost occupied a wide region in Dohuk. Additionally, 50 international humanitarian aid organizations (non-governmental civil organizations) are active in the region. And finally, maybe the most important of all, there is the "PKK" searched after by 35,000 soldiers. What does the PKK that is tried to be erased from the region say about the operation? Have you anywhere read or heard about such information or a story?

All these institutions and powers cited above stand as very important information sources about the region. But the Turkish press is uninterested in all these. Because these institutions oppose Turkish intervention and openly express this. Seeing, observing and communicating Northern Iraq as a region solely composed of the TSK actually means reflecting maybe just one-tenth of the facts of the region. Of course, by being too familiar with one single source of information and also as necessitated by the structure itself, the media evaluates the developments through the TSK's eyes only. Yet there is no difficulty in gaining access to the other sources of information in the region. But information provided by these sources does not suit TSK's interests, therefore they are considered as neither worthy of turning into a story nor publishing".

I have paid attention, in especially the stories we cover as a group, because of the fact that my reporter friends are all supported by the same or similar sources of information, they communicate approximately the same news stories to their headquarters. As it happens that special stories usually do not come out, reporters do not bother to keep secret the stories they are to communicate. Everyone, shouting all over through their mobile equipment, communicate their stories. But while watching the evening newscast on the TV or reading the newspapers the following day, it turns out to be almost impossible to find the news story communicated by the reporter. For example;

According to accounts by witnesses among the local people, the Governor of Dohuk and the KDP authorities, everyone saw corpses of the 7 shepherds from the Village Azadi, at the morgue in Dohuk. They had been kidnapped and killed by Turkish soldiers. Four corpses were hardly recognizable. The eyes had been gouged out, the heads and the arms had been broken. Two days later, 3 people introduced as members of the Turkish Red Crescent, were shot dead during an armed clash at a gas station with families of the killed shepherds from the Village Azadi. A prominent newspaper published pictures of 3 Kurdish shepherds announcing, "This is how the terrorists killed 3 Red Crescent members". How can you correct the story and the picture? The assailants are not terrorists, the killed are not Red Crescent members, the published picture does not belong to the killed Turks, and the so-called Red Crescent members were not killed like that! This is the response that came as the reporters who had taken the picture and written the story complained to the chief at the headquarters: "Forget about it, you can say, 'those vile ones in Istanbul must have distorted it!'"

Two cars are trapped 6 km. away from Zaho. In the 2 cars racked by missiles and automatic weapons were found 5 corpses. Zaho Security Director discloses that it is Said Abdullah Cihangir, the local person responsible of the Patriotic Union of Kurdistan (PUK), who launched the attack. The TSK states that the incident has stemmed from the war among Iraqi Kurdish groups. Except for two TV stations and two newspapers, the whole Turkish Press ascribed the incident to the PKK. A newspaper even wrote that the PUK member had in fact been a PKK member. That is like saying that a Cibom fan is in fact a Fener fan (two rivals of Turkish

soccer)! Yet nobody had held the PKK responsible for the incident. And the PKK had not declared having launched such an attack. Besides, the headquarters in İstanbul had not even considered that the ability of the PKK to still launch actions in that region would lessen the prestige of the TSK. The examples given above were about the distortion of the news stories which had been properly communicated by the reporters.

It is impossible to pile in here the information communicated from the region but not reflected on the pages or the screen. However, as far as I am concerned, the evacuation of 51 villages and hamlets, the deprivation of 15.300 Iraqi Kurds from their homes, the killing of 21 Iraqi civilian Kurds in the first 20 days, the things KDP members have said about the TSK while the recorder was on, the convoy of 52 vehicles which have entered Northern Iraq from the Brem Khalil Gate a day before the withdrawal of the brigade of 3,000, the slogans written on the walls by the military units of Saddam's palace and the KDP/PUK talks in Tehran which continued for 10 days, were either not reflected in the Turkish Press or were cut out very shortly.

Here are a few examples related to the relationship between the TSK and the media in the region:

An evening in Begova. The Commander is speaking with the journalists. Sounds of fire come from where the units are located. The Commander turns on the radio and asks the unit:

— What's up? Have you monitored something? Is there a hot pursuit?

The response comes. An extremely cool, in fact a weary voice:

— No, nothing's up. It 's just the media, media!

Cannon balls are fired for members of the media, especially the TV stations. There is a cannon each shot from which costs 30 million TL. Some journalists joke each time, saying, "there goes our taxes" or "increase in the price of the bread and gas". While a show staged for the TV team goes on in the same region, a lieutenant warns an enlisted man of his who kind of exaggerates the number of shots;

— Sonny, don't waste all the bullets! They say Peter Arnett's gonna come tomorrow...

In the Metina Region, "We have monitored" (We have seen a PKK member or some-thing like that). The soldiers climb on the slope of the mountain. Crawling on the ground, and extremely careful. They fire from time to time. No shots coming from across, but in case. A clash may come up any minute (or as if it may). A reporter of a private TV station, holding a micro-phone in hand, stands and tells something before the camera. One of the soldiers straightens up from the ground and advises this TV reporter:

— Brother, why do you keep standing up like a stake? Lay down, crawl on the ground, arouse a bit of excitement the way Sadettin Teksoy does it!

The Commanders in fact are not quite pleased with the media. For example, a colonel complains, "Look kids, excuse us, but we are unable to perform our duties because of you." Another commander who got tired of certain organizational demands by journalists, warns the media right from the start:

— Gentlemen, no asparagas, no mise-en-scenes, you are not entitled to demand any-thing special from the soldiers, all right? Just shoot whatever you see, that'll do.

It is true that the commanders have started getting tired, but reporters are also tired, too. Already İstanbul has started scolding them. "What's up, you are communicating the same story every single day, pal. Isn't there anything new? Just make something up then!

A confession by a cameraman: "Brother, for all the scenes I have shot in here, I had shot them all the same during the Sea-Wolf I Maneuvers, too."

And as a result, the question which everyone seeks to answer, comes up during a raki-raw meat balls-canned kidney beans-tuna fish journalists' dinner:

"Are we a part of the media war or the war media?"

The military units participating in the operation were begun to be drawn back by 24 April. The General Staff Office disclosed that 5 brigades which consisted of 20,000 people and had participated in the operation launched in Northern Iraq, had been drawn back. In the statement it was stated that the drawn back military units had arrived at the places of duty in Hakkari and Şırnak and added that there were 10,000 soldiers yet in Northern Iraq.

After the operation ended, Colonel Doğu Silahçioğlu, the Spokesperson for the General Staff Office, disclosed that a total of 61 security officers, 4 of whom were military officers, 8 non-commissioned officers and 49 enlisted men, had lost their lives and 185 security officers had been seriously wounded during the air and ground operation carried out in the Northern Iraq. Pointing out that 555 PKK militants were killed during the operation, Doğu Silahçioğlu stated that 2 trillion and 800 million Turkish Lira had been spent for the operation. In the statement he made about the operation, Mustafa Karasu, the Commander of the ARGK Headquarters, said: "As a result of the ambushes, over 1,000 soldiers died, while our casualty toll is 47. The conducted psychological war aimed at covering up defeat and impasse with propaganda. The Turkish state, if it were successful, would put pressure on the other forces in the South, would force the KDP, the PUK and other states in the region to accept its policy, the policy of liquidating the Kurdish problem. The PKK neither stepped back nor turned back to the region. The soldiers left behind heavy weapons, they were not able to even pick up their casualties. We still have the corpses of soldiers. We are in a position to hand them to the Red Cross or other international organizations, if need be."

Other operations

An air operation, in which aircraft participated, was carried out against the PKK units in the Batufa region of Northern Iraq on the morning of 22 May. No statement was made by either the General Staff Office or the PKK concerning the air operation. During the operation, a bomb fell in the vicinity of the Nuzir town under the control of the Kurdistan Democrat Party, killing one person and wounding 4 others. The incident was confirmed by the authorities of the KDP.

Turkey launched a military operation against the camps and positions of the PKK in the Northern Iraq on 5 July. It was reported that along with the war planes and helicopters, armored vehicles also participated in the operation. The operation, which was launched after the killing of 5 soldiers patrolling the border in an ambush by the PKK militants at the Seve Passage on 3 July, ended on 10 July. In a statement made on 11 July, the General Staff Office disclosed that the military units participating in the operation had completely withdrawn from the region on the night of 10 July and 21 security officers had lost their lives during the operation. It was also claimed that 32 clashes had taken place between PKK militants and security officers, and 167 PKK militants had been killed in those clashes.

During the operation, which was launched on 5 July, civilians were reportedly harmed, contrary to the statements by the General Staff Chief Office. In a statement made by the KDP European Representative Office, it was alleged that the Turkish troops entered the Iraqi border as far as 15 kilometers, and 7 villages had been damaged and 3 civilians had been wounded during the operation. In the statement, it was recorded that the local people had been torn between the operations by the Turkish Army and the activities of the PKK, and it was demanded that the Turkish Government should stop the operation, withdraw the military units, and maintain the

security of the civilian people. In the second statement made by the General Staff Office, it was said, "The war planes are not used in any way in the regions which are closer than 2 kilometers to civilian settlements. Every kind of precaution is taken in order to avoid harm to civilians.", and it was asserted that claims of the burning down of 7 villages were not true.

However, local sources stated that the Seve and Yekmal villages, located about 15 kilometers from the Çukurca District of Hakkari, had been bombed from air, that the military units had also approached these villages from land, and 5 villagers had died due to the bombardment. In a statement he made for Reuters on 8 July, KDP Ankara Representative Safen Dizayee disclosed that about 3,000 civilian Kurds had left their homes during the operation of the Turkish soldiers in Northern Iraq, and had taken shelter near their relatives in the south and west. Safen Dizayee, who said "No one would wait for the second bomb to fall on his head.", noted that the Kurds who had left their homes and escaped from the region were from the Barzan tribe. Safen Dizayee also said that 18 villages in the Mirgah Sur and Mezauri regions near the border had completely been evacuated, and added that 2 Iraqi Kurds had been detained by the soldiers and no information could be received regarding them. In the meantime, in a statement about the cross-border operation, the Ministry of Foreign Affairs disclosed that Northern Iraqi Kurdish leaders Massoud Barzani and Jalal Talabani had been warned since they did not fulfill their responsibilities. In the statement, it was said, "Parties in Northern Iraq continue to carry the responsibility of maintaining the security of their region. It is clear that it would not be necessary to launch such operations if they were fulfilling their responsibilities."

Turkey launched an air and ground operation against the PKK camps and positions in Northern Iraq on the morning of 7 July. Within the context of the operation, some areas that are 30 kilometers from the Turkish-Iraqi border and under the control of PKK militants, were bombed by war planes. In the meantime, a military unit of 3,000 crossed the border following the Çukurca-Şemdinli line, and entered Iraq. It was reported that a clash broke out between the soldiers that had entered Iraq and the PKK militants at the Kani Masi region. In the statement by the Ministry of Foreign Affairs, it was reported that the operation in question had a limited scope and civilians were certainly way out of harm. On the other hand, in a statement by the PKK it was maintained, "The operation aims at rescuing the peshmergas of the KDP who have been surrounded by PKK militants."

PKK-KDP clash

The PKK launched an attack against the Kurdistan Democratic Party (KDP) stations in the Behtina-Botan region in Northern Iraq on 26 August. The PKK stated that during the first day of the attack which aimed to maintain a free zone in the Northern Iraq, 20 stations had been annihilated completely and numerous peshmergas had been taken captive. Prior to the attack, there was serious tension between the PKK and the KDP.

The clashes, which broke out between PKK militants and KDP members especially in Zaho, in Sersing, Amadiya and Sheladiz districts and Haftanin, Batufa, Bamerni towns, intensified on 27 August. A hand grenade thrown at the house of a family which was known to be close to the PKK resulted in the death of 4 people. In the clashes that broke out on the Metina and Gara mountains in the Sersing and Amadiya regions, 5 peshmergas and 7 civilians died, 6 PKK militants were taken captive. In the meantime, it was reported that intensive clashes took place between the KDP member peshmergas, who were mounting guards at the border stations built by Turkey, and the PKK militants. Local sources asserted that control of the 25 of the stations had been taken over by the PKK.

Turkish armored forces, who entered Northern Iraq through the Habur border gate on the night of 29 August upon the increasing pressure of the PKK over the peshmergas, bombed the

Hayırsız mountains near Syria. Intense clashes, in which the peshmergas also participated, took place on the Hayırsız mountains on the night of 29 August. The armored forces, which had participated in the operation, withdrew on the morning of 30 August. However, aircraft and Cobra helicopters, which took off from Diyarbakır and Malatya, periodically bombed the PKK regions on 30 August.

The PKK-KDP clashes increasingly continued in September. The PKK reportedly transferred 3,000 of its militants to the region, and about 50 people died in the clashes. The PKK militants carried out an attack against the Zaho city center, which was controlled by the KDP, on 2 September. In the raid carried out against a KDP station in the Abbasiye Quarter, 8 peshmergas were reportedly wounded whereas 3 PKK militants died. However, there were no casualties in the PKK attack against the Darkaracan Village on the foot of the Siranis mountains at the same time. The PKK militants carried out an attack against Zaho once again on the night of 9 September. It could not be learnt if there were any casualties in the attack, which lasted for about 2 hours. The KDP exposed the PKK militants, who were captured or who surrendered during the attacks, to the media. The PKK militants, most of whom were Northern Iraqi or Iranian, stated that “they had surrendered as they did not want a fratricidal quarrel.” Meanwhile, Zaho Governor Dr. Muhammed Mecit disclosed that the peshmergas were in dire straits regarding military equipment, and said “Turkey should provide us with military aid, along with the humanitarian aid.”

While the PKK attacks against the KDP continued in Northern Iraq, Turkish aircraft, which took off from Diyarbakır, bombed the PKK camps in Northern Iraq. It was disclosed that the PKK camps through the Turkish border were targeted during the air raids which were carried out 4 times in the second week of September.

The PKK-KDP clash gained a new dimension upon the KDP operation against the Etruş Camp, which was under the control of the United Nations, on 14 September. The KDP peshmergas, who wanted to enter the camp, which was in the region that was under the control of the KDP, on the pretext of a search, opened fire on the people who resisted their entry. As a result of the fire, 3 people reportedly died and over 50 people, among them children and women, were wounded. The dwellers of the 2nd Camp, who started to march in order to join the dwellers of the 1st Camp upon this incident, were attacked by the KDP peshmergas on the Dohuk road. It was learnt that a woman named Jiyan died and 25 people were wounded in this second attack. In a news story about the incident, the Etruş dwellers, who proclaimed that the UN had connived at the KDP attack, had taken 3 UN officers as hostages, and thereafter the KDP attack had ended. In the meantime, it was reported that MİT officers also wanted to enter the camp along with the KDP members, and they had demanded from the KDP members that certain people in the camp be handed over to them.

Meanwhile, unknown people carried out an attack with missiles and automatic guns against the Headquarters of the National Turkmen Party in Erbil in the Northern Iraq on 28 December. As a result of the fire, one person died, 18 people were wounded. Some of the wounded were brought to Turkey through the Habur border gate, and taken under treatment at the Diyarbakır State Hospital. It was asserted that the PKK had carried out the attack, but the PKK did not claim responsibility.

e)- Results of the clashes

Figures given for the clashes in the State of Emergency Region by different sources have never matched each other. For example; in a press conference held on 2 February, Minister of National Defense Mehmet Gölhan disclosed that the Turkish Armed Forces had a casualty of 3,007, most of whom died in the State of Emergency Region, between 1981 and 1995. Mehmet Gölhan stated that 4,430 soldiers were wounded and 304 others were crippled in 14 years, and that

about TL 700 billion was paid to the families of the dead soldiers. Mehmet Gölhan, who disclosed in his statement on 2 February that 3,007 people had died, recorded in another statement he made in September that a total of 2,762 soldiers, 53 of whom during the cross-border operations, died during the attacks. According to this statement by Mehmet Gölhan, the distribution of the dead soldiers according to the provinces is as follows: “İstanbul 145, Ankara 135, Balıkesir 94, İzmir 91, Adana 90, Yozgat 73, Samsun 71, Erzurum 54, Kars 44, Gaziantep 41, Maraş 34.” Mehmet Gölhan stated that in the clashes, 496 people had died in Hakkari, 628 in Şırnak, 373 in Siirt and 174 in Mardin.

Emin Çölaşan, whose articles are published daily on page 5 of the newspaper Hürriyet, gave some figures as to those died in the clashes in the State of Emergency Region, in his article entitled “Warning to the People of the Southeast”, published in the newspaper in August. Emin Çölaşan stated that a total of 3,825 security officers, 188 of whom were officers, 187 non-commissioned officers, 2,510 enlisted men, 216 policemen and 724 village guards, and 4,727 civilians and 11,088 militants died in the 11-year period since 15 August 1984 when the PKK began its acts and attacks.

However, in the report concerning the incidents experienced in the 10 years since 15 August 1984 when the PKK began its acts and attacks, which had been submitted to the National Security Council in August 1994, it had been disclosed that 4,644 security officers, 244 of whom were military officers, 621 non-commissioned officers, 275 police officers and the remaining village guards and enlisted men, and 4,036 civilians had died while 6,443 PKK militants had been killed during the operations and clashes. (*) According to the PKK data, however, a total of 31,559 security officers and 4,364 militants had lost their lives throughout the 11-year of the war. In the clashes and attacks, between 7,000 and 9,000 civilians, 70 of whom were politicians, 20 religious officers, 31 teachers, 13 health workers, 34 journalists-writers-press staff, 6 lawyers and 4 trade unionists, had been killed.

Aid to the families of the dead

In a press conference he held on 2 February, the then-Minister of Defense Mehmet Gölhan gave information on the compensation paid to the families of personnel most of whom died or got wounded in the clashes especially in the East and Southeast Anatolia. Mehmet Gölhan disclosed that in line with the “Law on Compensation” No.2330, a total of TL 310 billion 159 million had been paid, as of 1981, to relatives of 1,329 people who had died while serving at the Navy, Land and Forces, 304 people who had been crippled and 1,176 people who had been wounded. Mehmet Gölhan also stated that the Ministry of Interior Affairs “Compensation Commission” had paid about TL 400 billion to relatives of 1,678 people who had died while serving at the Gendarmerie General Commandership and Coast Security Commandership Navy, and 3,260 people who had been wounded. Mehmet Gölhan added that apart from the compensations, the Retirement Department General Directorate had given “pension of infirmity connected with duty” to the relatives of the dead.

In the meantime, the Ministry of National Defense demanded from the families of the soldiers sent to the State of Emergency Region that they support their children and write letters frequently to raise their morale. In the letters sent by the Ministry of National Defense Recruitment Office and marked “private”, it was requested that the families do not leave their children alone, and the following were said: “Your son has become a soldier after completing his training at the

(*) When we take into account that the death toll of the Turkish Army was 484 (38 military officers, 36 non-commissioned officers, 409 enlisted men and 11 civilian workers) during the 1st and 2nd Cyprus operations in 1974, we realize the dreadful picture of the clashes in the State of Emergency Region.

trainee center. During his service period from now on, our commandership will closely deal with his health and needs, and continue to meet his needs. As it was the case in the first 3-month of his military service, our soldiers' longing for their families and relatives will be removed with your close attachment and support. For this reason, continuation of your letters, close and warm ties would strengthen his morale. Your supporting letters that you have written during the period your son spent at the trainee center, had contributed to your son's conducting his service with great enthusiasm. For this reason, we wish the continuation of your letters. It is our common desire that our soldiers turn back to their home spiritually and physically stronger, confident in themselves, mature and grown up in such a way that people trust them."

The case file of compensation lodged by the family of General Bahtiyar Aydın, who had been killed in the Lice District of Diyarbakır on 22 October 1993, against the Ministry of Interior Affairs, concluded by mid-August. As a result of the trial which was held by the Military Supreme Court of Administration, it was decided that a material compensation of TL 1 billion (amounting to \$ 13,000) and a morale compensation of TL 100 million (amounting to \$ 1,250) should be paid to the wife of Bahtiyar Aydın, and a material compensation of TL 100 million and a morale compensation of TL 100 million should be paid to their children. In the court verdict, the following was said: "As the struggle of the state against terrorism has not been regarded as a war and thus has not been regarded as a major force, and as the harm done to the people during this struggle is not a harm done to Turkey in general but one valid in certain parts of the country, this harm is not regarded as a public harm, and in line with the equality principle against the special and extra-ordinary public burdens, it was regarded as harm that should be compensated by the administration. For this reason, it was decided that the harm should be covered by the administration."

Wounded, crippled

In addition to the people who died in clashes and attacks, several security officers and civilians were wounded or crippled. For example; in a statement made in August by Assoc. Prof. Serdar Necmioğlu, a lecturer at the Diyarbakır Dicle University Orthopedics and Traumatology Department, it was stressed that of 548 people, including children and elderly, who had been wounded during the incidents between 1990-1995 and who had been treated at the hospitals in Diyarbakır, 209 had been crippled. In the statement, it was indicated that most of the people had been crippled due to mine explosions, and the following was said: "Between February 1990 and February 1995, 548 people, who came to the State and Medical Faculty hospitals due to wounds from firearms, were treated. Of these people, 64 had been wounded with short-range guns, 274 with long-range guns, and 210 with highly destructive mines or rockets. 200 of these people had non-orthopedic wounds. 4 of the people who had orthopedic wounds and 20 of the others lost their lives." In the statement, it was stressed that feet, arms and fingers of 209 people had been amputated, and it was said, "The main problems faced in the treatment of these kind of patients are due to the lack of first-aid and the deficiencies in transfers."

Enlisted man Nihat Balabay, who was wounded in the leg during a clash that broke out with the PKK militants in the vicinity of the Çukurca District of Hakkari in May 1994, disclosed that he had bad times and nobody was concerned about his situation. He said, "There is platinum in my foot, which has to be taken out surgically. Wherever I requested medical assistance, doors were shut in my face. My father lended money, and shouldered my medicine expenses. But it is not sufficient. I appealed to the recruitment office, they said 'We cannot do anything,' and proposed that I apply to the Mehmetçik (Enlisted Men) Foundation. It's been months, and I haven't heard from them. I don't know what to do." Nihat Balabay was supported by HADEP. HADEP Adana Provincial Secretary Mustafa Çampınarı said the following on 6 February: "When he had gotten sick again after his discharge from the army, Nihat Balabay had been sent to the Diyarbakır

Military Hospital at first, and then to the Ankara Mevki Hospital. However, as the number of the wounded is quite high and as there is no fund, he did not receive sufficient treatment. Now, this brother is among us. As far as we can understand, he was neither paid compensation nor treated effectively. He did not receive help from anybody. Even the political parties he had appealed to had closed their doors to him. As HADEP, we shouldered his treatment.”

Hostages

Another dimension of the clashes in the region were the hostage soldiers. The names of some of the soldiers taken hostage by the PKK are as follows: “Engin Ekşi (15 May 1992-Uludere), Mustafa Çelik (*) (July-1992), Mustafa Özülgör (Second lieutenant-3 April 1994), Yalçın Yaşar (1 June 1994-Uludere), Mehmet Nuri Aykut (1 June 1994-Uludere), İbrahim Yaylalı (8 October 1994), Hakan Pusat (15 June 1995-Şemdinli), Tuncay Kavaklıođlu (15 June 1995-Şemdinli), Mehmet Sıkılğan (15 June 1995-Şemdinli), Ramazan Çelik (15 June 1995-Şemdinli), İsmail Başaran (15 June 1995-Şemdinli), Cengiz İpek (4 July 1995-Şemdinli), Tefvik Öztürk (4 July 1995-Şemdinli) and Sedat Ağca (15 August 1995).”

The hostage soldiers were not released until the end of 1996. Nobody took interest in the hostage soldiers and their families. Authorities refused the requests for help by the relatives of the hostage soldiers. For this reason, they demanded help from the İHD, and applied to international organizations such as the Red Cross, Amnesty International and the United Nations.

For example; Ayşe Özülgör, the mother of Mustafa Özülgör (25; forest engineer) who had been wounded in a clash that broke out in the vicinity of the Uludere District of Şırnak and taken hostage by the PKK, appealed to Amnesty International, Red Cross, European Human Rights Commission and the United Nations asking them to take necessary steps for the release of her son. Ayşe Özülgör stated that the United Nations had responded to her by saying, “We do not address the terror organizations.”, but other organizations had declared that they would help.

Families of Tuncay Kavaklıođlu and İsmail Başaran, who had been abducted during the raid carried out by the PKK militants against the Ortaklar Gendarmerie Station in the Şemdinli District of Hakkari on 15 June resulting in the death of 15 enlisted men, held a press conference at the İHD İstanbul Branch on 20 July. They addressed the PKK calling for the release of their children. The families also appealed to Amnesty International and the Red Cross. Gülsüm Kavaklıođlu, the mother of Tuncay Kavaklıođlu, said the following in her speech during the conference: “We were informed 5 days after the incident that they had been abducted. Later on, we were unable to receive information from anybody. He had been recruited belatedly, and I was then sorry that I could not be the mother of a soldier. Now I have another son to go to the army, but I will do whatever I can in order to avoid his being a soldier. We want to see our children alive. We came to the association for this reason.”

Whereas Zümürüt Kavaklıođlu, the wife of Tuncay Kavaklıođlu said, “My husband had seen our daughter when she was 10 days old. I don’t want my child to grow up without a father. The state does not back us. Up till now, the authorities neither called us nor gave information. We don’t know what to do. I want to be sure that my husband lives, I want to hear him at least on the phone. Çiller’s son conducts his military service on the opposite side of her waterside residence. It is the same for the children of other bureaucrats and the rich. However, those killed or abducted are always children of the poor.” Hüsniye Başaran, the mother of İsmail Başaran said, “I am not able

(*) Non-commissioned officer Mustafa Çelik was given the status of war prisoner in 1994, and his wife Hülya Çelik was assigned a salary within this framework.

to do anything. I want our children to be released, and the authorities to back them. Children of brothers living on the same land are made to kill each other, this should stop.”

A news story published in the newspaper Milliyet on 30 July, stated that an interview had been conducted with the abducted soldiers at a PKK camp in Northern Iraq, and read: “Second lieutenant Mustafa Özülgör, enlisted men İbrahim Yaylalı, Ramazan Çelik, Tuncay Kavaklı-oğlu, Hakan Pusat, Tevfik Öztürk, Mehmet Sıkılğan and İsmail Başaran, who are kept at the caves used as prisons at nights, and who continuously change their place in the mountainous area in days, look forward to the day they will be released. Soldiers held hostage by the PKK narrated that the Red Cross had intervened to maintain their release, and said, ‘The Red Cross wanted our biographies. Out of 3 enlisted men kept here, 2 were taken to another camp. The other one managed to escape.’”

Hatice Ekşi, the mother of Engin Ekşi who had been taken hostage in the raid carried out by PKK militants against the Taşdelen Gendarmerie Station in the vicinity of the Uludere District of Şırnak on 15 May 1992, addressed the PKK in order that her son be released. In a statement she made on 26 October, Hatice Ekşi stated that no result could be obtained from the initiatives to rescue her child, and said, “I don’t know the reason for this war. However, our children are dying. My child was abducted while he was a soldier. I don’t know if he’s dead or alive. I heard about the abduction of my child from a journalist. None of us believed it. Then his picture came. We could be able to reach him only in the first year, with the help of the Red Cross. We could only receive a letter from him’.”

Meanwhile, blockading the road between Van and Başkale on 9 July, PKK militants abducted Oğuz Metin, the Mufti of Başkale. Welfare Party Van Deputy Fetullah Erbaş intervened in the incident, and Oğuz Metin was released on 10 November in the vicinity of the Yüksekova District of Hakkari.

Funerals

The funerals held for soldiers killed in clashes became scenes for various incidents. The funerals attended by thousands of people turned into demonstrations against the PKK and the Kurds. At the ceremonies, anti-PKK and anti-secular slogans, and slogans demanding execution of the DEP deputies, and calling on the government to resign were chanted. No serious efforts were made to prevent incidents that took place during the funeral ceremonies or even to prevent repetition of similar events. In numerous demonstrations, tension prevailed and provocative actions, which would have caused massive clashes, were witnessed.

Arif Meydan (21) who died in the raid carried out by the PKK against the Ortaklar Gendarmerie Station just 26 days before being discharged, was buried in İzmit on 19 June. A group of about 200 people, who attended the funeral of Arif Meydan most of whom were adherents of the MHP, began to march shouting slogans including “Damn the PKK”, “Muslims are here, where are the secularists?”. When the corpse was taken to the Art Street, a street for artisans, a group of people within the crowd booed and attempted to plunder the street, but the funeral ended without any incidents upon police intervention.

Special team member Mehmet Çatal, who was killed by PKK militants in the vicinity of Tunceli, was buried in the Osmaniye District of Adana on 4 July. During the funeral where MHP adherents showed off, the rolls of film of Ali Tıraş, the Osmaniye Representative of the newspaper Express, were seized and he was threatened with a gun. Ali Tıraş, who filed an official complaint about the incident, stated that a thin person with short hair and a pale face shouted “Nobody will take pictures”, and then the same person had put a gun to his back and taken his rolls of film. Ali Tıraş stated that he had applied to the police officers and the police chiefs in control, but nobody had paid attention to his complaint. During the funeral, MHP adherents booed and

demanded the resignation of Osmaniye District Governor Ümit Karahan, who had tried to prevent the waving of the MHP flags.

Enlisted man Hacı Ayrancı, who died in a clash that broke out in the vicinity of the Pervari District of Siirt, was buried in the Hacılar District of Kayseri on 7 July. The family of Hacı Ayrancı, then-Kayseri Governor Saffet Arıkan Bedük, Garrison Commander Orhan Genç-ler, Erciyes University Rector Mehmet Şahin and district chairpersons of certain political parties attended the funeral held at the Hunat Mosque. People participating in the funeral shouted slogans against the PKK, while a woman named Şerife Tekin (52), who criticized the government, was detained by the police.

Enlisted man Kenan Şentürk, who died during the cross-border operation launched in Northern Iraq at the beginning of July, was buried in Adapazarı on 9 July. A group of radical Islamic people participating in the funeral prevented the holding of a military ceremony for Kenan Şentürk. After the ritual prayer (namaz) performed at the Ali Dimen Mosque in the Erenler Quarter at noon, a group of about 30 people, heading the crowd, reacted against Mehmet Gölhan, then-Minister of Interior Affairs, when he attempted to give a speech. The crowd interrupted his speech by shouting slogans “The PKK is in the Parliament” and “Government resign”, and prevented the band from playing the Funeral March by saying, “This is not a Christian ceremony”. The crowd refused to hand over the coffin to the military ceremony detachment, and took the coffin to the Erenler Cemetery which was 1500 meters away. The crowd kept shouting, “The only way is Islam” all the way to the cemetery.

Enlisted man Ecevit Esen, who died in a clash that broke out in the vicinity of Tunceli, was buried in the Derik District of Mardin on 9 July. Although Derik District Governor Cemal Özdemir had invited everybody to participate in the ceremony, nobody was present at the funeral except the father of the killed soldier, Selahattin Esen and a few relatives. Upon this, Cemal Özdemir went to the center of the district, insulted some craftsmen and people sitting at the cafeterias, and threatened certain people. Then, the cafeterias in the district were closed for 3 days upon orders by the District Governor.

In an attack launched against a house in the Kulp District of Diyarbakır on the night of 21 July, village guard Metin Bozkuş died, while Metin Bozkuş’s wife Nezahat Bozkuş, and village guards Süleyman Bozkurt and Avni Taş were wounded. When news of the incident was heard, a group of village guards gathered in Kulp on the morning of 22 July and held a demonstration by opening fire at random. Upon this, shops in the district were closed, and people retreated back to their houses. The village guards dispersed after a speech delivered by the district governor.

Enlisted man İlyas Dağlı, who died in a clash that broke out in the vicinity of the Eruh District of Siirt on 8 August, was buried at the Tatvan Cemetery following the ceremony held in the Tatvan District of Bitlis on 10 August. The authorities, who organized the funeral starting from 9 August, invited the public and the personnel of the state institutions to participate in the ceremony by making announcements and marches blared from loudspeakers of the municipality on the morning of 10 August. In the meantime, police officers went to shops in the district, and demanded that flags be hung in shops and that shoopkeepers participated in the ceremony. A crowd of about 200 people, most of whom were village guards brought from surrounding villages, police officers and soldiers, participated in the ceremony. Some of the participants made the sign of wolfheads, the symbol of the nationalist party MHP, and shouted slogans against the PKK.

15th Army Corps Commander Lieutenant General Nahit Şenoğul, who delivered a speech during a ceremony held in Kocaeli on 28 October for the soldiers who died in clashes in the State of Emergency Region, stated that 45 of the soldiers who had died in the clashes in the region, were from Kocaeli. Nahit Şenoğul, who accused the human rights defenders of being “enemies of the

state” and “collaborators with the PKK”, said the following in short: “We are very furious. We are furious with the domestic and foreigner collaborators of the murder organization PKK. Our neighbors are acting as enemies. They cannot achieve anything by training terrorists, giving them plaques, by using the terror as a trump card against us. These attitudes and behaviors are not moral. They do not fit the earnestness of being a state. Besides, they are against the international legal norms. If our enemies go on like this, one day the Turkish nation will make them to feel sorry for what they have done. The PKK is the bloodiest organization in the world. The internal collaborators of this organization are under the guise of especially human rights defenders and democracy disciples. The internal collaborators are the enemies of the state and nation. They are unaware of the facts of Turkey. Willing to divide Turkey, they are actors very good at playing their role. They speak very good, write very good. Whatever you ask, they bring you the topics that they have memorized. The terms democracy and human rights do not befit their mouths and pens. These and many other similar terms lose their merit in the mouths and under the pens of these people. These people are not sincere. They abuse democracy and human rights. Not a single nation can say human rights and democracy at the cost of division of the country and the nation. None of our citizens in love with her/his nation can say, ‘Let democracy function properly with all of its institutions and norms, human rights be implemented completely, let my nation be divided, let my country be separated’.”

In the meantime, corpses of 3 militants, who died in a clash that broke out in the Yedigöller region of Bingöl at the end of May, could not be buried in the Çat District of Erzurum, where they have been brought to, upon opposition by MHP member Mayor Seyfettin Sarı. Seyfettin Sarı opposed to the military officers who wanted the corpses to be buried, by saying “Our land will become soiled.” Thereupon, the corpses were brought to Erzurum.

Funeral ceremony of the police officers in İstanbul

The killing of a police officer in an armed attack carried out by the DHKP-C militants in İstanbul in June, and the incidents that took place during the funeral of this police officer occupied the agenda of Turkey for a long period of time. The developments caused a political crisis that resulted in early election and the dissolution of the coalition government between the DYP and the SHP.

Three DHKP-C militants opened fire at police officers standing guard in front of the DYP İstanbul Provincial Organization building at about 07.30 a.m. on 9 June. In the attack, police officer Rüstü Erdem died and another police officer named Kamil Koç was wounded. Police officers who raided a house in the Okmeydanı Quarter of İstanbul right after the attack, killed a young girl named Sibel Yalçın (18) who had attended the attack. It was disclosed that Sibel Yalçın was one of the leaders of the “Armed Propaganda Union” which is the armed wing of the DHKP-C. The corpse of Sibel Yalçın was not handed over to her family. A group of about 700-800 people who attempted to go to the Morgue of the Forensic Medicine Institute in order to get the corpse, was prevented by the police in Topkapı. A crowd of about 2,000 people, who gathered in front of the house of Sibel Yalçın when her corpse was not handed over, started resisting the police after erecting barricades. The resistance continued until the corpse was finally handed over.

Sibel Yalçın was buried in the İstanbul Alibeyköy Cemetery (*) on 16 June. The funeral was attended by 4,000 people, and ended without any incidents since the police did not inter-vene.

(*) DHKP-C militants who raided a shop on the Spor Street in the Okmeydanı Quarter of İstanbul on the morning of 16 June, killed a tradesman named Hasan Levent (33). In the statement made by the organization, it was reported “Hasan Levent had denounced the DHKP-C militant named Sibel Yalçın to the police and hence caused her killing”. Hasan Levent was buried in İstanbul on 17 June. A crowd of 3,000 of people, most of whom were adherents of the MHP and RP, attended the funeral. The crowd carried banners condemning the

In the meantime, Ali Yalçın, the brother of Sibel Yalçın, raised an official complaint against İstanbul Security Director Necdet Menzir and then-Anti-Terror Branch Director Reşat Altay in August. Ali Yalçın maintained that his sister could have been captured alive, but instead she had been a victim of an extra-judicial execution that had been carried out with hatred.

The then-İstanbul Security Director Necdet Menzir, who gave a speech during the ceremony held on 10 June for police officer Rüştü Erdem, made wild accusations against human rights defendants and the press. Necdet Menzir, who criticized State Minister responsible for human rights Algan Hacaloğlu and Minister of Justice Mehmet Moğultay without mentioning their names, said, “There are some people who go to Europe and say ‘they are carrying out extra-judicial executions’. From now on, everybody should pay attention to her/his words,” and continued as follows:

“In this country, there are impious people wearing the mask of secularism. There are the ones who want to create problems for our country. There are separatists in this country. In this country, there are communists using Atatürk. But, we are the real Atatürk followers, just not paying lip service to him. As he said; ‘There can be internal and foreign enemies in this country. They can even be in power.’ Yes, there are. Today, people in this country go abroad. They talk about extra-judicial executions. Then they come back and sit in the chair of power. Enough of this! In this country, we want people who protect their state, police and nation. In this country, we defend the laws, first and foremost the Constitution, and peace and order of the country. For this reason, everybody should pay attention to her/his words from now on.”

Rüştü Erdem was buried in the Tefenni District of Burdur on 11 June. The funeral for Rüştü Erdem caused tension in the district and tension continued in the following days. A group of people started a signature campaign in support of Necdet Menzir on the morning of 12 June. In the evening, the campaign turned into a protest against then-State Minister responsible for human rights Algan Hacaloğlu, as “he brought extra-judicial execution cases on the agenda and offered his condolences to the family of Hasan Ocak, killed after having been kidnapped.” A crowd of 3,000 people, headed by DYP member Mayor Sadık Çelik, who gathered in front of the Tefenni Municipality at about 06.30 p.m., marched to the Industrial Site. In a statement he made, Sadık Çelik said, “The people react against the statements by the State Minister responsible for human rights. We support Necdet Menzir. I walked on the front. I protested against people like Algan Hacaloğlu being appointed minister. He shouldn’t be called ‘minister responsible for human rights’, but ‘the minister of terrorists’ instead.”

The criticisms of Necdet Menzir targeting the CHP member ministers caused protests within the CHP and tension in the government. Hikmet Çetin, the then-CHP Chairperson and Deputy Prime Minister, said that he wouldn’t bother with Necdet Menzir but discuss the matter directly with Prime Minister Tansu Çiller, and they would solve the problem at the government level. Minister of Justice Mehmet Moğultay addressed Necdet Menzir as “If he is fond of politics, he should leave his office and get in politics.” State Minister responsible for human rights Algan Hacaloğlu stated that he had met with İstanbul Governor Hayri Kozakçıoğlu, and said, “It is their internal problem. I believe that the Minister of Interior Affairs would evaluate the incident. Nobody dares to threaten us.” Meanwhile, MHP Chairperson Alpaslan Türkeş supported Menzir by saying, “You are not offenders but victims, and you are right. I especially congratulate you for the sorrowful speech you delivered on 10 June, I kiss you in the eyes, and wish you patience.”

Alewis and praising İstanbul Security Director Necdet Menzir. The funeral that ended at about 02.30 p.m., caused tension in the Okmeydanı Piyalepaşa quarter inhabited by Alewis.

The then-Security Director General Mehmet Ağar, by saying that “it was impossible for the police to carry out extra-judicial executions,” gave support to Necdet Menzir, who had accused the CHP member minister. Mehmet Ağar said, “Extra-judicial executions, torture; it is impossible for the police to carry these out. The police implements the rules. Public prosecutors should investigate the claims.” Mehmet Ağar, who asserted that terrorism benefited from the rights and freedoms provided by the democratic rule of law, accused the defenders of a political solution to the Kurdish problem by saying, “A serious problem in the struggle against terrorism is the imprudence of the intellectuals who are alien to their nation, who put forward a couple of demands for the sake of ethnic origins, who adapt an hostile attitude against the state. These people are talking about political solution on their own.”

Following Mehmet Ağar, Manisa Security Director Yavuz Elbirler also made a state-ment in support of Necdet Menzir, and said, “If confidence in the public officers is lost, then the illegal organizations poke their nose into everything, from distribution of justice to collection of cheques and bills. If we continue to say ‘pooh’ to those who carry out public services honestly and who stand against all the problems of this country, we are bound to face problems that we cannot shoulder. It would not be astonishing if those people, who invade the streets in the name of human rights, erect barricades, incite the sensitive sections among the public, negotiate with the illegal organization, negotiate tomorrow with PKK leader Öcalan dwelling in Damascus.”

The period marked by the start with speech of Necdet Menzir, went as far as the collapse of the DYP-CHP coalition government in September. “Necdet Menzir should be relieved of his post” was one of the conditions proclaimed by Deniz Baykal, who was elected chairperson during the CHP Congress held on 10 September, for the continuation of the coalition govern-ment. When this demand was rejected by Prime Minister Tansu Çiller, the coalition ended. The 45-day political crisis experienced after the ending of the coalition, resulted in a new coalition government with the CHP when Tansu Çiller forced Necdet Menzir to resign. The new coalition government decided on an early election. As a result of the elections held on 24 December, Necdet Menzir entered the Parliament as Istanbul deputy.

Journalist Koray Düzgören, who evaluated the speech of Necdet Menzir and the incidents that took place after the speech in his article entitled “***Is it Necessary to be Afraid of the Police?***” published in the issue of the newspaper Yeni Yüzyıl dated 30 July 1995, said the following in short:

A few years ago, during one of my visits to the Southeast, I was talking to police officers. There was a big police station and numerous police officers. They surrounded me suddenly, and began to swear at the political parties while talking about their problems.

(..) I always witnessed this each time I went to Southeastern and Eastern Anatolia. Young police officers, as soon as I saluted them, would grumble and swear at the press who, skipping their problems, talked about human rights, on political parties, certain institutions of the State, and swearing at them. It was evident that they were not afraid of anything, indeed they were tolerated and supported by their superiors. Most of them had rings with 3 crescents, had 3 crescents on the butts of their rifles, and their mustaches hung down meaningfully. These peo-ple, especially the special team members, were wandering around in towns and provinces with their fingers on triggers, with bandoleers crossed around their chests, and with mortally sharp eyes. Police officers, especially the special team members sent to the Southeast were selected people in many aspects. It was especially demanded that politically they should have been adherents of “ülküçü”, the nationalistic ideology. Then, the articles published, and the claims were not falsified. It was evident that certain state organs, especially the State of Emergency Governorate had supported this attitude, indeed they had followed such a path as a policy.

Now let's come to the speech with the police officers in Nusaybin. After the police officers' disclosure of their opinions on to the problems of the country, one of them said the following: "This country is going from bad to worse. It will be divided while talking about human rights, CMUK. We are fighting in the lion's mouth, trying to protect the state, but this is of no importance in Ankara. Until now, it was the army who made the coups, and came to power by overthrowing the government, but the next coup will be carried out by the police." Then, I had thought that those words had been the scream of an angry police officer who had reflected the politicized anger and annoyance of his friends. But, after hearing the words by police chief Necdet Menzir, politicized in the truest sense, I remembered the words of this police officer.

(...) However, unfortunately, everything was messed up on this issue, as in any other issue. The most important point in Menzir's speech was disregarded, but the form of the speech was discussed. All of the discussions focused on the points that a police chief was not entitled to make such a statement, and as a civil servant, he could not criticize a political party.

However, the important point was not Menzir's exceeding his limits in his speech. Menzir was actually a politician. He had come from politics, and most probably he would return back to politics. The main important dimension of his speech was his expression of a new Atatürk ideology, a new freedom, a new secularism and religion approach, and his bringing of a "police-rooted" framework and limitation on these concepts in addition to the already existent frameworks.

Yet Menzir was openly declaring this point to our columnist colleague who listened to his speech with tolerance. He said approximately: "The period of being an ordinary police is over. The police will not be contented with tasks such as protecting, security, escorting. A new understanding of police should be accepted from now on. Everybody should be ready for this." That is, he wanted to say that the police would use its influence, as an important power, on the administration of the country and the power division of the state. It would be entitled to speak on the high ranks of bureaucracy and the administration of the country. If this was the case, there would not have been any other appropriate place than the sorrowful funeral of a young police officer who had been killed for nothing, to express his opinions and policies as to the problems of the country.

Now, it is necessary to ask the question "whether the police is on the path to become a political party". If there is no such thing, how dare a police chief insist that I should think the same way he does regarding concepts such as religion, Atatürk ideology, secularism, freedom, human rights, etc. How can he dare to do such a thing? This is the main problem. The main problem is not the crookedness of his making a political statement as a civil servant. The important point is that, he, as an important chief of the police organization which is responsible for protecting people of any belief or opinion from any attack that they may encounter due to their beliefs and opinions, asserted that these freedoms were equal to high treason, and that these opinions constituted an offense, and he put up these people as targets for the security officers...

The most serious point is that; even me, as a citizen and journalist who has different opinions than certain civil servants such as Menzir or those people who place the state at the foreground and ignore the individual, was afraid of expressing my opinions during those days. Because, I was also included in the negative definition of the police chief. My opinions on religion, laicism, Atatürk ideology etc. were diametrically opposite. He almost declared every-body, who falls outside the framework drawn by him, as a target, regarding them as traitors.

My ideas are different than those of the police chiefs, general staff deputy chiefs, and of the politicians and media members who think the same way as them. And I suffer for not being able to express my opinions.

*It would be meaningless to correlate the words of the police officer mentioned above with the statement by Menzir. I wrote all of these in order to demonstrate to what extent the Turk-ish police has grown politicized. Yet, the police organization in Turkey, which has over 175,000 police officers, has grown politicized at certain focus points of the State, around the *ülküçü* (MHP adherents), semi-fundamentalist (sometimes RP, occasionally MHP) view which has been shaped as the State ideology. No doubt that it is impossible to say the same thing for the whole organization. However, it is certain that there is a serious trend in this respect.*

Under these conditions, whatever be the problem, how can I or an ordinary citizen demand protection from police? How can we trust the police officers kicking a suspect they apprehend, or shouting “hit, kill, execute the enemies of the state.”?

Actually, instead of being afraid of the police, we in fact want the police to protect all citizens having different opinions. We want them to carry out their duty, to apprehend the criminals, and bring them before justice; but not torture them after apprehending, not punish, not execute them. We do not want to be afraid of the police.

In the meantime, the trial launched against 19 security officers in connection with the police raid carried out against a house in the Çiftehavuzlar Quarter of İstanbul on 17 April 1992 that resulted in the killing of 3 people named Eda Yüksel, Taşkın Usta and Sabahat Karataş, started at the İstanbul Kadıköy Heavy Penal Court No.2 on 15 June. The court house where the hearing was held, was surrounded by hundreds of official and plainclothes police officers. Additionally, police officers who banned vehicles from entering the Bahariye Street where the court house is located, held a march and shouted slogans such as “Everything is for the country” after the hearing. The İstanbul Provincial Center of the New Democracy Movement (YDH) was occupied on 13 July by a group of 9 people demanding “revelment of the fates of the people who disappeared after being detained”. After the occupation which lasted for more than 2 hours ended, the police officers paraded up Taksim Square shouting slogans. Similar demonstrations by police officers were frequently witnessed in 1995.

In the Tuzla Infantry School where the reserve conscript officers were drilled, drawing of lots on 28 June caused tension. The reserve conscript officers, who were conscripted in April and who had completed the 3-month drilling period, were collected at the school yard to draw lots on 28 June in order to determine their places of duty. During the ceremony, which was also watched by the relatives of the soldiers, two different bags were brought. Candidates of civilian origin were let to draw lots from one of the bags, while a group of 80 superintendents were forced to draw lots from the second bag. After the candidates of civilian origin drew lots, superintendents, who had graduated from the Police Academy, did not want to draw lots from the bag in which were only Şırnak, (*) Hakkari and Van provinces. Halting the drawing of lots, the authorities reminded that the objection had meant “revolt”, and the process should be concluded immediately. However the superintendent second lieutenants continued their protests by saying, “We want equality. Everybody should draw lots from the same bag. We will serve 2 years in the army and another 2 years in the Southeast after concluding the military service. This is unjust.”

Upon this, the commander of the school began to draw lots one by one, by reading out the names of the superintendents who did not want to draw lots. After a few lots, protests began to rise from the superintendent group. Then, upon the order by the General Staff Office, a military prosecutor came to the school, and began to cross-examine the superintendents who did not want

(*) Second lieutenant Özdemir Onarangel and enlisted man Güven Yılmaz, who were killed by the militants in Şırnak, were buried in İstanbul on 30 June. It was learnt that Özdemir Onarangel was a superintendent at the İstanbul Security Directorate, and he was in Şırnak to render his military service.

to draw lots from a separate bag. In the meantime, the relatives of the soldiers were ousted from the field of ceremony as they protested the implementation. After the conclusion of the cross-examinations, the commander drew lots of the 80 superintendents. Then, the superintendents were sent to İzmir Foça for an additional drilling for 20 days. Besides, a trial was launched against the superintendents, who were sent to Şırnak, Hakkari and Van after the drilling, on accusations of “collective revolt”.

Can Ataklı, a writer for newspaper Sabah, wrote the following in his article published in the 3 July 1995 issue of the newspaper about the incident:

The Police Academy graduate second-lieutenants, having completed the 3 months' training, had almost rebelled against the system of drawing lots. Because, the commanders had brought two bags for the lot. Whereas the ones who were not police officers drew from one bag, the others who were police officers by profession had to draw from the other. Only the East and the Southeast was present in the bag from which the professional police officers drew. Which means, soldiers automatically sent the professional police officers to the region where clashes took place. About 15 days ago, 3 young police officers dressed in official uniform paid a visit to me. Introducing themselves, they said, “We have a problem, and we'd like to share it with you.” They told me that they were police academy graduate deputy superintendents.

Their problem was that they wished to serve as police officers during the compulsory military service. “Because,” they said, “When we the young deputy superintendents have to take off for the military service, the number of people employed by the Security Directorate, inevitably decreases. And this causes problems especially in the cities. We have no wish to escape from the compulsory military service, but at least we can be entrusted again as police officers after completing the basic training. Just as how the teachers completed their military service by serving as teachers in villages, we too can keep on carrying out our profession”.

Just when the police officers were about to leave, one of them shyly said, “there is one more thing,” and added, “In fact we are sort of ashamed to say this, but we feel as if the General Staff Office, afraid that their own lieutenants might die in the region where hot pursuits take place all the time, sends off instead police officers as well equipped as these lieutenants dressed as soldiers to the aforesaid region.” This is an interesting claim. Apparently the General Staff Office at least needs to take into consideration this suspicion established in the minds of young police officers. Because, the lot scandal in Tuzla happens to be quite undesirable.

Turkish-Kurdish clashes

An outcome of the clashes that took place in the State of Emergency Region was the enmity and gangrened hatred in the society. Intolerance of Kurdish people continued in 1995 and certain incidents which caused tension and clashes between Turks and Kurds were experienced. The media preferred to follow a provocative broadcasting and publishing policy instead of trying to mollify the tension. Attacks by the PKK and the funeral ceremonies for soldiers killed in clashes or raids, increased the tension among people. As a result of this provocative atmosphere, disputes and fights that started due to small disagreements in certain settlements turned into clashes between Kurds and Turks, or certain incidents were reflected as Kurdish-Turkish clashes. The celebrations held for bidding farewell to youths on their way out for military service caused tension and certain incidents.

Tension that broke out with the demonstration held by a group of MHP adherents at the Gebze Bus Terminal on the night of 7 March during the bidding farewell to youths on their way out for military service, turned into a Kurdish-Turkish clash in a short period of time. In the clash with stones, clubs and knives that broke out when the MHP adherents insulted Kurds, Saim Kılıç, Mühendis Işık, Akın Çelik and Dursun Bacalı were knifed and wounded.

People who got out of the building of the *Ülkü Ocağı* (radical nationalist youth centers activating in line with the MHP ideology) in the Çavuşlu Quarter of Mersin at about 03.00 p.m. on 24 March, beat peddler Kurdish children. The fighting which arose when families and relatives of the children interfered with the incident, was stopped by the police.

A leftist person named Muharrem Sarıtepe, who was attacked by 2 MHP adherents in the Tahtakale Trafo Quarter of İstanbul Altınşehir, was knifed to death. In the attack, Ünal Sarıtepe, the son of Muharrem Sarıtepe, was knifed and wounded in the face. One of the persons who killed Muharrem Sarıtepe was caught by the police after the incident. A person named Aziz Katırcı, who had witnessed the incident that was recorded by the police as an “ordinary murder”, stated that the murder of Muharrem Sarıtepe was a premeditated one, and said that the MHP adherents had threatened the Alewis and Kurds in the region for a long period of time.

Police officer İzzet Yavuzyılmaz (47), who was in charge of the Samsun Police Academy, was shot dead in the head while he was sitting on his balcony on the evening of 23 May. It was disclosed that İzzet Yavuzyılmaz had been shot as a result of the fire opened in the air by Hüseyin Gürel with his unlicensed gun. Hüseyin Gürel, the brother of Özkan Gürel, was in the convoy formed to bid Özkan Gürel farewell on the way out for military service. Hüseyin Gürel was caught by the police right after the incident. On the same night, during the going away party organized in the Village Kızılkaya of Sakarya Geyve for 11 young men about to be off for their military service, Yılmaz Mengen (26), who had been definitely drunk by then, opened fire at random and as a result, Reşit Atasoy (22) died and someone got wounded.

Driver Şeyhmuz Yazıl, employed by Gümüldür Travel (a Kurdish-owned travel agency in charge of transporting passengers on the İzmir-Gümüldür route), was beaten on the morning of 24 June by two people named Zeynel and Süleyman, employed by travel agencies Gümüldür and Ürkmez owned by MHP adherents. Upon this, the drivers of Gümüldür Travel went to the agencies Gümüldür and Ürkmez, and attempted to have a meeting with the people in charge there. However, this at first aroused a quarrel and then lead to a fight. As a result of the fight, 13 people including Gümüldür Travel employees Şeyhmuz Yazıl and Aziz Yazıl were wounded. The fight added to the tension already existing between the Turkish and Kurdish inhabitants of the region. A group of people blocked the road with busses and minibuses belonging to the travel agencies Gümüldür and Ürkmez, and demonstrated shouting the slogans “Damn the PKK”. During the demonstration, certain vehicles were damaged. Making a statement about the incident, Mehmet Demir (a Gümüldür Travel partner) called attention to the point that there was fierce competition among the travel agencies in the region, and stated that in connection with this competition, certain people attempted to bring into being a Turkish-Kurdish fight. Mehmet Demir added, “Other companies want to subdue and throw us out of the competition. We have informed the District Governor and the Mayor about the situation. They threaten our drivers with knives, and they beat them. Our life-security is in danger. To top everything, they hope to create a Turkish-Kurdish fight.”

In İzmir Kadifekale, around mid-August, declarations undersigned by the “Birlik Platformu” (The Union Platform), charging 22 lawyers registered at the İzmir Bar of “being members of the PKK’s law-office”, were distributed. It was interesting that a lawyer then imprisoned in Gaziantep and another lawyer who had moved his office to İstanbul, were included in the declaration. The declaration entitled “Haydi Türkiye” (Come on, Turkey!) stated the following related to the lawyers in charge of the trials of defendants charged with PKK membership: “Here we are disclosing the PKK law offices who, unashamedly, defend free of charge the PKK militants that strive to divide our country by subduing the public through the use of force and terror, who make up thousands of lies to achieve reductions in the sentences passed on the murderers, and who, though educated in State schools, commit treason.” The lawyers asked for

assistance from the İzmir Bar upon the declaration pointing them as targets. The İzmir Bar applied to the Governorate and demanded that the ones who had distributed the declaration be apprehended. Kemal Kırılancı, one of the lawyers who had been shown as a target, called attention to the point that the declaration had been prepared in a very primitive and amateurish style, and said the following: “Whom the declaration’s been prepared by is clear. The expressions are definitely lowbrow. I have not, for a second, thought of taking it seriously. This declaration is an attack launched against the right of defense. We are lawyers. Considering we do not turn out to be drug-addicts while dealing with drug cases, or do not suddenly become murderers while defending a murderer, then, naturally, we do not become members of an organization while dealing with the relevant case. We had also faced such threats during the 12 September period. We are not scared of threats like this.” Hülya Önerge, another lawyer included in the list, maintained that everyone knew who had distributed the declaration, and said, “These are initiatives originating from the police and the National Intelligence Organization. They aim at destroying the right to defense, however, they are not going to succeed in subduing us.”

And again in İzmir, this time in October, the posters and placards hung on the city walls and poles by the MHP adherent *Ülkü Ocakları* caused problems. On them, there was a map of Turkey and inside the map it wrote: “Love It Or Leave It”. An investigation was launched by the İzmir Public Prosecution Office because of the posters and placards. The Konak Municipality filed an official complaint against the ones who had hung the posters on the grounds that “they caused environmental pollution”. United Metal Works Trade Union İzmir Branch President Coşkun Yılmaz and Branch Secretary Erbil Yılmaz, in the statement they made on 14 October, said, “No one has the right to force some of our citizens to leave the country.” CHP İzmir Province Organization Chairperson Osman Özgüven made a similar statement and said that “the posters carried a separatist message”. However, Kenan Aksoy, the *Ülkü Ocakları* İzmir Representative, declared that they would increase the number of the aforesaid posters and placards, and that they would hang them in every single quarter of İzmir. Kenan Aksoy, openly calling out the names who had reacted against the posters and placards, threatened and insulted them. In connection with these insults, CHP İzmir Province Organization Chairperson Osman Özgüven filed an official complaint with the Public Prosecution Office. Upon this, a trial was launched against Kenan Aksoy on charges that “he had committed insults and threats through channels of publication”. In a quite short period of time, posters similar to the ones in İzmir came out in many settlement centers in Turkey, first and foremost in İstanbul.

On the night of 11 September, a group of 8 people on their way out from a wedding held in İstanbul Haramidere, were attacked by certain members of the Great Union Party (BBP) adherent *Nizam-ı Alem Ocağı* on the grounds that “they had sung songs in Kurdish at the wedding”. The incident which resulted in the death of a person developed as follows according to eye-witness accounts: The 8 young man who had sung Kurdish songs at the wedding, handed a Kurdish tape to the driver of the minibus they had got on following the wedding and requested that he play the tape for them. As a quarrel broke out for the driver flung the tape back at them, the young men got off the minibus and they were then attacked by Muratçeşme Primary School Principal Fahrettin Yasinoğlu and his relatives, as they passed before the driver’s house. As a result of the attack, a construction worker named Felemez Nazlıer (19) died and Halil Şimşek, Ekrem Şimşek and Mehmet Benici were wounded. Whereas Fahrettin Yasinoğlu, who had at first been detained, was then released when it came out that his son Hakan Yasinoğlu had used the gun at the time of the incident, Hakan Şıyan was arrested. Meanwhile, making a statement on 15 September, the *Nizam-ı Alem Ocağı* İstanbul Branch claimed that their organization had nothing to do with the people involved in the incident. Fahrettin Yasinoğlu was killed in an armed attack he sustained on 22 February 1996 in a coffee house in the Esenyurt Quarter of İstanbul. In the attack, 2 people named Asım Şahin and Efendi Şıyan were wounded.

An example of hostile behavior against the Kurds was witnessed in the Ayvalık District of Balıkesir. In his article “*Ban against Kurds in Ayvalık*” published in the 13 November 1995 issue of newspaper Hürriyet, journalist Fatih Altaylı narrated the incident as follows:

I was really terrified when I heard the practice put in use by the MHP member Mayor of Ayvalık. People carrying out constructions in this district of Balıkesir are quite troubled. Because, they are unable to obtain licenses for their constructions. And authorization of settle-ment is not issued in the case of completed constructions. The MHP member Mayor’s grounds for this is definitely unbelievable.

*Kurdish people are employed in these constructions. The condition to get a license is not to employ Kurdish workers. You’re dead if you had employed Kurdish workers in your construc-tion site. According to the Mayor, the money given to these workers goes directly to the PKK. Well done, Mayor! You prevent the people, who come from their hometown only to earn a few liras, from making money, and let them break off to the mountains. There is nothing wrong in organizing the Kurds in the Southeast as *ülküücü*, but it is a drawback to employ Kurdish people who strive to earn a few cents by working.*

The most important drawback in fact is electing a Mayor like him.

Mental disorders

The atmosphere of armed clash, going on in the State of Emergency Region for more than 10 years, caused serious mental and physical disorders in security officers in charge of the region. Whereas “ulcer due to the stress brought upon by the atmosphere of clash” was fre-quently diagnosed in security officers in charge of the region, the local people suffered from weak hearts, rashes on the face and in the skin, problems in the stomach/intestines, irregular menstruation and miscarriage in women, and continuous fear and enuresis in children.

As a result of the research conducted by psychiatrists Mehmet Sungur, Aksın Sürmeli and Ahmet Özçubukçu on the soldiers referred to the Gülhane Military Academy of Medicine from units in the surrounding area, it was diagnosed that the post-traumatic stress disorder, known as the “Vietnam Syndrome”, was widespread among soldiers due to the extraordinary conditions they lived in. In the aforesaid research, which had been published in the 32nd issue of journal “The Archive of Neuropsychiatry” under the title of “A Study On The Post-Traumatic Stress Disorder Diagnosed In The Military Population In Charge At The Southeast”, it was stated that most of the soldiers were under trauma during a clash or the moment they faced the corpse of their friends and that victims of this ailment suffered from nervousness, anxiety, sleep disorders, nightmares, extreme sensitivity, restlessness, difficulty in maintaining social adapta-tion, and the like. The research drew attention to the point that numerous cases had refrained from applying to psychiatry, and added, “The finding that has to be stated considering the prevalence rate of the disorder is that the frequency of the post-traumatic stress disorder diag-nosed in the military population referred to from the Southeast for treatment is now 3 times more than in the last 3 years.”

It was recorded that in the research conducted on 20 patients, it was observed that every single one of them had serious problems related to work, family, social life and adaptation and also the following determinations were included: “Lack of interest in the activities that were carried out willingly and fondly before has been observed; 90 percent of the subjects suffer from sleep disorders; 80 percent from outbursts of anger; and 50 percent form anxiety. 80 percent of the subjects stated that they were inclined to escape from thoughts and feelings that would remind them of their traumatic experience; and insensitivity was observed in 60 percent.”

Psychiatrist Emre Kapkın, who made a similar statement, said that those who had been under trauma had experienced post-traumatic stress disorder due to this trauma, and expressed that all of the soldiers and officials returning back from the State of Emergency Region should be examined in order to determine the cases of post-traumatic stress disorder. Emre Kapkın noted that there was no definite figure regarding this issue due to the lack of researchs, and added, “It is not known when the post-traumatic stress disorder appears. Occasionally, this period may stretch up to 12 years after trauma.” Kapkın disclosed the reason for not diagnosing the post-traumatic stress disorders for some of people who were under similar conditions with those who were diagnosed as having post-traumatic disorder, as follows: “This trauma depends on the person experiencing it. For example, post-traumatic stress disorder is rare for a militarist or chauvinist person under war conditions when compared to those people who are against war, as that person does not conflict with himself during a traumatic incident.”

Emre Kapkın stated that the number of psychiatrists was not enough to examine the soldiers suffering from post-traumatic stress disorder, that these people were extremely aggressive during the periods of stress disorder, and that in Turkey stress disorders were especially witnessed after the military service period and torture. He added, “While the people are getting depressive after the torture, those experiencing stress disorder after war are aggressive, ready to start fights.” Emre Kapkın stated that he had diagnosed post-traumatic stress disorder in a military physician working at the area of war, and people under these conditions faced difficulties in accepting what they had gone through, and continued, “Not only the soldiers but the military personnel working in the region also suffer from similar symptoms. The physician I met after his military service had the same symptoms. He did not attend the second appointment. Because they do not accept this. Additionally, they can only make contact with the people who had experienced the same trauma.”

Dr. Necdet İpekyüz, the Secretary of the Diyarbakır, Mardin, Batman, Şırnak Medical Chamber, said that as a result of the studies, they had determined that not only security officers but also the local people were suffering from various diseases due to stress. İpekyüz, pointed out that the current war conditions made it difficult to carry out researchs, and said, “As a result of our observations as physicians, we determined that the atmosphere of continuous clash stirs up psychosomatic diseases. Related to the atmosphere of clash, irregular menstruation and miscarriage are widespread in women. Children suffer from skin rashes, anxiety, panic, urinating in sleep, and adults suffer mostly from rashes on the face and other parts of the body without any reason, irritations, or eczema.” Necdet İpekyüz said:

“The atmosphere of continuous tension in the region increases the cardiac problems. The cardiac problems show themselves in the form of hypertension. Hypertension is especially seen among the high income rate groups, however, in the region people are suffering from this diseases increasingly, although they suffer from malnutrition. Gastrointestinal complaints, stomach and intestinal ulcer, diarrhea, constipation, upset stomachs and likewise psychosomatic diseases are widespread. Treatment of these diseases are impossible. Maybe you can be of help for a few days, but the result does not change as the atmosphere is the same. The incidents here are just like stones thrown into water. Just like the spreading rings, this situation affects Ankara, İzmir, İstanbul and other cities. A typhoid or hepatitis carrier goes to these cities and communicates the disease to others, and comes out a social disharmony. And this increases psychosomatic diseases. People suffer from mental disorders. They are in depression, introverted and never trusting others. Unless the conditions change, treatment is impossible. Numerous people in the region and in Turkey have to be rehabilitated. We all have a chauvinistic structure, hatred and violence are widespread. In fact, the whole society needs rehabilitation.”

Rehabilitation studies

Chief of the General Staff General İsmail Hakkı Karadayı made a statement on 8 July, and disclosed that a rehabilitation center would be established for the soldiers, experiencing a war syndrome similar to the “Vietnam syndrome”, (*) to recover their morale. Upon the diagnosing of the “Vietnam syndrome” (which was widespread among the US soldiers who had occupied Vietnam, and burnt down villages, killed civilian people, and had been psychologically affected by the attacks launched by militants throughout the war that had lasted for 10 years) among the soldiers fighting in the region, the General Staff Office authorities consulted 40 scientists. After evaluating various opinions, a meeting was held at the General Staff Office on 30 June, and it was decided to start studies for the establishment of a rehabilitation center. (**)

Upon this development, security officers under psychological treatment at the hospitals began to attract interest. The Gülhane Military Medical Academy (GATA) in Ankara increased the capacity of the Clinic of Mental Health and Diseases to meet the needs. The specialists pointed out that a great majority of the soldiers in psychological distress wander among society without undergoing any treatment and this created a potential threat. Mehmetçik (Enlisted Men) Foundation Public Relations Director Turgay Demirgüç, in a statement he made at the end of July, said that the enlisted men, who were in need of psychological treatment, were usually treated at the GATA and certain psychiatry clinics. On the other hand, the GATA officials stated that not only the soldiers at the psychiatry clinic, but those who were brought to the plastic surgery clinic due to injuries also suffered from behavioral disorders, and that especially the team-commander officers and non-commissioned officers were treated at private clinics.

In a study conducted by the Zübeyde Hanım Foundation to Protect the Mothers of Martyrs, it was determined that soldiers and security officers in charge of the State of Emergency Region suffered from various psychological problems. In the study, which was also submitted in

(*) Until this study, the General Staff Office were objecting to the establishment of a rehabilitation center as it would pave the way for associations with the concept of “Vietnam syndrome”. The soldiers who were psychologically affected from the war were being treated at the military hospitals, university hospitals, private clinics and by utilizing their own means.

(**) The HRFT has prepared a project for the rehabilitation of the people who have been subjected to or witnessed violence under extra-ordinary conditions out of his own will because of the “compulsory military service”. The following was stated in the project, which has not been implemented yet: “Post traumatic stress disorder (PTSD) is one of the most common diagnoses among the cases monitored within the frame-work of the Human Rights Foundation of Turkey and having psychiatric problems due to torture. ‘Trauma’ refers to the experiencing of incidents which are regarded as extraordinary, such as natural disasters, accidents, wars, attacks, torture. Historically, the term PTSD first came out while the psychological problems of soldiers who have served in a war, were being studied. The most voluminous accumulation of knowledge on this topic is also about the outcomes of the war trauma and its treatment. In the researchs on the soldiers of the Vietnam war, PTSD prevalence has been found out to be nearly 30 percent. The prevalence ratio is determined to be 38.5 percent for the males who have faced the severe war stress. It has been stated that out of the 3,150,000 soldiers who had participated in the Vietnam war, 478,000 people have PTSD. If the traumatic incident threatens life, PTSD prevalence becomes 38 percent, it is 42.9 percent if the person is wounded, and it is 59.2-65.9 percent if it both threatens life and causes him to be wounded. In Turkey, nearly 300,000 state officials and soldiers and millions of civilian people are in the traumatizing atmosphere of the Southeast at any moment. In this case, it can be said that every year nearly 100,000 soldiers or security force members and hundred thousands of civilian people should have been developing post-traumatic stress disorders. Soldiers are discharged and the civilian people migrate or are obliged to migrate. However, those coming to the Western provinces carry the problem along with them. Existing data seems to indicate that among the various trauma types causing PTSD, torture and war experiences are quite similar.”

the form of a report to Prime Minister Tansu Çiller, it was stressed that youth, just entering adulthood, experienced an identity crisis during their service in the Southeast. The report noted that the problems of the security officers should be solved at once, and said: "One of the solutions is the establishment of a rehabilitation center that would solve any kind of problem. Another solution is that, concurrent with the establishment of the rehabilitation center, public awareness of the issue should be raised. The blood and violence causes identity crises in our youth who are 20 years old, just entering adulthood and trying to find their identities. The killing or crippling of their friends with whom they have served, to whom they sometimes feel closer than their families, sharing everything in the truest sense, makes them more angry and full of hatred."

The report pointed out that war veterans expected understanding, respect and love from their relatives when they return back, and read the following: "Precious sons of the nation, proud of being veterans, refrain from marrying when they want to have a family as they are afraid of being seen as crippled. Even after returning back, they cannot escape from the feeling that they are followed and they could be killed. They are always on the alert. For this reason, most of them want to obtain guns. Some of them even want to change their names. They are very sensitive to the noise. Thunder, exhaust bursting from a car or somebody shouting from behind creates fear and panic in them. They are continuously living in anxiety."

In the meantime, TL 2 trillion 400 billion (about \$ 32 million), collected in the campaign "Haydi Türkiye Mehmetçik'le El Ele" (Turkey Hand in Hand With the Enlisted Men) launched by the Ankara Journalists' Society on 4 April, was presented to Chief of the General Staff General İsmail Hakkı Karadayı by Chairperson of the Society Nazmi Bilgin in a ceremony held on 29 July. İsmail Hakkı Karadayı, who delivered a speech during the ceremony, stated that it was becoming more probable that the money would be used to establish a compound under the name "Turkish Armed Forces Rehabilitation and Care Center". Nazmi Bilgin said the campaign was the biggest one ever launched in the Republican era. In a statement made by the General Staff Chief Office in September, it was said that TL 2 trillion 400 million was given to the Ministry of Defense. In the statement, it was noted that the money was expected to reach TL 4 trillion (about \$ 55 million), including the interest, by February 1996.

The psychological problems and disorders of the soldiers in the State of Emergency Region began to be discussed more frequently after these developments. Journalist Can Dündar, in his article entitled "*Southeast Syndrome*" published in the 16 September 1995 issue of the newspaper Yeni Yüzyıl, brought out how the mental disorders were caused by the atmosphere of clashes in the State of Emergency Region:

The first "Southeast Monument" was opened at the Başyurt Barracks in Hakkari. () On the marble of the 11 m. tall monument reaching up to the sky with 84 stairs, the names of the 623 soldiers who became martyrs in the Southeast were carved. Along with the story, the newspapers also published a picture of the Vietnam Monument in the United States and called attention to the*

(*) The statue "Those Who Have Risen the Sun with Their Names" erected in the Hakkari Mountain Commando Brigade as a memorial to all the people, who died in the clashes with the PKK while serving at this brigade in 11 years, was shown to the public in September. The names of 28 military officers, 21 non-commissioned officers and 574 soldiers were written on the statue which was erected at the Başyurt barracks. Following were written in the inscription of the state: "With its form, the monument reflects our martyrs' souls rising to the sky. With its architectural form, it gives this feeling to our visitors, makes them concentrate their feelings and thoughts on our martyrs who gave their life for our country, and shoulders its task as an integrator of our nation. Two main columns with 11 meters high hold the monument, rise in the sky together with the names our martyrs and represent the names' reaching the sky."

similarity. That too is a magnificent monument with names of the soldiers who died in Vietnam as plagues on it.

The private life of the colonel who became a martyr during the war, and his family, is in the newspaper headlines. As underlined in bold yesterday by Ali Kurca, everything changed “after the colonel had gone to Mardin”... “Colonel Rıdvan was alienated from his home.” Con-sidering the “news”, his wife had gone into a depression after this. She had gone under treat-ment diagnosed as a “schizophrenic”. She had suspected her husband’s infidelity. She had come across scars on the Colonel’s body, traces of lipstick on his underwear. The family had come on the verge of falling apart and committing suicide. And the Colonel, unable to bear all the pressure, had resorted to moving toward death in the clash. I don’t know how accurate this scenario is. However, I think that these should only concern the Özden family, and that we have no right to intervene only because Mrs. Tomris became a member of the CHP. I believe that the opinion of the Colonel maintaining that “neither by dying or killing can this matter be sorted out” is more important than the traces of syphilis on his body. Then as I consider the picture of family Özden along with the picture mentioned above, though the similarities are somewhat limited, I am inevitably reminded of Vietnam. Because this picture reminds not only me, but the psychiatrists as well of an illness named after that terrible war, the “Vietnam Syndrome”.

The ailment is called “Post-Traumatic Stress Disorder” in the psychiatric literature. The psychiatric symptoms people display when faced with unusual, unexpected developments in normal daily life are defined in here. This unexpected experience can be an earthquake or a fire, or a war or torture. This ailment is called the “Vietnam Syndrome” since it is very common among the half million US soldiers back home following a fifteen-year long Vietnam war.

We do not know yet what sort of permanent psychiatric problems the war going on in the Southeast for 15 years has caused. One of the very few studies on this subject was carried out in 1992 by 3 psychiatrists, 2 of whom are affiliated with the military. In research report entitled “A Study on the Post-Traumatic Stress Disorder Diagnosed in the Military Population Serving in the Southeast”, prepared by Dr. Zungur, Dr. Sürmeli and Dr. Özçubukçu, 20 soldiers who applied to the GATA for treatment were taken under surveillance. In this group (mean age: 24), the trauma had usually taken place during the clash. And some had experienced trauma when they saw the corpses of their friends. At the time they applied to the hospital, they were unable to carry out their duties. Their basic complaint was that they over and over remembered the clash they experienced and saw it in their dreams. They had lost interest in the things they liked to do before, lost their feelings, lost the feeling of pleasure in their private lives. Half of the applicants complained of explosive anger and anxiety. They suffered from headaches, sleeplessness, inability to adapt and fear of death.

The psychiatrists who conducted the research say, while accepting that the group of subjects they examined was not sufficient to determine the rate of prevalence, not everyone applies for treatment and the ones who do are sometimes not able to reach clinics. They said: “The finding that has to be stated in considering the prevalence rate of the disorder is that the frequency of post-traumatic stress disorder observed in the military population referred from the Southeast for treatment is now 3 times more than observed in the last 3 years.”

Three more years have passed since the preparation of this report. Finally, last year it was decided that a special clinic should be opened for such applications.

We do not know how many more Colonel Rıdvans there are in the Southeast. We cannot estimate the percentage of those suffering from “Vietnam syndrome” after the military service. We do not have the slightest idea about the situation on the “other side”. We are not familiar with

the problems, troubles, angry outbursts of those who laid ambushes, stood guard with fingers on trigger until recently. We simply cannot estimate how many of the mafia executions, traffic accidents or family tragedies are the outcomes of that nightmare. While Turkish psychiatrists are exploring the "Southeast syndrome" by groping, we try to treat the first "case of schizophrenia", which we have captured, with the lynch ceremonies of the media.

The US Secretary for Foreign Affairs during the war is saying "Vietnam was a mistake", whereas we are recently getting familiar with the "Vietnam syndrome" on our own land. While we are dealing with the political and military outcomes of the war in the Southeast, the psychological effect of the war, which will last for many generations, is stealthily settling in our social memory. Probably we are not aware of it yet, but the war is leaving permanent traces on our future, clinging on our dreams.

A social schizophrenia is apprehending us secretly, whereas we are stoning the cooperating tearful mothers. While we are playing the drums of war, the Southeast monument is rising up to the sky, step by step...

f)- Special team members

Special team members working in the State of Emergency Region came on the agenda more frequently in 1995 than in the previous years, due to the incidents they had caused and their psychological situation. Discussions regarding the special team members increased after the incidents experienced in Tunceli in the beginning of July (Detailed information is on pages 93-94). In Tunceli, an investigation was launched in July against the special team members who demonstrated before the then-State of Emergency Regional Governor Ünal Erkan and Security General Director Mehmet Ađar and invited the governor to resign. As a result of the investigation, 30 people were appointed elsewhere. Minister of Interior Affairs Nahit MenteŖe demanded that necessary precautions should be taken regarding the actions of the personnel in charge of this unit as they were adherents of a certain political party (the MHP) and the way they treated the local public. The Security General Directorate disclosed that studies were initiated in order to freeze and diminish the number of the special teams, which amount to 6,200 in Turkey overall.

In this statement, it was said that the number of the candidates admitted to the training programs for becoming special team members would be decreased, the special team members, who concluded the period they had to serve in the East and Southeast, would be appointed to Western settlements and to the branches other than the Special Operation Directorates, and this implementation would continue until the number of the special team members decreased to 3,000. In the statements, it was stressed that professionals would be used for the training of the special team members, and that the clothes, hair, beards, and mustaches of the special teams would be in order, and the special team members would be forced to obey the dress code. In the meantime, Security General Director Mehmet Ađar, making a statement in the beginning of August, disclosed that a total of 105 special team members had died, 82 during the clashes and 23 in traffic accidents on their way to duty, since the establishment of this unit.

The incidents caused by the special team members and the profiles of the people selected for this post were continuously criticized. In a statement he made on 24 August, RP Parliamentary Group Deputy Chairperson Ŗevket Kazan said that they had prepared a report in 1994 on all the topics that were discussed regarding the special team members and warned the authorities, but had failed in receiving any positive response. (*) Ŗevket Kazan, noting that the special team

(*) In the report, it was stated that most of the special team members were adherents of the MHP, and that the candidates that would participate in the examinations for recruiting special team members first applied to the MHP and the new special team members were selected from the people suggested by the MHP. However, the

members were selected from MHP sympathizers and that the party occupied an important place within the cadre of that structure, said, "These people will get accustomed to killing and to die. When the terror is over tomorrow, what will these people do? No one thinks about this. Besides, they are organized around a political party." Şevket Kazan said that special team members, done with their official duty, might be the nightmares of the society. RP Bingöl Deputy Hüsamettin Korkutata said that the special team members spread MHP adherent propaganda and thus disturbed the public. Hüsamettin Korkutata said, "The special team members should be educated on the topic of mass psychology. They should not get angry, and should control themselves. Since these people are very young, and they are unable to control themselves. We cannot express everything openly. As it is necessary to keep the discussion at a certain dosage. In order not to stir up the incident anymore, we swallow lots of things."

When the criticisms increased, numerous special team members, in charge in the State of Emergency Region were assigned to certain settlements in the Aegean and Mediterranean regions. Antalya Security Director Mete Altan (Security General Directorate Special Operation Unit former Director), in a press conference he gave on 6 August together with the special team members sent to Antalya, defended the special team members by saying, "This structure, which is opposed by the terror organizations, is a must for this country." Mete Altan, expressing that he was disturbed by the campaign introducing the special team members as bad, maintained that the special team members did not work as a force of the MHP, and continued, "The special team members are nationalists as much as anyone else. These friends went to the mountains and got in struggle against the traitors. They render service in snow and winter, indoors and outdoors. We should not wear them out with the personal mistakes of a few." Demonstrating the special team members who had cut their moustaches, Mete Altan said, "They did not lose anything from their nationalism after cutting their moustaches." Mete Altan, who noted that a psychologist cadre was allocated for Antalya and they would employ a psychologist, stressed that he did not agree with the opinion that "the special team members had been transferred to Antalya and cities in the west due to the war syndrome", and said, "This cadre was not allocated for only the special team. There may be times when other members of the personnel are unable to maintain self-control. Also the other personnel may not control themselves on duty. A psychologist will be necessary for all the organization."

Special team members, who answered questions of journalists during the press conference, fielded the following question, "Even if it is a terrorist that you killed in a clash, aren't you disturbed in your sleep by seeing weapons and blood?": "You, the journalists, and the newspapers lay us under a lens as if you are examining Abdullah Öcalan. Do not lay us under the same magnifying glass. The fronts that do not want us are obvious. You also know them. You, the journalists, take the picture of a man. You may have played with the life of that person at that moment. We have almost the same emotions while pulling the trigger, as you may have after that moment. But we do this job for our nation. It is just like destroying an existent microbe. You should not ask this question to us but to the terrorists of the PKK. What kind of remorse do they feel after killing the citizens or us."

MHP executives, who defended that the report did not reflect the reality, said, "Our country suffers from unemployment. We receive numerous applications for jobs. We receive various demands. There have been numerous applications as to this subject, too. However, as the special team members are selected through examination, we cannot do much. The RP, by talking like the PKK, tries to wear out our party." Upon reaction by the MHP, the RP executives continued the discussion by saying, "The public has a prejudice that 'Nationalists and conservative people protect the nation very well.' As this approach is reflected to the state, the MHP undertakes a determining role."

Newspaper Cumhuriyet Antalya reporter Bülent Ecevit said the following in his article entitled **“Treatment Holiday in Antalya for the Special Team”** published in the 2 August 1995 issue of the newspaper:

Special team members in charge in the Southeast are being appointed to Antalya in order to get rid of the “war syndrome”. In groups of 10 to 15 people and with their long-range rifles, these teams are driving in the minibuses allocated to them at the quarters in which people migrated from the Southeast live, carrying out the task of subduing. On certain nights, they go to the plateaus of the city in the late hours, and practice shooting. Although the special team members have been sent to Antalya for a “treatment holiday” in order to maintain adaptation to normal life, another problem they face is the decreasing of their wages by half.

There are 250 to 300 special team members appointed to Antalya for 2-year periods. A special team member that we spoke to narrated his job in the Southeast as follows:

“I know the region very well. We wander around the mountains in groups of 2 to 3 people, and live like terrorists. We dress as they do, we eat what they eat. We do not carry radios, and it is strictly forbidden to communicate with our unit. It is forbidden to ask for help in a clash. We will either die or kill..”

When we asked if they were ever confused over the group they clashed with, which could be terrorists or security forces, he replied, “Confusion is an occasional case. However, in spite of getting into clashes, we go to the unit every 15 days to give them information, and return back to the mountains after getting provisions. We enter clashes if the terrorists are less in number. If they are a crowd, we inform the unit.”

The special team member, who stated that he had worked in the Southeast for 5 years, expresses his resentment against coming to Antalya. He says, “As we came out to be living with guns, they appointed us to other touristic regions such as Antalya, for a 2-year adoption period. However, we are accustomed to war there, we are accustomed to live in the mountains. It is hot here. The money is insufficient. We are even learning again how to eat at luxurious restaurants. I don’t know what to say when speaking to a person. It is not convenient to talk about my special task. We can’t drink in a public restaurant. Believe me, I speak to myself sometimes. And this is dangerous.” The special team member says that he was 32 years old with 3 children, but his wife had taken the children and left him as he could not take care of their home due to his duty in the Southeast, and adds:

“I was paid TL 30-35 million in the Southeast. I amassed this money. I had bought a flat and a shop in Samsun. When my wife left me, we got divorced, and I had to give this accumulation to my wife and children upon the court order. I lived face to face with death. I had slight injuries, I was about to die. We will absolutely die for our nation, but all my accumulation, all my life turned upside down. We came to Antalya, but our wages were decreased by half here. Far from accumulating money, TL 18 million is not sufficient for me.”

Beginning of June. In the Çakırlar quarter, circumcision ceremony for headman İsmail Güleç’s son was continuing with a meal with drinks. Late in the night, officers dressed in commando clothes, with long-range rifles and signing wolf-heads, got out of a police car that came to the scene. In Çakırlar, which is called a quarter but in fact village life prevails, guns began to be fired.

It is also evident in the video cassettes that the special team members, along with those participating in the ceremony, fired uncountable bullets. In the meantime, former CHP Antalya Central District Organization Executive Board member Necdet Demir was shot dead with a “stray bullet”. In order to avoid the incident’s opening up deeper problems, two special team

members were suspended from their duty upon the order by the governorate. It was stated by eyewitnesses that garbage trucks belonging to the municipality had come to the scene on the same night and sweepers had shoveled up the cartridges. The hosts of the ceremony, which resulted in the killing of one person, said that police officers were not invited to the ceremony, and they had dropped in when they had seen the ceremony while going to the plateau for practicing.

The youths in shanty-towns such as Yüksekalan, Teomanpaşa, Kütükçü, Varsak, mostly composed of people migrated from the Southeast to Antalya due to the terror or “job and food”, said that they could not sit comfortably at coffee-houses at nights.

A painter named Abdülsamet says, “police come frequently, and they take us with them for looking suspicious if they don’t like our appearance. They release us after beating for 2-3 days. In the last few weeks, police officers in commando clothes have been touring around in minibuses. We have learnt that they are special team members. At nights, they fire into the air with G-3 rifles in the back streets.”

The special team members, who carry out the “task of subduing” in civilian minibuses, occasionally carry out raids against certain houses that they fancied or pointed out by the intelligence units. For example, as a result of the raid carried out against the house of a Tunceli resident named Celal Uysal, his 19-year old daughter named Canan Uysal was detained for being a member of the “semah” dance group of the Hacı Bektaş Veli Association.

The youths sitting at the coffee-houses in Yüksekalan quarter complain that they are unable to find jobs only for being of Southeastern origin, they say, “We get afraid of seeing a minibus. We immediately look for a hole to get in to escape or hide away. It is not that we are criminals, but they can take us away if they don’t like our appearance. We escape from our own lands because of the terror, and face another type of terror here.”

A high-level security authority, who wanted his name to be kept confidential, says that they use special team members in order to subdue the people, instead of involving them directly in the problem, as the PKK is a continuous threat in the regions of tourist attraction. The same official says, “Thus, we make them live, although shrunken, in action as they did in the Southeast.” Besides, when the militants come to the region, they learn about the special teams around and they hesitate.”

Erzurum Deputy Governor Kasım Esen made a statement on 20 September, and disclosed that about 5600 special team members, in groups of 500, would be examined and controlled by psychologists and educators. Kasım Esen, who said that the 1-month training would be held at the East Lignite Enterprises Compound on the highway between Erzurum and Bingöl, continued, “Psychologists and educators will provide the special team members with additional morale. They will teach the ways to engage in dialogue with the people in the region. The team members, who will be disciplined here, will attend the possible clashes and operations in the region.”

g)- Attacks against settlements

During the year, events similar to the ones witnessed in Şırnak in 1992, Lice in 1993 and other settlements in 1994 (*) took place in some settlements in the State of Emergency Region.

(*) The sniper fire in Şırnak on the night of 18 August 1992 that lasted a short time was harshly reciprocated by security forces. Şırnak, under fire for more than 48 hours, was turned into rubble recalling scenes following an earthquake. During the incidents, a total of 26 people, including a policeman and 3 enlisted men, died, 60 people were wounded, and more than 500 people were detained. During the incidents in Lice on 22 and 23 October 1993, at least 30 people died, about 100 people were wounded, 401 houses and 242 shops were burnt or damaged to a great extent, the municipality building was destroyed, and numerous vehicles were rendered

Additionally, evacuation or burning down of villages and hamlets continued with an ever-increasing pace. Settlements were destroyed during the operations or by security officers who opened fire at random or on the pretext of attacks or sniper fire by PKK militants. In consequence of those events at least 1 person (in similar events 41 people died in 1992, 46 people in 1993, and 51 people in 1994) died, and more than 8 people were wounded.

Some of the information about the attacks against settlements are as follows:

Yüksekova (Hakkari): On 17 April, fire was opened against certain houses and shops in Yüksekova without any reason. In the incident, a child named Hatice Soydan (12) died, and numerous buildings were damaged. Of the people whose houses were damaged, Naif Soydan and İhsan Çiftçi applied to the Regiment Commandership on 22 April, and demanded that their losses be compensated. The Regiment Commandership responded that “the loss might be covered after the necessary examination was conducted.” On the night of 2 June, PKK militants opened fire at the Gendarmerie Commando Battalion in the Esentepe Quarter of Yüksekova. After the attack, security officers opened fire at random at the houses in the district. As a result, 5 houses in the Esentepe and Yenimahalle quarters were damaged.

Nazımiye (Tunceli): Upon the gun shots heard in the Nazımiye District of Tunceli at midnight on 30 June, soldiers in the district opened fire at random. During the firing which lasted till 05.00 a.m. on 1 July, a retired teacher named Sıtkı Güler was shot in the face and the leg. Additionally, numerous houses and shops were damaged in the Yeni and Özküpe quarters. The shop of Celal Ateş and houses of Hasan Sarıtaş, Mehmet Ali Çelik and Ali Rıza Güzel were destroyed by the soldiers.

Varto (Muş): As a result of the fire opened by the security forces in certain quarters of Varto on the evening of 25 July, 2 children, 1 shepherd and 1 mentally handicapped person were wounded, numerous houses and shops were damaged, and the Karınca Bookstore, which had been burnt down in 1992, was completely destroyed this time. After the incident, during which the municipality building and the office of the Mayor were damaged, 60 people were detained. The Varto residents, who drew attention to the fact that the PKK had not been influential in Varto, disclosed that the State should have targeted Varto, where Alewis were in a majority after Tunceli, and that the special team members had illegal activities in Varto.

The Village Karşıyaka (Batman): The Karşıyaka Village of the Kozluk District of Batman was raided by soldiers on 1 September. During the raid, people named Medeni Altan, Mehmet Altan (headman), Dersim Altan and Rahmi Arıttürk were detained and taken to the Kozluk Gendarmerie Battalion. The village was then raided for the second time on the same night. As the soldiers, who raided the village which consisted of 11 houses, opened fire at random with heavy weapons, 3 children were wounded. Additionally, vineyards, gardens and fields used for crops were burnt down. The detainees were released on 3 September. Muzaffer Alkan, one of the villagers, stated that the Karşıyaka Village had been under pressure and for that reason he had to

unusable. When gunshots were heard from the mountains around the Cizre District on the night of 6 January 1994, fire was opened with automatic guns and cannons. 3 people, 2 of whom were children, died in a house hit by a cannon ball. In consequence of the random fire by security forces on the pretext of the gunshots heard in Cizre on the night of 9 January 1994, a cannon ball hit a house, killing 6 people, 2 of whom were children, and wounding 5 people. Security officers opened cannon fire against the Heybeli Village of the Sason District in Batman on the night of 24 February 1994. In the incident, 9 people, 3 of whom were children, died and 12 people, 4 of whom were children, were wounded. The Kumçatı, Sapaca, Gever, Çağlayan and Hisar villages of Şırnak were bombed by war planes on 25 and 26 March 1994. Out of the bombed villages, 8 people died in Kumçatı, 2 in Sapaca, at least 10 in Gever, and at least 4 people died in Çağlayan and Hisar.

leave the village. “Pressure started in 1993. On the morning of 26 August 1993, village guards and soldiers opened fire at the car of İzzettin Alkan when he left the village to go to the district. In the incident, İzzettin Altan, Melik Altan, Hüseyin Bayık and Veysi were wounded. After that date, our village was raided frequently,” said Alkan.

Derik (Mardin): Fifteen houses in Derik, including the house belonging to İHD Derik Representative Mehmet Gökalp, were marked with red paint on the night of 27 December. Mehmet Gökalp stated that the door had been handled roughly on the night of the incident but he had not opened the door. He said that he had seen the paint on the door when he went out on the morning of 28 December. Relating to the incident, Mehmet Gökalp said that he was under the protection of Amnesty International, and applied to the Derik District Governorate and the Security Directorate, and demanded to be protected. Police officers, who went to his house upon his application, took pictures of the door, made a record, but disclosed that they were unable to do anything to provide protection. Most of the people whose houses were marked were the people whose children or relatives had joined the PKK. Among the people whose houses were marked were Osman Güneş, Hasip Aydın, Mehmet Can Zorba, Bedirhan Ercan and Selim Özyıldız.

Tunceli incidents

As a result of the attack carried out by PKK militants against a special team group in the mountainous area around Tunceli at about 06.30 p.m. on 2 July, 3 special team members named Mehmet Çatal, Güven Keskin and İbrahim Sever died, one special team member was wounded. After the attack, various incidents took place at the city center of Tunceli on the night of 2 July and on 3 July. During the air and ground operation carried out by security officers right after the attack, 7 PKK militants were killed in the rural areas. The corpses, which were tied behind a jeep and brought to Haçık Quarter, were later displayed in the Cumhuriyet, Atatürk and Esentepe quarters. Eye witnesses stated that it was impossible to recognize the corpses due to the bombing and their being dragged on the ground. During the air and ground operation, the Guri Hamlet of the Örenönü Village was bombed and destroyed. During the bombardment a woman named Kadriye Menteş was wounded in the leg. Kadriye Menteş, her husband Ali Menteş and people named Cafer Yıkılmaz, Hüseyin Yıkılmaz (70), Fatma Yıkılmaz (65) and Kamber Metin were detained. These people, who were interrogated and tortured at the Tunceli Security Directorate, were released on 4 July.

Special team members who came to Tunceli right after the attack, shouted slogans and opened fire at random, broke the windows of certain shops and vehicles. Additionally, some youths were beaten, some were detained. The incidents, which calmed down when the residents of the city withdrew into their houses, were ignited during the funeral of the 3 special team members on 3 July. The special team members, who insulted Tunceli Governor Atıl Özelgün and harassed CHP Tunceli Deputy Chairperson Mehmet Ali Türkel, continuously shouted, “We will raze Tunceli to the ground,” “Off with you communist governor, servant of the Tunceli people,” “Death to the communists.” Upon the incident, State of Emergency Regional Governor Ünal Erkan and Tunceli Security Director Süleyman Güleç held a meeting with the participation of the Mayor and the district chairpersons of political parties. During the meeting, Ünal Erkan stated that he had apologized from the district chairpersons and the mayor, and that whatever necessary would be done against the people who had started the incidents.

The incidents in Tunceli provoked protests and caused discussions that lasted for many days. The discussions brought the activities of the special team members in the State of Emergency Region and their inhuman treatment of the people on the agenda. CHP Tunceli Deputy Sinan Yerlikaya, who put the incident on the agenda of the Parliament, addressed a parliamentary query to the then-Minister of Interior Affairs Nahit Menteş. In his question, Sinan Yerlikaya

stressed that the police officers in charge at the police station had wanted to protect the people from the special team members, and stated that the special team members carried out actions in various parts of the city, in a way that disrupted the life and security of the people, on the pretext of the PKK attacks.

Sinan Yerlikaya narrated the incidents witnessed in Tunceli in a news program broadcast on a private television channel (Show TV) on the night of 16 July. Sinan Yerlikaya, who stated that the special team members attacked the people especially in the İnönü Quarter, said, “They had beaten whomever they had caught, entered the houses and broken down the doors and windows. They had insulted the people in front of the State Hospital. They had destroyed vehicles. About TL 250 million was paid in compensation to owners of each vehicle destroyed during the attacks.” In the meantime, the then-Minister of Interior Affairs Mehmet Ağar, who participated in the program by phone, responded to Sinan Yerlikaya by saying, “If there are any offenders, legal action shall be taken. We are sorry about the unpleasant incidents.” When Sinan Yerlikaya asked, “You have said the same things before, what have you accomplished till today?”, Mehmet Ağar said, “You will see what we will do soon.” When Sinan Yerlikaya noted that the special team members carried the MHP emblem “three crescents” on their rings, on the butt of their rifles and on their shoulders, Mehmet Ağar said that this was not true. In response, Sinan Yerlikaya said, “I have seen them with my eyes. I am a parliamentarian. Am I a liar?” During the discussion that lasted for about 10 minutes, Mehmet Ağar repeatedly denied that the special team members carried the MHP emblem and said that they were not under the command of any political party, whereas Sinan Yerlikaya said that the special team members were different from the regular police officers, and that during the incidents, police officers in charge at the police stations and the traffic police officers had halted the special team members who had attacked the people.

In a written statement he made on 29 July about the Tunceli incidents, the then-Minister of Interior Affairs Nahit Menteşe said that some circles had spread unfounded information about the incidents, and thus Tunceli had continuously been kept on the agenda. Despite the statement by Minister Menteşe, an investigation was launched against the special team members, and 37 of them were transferred to other places.

Aslı Aydıntaşbaş, a reporter for the newspaper Yeni Yüzyıl, covered New Democratic Movement (YDH) Leader Cem Boyner’s trip to Tunceli and narrated the extraordinary situation prevailing in the region in her story entitled “*Cem Boyner’s Trip to Tunceli*,” which was published in the 5 August 1995 issue of the newspaper. The story is as follows:

The YDH Tunceli trip starts on the Tunceli-Malatya road overcrowded with military convoys. The ones discharged from the army, returning back from the front, are going to Malatya by bus. However, most of the crowd consists of the ones transferred to Tunceli at the back seat of the jeeps and on trucks. According to the claims, 20,000 people, weapons in hand, looking tanned, headed towards the region where the operation continued on that day. What moves me most is the age of the kids. They are just so young...

Boyner’s bus struggles to change the lane jammed with the convoy, in order not to miss the appointment with the Governor of Tunceli arranged for 3.00 p.m. The soldiers immediately recognize Boyner on the front seat of the bus. As he makes the first move and waves his hand, they too smile and wave their hands. For the 20-year-old young men, the excitement awakened by seeing a celebrity wipes off the anxiety of going to the front, even just for a moment. The eyes of the person who sits beside me in the bus are filled with tears.

Boyner requests from the journalists: “Please, do record the name and phone number of everyone we ever speak to. We are going to check whether they are safe and sound at home by the evening. I do not wish the incidents that had happened in Digor to be repeated.” Last year, a

villager of Digor who had asked a question to Boyner during his trip to Kars, had been detained on the same night. Boyner does not wish to make people speak in Tunceli, or in his own words, he does not wish to “scratch wounds.” He says, “In the evening, we will return back to our homes in İstanbul. But these people will stay here.”

Tunceli is an ordinary city: Young girls wearing jeans and sometimes mini skirts wander around the city square. Some follow the fashion, some don't. Children eat ice-cream as do others all around the world in this time of summer. The women's heads are uncovered. Before, they say, it used to be like İstanbul and Ankara. Coed groups chatting in tea-gardens and taverns... Not anymore.

Tunceli is not an ordinary city: All sorts of vehicles, including tractors, are obliged to park in front of the police station at night. Houses burn down, villages are haunted. “Look,” they say, pointing at a suspension bridge built over the Munzur Stream, “The Gendarmerie has cut off this bridge. We are unable to reach the 10 villages located on the hill.” Due to the mig-ration, the population of the city center has increased, but the population of Tunceli continues to decrease. They all run away. People are tired of the food embargo, the oppression and the war. The light in the eyes of some has gone out. They refrain from speaking. The moment Boyner, who spoke to the inhabitants of Tunceli in the tea garden, was most enthusiastically applauded, was when he said, “You don't need to speak. We understand silence too.”

Boyner did come to Tunceli, but he stayed for only a really short time. After his meetings with the Governor, the Security Director and the Mayor, there was a quick chat with the inhabitants. A curly-haired, philosophy graduate wearing round spectacles said, “I do not believe in democracy, not anymore. And your visit is not going to change anything. I don't want to speak anymore, for to be frank, I am afraid.” Boyner felt something in his throat. Someone said, “We just want to return back to our villages,” another mentioned unemployment. Right then, a woman started speaking: “They detained my 16-year-old high school student daughter. She is still in there. Stripped naked right before the eyes of people of the same town, she was tortured in the most incredible ways. My daughter says, ‘Mom, Mr. Mahmut, the Anti-Terror Department Chief did it.’ I know the man. And I see him every day. Now I am shaking, for a few minutes ago, I saw the man right here, in this tea garden.” Boyner gulped. Putting one hand on the woman's shoulder, he tried to block the police camera right beside them. He was unable to find anything to say.

Of course, efforts are spent to break the ice between the public and the security forces. The authorities do not deny the incidents experienced on 2 July, and say, “It happened just like that, like an earthquake. However, we are trying to improve the relationship.” The special team has withdrawn from the city center. The Security Director says that the team members distribute candies for the children at the quarters around the neighborhood of the Special Team Center. And a villager, drawing nearer, claims that 5 houses had been burnt down in the same quarter.

Algan Hacaloğlu, the then-Minister of State responsible for human rights, went to Tunceli between 8 and 10 August. Algan Hacaloğlu made a statement after his trip, comparing Tunceli, where arbitrary village evacuations were witnessed, where security officers oppressed people, where houses were burnt down without any reason, to “Bosnia-Herzegovina and Palestine.” Algan Hacaloğlu stated that the internal peace was bleeding in the region, and Turkey was not to become better unless that bleeding was stopped. He narrated his impressions as follows:

“Evacuation of villages and hamlets has paralyzed the life in Tunceli. 45 percent of Tunceli, according to the Governor, was evacuated, while the people put it more than half. The human scenes are not so different from those of the people suffering hunger and problems in Palestine and Bosnia. It is a common suspicion that the village evacuations are not directed from one center. While I was there, the governor was also surprised with a directive given to a village:

“You will empty the village until the 15th of this month.” According to the governor’s opinion, these directives came from very low ranks, and were never known by the commanders. Anybody is able to evacuate a village. The people have no more patience. Yes to the struggle against terror, but we cannot go on harming the people. Human rights of the people whose villages have been evacuated, are being violated. We cannot accept these incidents in a state of law. Yes to security, but at the same time, yes to the right to have a house, right to life, right to maintain one’s living. The Urgent Support Fund is being used arbitrarily. There is no project, no target. It is utilized according to the arbitrary will of the State of Emergency Regional Governor and the governors in the provinces. TL 1.6 trillion was spent for the region in the last year. Necmettin Cevheri and Ünal Erkan are utilizing this. Maybe, they are using it in line with certain objectives. The problem is not solved by distributing 1 or 2 millions to this and that.”

A delegation of the İHD Headquarters also went to Tunceli in August in order to examine the pressure put on the people by the special team members, and the cases of burning down and evacuation of the villages. The delegation, which left Malatya on the morning of 14 August, confronted a military convoy at about 09.20 a.m. on the border of the Kovancılar District of Elazığ. There, ID checks were made and the delegation was kept waiting for a long while. Then, the İHD delegation confronted another military convoy in the Şenkaya region, 60 kilometers to Tunceli. A non-commissioned officer, commander of the convoy tried to take the journalists out of the convoy on the grounds that “the members of the delegation would be protected.” Upon a phone call with the Governor, the journalists were also let in Tunceli. The delegation met another obstacle at the Mazgirt crossroads. Here, the number of the members of the delegation, which was kept for about 15-20 minutes, was determined. Soldiers took the plate number of the vehicle, and then let it pass. The delegation, which managed to reach Tunceli, met with Deputy Public Prosecutor Cengiz Topel Çiftçioğlu. In the meeting, Prosecutor Çiftçioğlu informed the delegation that 4 or 5 cases were lodged about the burning down of houses and villages, and said that the investigations fell beyond his authority. Making a statement after the meeting, İHD Chairperson Akin Birdal said that it was a courtesy visit, and that they had asked that the deputy prosecutor be sensitive regarding human rights violations.

The delegation, which could only enter the city center and were not let to go to the districts for “security reasons,” spoke to the people after visiting the Tunceli Governor and the Mayor. Tunceli Governor Atıl Özelgün disclosed that an investigation had been launched against the special team members, and that the food embargo in the villages would be diminished gradually. Mayor Mazlum Aslan, on the other hand, stated that they had the problem of finding new settlements for the people who had left their homes and lands due to the evacuation and burning down of the villages. Mazlum Aslan did not answer the members of the delegation who wanted to learn where the villagers lived, and how they managed to survive. During the meetings held in Tunceli by the delegation, people complained especially about the food embargo and its outcomes, and stated that the transportation, health and education services were completely ended.

The delegation headed by Akin Birdal expressed its impressions in a press conference when they came back to Ankara. During the press conference, Akin Birdal said that hunger and silence prevailed in Tunceli. Akin Birdal noted that the Deputy Public Prosecutor had told them, “We respect the law,” and the Governor had said, “We respect the human rights.” He said, “However, everything has been terrorized in Tunceli.”

A delegation of about 100 people, who wanted to participate in the program of “September 1st, the World Peace Day in Tunceli,” organized by the associations founded by Tunceli residents, were not let in Tunceli. The delegation, which left İstanbul and Ankara on the morning of 31 August, was first stopped by the police at the exit of Nevşehir, and then in Kayseri, Gürün,

Malatya and Elazığ. The delegation was able to reach the Tunceli-Elazığ border one day later, but there authorities of the Provincial Gendarmerie Commandership notified them of the Tunceli Governorate's "decision to prohibit entrance to the city." The decision that was made by the Governorate depending on Article 11-K of the Law on State of Emergency Region, claimed that "the visit by the delegation can deteriorate public order," and stated that entrance was banned for that reason. The members of the delegation stated that they had emphasized in their negotiations with the authorities that they had come to Tunceli for not to deteriorate the public order but to celebrate the Peace Day, but they were not able to convince them.

Another article regarding the Tunceli incidents, was published in the 5 August 1995 issue of newspaper Turkish Daily News and 7 August 1995 of newspaper Yeni Yüzyıl. Follow-ing is the article by Sinan Yılmaz, entitled, "**Who is Tampering with Tunceli?**":

Turkey spent the month of July discussing Tunceli and the acts of "violence" carried out by special team members directed against the public. In this discussion nearly everyone, including the deputies from the region and the President of the Republic, were involved.

Tunceli frequently was a focal point of attention because of the settlement of the PKK in the region. But literally speaking, it came to the attention of the country in September 1994, with the bombing of the Mirik Hamlet of Gökçebağ Village by planes on September 25th, and the launching of operations in the region. Claims were made that oppression directed against civilians prevailed. Moreover, it was revealed that during this operation, 8 people had been killed. Around 40,000 security officers participated in the operations launched in order that Şemdin Sakık, a well-known top official of the PKK in the region, could be caught. Claims maintaining that the villages were being burnt down, were put forward. Such claims were later backed up by documents and accounts by witnesses.

On 2 July, the PKK militants attacked special team members in charge of protecting the TV transmitter, and killed 3 of them. Special team members staged a demonstration during the funeral of the police officers, and launched haphazard attacks, charging Governor Atıl Özel-gün of being a communist. Even Regional Governor Ünal Erkan, who was present at the funeral, failed to prevent such scenes, and they were widely reflected in the newspapers and on TV channels. It was claimed that the special team members that 'terrorized' the city afterwards, had attacked the public, and beaten and injured many.

Since the incidents took place one after another, the point that the special team police were MHP adherents and carried the emblem and the signs of the party came under discussion. The fact that the MHP signs (three crescents, wolf head or Fu Manchu mustaches) were being used by the special team members, brought along a new discussion. Actually, RP Group Deputy Chairperson Şevket Kazan had been the first to bring up this in discussion. Kazan had said that the special team members that escorted him during their visit to the region had used these symbols, and moreover, hung flags showing the same inclination on their cars.

After the July incidents, Security Director General Mehmet Açar went to Tunceli and said that an investigation would be launched about the incident. And according to statements made, 37 special team members were sent to other cities. With Açar's arrival in Tunceli, MHP symbol mustaches were immediately shaved off. However, according to the information pro-vided from the region, mustaches were re-grown soon as he left the city. As a result, the burning down of villages and the special team terror discussed all over Tunceli was reduced to the level of "mustaches."

Claims maintaining that the special team members recognized no rules and obeyed no commands led to comments such as "they are just like the army of Janissaries." The government,

in an effort to overcome the trouble caused by the special team, sent them to southern cities for certain periods. Special teams were sent for 2 years to cities like Adana, Mersin, Antalya, in groups of 250 or 300, both to enjoy a holiday and to maintain pressure over the significant Kurdish population in these cities. In quarters highly populated by Kurds, it was possible to see some special team members holding long-butted rifles.

With the ever-increasing efforts of the security forces against the PKK, the burning down and evacuation of villages began to take place more frequently. Evacuation of villages had started by 1991. In 1993, 871 villages were evacuated, whereas in 1994, according to the official data, 2,115 villages were evacuated. The number of villages evacuated by the end of June 1995 was 2,505. According to claims by the inhabitants of Tunceli, the number of villages evacuated in Tunceli is around 150. Official data puts it at 40. Though 2,505 villages had been evacuated in other regions, there had not been such a strong reaction. Why react so strongly when 40 villages were evacuated in Tunceli?

Tunceli consists of Alewi Kurds. The rate of literacy is around 98 %. Even ordinary people have political experience. In the past, illegal organizations such as TIKKO, TDKP and Revolutionary Left had maintained influence over the region. This influence still prevails. Another force is the PKK. Tunceli also is a fortress of social democratic political parties.

According to independent sources, Tunceli, which is geographically very suitable for illegal associations and living as guerrillas, is favored by all. The PKK, which has arrived relatively late in the region, has lessened the influence of other illegal organizations and acquired enormous power. At present, according to local sources, the PKK still has 1200 armed militants in the region. The total number of militants belonging to other organizations is equal to that of the PKK. According to local sources, an armed group that succeeds in holding a strategic point in the mountains of Tunceli, can even challenge organized armies.

According to a source, it is necessary that the problem should focus on Tunceli for validation of claims that the Kurdish problem is finished. This means, there are efforts to create an impression that the PKK is neutralized in the East and Southeast, and that now the problem only exists in Tunceli. Therefore, security operations launched against Tunceli have significantly increased. However, on the other hand, there were reactions against the State policy exercised in Tunceli. Tunceli definitely is leftist oriented, and the Tunceli lobby is quite influential. Almost in every political party, every institution, Tunceli has a word to say. Localization of the Kurdish problem was targeted and for that, Tunceli was chosen.

The same source recalls that although over 2,000 villages have been evacuated, reactions from the public remained insignificant but as a result of the incidents in Tunceli, the media became involved in the discussions and adds that this is a conscious choice. "Even the ones who have not uttered a single word about the state's burning down of the villages, now announce all over that the state is burning down the villages in Tunceli and that the special team members are ill-treating the public. Hundreds of claims were brought forward related to the special teams. The state refrained from making statements, although claims of murder and rape are among these. The Security Director himself went to Tunceli and made a statement as these incidents taking place. Even the President became involved. Nowadays, word is going around that the Minister of Interior Affairs also plans to go to Tunceli. This is a product of the state policy," says the source, and adds, "They think that once the problem in Tunceli is solved, the Kurdish question, too, will be over."

In the meantime, headmen of the villages of the Ovacik and Hozat districts of Tunceli, which had been evacuated in 1994, gathered in Ankara on 20 and 21 May. The meeting was organized by the Solidarity Association of the Tunceli Residents, and along with the headmen,

representatives of the political parties and certain associations, including HADEP Central Executive Board Member Veli Aydođan, İstanbul, Mersin, Adana and Ankara branch chairpersons of the Solidarity Association of the Tunceli Residents, Pir Sultan Abdal Association Chairperson Murtaza Demir, İHD Central Executive Board Member Lütfi Demirkapı, Tunceli deputies Kamer Genç and Sinan Yerlikaya, participated in the meeting.

During the meeting, it was mentioned that 350 of the 540 villages and hamlets of Tunceli had been evacuated, and 50 of the evacuated villages had been burnt down, and it was stressed that the people in the region faced the problem of famine due to the food embargo, and animal husbandry, which is the only means for a living in the region, was extensively harmed due to the ban on going to the plateaus. During the meeting, the state was accused of adopting double standards as villages which got in the village guard system did not face food embargoes or bans on going to the plateaus. 29 village headmen, who participated in the meeting, sent a letter to the then-Prime Minister Tansu Çiller, demanding that their losses be compensated and necessary precautions be taken in order to ensure their returning back to the villages securely. In the letter, in which it was said that houses and animals in villages had been burnt, villagers had been forced to migrate and people had been killed, the following was said, in short:

- A safe return back to the burnt down or evacuated villages has to be ensured.
- The losses of the villagers due to the burning down of their houses and animals, destruction of vineyards and gardens, and the expenses made while migrating should be compensated, including interest.
- People who would return back to their villages should be given construction materials.
- The food embargo in the region should be lifted, and it should be possible to buy food, clothes, medicine, etc. without any restrictions.
- Those who maintain their living with animal husbandry should be able to go to the plateaus without any limitations.
- The mentality of deeming the local people as potential offenders should be relinquished, and all the pressure should end.
- The loans of the people in the region to the banks should be pardoned, and these people should be provided with credits without any interest.
- Immigrants, until they return back to their home, should be taken from the places they live at the moment, such as tents, garage, depot or school, and settled in places suitable for living, and their needs such as health, food, or clothes should be met.

Evacuated, burnt down or raided villages

In 1995, evacuation of the villages and hamlets decreased to a great extent when compared to the previous years, but still continued. Throughout the year, over **400** villages and hamlets were evacuated. (*) Pressure on villages and hamlets was not limited with evacuation.

(*) In 1995, a total of 46 villages were evacuated only in Hakkari (17 of these villages are of the city center, 10 of Yüksekova, 14 of Çukurca and 5 of Şemdinli). Of the people living in 5,695 houses in these 46 villages, 45,177 migrated to the city center and the districts of Hakkari. After migrations to Hakkari, which suffers from a lack of infrastructure, an atmosphere which affected the human health negatively, came out. The migrants faced serious problems, such as lack of accommodations, unemployment and diseases. Some of the migrants, who had to live in nylon tents and who were able to maintain their food with the help of the local people, started to live together in groups of 3 or 4 families. In 1994, a total of 10 villages had been evacuated in Hakkari, and 146 families had to migrate to the city center. 80 villages of Siirt and its districts were evacuated by the security forces during the period June 1994-June 1995. An important part of people living in these villages migrated to Siirt, and the remaining to İzmir, Mersin, Adana and İskenderun. 18 of the evacuated villages are the villages of Pervari, 10 of Eruh, and 9 of Kurtalan.

Villages were frequently raided, people were killed, wounded, and tortured. Numerous houses were burnt down and destroyed. People were forced to migrate. Oppression frequently continued until the villagers abandoned their villages. At the beginning of 1995, in the State of Emergency Region and its surroundings, it was almost impossible to find any villages and hamlets in which people, other than those who had accepted to become village guards, were living. In official statements, however, it was asserted that the villages had been evacuated or burnt down due to “financial problems” or “pressure and attacks by the PKK.”

For example, in a statement he made in March upon a question by CHP Kars Deputy Mehmet Alp, the then-Minister of Interior Affairs Nahit Menteşe stated that they had started working to determine the people who had migrated from villages or hamlets, and to distribute the fund allocated by the ministry to the people in need. Nahit Menteşe also said that they had started to improve the environmental conditions, and after these studies were completed, some of the villagers would be able to return back to their villages starting from the summer. Nahit Menteşe added that there were no villages or hamlets which had been evacuated forcibly. In another statement by Nahit Menteşe in the beginning of June, it was revealed that the number of the evacuated villages and hamlets reached 2,656. (**) According to this statement, the distribution of the villages and hamlets according to the provinces, and the number of the people migrated from these villages and hamlets are as follows:

	Evacuated		Migrated	
	Villages	Hamlets	Houses	Population
Batman	37	54	1.880	13.839
Bingöl	150	194	7.151	44.540
Bitlis	76	95	2.878	21.896
Diyarbakır	115	196	7.580	43.420
Elazığ	8	6	531	3.522
Hakkari	38	93	2.736	21.713
Mardin	184	58	6.772	38.220
Muş	30	65	2.177	16.100
Siirt	86	82	4.624	31.437
Şırnak	96	110	7.686	45.184
Tunceli	154	657	4.437	22.407
Van	8	64	1.141	8.643
Total	982	1.674	49.593	310.921

As the evacuation and the burning down of the villages and hamlets continued, protests increased. Due to the protests, the government had to make some promises, although specious, such as “certain precautions would be taken and the wounds would be healed,” and initiated a search for solution.

The then-State Minister responsible for human rights Algan Hacaloğlu, in a statement he made on 4 July, said that studies had begun in order to determine how to make the evacuated villages available for settlement once again. Algan Hacaloğlu said that the next step would be to

(**) In a statement he made in April 1994, Nahit Menteşe had disclosed that a total of 871 villages had been evacuated for various reasons after June 1987, and the number of the completely or partially evacuated villages had been 2,297 as of the end of 1994, and a total of 285 villages and hamlets had been burnt down, 30 of which partially and 255 completely.

open the secure villages and hamlets for settlement, but first the issue would be discussed in a committee that would be composed of 4 ministers, and then would be brought on the agenda of the Council of Ministers. Algan Hacaloğlu said, “The problem is to make the evacuated villages be available for settlement, and this is an obligation,” and added that the people migrating from the evacuated villages went especially to İzmir, Manisa, Mersin, Hatay, Antalya and Adana, and created “shanty towns” in these provinces. The then-Deputy Prime Minister Hikmet Çetin, Minister of Interior Affairs Nahit Menteşe and State Ministers Necmettin Cevheri and Algan Hacaloğlu took place in the committee which was established in the meeting of the Council of Ministers held in June.

Algan Hacaloğlu pointed out that the problem would not be solved and the alienation between the people and the state would not be abolished by creating “exaggerated security zones,” and said that the project of returning back to the villages had been started for this reason, and within the framework of this project, cattle husbandry, bee-keeping and weaving would be encouraged as the first step. Hacaloğlu, who noted that TL 1 trillion would be allocated for the project, said, “5 cattle would be given to the citizens who return back to their villages, they would be provided with fattening assistance, animal husbandry would be revived, and thus, contributions would be made to the national economy and returning back to the villages would be made attractive.” Algan Hacaloğlu, who stated that a credit of \$ 253 million was secured from UNESCO for the project called “central villages,” and that the problems of the people living in the region would not end unless they return back to their villages, said “It is necessary to stop artificial attempts launched in order to convince the European Parliament. We cannot secure internal peace without abolishing the alienation between the state and the people. Security in the region cannot be maintained by creating exaggerated security concepts. It is evident that it could not be maintained to date. If we cannot put the project of returning back to the villages into life, we cannot prevent shanty construction in the suburbs of Amasya, İzmir, Manisa, Mersin, Hatay, Antalya and Adana.”

After this statement by Algan Hacaloğlu, initiatives about the topic were accelerated. “The Meeting of Restoration of the East and Southeast,” headed by Deputy Prime Minister Hikmet Çetin, was held in Ankara on 15 July with the participation of related ministers, governors in the region and bureaucrats. Prime Minister Tansu Çiller, who attended the meeting for a while, said, “We have accelerated the studies to determine villages that are suitable for turning back. We have accelerated the studies to make it possible for the citizens to return back to their villages as soon as possible and as long as the security is maintained. We aim to help citizens’ returning back to their settlements. As a second phase of healing the wounds of the region, we would secure an increase in the investment by the private and public sectors.”

Although Tansu Çiller said that “security was maintained in the evacuated villages,” Hikmet Çetin, in a statement he made after the meeting, said that those who wanted to return back their villages had to apply to the State of Emergency Regional Governorate and it would be possible to return back to the villages, security of which was maintained and to which economic contribution would be provided, determined by the Governorate.

In the meantime, in a statement he made on the same days, State of Emergency Regional Governor Ünal Erkan said that he partially opposed to the initiative of “returning back to the villages,” which was foreseen within the framework of the “Project of Restoration of the East and Southeast” developed by the coalition partner CHP. Ünal Erkan said the following: “Let these people stay where they went to. We look and see that a man quarrels with his father and builds a house 200 meters away, whereas another does it 1 kilometer away. It is impossible to build roads, provide electricity and water to these houses. Most of the migrants have actually left there years ago. In my opinion, at least 50,000 of the migrants had left to find jobs, and another 50,000 had left

in order to be far away from the terror when they had seen that they would be involved in it. Some of them had found jobs, and they would not return back even if you demand. We have constructed 3,500 houses for the migrants, started to construct 3,000, and will construct another 1,000. We will complete them by the end of summer.”

Ünal Erkan stated that people migrated extensively from Şırnak, Diyarbakır, Bingöl and Hakkari, and migrants especially went to Mersin, Adana, İstanbul and İzmir. Ünal Erkan added that the data demonstrated that 345,154 people were living in 55,375 houses in the region, and after the migration of 311,154 people in 49,093 houses, 33,853 people were left in 6,282 houses.

Evacuation and burning down of villages, which caused many social problems, also harmed the economy of both the region and Turkey. In a study by the Turkey Agriculturists Association (TZD), it was indicated that the economic loss occasioned by village evacuations and burning forests was about 12-13 trillion Turkish Lira. According to the study, in Mardin alone 371,492 decares of agricultural areas, and 115,447 hectares of pastures were put out of use due to village evacuations. Also, 70,000 decares of the fields where cereals were cultivated were burnt down, and the fruit of 120,000 trees could not be harvested. A decrease of 31.2 percent was observed in animal breeding. In Diyarbakır, the number of animals fell by 50 percent while forest area decreased by 60 percent. Interpreting the data compiled through the research made in Diyarbakır and Mardin, TZD Chairperson Ibrahim Yetkin said the following: “The place where we carried out the research is a region that we can call a war zone. This region forms 15.88 percent of the total agricultural area in Turkey. The research shows us that the losses have put the great burden of 12-13 trillion Turkish Lira on the economy.”

Village evacuations or migration affected the Syrians living in the region to a great extent. Some villages of the Syrians, who are the indigenous people of Southeastern Iran and Northern Iraq, were completely evacuated, and some others, due to the migration, turned into villages in which no one but a few old people lived. The number of Syrian villages in the region decreased significantly. The names of evacuated or emptied Syrian villages are as follows:

Silopi: Hassane (Kösrali). **Midyat:** Bote (Bardakçı), Arnas (Bağlarbaşı), Keferbe (Güngören), Bardo (Yamanlar), Saleh (Barıştepe), Hapsis (Mercümekli), Kafro (Elbeyendi). **Nusaybin:** Harabemişke (Dağıcı), Sederi (Üçyol), Ehvo (Güzelsu), Badibe (Dibek), Arbo (Taşköy), Giremira (Girmeli). **İdil:** Gaveyto (Sre), Esfas (Yarbaşı). **Dargeçit:** Zaz (İzbrak), Arbaye (Alayurt). **Gercüş:** Kafro Elayto (Arıca), Yardo (Yamanlar), Binkable. **Beytüşşebap:** Mihri (Kovankaya).

Because of burnt down villages, Turkey frequently came to the attention of international platforms and was condemned. In addition, such incidents were also on the agenda of the European Human Rights Commission as aggrieved people made use of their right to submit individual complaints. For example, the complaint made by the people living in the Sağgöze Village of the Genç District of Bingöl upon the burning down of the village by security officers, began to be examined by the European Human Rights Commission at the Ankara Courthouse on 10 July. Sally Dolle, the Deputy Secretary of the Commission, made a statement about the incident, saying that they had collected evidence related to the case, and the subject of the case was the burning down of the Sağgöze Village by the security officers.

The European Human Rights Commission, utilizing its authority assigned by the international conventions undersigned by Turkey, received testimonies of the parties in Ankara on 14 April in connection with the burning down of the Kelekçi Village of Diyarbakır and the death of 6 people in the bombing of a house in Cizre. The members of the commission, who heard the complainants, and who interrogated the authorities participating in the trial on behalf of Turkey, also heard a prisoner as a witness of the complainants. H. C. Kruger, the Secretary General of the

Human Rights Commission who headed the commission composed of 12 people, said, "Turkey has become the 5th country, with respect to human rights violations. The number of complaints to our commission has reached 300. Most of these applications are from the Southeast. We asked questions to the Turkish authorities regarding the claims. The investigations will continue." It was reported that the lawyers, who undertook the defense of Turkey, had denied the accusations during the investigation, and asserted that the incidents had stemmed from the PKK.

A delegation of 12 people, including judges, formed by the European Human Rights Commission, went to Diyarbakır in November in connection with the complaints made to the commission. Members of the delegation, during the period they stayed in Diyarbakır, listened to the parties and witnesses in connection with the burning down of the Derecik Village of Cizre and Sarierik Village of Diyarbakır, torture inflicted on a person named Salih Tekin, and the killing of a person named Menaf Kaya by soldiers. During the investigation, Mahmut Şakar, the İHD Diyarbakır Branch Chairperson, and British Lawyer Kevin Boyle undertook the advocacy of the complainants, and representatives of the Ministry of Foreign Affairs and military authorities were present. Sally Dole, who headed the delegation, stated that 60 complaints had been made to the commission in connection with 30 cases of destruction of the villages in the region.

The number of the complaints made to the European Human Rights Commission, in connection with the incidents that took place in Diyarbakır Lice in October 1993 and that resulted in the death of at least 30 people, the wounding of about 100 people, and destruction of 401 houses and 242 shops, reached 250. The petitions submitted to the commission stated that the losses had not been covered by the state authorities, although they had promised to do so, and pointed out that numerous rights and freedoms, first and foremost the right to life and property had been violated, and that the state should be held responsible for the incidents.

Examples of the evacuated villages:

The Doğanlı Village of the Nusaybin District of Mardin was raided on 1 January, after the death of 2 soldiers in a clash that broke out in the vicinity of the village on 31 December 1994. The security officers, who gathered the villagers at the village square and beat them, detained some people. The villagers said the following about the incident: "In order to take the revenge of the killing of 2 soldiers, they took all villagers, regardless of whether it was a woman, child, elderly, young, and laid them all down in water and tortured them."

Empty houses in the Deyaz (Çalmalı), Zara (Çağlayan), Sımsor, Goman (Ağıl), Zıkte and Baluzikte villages of the Kulp District of Diyarbakır, which had been forcibly evacuated in March 1994 when the villagers had refused to become village guards, were burnt down by the security officers on 11 January. It was disclosed that the houses had been burnt down as "they had been used by the PKK militants."

The Çınarlı, Dutluca and Barınak villages of the Çukurca District of Hakkari were evacuated by the security officers on 14 April on the grounds that "they were in the operation area." About 700 people living in the evacuated villages settled in the Kavuşak Village of Çukurca, and got involved in the struggle to accommodate themselves and to survive under unhealthy conditions. 564 people were living in Çınarlı, 70 in Dutluca, and 47 in Barınak. Hüsni Öndül, the Secretary General of the İHD, disclosed that the people who had to leave their villages had been left on their own, and said that pressure on the other villages in the region had increased. Additionally, the Işıklı and Sıvışık villages of Çukurca were evacuated on 26 April on the pretext of the operations. People living in these 2 villages went to Hakkari.

During the raid carried out by the security officers and village guards against the Uğrak Village of the Beşiri District of Batman at about 05.00 p.m. on 25 April, villagers, who were gathered at the village square, were insulted. In the same period, the Kara, Yakaköy and Kese-

köprü villages of Batman Hasankeyf and the Yenipınar Village of Batman Beşiri were raided by the security officers. During the raids, some people were beaten, some others were detained.

The Aydınlık, Yeni Çakmak and Çağlı villages of the Sason District of Batman were evacuated by the security officers on 27 April, and the villagers were taken to the Yücebağ Gendarmerie Station. Some of the houses in the evacuated villages were burnt down or destroyed with armored vehicles later on. The villagers had been forced to become village guards.

In certain villages and hamlets of the Derik District of Mardin, residents of which had not accepted becoming village guards, use of combine harvesters and aerial spraying were banned as of the end of April. The villagers who protested the implementation that affected the Alagöz, Böğrek, Dumanlı, Hizaraltı, Pınarcık and Atlıköyü villages, said the following: “Aerial spraying was a method used here as in elsewhere. We were spraying the fields with the same method every year. We were harvesting the crops with combine harvesters. We cannot understand this ban. The sole source of living in the region is cultivation and animal husbandry. The animal husbandry was banned last year. What’s left was cultivation. We were sentenced to famine with the restriction of cultivation in this way. As all the villagers got united and protested the implementation, we were permitted, although limited, to use combine harvesters. Because of this implementation, there has been a 60 % decrease in the harvest.”

CHP Secretary General Adnan Keskin held a press conference at the party headquarters on 30 April, and stated that 2 villages and 11 hamlets in the Sason District of Batman were destroyed by security officers on 29 April, after the clash that resulted in the killing of 2 soldiers on 25 April. Adnan Keskin, who addressed the authorities in order to end these implementations in Batman, said that it would be impossible to end the conflict between the local people and the state, unless necessary steps were taken.

The General Staff Office declared the region between the River Aras, floating across the border between Kars and Iğdır, and the Digor District of Kars as “military forbidden zone” starting from 1 May. The statement made by the General Secretariat of the General Staff Office about the implementation, said that the region was declared as “Temporary Security Zone” for 6 months until 30 October, in line with the Law on Military Forbidden Zones and Security Zone Numbered 2565 and the related bylaw. The statement said that those who wanted to enter the region, except from those living in the quarters, the borders of which had been determined, had to get permission from the 9th Army Corps Commandership, and it was noted that “entrance in the security zone without permission was forbidden and would be dangerous with respect to the life and property security.”

The Gevrik (Çemberlitaş), Gazıkuşağı (Otlubahçe) and Nanıkuşağı (Aslıca) villages of the Ovacık District of Tunceli were burnt down on 2 May by the security forces carrying out an operation in the region. The aforesaid villages had been evacuated on 17 September 1994. About 70 houses in the burnt down villages were destroyed. The military authorities stated that the villages had been destroyed in order to avoid their being used by the PKK militants in the region. In the meantime, certain houses in the Büyükyurt Village of Tunceli Nazımıye, which had been evacuated previously, were burnt down on 6 May.

The Çalpınar Village of the Midyat District of Mardin was raided by soldiers and village guards from the Kutlubey Village on 12 May. During the raid, 3 people, one of whose name is Mahmut Acar, were beaten, and the IDs of the beaten people were seized. Additionally, the Kerşef Village of Midyat was raided and forcibly evacuated by soldiers and village guards on 14 May. During the evacuation of the village, some people were detained. It was claimed that of the detainees, Ahmet Atuk, Şükrü Demir, Kadir Demir and Hüsnu Dilmen disappeared. On 15 May, cannon fire was opened on the village, and then certain houses were burnt down.

The Kuruçayır Village of the Silvan District of Diyarbakır was raided by security officers at noon on 18 May. The security officers, who searched the houses one by one and made an ID check during the raid, beat 2 people, named Ahmet Arı (18) and Cahit Bilen (40). The villagers were given 1 week's time to empty the village.

The Doğuş, Yandere, Kuşkaya, Kuru, Tandır and Küçükkardeş villages of the Nusaybin District of Mardin were evacuated by security officers in the mid-May. In the Tandır Village, houses of Temo Önler and Şükrü Örnek were burnt down. The people living in the evacuated villages were not permitted to go to any other settlement than Nusaybin. Meanwhile, the Çağlayan and Çınarlı (*) villages of the Çukurca District of Hakkari were evacuated in the third week of May, the Açıık, Yavru and İlkadım villages of Nusaybin and the Yaprak Village of Diyarbakır Lice in June.

The Horozlu Hamlet of the Baharlı Village of Diyarbakır Bismil, which is composed of 3 houses, was evacuated on 28 May. After the evacuation of the hamlet, houses, stables and barns of Halık Gündüz, İslam Gündüz and Şerif Gündüz were burnt down, and Halık Gündüz was detained. After the incident, people living in the hamlet migrated to Diyarbakır. Of the people whose houses were burnt down, İslam Gündüz had been released in May after being kept under arrest for about 2 years for carrying out activities in the name of the PKK.

The Işıklı, Kavaklı and Cevizli villages of the Çukurca District of Hakkari were evacuated by security officers on 4 June. The villagers in the evacuated villages were not allowed to go to the refugee camps in Northern Iraq. The villagers, who had to settle down in the city center of Hakkari, faced aggravated living conditions. The migrants submitted a petition to the State Ministry responsible for human rights on 13 June. In the petition undersigned by 60 people, it was said, "We do not have any income other than the one we used to obtain from the village. However, the state considered it too much, and drove us out of our village. The state does not help us. We applied to the Çukurca District Governorate, in order to demolish the houses to get the doors, windows and lumber, but they did not permit us. The District Governorate almost seems to take pleasure in our living in poverty."

The Yaylagünü (Arzumak) Village of Tunceli Ovacık, which had been evacuated in 1994, was burnt down on 4 June. The villagers stated that their village had been burnt down by the military units coming from Ardahan in order to keep them away from returning back to their villages. Additionally, 40-houses Dedeğaç Village of Tunceli was raided and burnt down on 7 June. The Dedeğaç Village had also been raided by security officers in May, and those living in the village had been urged to leave the village. Most of the people living in the evacuated and burnt down village went to Tunceli. The villagers, who filed an official complaint about the incident, disclosed that they had been threatened to death during the evacuation of the village, and they had not been allowed to take their belongings. Meanwhile, Tunceli Governor Atıl Özelgün, during the meeting held with the villagers who went to him to complain, alleged that the village had been burnt down by the PKK militants.

The Nurettin Village of Muş Malazgirt, which had been frequently raided and certain houses had been burnt down in 1993 and 1994, was evacuated in mid-1995, except for the village

(*) 153 families living in the Çağlayan and Çınarlı villages migrated in June, and settled in the Beyüzümü Village of Van. The villagers disclosed the reason for their migration as follows: "Previously, there was a military unit in our village. This unit was moved to Çukurca in May. Taking this opportunity, PKK militants came to our village and wanted us to help them. When we did not support them, they took all of our animals. After losing our source of living, we also lost life security. We came to Beyüzümü. They did not help us, other than giving us tents. We applied to authorities, but they told us that there had been no means to help us."

guards and their families. Most of the villagers went to İzmir. Gathering in İzmir, the villagers filed an official complaint with the İzmir Public Prosecution Office in order to be referred to the Malazgirt Public Prosecution Office, about the implementations in the village, and applied to the İHD and Amnesty International for help. Out of the villagers who filed the official complaint, Osman Özkurt stated that they could not apply to anywhere as they had been scared during the 2-year period spent under pressure, and said the following: “We are still scared, but we don’t want to live in İzmir. We want to return back to our village. Our village had been composed of 400 houses. In December 1993, 16 houses marked by the soldiers had been burnt down. After the village had been burnt down, most of the people living in the village had gone somewhere else. We went to the village in March 1995. We stayed there until May. But, they gave no respite. We left the village entirely. They utilized our animals and crops. And we settled in İzmir. We want to return back to our village. If we cannot obtain any result from the official complaint, we will apply to the European Human Rights Commission.” A woman named Gü-lender Özen stated that the village had been dispersed and only the village guards had stayed behind, and said, “We live in shanty houses. We want to return back to our home and land, but we cannot.” In the application of the villagers to the İHD and Amnesty International, it was stated that the village guards had raped a woman named Kamile Sucu, (*) and laid her husband Sait Sucu down in the snow, naked, and tortured him.

The Gürbeyli Village of the Lice District of Diyarbakır was evacuated on 15 May, after the clash that broke out near the village, and resulted in the death of 1 enlisted man while wounding 7 others. After the evacuation of the village, 15 houses were destroyed by soldiers. The villagers, who lived in Diyarbakır and Lice for a while, wanted to return back to their village at the end of June. However, this demand was not accepted. Upon this, the villagers applied to the İHD Diyarbakır Branch, and demanded help. In their petition, the villagers said, “If we are not able to harvest the crops, our loss will reach billions. We tried to return back to our village a couple of times, but we were banned by the soldiers.” The village, which is composed of about 100 houses and which is 3 kilometers to Lice, had been raided on 17 December 1994 for the first time. This raid had been followed by the raids carried out in 1995, on 12, 16, 17 and 19 January, 14 and 27 February, 2, 4 and 21 April.

People living in the Kazan, Işık, Kayalık and Kavaklı villages of Hakkari Çukurca migrated in June, and settled in the Merzan Quarter of Hakkari. These people, composed of about 500 families, had to live under harsh conditions, in jerry-built tents. No serious attempt was made to tackle the problems of these people. In a statement he made after visiting the migrants on the spot, Algan Hacaloğlu, the then-State Minister responsible for human rights, said, “The headmen of the evacuated villages demanded tents. I promised them to send 750 tents, and I am trying to keep my promise. Unfortunately, I have not yet been able to. As the government, we promised to give these people animals, within the framework of the animal husbandry project. I have undersigned this project as a minister. This promise has to be fulfilled, with priority. The problem of sheltering has to be solved immediately. There are villages which are impossible to live in. Sheltering of the citizens can be maintained by constructing new villages in these places. But, there are also villages which are convenient to return back. Villagers want to return back to their villages. They are waiting for the permission of the government and authorized bodies.”

The Eriktepe Village of Diyarbakır Bismil was raided by the soldiers from the Bismil Gendarmerie Commandership on 20 June. During the raid, Celal Demir and Hamit Demir were

(*) The incident was brought on the agenda of the Parliament in February 1995 by Şirnak Deputy Mahmut Allnak. After this, a TRT (Turkish Radio and Television Institution) team was sent to the village, and Kamile Sucu was threatened and forced to make a statement indicating that “she had not been tortured.”

beaten, and Selahattin Akbulut was threatened with death. A while after the soldiers left the village, Selahattin Akbulut was detained by plainclothes police officers who came to the village in a white car. Selahattin Akbulut was found dead on 25 February 1996.

A total of 1,191 people, 186 of whom are village guards, first migrated to the Konur Village on 7 July, and then to the vacant area near the Altınsu Village which is 1 kilometer away from Şemdinli. Hakkari Governor Lütfullah Bilgin stated that those people living under harsh conditions in the region should have to settle in the Çubuklu Village, and this had been notified to them, and said, "If the village guards settle in the Çubuklu Village, we will provide them with any kind of help. Additionally, their task as village guards, which has been suspended for the moment, will continue." The villagers and village guards, who settled at a vacant area near the Altınsu Village, began to live in the open air.

The Dibek (50 houses), Yolçatı (30 houses) and Güçlü (60 houses) villages of the Lice District of Diyarbakır were completely demolished by soldiers from the Lice Gendarmerie Station and Engül Gendarmerie Station on 16 July. Cultivated areas, vineyards and gardens in the villages were burnt down on the grounds that "they had been used by the PKK militants." The aforesaid villages had also been evacuated previously. Crops in the Fis and Hiseynik villages of Lice were also burnt on the same day.

The Kırılgaç (Beyane) Village, which is 15 kilometers away from Diyarbakır, was burnt down by unknown people on the night of 27 July. In a statement they made, the villagers said, "We have been under pressure continuously since 1992 in order to become village guards. For this reason, most of the people in the 30-house village migrated, and 4 houses had been left in the village. When we heard that the village was burning, we informed the Diyarbakır Municipality Fire Department. The authorities of the fire department said that they could not go to the village unless the gendarmerie demanded. We insisted. By the time the fire team came, most of the village had burnt down." In the report prepared by the Diyarbakır Fire Department about the incident, it was stated that the fire team had gone to the Kırılgaç Village upon being informed, and the fire had been put out, but the cause of the fire could not be revealed.

The Köklü Village of Van Gevaş was evacuated by security officers on 11 September. People living in the Köklü Village, which was composed of about 100 houses, migrated to Gevaş and Van. The villagers were being forced to "accept being village guards."

Soldiers, who raided the Zenge Village of Diyarbakır Lice on 21 September, burnt certain houses in the village. In the Zenge Village, 1 PKK militant died in a clash that broke out between the special team members and the PKK militants on 26 October. The soldiers, who raided the village upon the clash, beat certain people, and detained Nebi Deniz (55), Fetih Balta (64), Hüsnü Balta (68), Rena Balta (70) and Rukiye Balta (56). Of the detainees, Fetih Balta was seriously injured due to the beating. Fetih Balta had previously been detained and beaten.

During the operations carried out in the villages of the Divriği District of Sivas in October, 6 village headmen were detained on the accusations of "aiding the PKK and sheltering its members." Additionally, pressure in the region intensified. The names of the detained headmen and their villages are as follows: "Elvan Öztürk (Dumluca), Eşef Yalçın (Meli), Mustafa Güler (Yazı), Kamber Yılmaz (Höbe), Salih Yalçın (Çüküz) and Bilal Koç (Kürtbeyaz)." The pressure was protested in a statement made by the Divriği Culture Association.

The Zengen, Akçaköy and Kumdere villages of the Dargeçit District of Mardin were evacuated when the villagers did not accept becoming village guards. Of the 3 villages, which were evacuated in the last week of November, certain houses in Akçaköy were demolished, about 20 villagers, including headman İzzettin Duran, were detained. Most of the people living in the evacuated villages migrated to Dargeçit.

Villagers from the Çiftlikbahçe Village of the Hazro District of Diyarbakır, applied to the İHD Diyarbakır Branch on 14 December, stating that their village had been burnt down by the security officers. Recep Orak and Şirin Tekin, who submitted a petition to the İHD on behalf of the villagers, said, “Our village was being frequently raided. After the burning down of 70 houses in 1993, we had to empty the village completely. In September 1995, the village was entirely burnt down.” They demanded assistance from the İHD in order that their losses be met.

About 200 families living in the villages of the Yedisu District of Bingöl, had to migrate in December to Adana, Aydın, İzmir and İstanbul, due to pressure and the food embargo in the region. The names of the villages of the migrants are as follows: “Şen, Kabaoluk, Gelinpertek, Güzgülü, Döşengi, Yağmurlupınar, Kaşıklı, Ayanoğlu, Koşan, Kabayel, Yeşilgöl, Kaynarpınar, Eskibalta, Elmalı and Dinarbey.”

h)- Those who migrated

The incidents, pressure and inhuman practices, attacks and operations in districts, towns and villages in the State of Emergency Region afflicted hundreds of thousands of people. Villages, towns and districts were destroyed. Two to 3 million people had to leave the settlements where they had lived for years. Some of the immigrants went to provinces such as Diyarbakır, Van, Elazığ in the region while some others went to provinces in the West, such as İstanbul, İzmir, Mersin, Antalya and Adana. Shanty towns were established by tens of thousands of migrants in Diyarbakır, Van, Adana and Mersin. As a consequence of the migration, the population of Mersin which was 422,000 in the census in 1990, has reached 1,000,000, Tarsus, which was 177,000, has reached 350,000, Adana, which was 927,000 has become 2,000,000, Diyarbakır, which was 380,000 has reached 1,000,000, Gaziantep, which was 600,000 has reached 1,000,000, and Hakkari, which was 35,000 has reached 83,000.

Most of the migrants are living under unhealthy conditions, and economic and social problems caused by migration has grown with every passing day. However, very small numbers were disclosed in the official statements about the number of the migrants, and thus there was a cover up. In an official statement made in July, it was alleged that a total of 275,653 people, who had been living in the settlements evacuated in the period between 1990 and July 1995, had migrated to Adana, Mersin, İstanbul and Diyarbakır. In the statement, the number of abandoned houses was shown as 43,059.

In the report entitled “The GAP (the Southeastern Anatolia Project) Region Population Movements” prepared at the end of 1995 by the Ankara Middle East Technical University Faculty of Human Sciences Department of Sociology, the problem of migration, the cities where migration is significant and the places the migrants headed for were examined. In the report, it was stated that the villages of the cities in the State of Emergency Region came first among the places where people migrated from. Most of these migrants preferred to move to cities like Adana, İçel, İstanbul and İzmir. The report stressed it was “interesting” that Ankara was not quite popular among the migrants, and added the following:

“According to the table which displays the distribution of the cities where most migrants preferred to move, Gaziantep has the highest rate of mobility or migration (30.4 %) among the GAP cities. Then comes Adıyaman, Urfa, Diyarbakır and Mardin, respectively. Most of the migrants from Urfa (42 %), Mardin (25.9 %) and Diyarbakır (24.4 %) prefer to move to Adana-Mersin region. Then comes Gaziantep and Adıyaman with lower rates. Migrants to İzmir mostly originate from Diyarbakır (71.8 %) and Mardin ((25 %), whereas the ones to İstanbul migrate from Mardin (63.9 %) and Diyarbakır (25 %).”

While the report recorded that Adana and Mersin were the 2 cities to where most people from the East and Southeast preferred to migrate, it also said, “The most significant reason for this

is that Adana and Mersin are geographically close to the aforesaid region, and for about 50 years, seasonal workers have been employed in both cities. As cities known and recognized for seasonal works, Adana and Mersin are perceived as the best targets for permanent migration by the people of the region.” The report stated that during the research, the subjects were also questioned about their second and third preferences, and recorded that the emerging table too brought about the same results with the first preferences.

The report stressed that the external migration in Adıyaman and Urfa had relatively decreased between 1970 and 1980, that there had been a definite decrease in Urfa, and that despite this, there had been a very minor increase in the external migration in Gaziantep. Stating that during the season of construction, 50 % of the villages experienced seasonal migration, the report said, “Regarding agricultural labor, there is external migration from 61 % of the villages. This comes up to a total of 101 people from a single village on the average. In contrast, 32.3 % of the villages experience internal migration. This means, approximately 106 people from each village.” It was recorded that the number of people who had disclosed the destination they would like to migrate to had been 271. 185 among these preferred to migrate to a city within the borders of the GAP region, 59 preferred a western city outside the GAP borders, and others either preferred to go abroad or just stated that they would like to migrate, without pointing out a specific destination.

According to the “Humanitarian Development Index” prepared by the UN for Turkey in general, Tunceli came first among the cities from where people sought to migrate, with 135 %. Then followed by Kars (81 %), Erzurum (66 %), Gümüşhane (57 %), Sivas (56 %), Ağrı (55 %), Artvin (54 %), Muş (52 %), Bingöl (46 %) and Giresun (45 %), respectively. As for other cities to where most migrants preferred to migrate, they were determined as Kocaeli (63 %), İstanbul (56 %), İçel (54 %), Bursa (40 %), İzmir (39 %), Antalya (32 %), Eskişehir (16 %), Adana (16 %), Aydın (14 %) and Ankara (12 %), respectively. It was noted that the “length of life-time, average educational level” and “amount of personal income and the capability to buy” had been the human development criteria for the index which has been prepared each year starting from 1990.

In the report prepared as a result of the examination carried out by a delegation of the Association of Human Rights and Solidarity with the Oppressed People (Mazlum-Der) in the State of Emergency Region, and made public in November, it was stated that the reasons for migration experienced in the region were the current warfare and the lack of security. Recalling that until quite recently, migration to big cities due to financial reasons had persisted in the region, the report said, “Now the people of the region are faced with an enforced migration. The people, against their will, are either thrown out of their houses and land by force, or they are made to prefer migration against all odds with the hope of survival.” The report recorded that the security officers had evacuated nearly 3,000 villages in 3 years on the grounds that “they had aided the PKK,” or “it was impossible to protect certain villages,” and the PKK had exerted pressure on the “village-guard villages” and the villages which refused to provide aid and shelter for the organization. It added the following:

“Frequent murders by unknown assailants and attacks, and human rights violations like torture and extra-judicial executions committed by security officers, have created a significant psychological pressure on the people. Lack of life security, clashes and counter-guerrilla attacks have all provided the basis for migration. The implementation of food embargoes in certain cities and districts, first and foremost Tunceli and Hakkari, on the grounds that all the extra food would go to the PKK, has negatively affected the living standards, violated their right to have a humane life, and for this reason, many families have migrated. Because of the evacuation of the villages, certain crops have not been planted, leading to a food problem, and prices of these particular

products increased significantly. The social and economic rights of the people in the region have been severely violated. All of these give birth to migration.”

The report stated that the sources of living in the region were agriculture and animal husbandry, but these sources had almost disappeared due to the evacuation of the villages, burning down of the fields, and lack of security of life. It also noted that the warfare and lack of facilities had created psychological problems, and those who could not bear these problems had migrated. The report stressed that enforced migration had very important outcomes such as unemployment, health and education problems, social inequilibrium, racism, moral problems, an increase in clashes through the cities, and malurbanization. Kurdish people, who had to migrate to bigger cities, occasionally faced pressure and threats by security officers or unknown people. For example, in a statement made by the Tüm Sağlık Sen Adana Branch on 28 January, it was stated that the police had put pressure on the Kurdish quarters in Adana, and that the number of those who had to migrate to bigger cities was quite high which was impossible to disregard, and added, “These people, who constitute a never-ending threat within the system, is attempted to be kept under strict control. Recent pressure on and attacks against the Kurdish quarters are the outcome of this policy. House raids, detention of people at streets and cafeterias, fires launched at cafeterias, extra-judicial executions have become ordinary incidents witnessed every day frequently.”

Making a statement on 14 May, İHD Adana Branch Chairperson Metin Çelik stated that there was an increase in the number of detentions and torture cases in Adana. Indicating that the police disregarded individual rights and freedoms on the pretext of “operation,” Metin Çelik said: “Arbitrary detentions in Adana have intensified recently. Particularly those living in the Dağlıoğlu and Karasu quarters are continuously disturbed by plainclothes police officers. During the house raids, furniture in the houses are destroyed. They enter the houses by breaking their doors. Money found in the houses are seized. Those who want to file official complaints with prosecution offices are stalled. Right of lodging official petition is sabotaged. Depending on the increase in detention cases, claims on torture have also increased.”

An interview with Yahya Munis, Chairperson of the Association of Migrants to Mersin, which was published in September in the periodical of the Mazlum-Der, displayed the difficulties experienced by the people who migrated to western cities. This interview is as follows:

Q: *It seems that the migration experienced in the Southeast has caused the establishment of an association in Mersin. Would you please tell us about the situation in Mersin faced with the ever-increasing migration?*

“Migration to Mersin is not something new. Ninety percent of the population already consist of migrants and at least 60 percent of them are Kurds. However, after 1990, the migration significantly accelerated. And this still goes on. There are 3 reasons for migration. First, they migrate to acquire more fortune, more money and more assets. Second, they migrate during particular seasons. This might be for the aims of traveling or to make a living. The third, and the most important from the point of human rights is the enforced migration. You rest a gun on man’s neck, and force him to abandon his home. He involuntarily has to migrate, leaving his home, garden, stocks and everything behind. This is the incident experienced in Mersin today. People have experienced compulsory migration.”

Q: *How many people have migrated to Mersin in the last few years? Has the settlement problem of these people been solved?*

“The board at the entrance of Mersin reads that the population is 420,000. In reality, this number is 800,000. This increase has taken place during the last two or three years. In today’s Mersin, 30 people live in a single house, and some have to live in tents. No food, no job, no home,

no security. The Sıtel, Güneydoğu, Yenipazar, Çay quarters are all like Eastern Turkey. Eastern Mersin is like Hakkari, Uludere, Şemdinli, Cizre. The highway divides the city into 2. The western part is like İzmir and İstanbul. The person that migrates from Hakkari, from Şırnak finds Hakkari and Şırnak once again in Mersin. As this is the case, he rightly thinks that the real problem stems from being Kurdish, not the backwardness of Hakkari.”

Q: How does the State regard the migrants?

“The State always considers them to be potential criminals. Not even step-sons, they are treated as enemies. The Mayor never pays a visit to the migrants. Nor does the Governor, the Deputy or the Minister. Who does? The police. These people have already run away from the police. What good does the police make? They need food, jobs, security, psychological support, development. What does the State do? It sets up brothels. They might say that the migration takes place for security reasons. So expropriate my house. Give me compensation. Build houses, give me a job. If you want me to return back, then maintain my security. You are not doing any of these things. Then why do you keep on burning, destroying and evacuating?”

Q: It is understood that the migrants do have quite a lot of problems. And you have established an association to overcome these problems. What are your activities?

“We have formed a polyclinic within the association. We aim to deal with the health problems of poor people. Every day, we examine hundreds of people free of charge, and provide them with free medicine within our limits. At present, the polyclinic has 3 doctors. We are also setting up a law office. We have set up a Public Relations Secretariat. We aim to help people in their dealings with the bureaucracy, and especially uniting with the public, determining their problems and helping them. By forming a Workers’ Commission, we have targeted bringing together especially the unorganized workers, who are not trade union members and who do not have any means of social security, and solving their problems. Our efforts have proven to be successful. In the West, a person works for 8 hours and gets TL 400-500,000. Here, a worker works for 16 hours under all sorts of weather conditions, and gets TL 150,000. They do not have trade unions. We decided to deal with this problem. We set up contacts with the Governorate. We went to the Employment Agency. We visited the Provincial Agricultural Directorate. With our efforts, the daily allowance of the worker increased up to TL 390,000. And we also made it final that no one could be employed without the required documents.”

i)- Attacks against civilians

Armed attacks and bombings directed against civilians and defenseless people, which is an important aspect of the human rights problems in Turkey, also prevailed all throughout the year 1995. The number of the people killed in attacks decreased considerably, particularly in the State of Emergency Region, in comparison to last year. Villages and hamlets acknowledged to be supporting the state, houses and families of village guards, settlements in which people who refused to be village guards live, popular tourist resorts and destinations, central places of big cities, political party buildings and mass transportation vehicles were frequently the targets. Bombs were left in streets, shopping centers, buses, cinemas and restaurants in many cities, particularly in İstanbul, İzmir and Adana.

In 48 attacks (*) carried out all over Turkey, 112 people, 29 of whom were children, died (in the attacks against civilians a total of 189 people, 34 of whom were children, died in

(*) Hundreds of armed and bomb attacks carried out against bank branches, public buildings and facilities, firms, factories, shops, houses, private or official vehicles, and political party buildings when there was nobody in the areas (mostly at night) were excluded.

1992, 406 people, 107 of whom were children, died in 1993, and 192 people, 37 of whom were children, died in 1994) and at least **215** people were wounded. **23** of those attacks were carried out in the State of Emergency Region and Hatay while **25** of them were in the cities in the western or southern parts of the country.

During the attacks in the State of Emergency Region and Hatay, **94** people died, **28** of whom were children, and **90** people were wounded. **15** of these attacks were carried out by PKK militants. In attacks carried out by PKK militants, **79** people died, **20** of whom were children, and **42** people were wounded. It could not be determined by whom and why **7** attacks were carried out. In the unsolved attacks, **10** people, including **4** children, died and **48** people were wounded. There was common belief that those attacks were carried out by shad-owy groups known as the “counter-guerrillas.” One attack, in which **5** people died, **4** of whom were children, was carried out for revenge.

In the attacks in the big cities and against popular tourist resorts and destinations, **18** people died, and **125** people were wounded. **6** of these attacks (in which **11** people died and **73** were wounded) were carried out by PKK militants, **8** of them (in which **4** people died and **25** were wounded) by the radical Islamic İBDA-C organization and **3** of them (in which **4** people were wounded) by other organizations. It could not be determined by whom the re-maining **8** (in which **3** people died and **23** were wounded) attacks were carried out.

Organization	No. of attacks	Death toll	Children	Wounded
PKK	21	90	21	115
İBDA-C	8	4	-	25
For revenge	1	5	4	-
TİKKO-MLKP	2	-	-	3
TÜŞKO	1	-	-	1
Unsolved	15	13	4	71
TOTAL	48	112	29	215

Although the number of the attacks against civilian targets (especially those launched by the PKK militants) decreased to a great extent in comparison to the ones in previous years, they still occurred. Hatred in society caused by the attacks against defenseless people and civilian targets, continued. Human rights activists faced unjust and baseless accusations because of these attacks. The attacks increased enmity against Kurdish people in western settlements.

In the meantime, prosecution of Ömer Yıldırım and Adalet Aktepe, (*) who had been involved in an attack carried out against a bus from Ankara to İstanbul around the Hereke District of Kocaeli on the night of 30 December 1994, started at the İstanbul SSC on 22 May. In the hearing, the death penalty was sought for Ömer Yıldırım and Adalet Aktepe under Article 125 of the Turkish Penal Code on charges of carrying out an armed attack on behalf of the PKK. Ömer Yıldırım who was cross-examined in the hearing, stated that he had been involved in the attack against the bus, he had been kept for 34 days under police custody after

(*) In the armed attack carried out against a bus from Ankara to İstanbul around the Hereke District of Kocaeli on the night of 30 December 1994, high school student Başak Kanat (17) and second lieutenant Neşet Alper had died and 25 people had been wounded.

being caught, and he had been tortured and raped with a truncheon during this period. Ömer Yıldırım, who stated that he had no relation with the PKK, said the following:

“We acted with the sense of revenge that we felt against the savageness exercised on Kurds. We would get the revenge of these incidents on high level administrators. I went to Ankara together with Adalet Aktepe and Mahmut Ulucan [still wanted]. As soon as we got off the bus, we saw that high-rank special team members were getting on a bus belonging to Ulusoy firm. We first thought we would punish them. However, there were no seats left on the bus. Thereupon, we got on another bus scheduled to leave 15 minutes prior to the other bus. According to our plan, we would stop the bus and conduct an ID check. We would put National Intelligence Organization officers, special team members and police aside. We would use the bus that we got on, as a barricade to stop the bus belonging to Ulusoy. Adalet stopped the bus. When the driver resisted, I intervened. Three of us tumbled out of the bus. At that time, we heard gun shots and an explosion. I beg pardon from those who were wounded in the incident; they had not deserved it, and I share the grief of the relatives of those who died.”

Indicating that her husband was a PKK militant, but that she had no relation with the PKK, Adalet Aktepe said she had been tortured and experienced sexual abuse in detention. Admitting that she was involved in the attack against the bus, Adalet Aktepe said: “I was trying to restrain the driver. However, when the driver resisted, things just didn’t happen the way we planned.” In the hearing held on 25 December, passengers who had been in the bus during the incident, identified Ömer Yıldırım and Adalet Aktepe. The witnesses, who stated that the bus had been stopped by force, said, “After stopping the bus, Ömer Yıldırım and Adalet Aktepe called their friend sitting at the back. Then they started to fire at the passengers.”

A trial was launched at the İstanbul SSC against 15 people, 13 of whom were arrested, on the accusations of carrying out numerous actions, including the bombing in which journalist Onat Kutlar and archaeologist Yasemin Cebenoyan had died. (*) The indictment requested the death penalty for defendants Deniz Demir and Hicran Kaçmaz, accused of carrying out 16 separate bombings. They were charged with “being a member of a separatist organization established in order to divide the unity of the state and take some of the land under its sovereignty, carrying out bomb attacks in the name of this organization, and murdering.” The indictment requested a sentence up to 30 years in prison for Hamit Şen on charges of “being a member of an illegal organization and producing bombs,” and sentences from 15 years to 22 years 6 months for the remaining defendants, Abdullah Yunus, Zeydin Güleç, Abdullah Çolak and Ömer Filizer on charges of “being members of an illegal organization,” sentences from 4 years 6 months to 7 years 6 months for Nimet Kaçmaz, Sait Aytemiz, Abdulkadir Er, Mehmet Şahaltan, Abdulrezzak Aydın, Ramazan Gülle, Mehmet Ali Güneş and Abdulhaluk Yunus on charges of “aiding an illegal organization and sheltering its members.”

Arrested defendants Hamit Şen, Abdullah Yunus, Zeydin Güleç, Abdullah Çolak, Sait Aytemiz, Ömer Filizer, Nimet Kaçmaz, Abdulrezzak Aydın, Mehmet Şahaltan, Abdulkadir Er

(*) A bomb left in a coat in the cloakroom of the Opera Pastry Shop in İstanbul Taksim Square by an unknown person, exploded on 30 December 1994. In the explosion, a woman named Yasemin Cebenoyan died. Onat Kutlar, a writer for the newspaper Cumhuriyet was severely wounded. Onat Kutlar died on 11 January 1995 at the hospital where he was under treatment. It was reported that the attack had been carried out by İBDA-C militants. However, it was disclosed by the İstanbul Security Directorate in April 1995 that PKK militants who had left the bomb in the pastry shop had been apprehended. As a result of this, news stories arguing that the statement was not true and insisting that the attack had been carried out by İBDA-C militants were published in some journals having an editorial policy in the same direction as the ideas of the İBDA-C.

and Ramazan Gülle, and defendants prosecuted without arrest Mehmet Ali Güneş and Abdulhaluk Yunus attended the first hearing of the trial that started at the İstanbul SSC on 11 August. But arrested defendants Deniz Demir and Hicran Kaçmaz, who became repentants, were not brought. Defendants, who were cross-examined in the hearing, rejected the accusations and their testimonies taken at the security directorate. They said that Deniz Demir and Hicran Kaçmaz had accused them in order to benefit from the Repentance Law. Their lawyers stated that there was not a single bit of evidence in the case file that proved that the defendants were guilty, and said that the indictment had been prepared based on the testimonies taken forcibly by the police. Ahmet Akkuş, one of the defense lawyers, recorded that the trial had attracted the attention of the media due to the killing of an intellectual such as Onat Kutlar, and continued, “As it may be known, the İBDA-C had claimed responsibility for the killing of Onat Kutlar. The defendants are before you, just because of the statements of 2 repentants to rescue themselves.” In the hearing, Nimet Kaçmaz, Abdulkadir Er and Mehmet Şahaltan were released. No one else was involved in the case released until mid-1996.

The sample cases compiled by the HRFT related to attacks against civilians, defenseless people, settlements and tourist attractions are as follows:

State of Emergency Region

PKK militants raided the Hamzalı Village of the Kulp District of Diyarbakır on 1 January at about 04.00 p.m., and killed 19 people, including 7 children, 8 women and 2 village guards. During the raid, 5 houses belonging to village guards were completely destroyed and 6 people, 3 of whom are women, 2 are children and one is village guard, were wounded. In the clash which broke out during the raid, one PKK militant was killed. The names of those killed are as follows: “Aysel Aslan (16), Hanife Aslan (13), Mesut Aslan (9), Talip Can (19), Aynur Çiçek (10), Mehmet Barut (17), Abdurrahman Çedin (61), Neriman Çedin (66), Selve Tanrıverdi (56), Aysel Barut (12), Tayyip Barut (60), Emine Can (46), Sabiha Can (11), Seher Tanrıverdi (24), Sakine Tanrıverdi (20), Zeynep Deniz (22), Laika Deniz (16), Reyhan Neşe and Latife Neşe (13).” Village guard Halil Can, who lost 3 of his relatives during the raid, stated that they had been forced to become village guards 20 days before the incident and said: “We expected that we would face such an incident after being equipped with arms. Where is the state that was supposed to protect us?” A clash broke out between village guards and PKK militants, who raided the Hamzalı Village for the second time in March. In the clash, 3 village guards and 6 PKK militants died, 6 village guards were wounded and houses in the village were damaged. In a clash that broke out near the village on 13 September, 4 security officers and more than 10 PKK militants died, 13 security officers were wounded.

The PKK militants, who raided the Narlıca Village of the Kulp District of Diyarbakır on the night of 12 January, killed 8 people, 2 of whom were children, one woman and 3 village guards. In the raid, 6 people, 2 of whom were women and 4 children, were wounded.

PKK militants carried out a raid against the Bağlıca Village of the Gercüş District of Batman on 18 January. Two children, İlhan Başaran (10) and Muhiyettin Durmaz (8), died and a child named Murat Başaran (8) was wounded when a rocket launched by the PKK militants hit a house.

Unknown people threw a bomb into a house in the Karşıyaka Quarter of Batman early in the morning on 25 February. As a result of the explosion of the bomb, 3 women named Sabahat İzmir, Ayşe Şahin and Aliye Narin were severely wounded.

During a football game played in the Diyarbakır Stadium on 5 March, a bomb was thrown onto the seats by unknown people. As a result of the explosion of the bomb, 2 people

named Halil İbrahim İpek and Ramazan Sayın were slightly wounded. Nobody claimed responsibility for the attack.

As a result of the explosion of a bomb placed at the Van 100. Yıl University by unknown people on 21 April, the room of Assoc. Prof. Dr. Hüseyin Çelik, a lecturer at the Faculty of Science and Literature, was badly damaged. As personnel were on their lunch break during the explosion, nobody was killed or wounded. It was revealed that the assailants had tried to place the bomb in the room of Hüseyin Çelik, but left it in the corridor as they failed to open the door. Nobody claimed responsibility for the attack.

A bomb left by unknown people in a dustbin on the entrance of the PTT building located on the Batman Atatürk Boulevard, blasted at about 5.00 p.m. on 23 May. In consequence of the explosion, 4 people named Şerif Geyik (36), Seyfettin Ant (24), Yusuf Altan and Şirin Oktan (35) were wounded and the building was damaged. Nobody claimed responsibility for the attack.

One of 3 bombs left at a minibus station where the minibuses going to surrounding villages stop on the 28th Street in the Hürriyet Quarter of Batman, exploded at about 05.40 p.m. on 25 May. In the explosion, 4 children, Mehmet Emin Olcay, Halil Geyik, Abdurrahman Aktaş and Mehmet Emin Ergin, and 4 people, Şeyho Kurtulmuş (teacher-24), Hüseyin Olcay, Medeni Işıklı and Hasan Şimşek died. In the explosion, 20 people were wounded, 5 of whom severely, and 3 minibuses and one car were destroyed. The names of some of the wounded are as follows: "Seyfettin Tufan, Hüseyin Ergün (9), Şeyhmus Ergün (7), Ramazan Adlak, Hüsnü Yılmaz, Hayriye Kayra, Emin Tutaş, Hasan Yakut, Nurullah Polat and İbrahim Yakut." The other 2 bombs left in the minibus station were defused by bomb defusing experts. Nobody claimed responsibility for the bomb attack. However, the then-State of Emergency Regional Governor Ünal Erkan asserted that the bomb had been placed by PKK militants.

A bomb placed by unknown people in the car of Hamit Aslan, the son of Mehmet Aslan who is the Chairperson of the Welfare Party Bismil (Diyarbakır) District Organization, exploded at the morning on 25 May. The bomb which exploded around the Işıklar Village of Bismil while the car was being driven, caused Hamit Aslan to be severely wounded.

Six armed people, who raided the Özdemir Village of Iğdır on the night of 25 May, opened fire at the house of Mehmet Aras who was in the Erzurum E Type Prison under prosecution in a trial of alleged PKK militants. In the attack, Mehmet Aras's wife Songül Aras (35) and children Ferdi (3), Cüneyt (5), Ergül (8) and Pınar (12) were killed. Iğdır Governor Şemsettin Uzun stated that the attack had not been carried out by PKK militants: "We think that the attack was carried out by the relatives of youths who were introduced to the PKK by Mehmet Aras." The sources in the region indicated that those living in the Özdemir Village were forced to be village guards for a while and claimed that the attack had been carried by counter-guerrilla. In the Özdemir Village, Democracy Party executives Faik Kızılay and Hüseyin Öden were killed by unknown people on 1 February 1994. Two of the assailants who carried out the raid against the Özdemir Village were captured in June. The assailants, named Aziz Varkan and Nadir Şenol, stated that they had no relations with the PKK, and that they had carried out the attack to take revenge on the PKK. Aziz Varkan, in his testimony at the Security Directorate, said: "PKK members killed my uncle Cihangir and her daughter Sabiha in 1991. They killed my brother Tacettin and Üzeyir, the uncle of other defendant Nadir Şenol, in 1993. I was burning to take revenge on the PKK for years. We established an execution team with Nadir. Resul Atak helped us. On the day of the incident, we went to the house of PKK member Mehmet Aras. I convinced his wife, and she opened the door. Then we shot and killed the

people in the house. We passed off the incident as a PKK attack. Had we not been caught, we would kill all militia of the PKK and their families.”

Unknown people carried out an armed attack against the Diyarbakır Brothel at about 10.00 p.m. on 28 June. In the attack, 11 people, including US citizen David Henry Pirre, police officers Erdal Al and Hüseyin Özkara, and non-commissioned officer Burak Şentürk were wounded. Nobody claimed responsibility for the attack.

A group of PKK militants raided the Atabilen Hamlet of the Akdoğu Village of Van Gürpınar on the night of 23 July. In the fire opened by the PKK militants, 12 people, 2 of whom were village guards, 2 children and 6 women, died and 13 people, most of whom are village guards, were wounded. In the attack, 4 of the houses in the hamlet were burnt down and destroyed. The names of those killed in the attack are as follows: “Cemil Şapkacı (village guard-26), Dırbaz Kalkan (village guard-55), Bilgehan Şapkacı (1), Selim Şapkacı (10), Kaya Şapkacı (23), Zehra Şapkacı (20), Hazal Şapkacı (21), Neriman Kılıç (24), Zübeyde Kılıç (30), Telli Şapkacı (32), Besra Şapkacı (26) and Sürme Şapkacı (25).” In a clash which broke out in the Hakantepe and Taşlıtepe regions in the vicinity of the Çukurca District of Hakkari on 23 July, 2 security officers lost their lives and one security officer was wounded.

As a result of the explosion of a hand grenade thrown by PKK militants into a coffee house in the Bismil District of Diyarbakır on the night of 5 August, Sinan Akın and Vedat Aslan were severely wounded.

As a result of the fire opened at a bus on its way from Diyarbakır to Elazığ at about 08.00 p.m. on 16 August in the Değirmendere region around the Maden District, 2 people were killed and 9 people were wounded. The bus reportedly belonged to the firm “Öz Diyar-bakır Seyahat” and another bus of the same firm was also attacked in the same region in July. It could not be determined if the attack had a political motivation or not. Sources in the region asserted that commercial competition might have caused the attack.

A group of PKK militants raided the Göçebulak Hamlet of the Sonkaya Village of the Doğubeyazıt District of Ağrı on the night of 12 September. In the gunfire opened by the militants, one shepherd, one woman and two children were killed. In addition, 2 of the houses in the hamlet and one barn were burnt down by the militants.

A clash arose between village guards and PKK militants, who raided the Sırmalı Village of the Çatak District of Van on the night of 9 October. When a missile hit a house belonging to village guard Osman Şeylan during the clash, a woman named Süheyla Şeylan (25) and her child Fatma Şeylan (4 months old), who were in the house, died. In the clash, 3 people, one of whom was a village guard, were wounded.

Unknown people, who raided a house in the Yedipınar Village of Muş on 24 October evening, executed the house owner Ercan Aydemir (32), his wife Kezban Aydemir (31), and their daughter by shooting them. Nobody claimed responsibility for the attack.

Attacks in Hatay

Starting from March 1995, PKK militants began to carry out attacks in certain regions of Hatay. The attacks occasionally targeted settlements and defenseless-unarmed people. As a result of the attacks that intensified in the Dörtyol, Erzin and Hassa districts of Hatay, 32 people died, at least 10 people were wounded.

The incidents in Hatay led the implementation of the village guard system in this city. Residents of certain villages in the region were forced to become village guards, or forcibly assigned as village guards. Additionally, certain statements were made, indicating that Hatay

would be included in the State of Emergency legislation. In a statement made by the Hatay Governorate on 7 July, it was disclosed that the practicing of the village guard system was started at 21 villages and hamlets on the side of Mount Amanos, in which or near which there was not any security unit. In the statement, it was asserted that the implementation was on a “voluntary” basis, that the news stories stating that “the people had been forced to become village guards” were not true, and that it was not considered to include Hatay within the State of Emergency legislation.

PKK militants, who raided the Ahmetçik Düzü Plateau in the vicinity of the Dörtüol District of Hatay at about 06.00 p.m. on 5 April, executed 7 people, Niyazi Yılmaz (18), Ali Kozan (59), Ahmet Yılmaz (56), Osman Kaya (44), Hüseyin Polat (25), Mehmet Polat (18) and Mehmet Kızıl (65) by shooting them. In the incident, a person named Mustafa Şimşek (55) was severely wounded. Mustafa Şimşek said the following at the hospital: “We were a total of 8 people. We were grazing our animals. Armed people who suddenly came near us, took us to a cave. They were wearing military clothes, but from their attitude it was obvious that they were terrorists. After saying ‘We have many casualties in Northern Iraq. We will take absolutely revenge of this,’ they showered us with bullets. By pretending to be killed, I saved myself.” Sources in the region stated that the victims were known as MHP adherents.

PKK militants raided a house in the Değirmendere Village of the İskenderun District of Hatay on 15 May, and executed by shooting Bostan Demirkıran and his son Bestami Demirkıran. Eight PKK militants raided the Karafakılılar Village of İskenderun at about 08.00 p.m. on 22 May, and executed Celal Durak and 2 of his relatives by shooting them. In the incident, 2 people were wounded.

As a result of the fire opened by unknown people at a group of people having a picnic in the Şahintepesi region of the Erzin District of Hatay on 28 May, a person named Volkan Özdemir (24) lost his life and another person named Kasım Güzel was wounded.

PKK militants, who raided the Kuyuluk Village of the Erzin District of Hatay on the evening of 24 June, executed Abdullah Yanar, Siyabey Yanar and Ali Küpeli by shooting them. In the raid, another person named Ahmet Küpeli was wounded. As a result of counter-fire launched during the attack, a PKK militant named Abdurrahman Kapalıgöz (39), registered at the Erüh District of Siirt, was killed.

On 4 August night, 8 people, 4 of whom were children, died in the fire opened against houses owned by village guards in the Gazeluşağı Village of the Akbez Town of the Hassa District of Hatay by PKK militants who raided the village. The names of those killed are as follows: “Mustafa Cık (45), Fadime Cık (44), Seher Cık (14), Meryem Cık (13), Özlem Cık (8), Mustafa Cık, Halil Diken (60) and Adile Gülle (45).” In the attack, 2 children named Funda Cık (8) and Abdurrahman Gülle (11), and 2 people named Mustafa Topçu (36) and Semiha Cık (18) were wounded. It was revealed that during the raid against the Gazeluşağı Village, a military unit of 30 soldiers and a group of village guards, who were located on a hill quite near the spot, did not intervene in the incident upon instructions by a lieutenant, the commander of the military unit. The incident were brought to the attention of the public upon the complaint of the villagers. Upon the complaints, the lieutenant, whose name was not revealed, was suspended from duty and a trial was launched against him at the military court. Minister of Interior Affairs Nahit Menteşe, who went to the Gazeluşağı Village on 19 August, went with the people who lost their relatives during the incident. Kani Gülle, who had lost his wife Adile Gülle during the raid, said the following while narrating the incident to Nahit Menteşe: “We are not accusing the army, but the lieutenant who was heading the military unit on that night when our village was raided. He did not let soldiers and village guards fire a single bullet. He said to the village guards that if they launched fire, they would be killed instead. During the incident, a

village guard, who was at another place, fired. Upon this the assailants run away.” In the statement he made, Nahit Menteşe said the following: “Unfortunately, the accusations are true. The officer did not order the soldiers to fire. The officer is a person who had a successful career in the Southeast. Had he ordered them to fire, probably this massacre would not have taken place, or casualties would have been much less, or the terrorists would have been captured dead or alive. However, this had not been done. There is no excuse. The lieutenant was immediately suspended from duty and whatever necessary was done against him.”

Eight mine workers were shot dead by a group of about 15 PKK militants who raided a mine in the vicinity of the Seldiren Village of the Samandağ District of Hatay on the night of 5 September. One worker, Ahmet Polat, escaped the attack severely wounded. The names of the murdered workers are as follows: “Halil Ceren, Alaaddin Gören, Mustafa Yurtseven, Mustafa Kaygısız, Mithat Yılmaz, Orhan Kahraman, Yaşar Adam and Veysel Yıldız.” In a statement concerning the attack, the Hatay Governorate said that the mine had been raided by PKK militants who tried to procure food. It was notable that the attack was carried out just one day after a total of 85 village guards started duty in certain villages of Samandağ, which was known as a region where the PKK has no activities. In the statement made by the PKK after the attack, it was asserted that the 8 people killed were MHP members. In the statement, it was asserted that the miners had first been taken captive, but one of them had escaped and informed security officers, and 12 people, including soldiers and police officers, had died as a result of the clash that broke out consequently. Ahmet Polat, who escaped the attack wounded, said the following at the hospital: “We lived 20 hours with the terrorists. They behaved well at first. They sat and had meal with us. Then they wanted food from us. However, there were not enough food at the mine. As a result of this, they sent 2 of our friends to town with the truck that was used to bring food at the mine, and demanded them to buy food. I didn’t see, but they had given DM 2,700 to these 2 people. Then we started waiting. They put a watchman on the road to the mine. Then, gun shots were heard from outside. I was just by the door. Hearing the gun shots, they began to fire at us. They were in a panic. For that reason, they did not check if we were dead or alive.”

Big cities

Fire was opened by unknown people at a coffee house on the Çukurova Street in the 19 Mayıs Quarter of Adana at about 03.00 p.m. on 12 January. In the attack, a person named Bahattin Oğuz (30) died and 6 people were wounded. The names of the those wounded are as follows: “Reşit Özdemir (39), Hadi Ziyaneke (39), Salih Şimşek (42), Ramazan Gülbahan (31), Zeki Kaçmaz (30) and Salih Özden (32).” A person named Salih Kavak, who was in the coffee house during the attack, said the following: “Two people came to the coffee house. One of them took out his gun and began to wait at the door. The short and curly-haired one started to fire at random with a gun. They shouted ‘lay down’ at that moment. I was in a panic. Those who kept standing up were shot.” Bahattin Oğuz, who was killed in the incident, was reportedly a member of the Democracy Party (DEP), but he had had no relation with another political party after the closure of the DEP. Nobody claimed responsibility for the attack.

A bomb left by unknown people in a shopping mall in the Bakırköy District of İstanbul, exploded at about 04.00 p.m. on 12 February. As a result of the explosion, a woman, Semra Akyıldırım, was slightly wounded, the mall was damaged and windows of the surrounding buildings were broken. The attack was reportedly carried out by PKK militants.

Unknown people threw a bomb into a bank branch in Harbiye Quarter, İstanbul on the evening of 18 March. As a result of the explosion of the bomb, 3 passers-by, Nurhan Bal, Vreş Sucu and Harman Polat were wounded. Nobody claimed responsibility for the attack.

A bomb left in the vicinity of the Hacібayram Police Station in Adana, exploded at about 10.30 a.m. on 20 March, and as a result, a person named Hüseyn Çapartaş (41) was wounded. In consequence of the explosion of another bomb left in Yalçın Bookstore located behind the Adana Governorate building, at the same hour, caused damage. Nobody claimed responsibility for the attacks.

In consequence of fire opened by unknown people at a coffee house in the Denizkuyu Village of the Yüreğir District of Adana at about 11.30 p.m. on 31 March, Ercan Agver (31) died. In the attack, Kaya Tufan (29), Harun Tülek and Hüseyn İzci (29) were wounded. Nobody claimed responsibility for the attack.

A bomb placed in a car left in a parking lot in İstanbul Karaköy exploded at about 09.30 a.m. on 11 April. The explosion caused no casualties, but some of the vehicles in the parking lot were damaged. The Marxist Leninist Communist Party-Liberation (MLKP-K) claimed responsibility for the attack.

A car which was loaded with bombs and then left by unknown people in the İstanbul Sultanahmet Square exploded after being taken by a trailer to a parking lot in Sarayburnu. In the incident, which occurred at about 12.30 p.m. on 21 April, Ayhan Manga (34), the driver of the trailer, lost his life and numerous vehicles in the parking lot were damaged. The PKK claimed responsibility for the attack.

A bomb left by unknown people in a cafeteria located in the Yenikapı Quarter of İstanbul, exploded at 09.15 p.m. on 24 April. As a result of the explosion, a woman named Zeynep Aksoy (40) and a Romanian citizen were wounded. A person who called the newspapers after the explosion said that “the bomb attack had been carried out by the PKK.”

A group of PKK adherent youth held an unauthorized demonstration in the Cennet Quarter of İstanbul Küçükçekmece at noon on 4 May. Molotov cocktails, which were thrown by the youths, caused fire to a boutique. In the incident, 3 young girls named Huriye Küçüktepe (19), Ebru Yayla (17) and Nükhet Çoban (14) suffocated to death from smoke inhalation while 2 women named Meryem Gölge and Aysel Baytar were wounded. Ali Garzan, the European Representative of the Kurdistan National Liberation Front (ERNK), said that they had no connections to the incident, and somebody else had carried out the attack in order to put the blame on ERNK. Ercan Kanar, the Vice Chairperson of the İHD, reproached the attack and assessed the incident as a dreadful abuse of human rights. Ercan Kanar said the following: “In our geography where fundamental rights and freedoms have not improved and there is no tradition of democracy, every kind of abuse, particularly state-originated abuses, are continuing at an accelerating pace. We think that the attack, regardless of assailants and the reason, has threatened the right to life and life security and it is impossible to be approved. As human rights activists, we once more stress that we condemn such kinds of acts which are in contravention of humanitarian laws.” In connection with the attack, a trial was launched with the request of the death penalty against 4 students, 3 of whom were under arrest and against whom an arrest warrant in absentia was issued. In the hearing held at the İstanbul SSC on 4 November, Murat Kıt, Sinan Aslan and Serdar Yıldız were cross-examined. The defendants rejected the accusations and stated that they had no connections to the incident. Additionally, Serdar Yıldız disclosed that he was with his family in Mardin on the day of the incident.

A bomb placed in a car left in front of the building where İstanbul Küçükçekmece district centers of the CHP, the DYP and the MHP are located, exploded at about 01.15 p.m. on 24 May. In the explosion, 3 people named Zihni Şenel (37), İbrahim Hacıođlu and Kadir Gül were wounded, and great damage took place in the building and its surroundings. The attack was reportedly carried out by TIKKO militants.”

Prof. Dr. Yuda Yorum, the Head of the Chemistry Department of Science Faculty of Ankara Hacettepe University, was wounded in consequence of an explosion of the bomb placed in his car on the morning of 7 June. In the incident which occurred on the Çankaya Kuloğlu Street, 4 cars were destroyed, and some buildings were damaged. Yuda Yorum who is also the head of the Jewish community in Ankara, was receiving threatening letters signed by "Nationalist Youth," for a long time. An unknown person, calling the newspapers after the explosion, stated that the attack had been carried out by "The Nationalist Sheria Adherent Commando Army of Turkey" (TÜŞKO).

An explosion took place when the garbage in the garden of a house on the Geçici Güneş Street of İstanbul Mecidiyeköy was being burnt on 2 July. In the explosion, Murat and Nimet Aydemir and their child Ali Aydemir (8) and relatives Aydın Aydemir and Kamile Akyol were wounded. The police authorities disclosed that a Molotov cocktail placed in the garbage had caused the explosion. It could not be learned by whom and for what purpose the Molotov cocktail had been placed in the garden.

A bomb left by unknown people in the toilet of a cinema located on the İnönü Street in Malatya exploded at about 01.00 p.m. on 9 July. As a result of the explosion, a youth named Abdullah Köse (18) died. It was reported that generally foreign pornographic movies were shown in the bombed cinema. Nobody claimed responsibility for the bombing.

A bomb placed under a bus belonging to Romanian tourists, which was parked in a parking lot in İstanbul Yenikapı exploded at about 04.15 p.m. on 2 August. In the explosion, nobody died or was wounded, but the bus was damaged. An unknown person who called newspapers after the incident, stated that "the İBDA-C organization had carried out the attack to protest the Romanian women who were involved in prostitution."

Bombs placed in 5 different places in İstanbul exploded one after another on the night of 27 August, and in the explosions 2 people were killed and 40 people were wounded. A bomb left in a garbage bin around the Ağa Mosque on the İstiklal Street exploded at about 09.15 p.m. One minute after this explosion, another bomb left in a garbage bin 100 meters from the former exploded. In the two explosions, Ferhat Kaya (24) and a Jordanian woman, Abir Süfyan (25), died and 32 people, 5 of whom were foreigners, were wounded. A bomb left in a restaurant serving alcoholic drinks on the Azimkar Street in Aksaray Laleli exploded at about 09.30 p.m., and as a result 6 Romanian citizens and 2 waiters were wounded. At the same hour, another bomb exploded in the Beykoz District Center of the DSP. In the explosion nobody died or was wounded, but the building and its surroundings were damaged. The 5th explosion happened in Tuzla. A time bomb which was left around the Tuzla Infantry School exploded at about 02.00 a.m. The explosion caused damage but no casualties. The PKK claimed responsibility for the explosions on the İstiklal Street and in Aksaray. A person called the DEM News Agency located in Europe, and stated that the attack had been carried out in order to give support to the PKK attack against Barzani in Northern Iraq.

The bombings were protested by Claudia Roth, the Chairperson of the Greens Group in the European Parliament, and members of the United Socialist Party (BSP). The protesting group, who gathered in front of the BSP Beyoğlu District Center building on 30 August, placed red carnations on the spots where the explosions had taken place. The statement made during the demonstration pointed out that the attacks had targeted the people directly, and continued "We express that we are against all sort of violence and terror aimed at the people. The explosion of the bombs during the peace week, when the demands of peace, democracy and freedom are being expressed, gives important clues about the assailants. The dark forces, who

hope for a help from violence and terror in order to keep control and who regard democracy and freedom as potential threats, are behind the exploded bombs.”

As a consequence of an explosion in a house on Çamlık Street in the Yayla Quarter of Bahçelievler in İstanbul at about 11.45 p.m. on 29 August, brothers Nizamettin Abik (20) and Seyfettin Abik (24) died. Seyfettin Abik’s wife Songül Abik, who was in the house during the explosion and therefore slightly injured, was detained by police at the hospital where she was taken to. Songül Abik was later arrested by the İstanbul SSC. Police authorities stated that the explosion had occurred while Nizamettin Abik had been manufacturing a bomb.

Unknown people carried out an armed attack against a beer house, Küçüğüm, in Karagümruk in the Fatih District of İstanbul at about 10.00 p.m. on 3 September. In the attack, Kayhan İleri (32) died and 5 people were wounded. The attack was reportedly carried out by the radical Islamic İBDA-C organization.

A bomb left by unknown people right across from a brothel on Alageyik Street in the Karaköy Quarter of İstanbul exploded at about 10.15 p.m. on 4 September. In the explosion, 3 men, Paşa Bulut, Cemil Yılmaz and Servet Taştan, were wounded. An unknown person who called newspapers after the explosion claimed that “the bomb attack had been carried out by İBDA-C militants.”

A bomb which was left by unknown people in a dustbin in front of a cafeteria, which is located around the military units in the Gaziemir District of İzmir and frequented by soldiers on the weekends, exploded at about 09.45 a.m. on 17 September. As a result of the explosion, Muzaffer Yıldız (peddler-35), Sefer Ağlar (enlisted man-21), Veli Erefe (retired teacher-51), Nadir Sakallıoğlu (shoe seller-58) and Selami Sayılar (enlisted man-20) were killed and 27 people, including 4 enlisted men, 2 children and 7 women, were wounded. The bomb attack was reportedly carried out by PKK militants. In operations carried out by the police, 5 people named Fesih Yavaş, Emin Bayar (the HADEP Buca District Chairperson), Erhan Denice, Mehmet Ali Durak and Fesih Ekin were detained on accusations of “participating in the bombing in Gaziemir.” Out of the detainees, Fesih Yavaş, Emin Bayar and Mehmet Ali Durak were arrested whereas Fesih Ekin and Erhan Denice were released to be prosecuted without arrest. Protesting the arrest of Emin Bayar, HADEP İzmir Provincial Chairperson Cevdet Turgut said that HADEP Buca District Chairperson Emin Bayar was displayed to the public as a criminal even before the conclusion of the investigation. In the press conference he held on 8 October, Cevdet Turgut maintained that the İzmir Security Directorate, acting as a prosecutor and a judge and by using the media, tried to convict both Emin Bayar and HADEP before the public. Protesting the news “3 HADEP members were detained,” published in certain newspapers, Cevdet Turgut disclosed that apart from Emin Bayar, the detainees had no relation with HADEP. In connection with the incident, a youth named Hasan Aşkın was arrested later on. Hasan Aşkın was disclosed as being one of the 2 people who had placed the bomb at the cafeteria. In the meantime, the Gaziemir District Center of HADEP was bombed by unknown people on the night of 19 September. In the bombing nobody was killed or wounded since there was nobody in the center, but the building was damaged. Levent Kandırmacı, the Chairperson of the HADEP Gaziemir District Center, said it was notable that the district center had been bombed just after the bombing in Gaziemir which had caused the death of 5 people on 17 September.

A woman named Matild Manukyan (61) who has brothels in İstanbul, was wounded in the explosion of a bomb left at the entrance of her house on the İstanbul Şişli Abide-i Hürriyet Street at about 02.00 a.m. on 27 September. In the incident, Matild Manukyan’s driver Necati Akça and her guard Mehmet Urhan died. An unknown person who called the newspapers 3-4 hours after the explosion, said that “the bomb had been placed by İBDA-C militants.” Police

authorities pleaded that “a leak in the natural gas mains caused the explosion,” and “there had not been a bomb attack.” This statement by the police was shown to be false in a short time. As a result of the investigation, it became certain that a time bomb had caused the explosion. In 1996, certain news was published in newspapers, indicating that “the attack had not been carried out against Matild Manukyan, but against her body guard Mehmet Urhan.” Matild Manukyan, who has been one of those on the top of the list of taxpayers for the last 4-5 years, had encountered various attacks in previous years.

Two children named Ercan Gülser (10) and Emre Gülser (5) were slightly wounded when a bomb left in a vacant field in İstanbul Küçükçekmece Sefaköy Quarter exploded on the morning of 4 October. Nobody claimed responsibility for the attack.

Bombs left by unknown people in the dustbins on the Mütercim Asım Street and Hürriyet Street, the shopping center of Gaziantep, exploded one after another at about 00.30 p.m. on 6 November. As a result of the explosions, 9 people were wounded, one of them severely. The names of the wounded are as follows: “Nuriye Güler (40-severely), Hüseyin Yılmaz (25), Murat Uz (23), Nuray Erken, Oya Gültekin (26), Ülger Çelik (35), Mehmet Dingil (40), Veli Çelik (28) and Orhan Günebakan (14).” The İBDA-C claimed responsibility for the attack.

A bomb which was left by unknown people in the courtyard of a secondary school in the Kayaönü Quarter of Gaziantep exploded at about 01.00 p.m. on 12 November. As a result of the explosion, 3 children named İbrahim Halil Taşkın (9), Erdal Taşkın (11) and Ökçeş Cinkılıç (12) were wounded. Shortly after this incident, another bomb exploded in the Şehreküstü Quarter of Gaziantep. Nobody died or was wounded in this explosion. The İBDA-C claimed responsibility for the attack.

Unknown people left bombs at 5 bank branches in the city center of Gaziantep in the evening hours on 26 November. Four of the bombs exploded, and the explosions caused damage. Police attempted to defuse the bomb, which was left at a bank branch on the Belediye Street. The bomb exploded while being defused, and a bomb expert, Bahri Şahin died. The İBDA-C, which took the responsibility for the attacks, sent a statement to the newspapers, and said, “Gaziantep is shaking with the raids of the İBDA-C militants. Following the Mütercim Asım raid of the İBDA-C militants, a Molotov cocktail was thrown at the TEKEL building last week. Additionally, 6 bombs were placed in the city center on the night of 26 November.”

As a result of the explosion of a bomb placed in front of the Unity Foundation at İstanbul Çemberlitaş at about 09.00 p.m. on 26 November, 4 tourists were wounded. The İBDA-C claimed responsibility for the attack.

Three children named Zafer Avşar, Kemal Genç and Sezai Polat, students at the İstanbul Harbiye Primary School, were wounded because of the explosion of a bomb in a gift parcel that they found at the Taksim Park on 9 December. It could not be learned by whom and for what purpose the bomb was placed at Taksim Park.

j)- Executions by organizations, assassinations

In 1995, attacks and assassinations against public officers such as soldiers, civil servants, teachers, workers of public building construction sites, political party members, repentants, village guards and against some accused of working as “police agents” or of “being state supporters” continued, although decreased to great extent when compared to the attacks in previous years. Most of these attacks were again carried out by PKK militants in the State of Emergency Region. As a result of these attacks and assassinations carried out by the PKK and organizations such as the DHKP-C, the TİKKO, the Revolutionary Communists Union of Turkey (TİKB), the Islamic Movement, the Marxist Leninist Communist Party (MLKP), a total

of 99 people were killed. (In similar attacks, 285 people were killed in 1992, 341 people in 1993, and 218 people in 1994.) They are listed below:

Enlisted men	4	Civil servant-Worker	2
NCO	1	Mayor	1
Village guard	6	Teacher	3
Police -Watchman	8	Driver	4
Election meeting	1	Village headman	3
Bar Chairperson	1	Repentant	5
Betrayal of organization	7	Denouncer	18
Other	6	State supporter	29

* * * * *

<u>Name & surname</u>	<u>Place</u>	<u>Date of event</u>	<u>Justifica.</u>	<u>Organ.</u>
001)- Ali Elitaş	Mersin	00 January 1995	Denouncer	PKK
002)- Murat Yaşar (18)	Sason-Erdemli vil.	16 January 1995	S. supporter	PKK
003)- Reşit Çoban	Sason-Erdemli vil.	16 January 1995	S. supporter	PKK
004)- Hayrettin Aslan (38)	Hatay-Dörtyol	18 January 1995	S. supporter	PKK
005)- Ünal Koca (33)	Hatay-Dörtyol	18 January 1995	S. supporter	PKK
006)- Hasan Koca (35)	Hatay-Dörtyol	18 January 1995	S. supporter	PKK
007)- İsa Koca (37)	Hatay-Dörtyol	18 January 1995	S. supporter	PKK
008)- Halil Balan (28)	İstanbul	18 January 1995	Vil. guard	PKK
009)- Nebil Polat (18)	Adana	03 March 1995	Denouncer	PKK
010)- Hüseyin Kurt	Adana	04 March 1995	Denouncer	PKK
011)- Reşit Şimşek	Adana	04 March 1995	Denouncer	PKK
012)- Latife Erener (35)	Bayrampaşa Pris.	05 March 1995	Betrayal of org.	DHKP-C
013)- Kemal Tekin	Nazımiye	07 April 1995	Mayor	PKK
014)- Edip Canpolat (36)	Batman-Kozluk	09 April 1995	Driver	PKK
015)- Hasan Tanrıverdi (45)	Batman-Kozluk	09 April 1995	Driver	PKK
016)- Musa Karagöz (52)	Batman-Kozluk	09 April 1995	Driver	PKK
017)- Mehmet Efe (22)	Batman-Kozluk	09 April 1995	Driver	PKK
018)- Ali Aslan (28)	İstanbul	17 April 1995	Vil. headman	DHKP-C
019)- Mehmet Yıldız (Simo)	Tunceli	00 May 1995	Denouncer	DHKP-C
020)- Emin Işık	Kurtalan-Beykent	10 May 1995	Repentant	PKK
021)- Bedran	Kurtalan-Beykent	10 May 1995	Repentant	PKK
022)- Cemil Arslan (25)	İstanbul	11 May 1995	Denouncer	DHKP-C
023)- Hakim Bakır	Nusaybin	14 May 1995	Repentant	PKK
024)- Hasan Daş	Adana	18 May 1995	Denouncer	PKK
025)- Mehmet Emin Yeşilova	Adana	18 May 1995	....	PKK
026)- Mehmet Karaoğlan	Hozat-Tavuklar	20 May 1995	Denouncer	DHKP-C
027)- Emin Bal (44)	İstanbul	22 May 1995	Vil. guard	PKK
028)- Cumhuri Bahadır (22)	Ağrı-Patnos road	25 May 1995	S. supporter	PKK
029)- Halil Aslan	Adana-Osmaniye	26 May 1995	Betrayal	PKK
030)- Mehmet Demir	Gaziantep-Kilis	00 June 1995	Denouncer	MLKP
031)- Rüştü Erdem	İstanbul	09 June 1995	Police	DHKP-C
032)- Hasan Levent (33)	İstanbul	16 June 1995	Denouncer	DHKP-C
033)- Musa Kapıdan (47)	Hatay-Kırıkhan	17 June 1995	S. supporter	PKK
034)- Seyfettin Uzun (23)	Hatay-Kırıkhan	17 June 1995	S. supporter	PKK
035)- Nihat Yılmaz (25)	Hatay-Kırıkhan	17 June 1995	S. supporter	PKK
036)- Ali Niyazi Bila	Adana-Osmaniye	25 June 1995	S. supporter	PKK
037)- Ali Yokuş (70)	Adana-Osmaniye	25 June 1995	S. supporter	PKK
038)- Aliye Yokuş (65)	Adana-Osmaniye	25 June 1995	S. supporter	PKK

039)- Hilal Füsün Ünlü (24)	Ankara Prison	28 June 1995	Betrayal	DHKP-C
040)- Ramazan Çetin (42)	İstanbul	08 July 1995	Denouncer	DHKP-C
041)- Hüseyin Sakat	Maraş-Ekinözü	09 July 1995	S. supporter	PKK
042)- Reşit Aslanbaş (40)	Çağlayancerit	10 July 1995	Shepherd	PKK
043)- Süleyman Gönen (45)	Çağlayancerit	10 July 1995	Shepherd	PKK
044)- Mehmet Çokyaşa	Tokat-Reşadiye	12 July 1995	Denouncer	DHKP-C
045)- Enver Bilir (47)	İstanbul	14 July 1995	Vil. guard	PKK
046)- Süleyman Ünsal	İstanbul	16 July 1995	Police	DHKP-C
047)- Mustafa Güngör (30)	İstanbul	16 July 1995	Police	DHKP-C
048)- Mehmet Konur (25)	Bitlis-Mutki	17 July 1995	S. supporter	PKK
049)- Abdülkadir Ülük	Silvan-Görmez vil.	20 July 1995	Vil. headman	PKK
050)- İmam Boztaş	Mazgirt-Alanyazı	21 July 1995	Vil. headman	TİKKO
051)- Ali Günday (35)	Gümüşhane	25 July 1995	Bar Chair.	Islamic M.
052)- Emrah Sarıtaş (18)	İstanbul	02 August 1995	Denouncer	TİKB
053)- Engil Topal (19)	İstanbul	02 August 1995	Denouncer	TİKB
054)- Mehmet Salih Türe	İstanbul	02 August 1995	Denouncer	PKK
055)- Mehmet Kale (32)	Bingöl-Elmalı vil.	09 August 1995	Civil servant	PKK
056)- Ahmet Çağan (42)	Bingöl-Elmalı vil.	09 August 1995	Civil servant	PKK
057)- Kutbettin Akkaya	Bitlis-Güroymak	19 August 1995	S. supporter	PKK
058)- Ethem Akkaya	Bitlis-Güroymak	19 August 1995	S. supporter	PKK
059)- Ekrem Akkaya	Bitlis-Güroymak	19 August 1995	S. supporter	PKK
060)- Diyadin Akkaya	Bitlis-Güroymak	19 August 1995	S. supporter	PKK
061)- Kadir Kılıç (16)	Çat-Ağa Village	25 August 1995	S. supporter	PKK
062)- Halim Kılıç (13)	Çat-Ağa Village	25 August 1995	S. supporter	PKK
063)- Maşallah Akçil (27)	Hasköy-İkizdere	27 August 1995	S. supporter	PKK
064)- Cüneyt Akçil	Hasköy-İkizdere	27 August 1995	S. supporter	PKK
065)- Faruk Doğanterkin	Adana	31 August 1995	....	PKK
066)- Çetin Çetinkaya	Hozat	00 September 1995	Betrayal of org.	DHKP-C
067)- Kenan Güngördü	Hozat	00 September 1995	Betrayal of org.	DHKP-C
068)- Gülseren Deniz	Hozat	00 September 1995	Betrayal of org.	DHKP-C
069)- Sabri Seylan	Van	05 September 1995	Betrayal of org.	PKK
070)- Ramazan Baran	Çemişkezek	12 September 1995	Vil. guard	PKK
071)- Habib Kaya	Çemişkezek	12 September 1995	Vil. guard	PKK
072)- Murat Namdar (23)	Sivas-Zara	23 September 1995	NCO	PKK
073)- Yılmaz Gezder (28)	Sivas-Zara	23 September 1995	S. supporter	PKK
074)- Namık Gezder (22)	Sivas-Zara	23 September 1995	S. supporter	PKK
075)- Murat Karayığıt (23)	Sivas-Zara	23 September 1995	S. supporter	PKK
076)- Çetin Müftüoğlu (21)	Sivas-Zara	23 September 1995	S. supporter	PKK
077)- Mahmut Balcı (30)	İzmir	25 September 1995	S. supporter	PKK
078)- Şakir Tosun	İstanbul	27 September 1995	Police	DHKP-C
079)- Tarkan Yağcı	İstanbul	28 September 1995	Enlisted man	DHKP-C
080)- Savaş Serdar Öztürk	İstanbul	28 September 1995	Enlisted man	DHKP-C
081)- Ali Ünlü (22)	İstanbul	02 October 1995	Police	DHKP-C
082)- Hüseyin Kocabaş (33)	Malatya-Sivas	12 October 1995	Teacher	PKK
083)- Necdet Öztürk (35)	Malatya-Sivas	12 October 1995	Watchman	PKK
084)- Serhat Korkmaz (24)	Yüksekova	15 October 1995	Denouncer	PKK
085)- Ali Kaya Erdem (39)	İstanbul	19 October 1995	Police	DHKP-C
086)- Fahrettin Güray	İstanbul	27 October 1995	S. supporter	PKK
087)- Ökkeş Kaya (28)	Dargeçit	30 October 1995	Teacher	PKK
088)- Gürkan Arıkan (25)	Dargeçit	30 October 1995	Teacher	PKK
089)- Selim Korkmaz	Dargeçit	30 October 1995	Contractor	PKK
090)- Yıldız Kapucu	İstanbul	05 November 1995	Denouncer	PKK
091)- Tuncer Bağdathoğlu	İstanbul	13 November 1995	Betrayal of org.	DHKP-C
092)- Ertuğrul Kaya (17)	İstanbul	30 November 1995	Denouncer	TKEP-L
093)- Murat Aldemir (25)	İstanbul	03 December 1995	Revenge	DHKP-C

094)- Satılmış Yıldırım	İstanbul	10 December 1995	Enlisted man	DHKP-C
095)- Hüseyin Özdamar	İstanbul	10 December 1995	Enlisted man	DHKP-C
096)- Murat Alı (16)	İstanbul	10 December 1995	Election meet.	DHKP-C
097)- Vahdet Demirtaş	Kızıltepe	11 December 1995	Repentant	PKK
098)- Adil Gözalıcı (33)	İstanbul	22 December 1995	Police	DHKP-C
099)- Kemal Benli	Mersin	25 December 1995	Repentant	PKK

k)- Education and teachers

The attacks and clashes, and incidents in the region continued to negatively effect the educational and training activities in the region in 1995, too. Again, schools were closed for various reasons, the teachers working in the region faced various problems, attacks were carried out against teachers, (*) and schools were destroyed. Although decreased, murders by unknown assailants continued. The number of students decreased incredibly.

In the region, a total of 1157 primary and secondary schools were closed for various reasons in 1992 and 1993. Various justifications were made for the closure of the schools, such as “village evacuations, lack of security, lack of students attending the school, being unable to assign teachers, teachers’ not starting duty, repair works, PKK militants’ burning down of the schools, insufficient number of students, lack of equipment, demolition.” The number of closed schools increased extensively in 1994. In a statement he made in October 1994, the then-National Education Minister Nevzat Ayaz said that a total of 2,134 schools were closed in the State of Emergency Region, 351 of which for lack of teachers and 1,891 for security reasons. The number of closed schools in the region increased to 4,000 by mid-1994, and to 5,615 (**) at the period when the new semester started. It was determined that 369 of the closed schools had been burnt down. Additionally, construction of new schools in small settlements such as villages and hamlets was left aside, and priority was given to the construction of primary schools and regional boarding schools.

The primary and secondary schools in the region began to be used for military purposes, partially or totally. For example, about 1,000 soldiers, who came to the region following the clash that broke out in the vicinity of the Hani District of Diyarbakır on 8 May, were accommodated at the Hürriyet Primary School, Hani Regional Boarding School and the building of the Forestry Directorate, all located in the district center. Residents of Hani stated that the soldiers had cut the trees behind the boarding school and taken position on the roofs of the houses, and continued: “This situation is irritating us. We applied to the Gendarmerie twice. However, they did not accept our application and insulted us.”

Some of the soldiers and special team members, who participated in an operation carried out in Tunceli in mid-March, started to use student dormitories, health centers, regional boarding schools and the Tunceli Vocational College in the city center as barracks. The soldiers, who settled at the Tunceli Vocational College with their tents and military equipment, benefited from the facilities of the school with priority. The number of the soldiers staying at the campus occasionally exceeded 5,000. The students stated that it was impossible to conduct education in the campus which was transformed into a barracks, they had to study near soldiers,

(*) The attitude of the PKK against teachers began to change as of 1994, and except for a few exceptions, attacks by PKK militants against teachers ended starting from the beginning of 1995.

(**) For example; a total of 362 schools were closed in Ağrı, 227 of which for security reasons, 73 for lack of teachers, 62 for lack of students, burning down and demolition; a total of 235 in Muş, 197 of which for security reasons, 38 for lack of teachers, a total of 244 in Bitlis, 160 for security reasons, 16 for lack of teachers, 68 for lack of students, burning down and demolition; 234 in Van and 35 in Erzurum.

and they were scared, and added, “We do not have security of life. We do not know what would happen if a clash breaks out.”

Attacks against teachers

In 1995, 7 teachers were killed as a result of attacks against the teachers in charge at the State of Emergency Region, and 8 teachers were wounded. Three of the teachers were killed in attacks by PKK militants, 3 in murders by unknown assailants, and one in a bombing in Batman (Detailed information is on page 116.).

01)- Hüseyin Kılıç (41)	Mersin-Tarsus	14 January 1995	MUA
02)- Şeyho Kurtulmuş (24)	Batman	25 May 1995	Bomb
03)- Necati Çiçek	Diyarbakır	26 September 1995	MUA
04)- Hüseyin Kocabaş (33)	Between Malatya-Sivas	12 October 1995	PKK
05)- Ökkeş Kaya (28)	Mardin-Dargeçit	28 October 1995	PKK
06)- Gürkan Arıtürk (36)	Mardin-Dargeçit	28 October 1995	PKK
07)- Mehmet Atmaca (36)	Van	21 November 1995	MUA

A teacher named Hüseyin Kılıç (41), who was working at the Mersin Vocational High for Girls, was found dead near the Cetvel River in Tarsus on 14 January. The authorities stated that there were no traces of blows on the body. İlhami Özer, who was with Hüseyin Kılıç at the Tarsus Teachers’ House until 11.00 p.m. on 13 January, stated that the killing of Hüseyin Kılıç was mysterious, and added, “We sat at the union local of the teachers for a chat. Meanwhile, Hüseyin made a victory sign. When a MHP member teacher there signed a wolf-head, a dispute arose. I took Hüseyin out. After walking for about 20 or 30 minutes, I went to the grocery to buy a pack of cigarettes. In the meantime, a police car came nearby Hüseyin, and took him and drove away. The next morning, I heard that Hüseyin had been found dead. I have not understood what had happened, yet. I have a suspicion that he had been murdered. After the incident, I was interrogated at the Tarsus Security Directorate. In my testimony, I noted that police officers had taken Hüseyin away.”

Following a clash that broke out between PKK militants and security forces in the rural area of the Sarıkamış District of Kars at the beginning of May, a teacher named Kenan Baysu, in charge at the primary school in the Eğertaş Village of the Horasan District of Erzurum, was abducted by PKK militants. Kenan Baysu was released on 28 May.

A teacher named Necati Çiçek, who encountered an attack by unknown people in the Şehitlik Quarter of Diyarbakır on the morning of 26 September, was knifed to death. Necati Çiçek reportedly worked as the deputy principal at the İmam Hatip High School.

A group of PKK militants, who blockaded the highway between Malatya and Silvan in the vicinity of the Alacahan Town on the night of 12 October, executed a teacher named Hüseyin Kocabaş (33) and a private security officer named Necdet Öztürk (35) who were in a passing car, by shooting them.

Two teachers named Ökkeş Kaya (28) and Gürkan Arıtürk (25), and a contractor named Selim Korkmaz, who were abducted by the PKK militants that had launched a raid against their houses in the Dargeçit District of Mardin on 28 October night, were found dead around the Bağözü Village on the morning of 30 October. Ökkeş Kaya, Gürkan Arıtürk and Selim Korkmaz were reportedly executed by shooting.

A teacher named Mehmet Atmaca (36) was shot dead by 3 unknown people in front of his house in the Cevdet Paşa Quarter of Van at 09.00 p.m. on 21 November. Mehmet Atmaca was working at the Ferit Melen Primary School.

A group of PKK militants, who blockaded the highway between Diyarbakır and Lice on the evening of 21 November, abducted 17 people, including teachers Köksal Gümüş, Kadri Tursun and Hakan Güler. All of the abducted people, except for the teachers, were released later on. Günay Güler, the mother of one of the abducted teachers Hakan Güler, demanded that whatever can be done should be done to rescue her son. Günay Güler disclosed that the Diyarbakır National Education Directorate was not sensitive to the incident. She continued, "They did not inform us about the abduction of my son. We learned about the incident accidentally. Such irresponsibility is unacceptable." In a statement he made on 27 December, İHD Diyarbakır Branch Chairperson Mahmut Şakar asked the PKK to release the teachers. He said, "The cease-fire has created a positive atmosphere within society. It is the starting point of the creation of peace conditions that will lead to the political solution of the problem. Now, all of the people kept hostage by the PKK, firstly the teachers, should be released."

A statement made by Amnesty International at the end of December requested that the teachers should be released immediately. Amnesty International launched a campaign for the release of the teachers, and applied to the PKK leader Abdullah Öcalan. In a press conference she held at the Mersin İHD Branch on 10 January 1996, Günay Güler, the mother of Hakan Güler, asked that her son should be released, and added, "The state neither helped nor protected us. We have applied to the İHD Diyarbakır Branch, but we are unable to receive any information about my son's situation. My call is for all mothers, Kurdish and Turkish: Do not become tools of this war." Günay Güler said that she had met with a person named Hakan Eşref, who had been abducted along with her son and released on 27 November. She said, "Hakan Eşref told me that the situation of Hakan and others was all right. I make a call here; they should release my son and the others." Out of the abducted teachers, Kadri Tursun was released on 12 March 1996, and Köksal Gümüş and Hakan Güler in April 1996.

The report prepared by the HRFT in order to bring out the impact of the clashes and attacks which have been continuing in the Southeast and East of Turkey for years, on education in the region and to determine the number of teachers killed as a result of attacks, was made public in November. According to the report entitled "Education and Training in the State of Emergency Region," a total of 143 teachers were killed in consequence of armed attacks and bombings, attacks with meat cleavers or clubs, or during clashes or similar violent acts between 15 August 1984, when the PKK had announced the start of its armed activities, and 20 November 1995. Ninety-one of those teachers were killed by PKK militants while 47 of them by unknown assailants. Two of the remaining 5 teachers were killed under torture in detention, one by TİKKO militants in Adana and 2 by stray bullets during clashes.

The relatives of the killed teachers, especially the relatives of those who were victims of murders by unknown assailants, were not properly cared for. An article entitled "***The Teacher was not Acknowledged as a Martyr***" by Emine Kaplan, which was published in 11 April 1995 issue of the newspaper Cumhuriyet, demonstrated a striking example of this:

(...) The martyrdom of Mehmet Ali Durak caused a dispute between the Ministry of National Education and the Institution of Funding for the Retired. Durak had died from having his head smashed as a result of an attack by unknown people on 7 April 1994. He had been placed as principal of the Cumhuriyet Primary School in Diyarbakır Silvan. The Ministry of National Education proclaimed Durak as "a martyr of education," and paid his family a compensation of approximately TL 300 million. Additionally, financial aid of TL 250 million came from the Foundation of National Education and TL 50 million came from İLKSAN. On 24 November, the Teachers' Day, high-level bureaucrats from the Ministry visited family Durak and presented them with a plaque in the memory of the achievements of their son. Following the completion of the compensation procedures, the Ministry sent a letter to the

Institution of Funding for the Retired for a monthly salary to be assigned for the Durak family under the Law on Cash Compensation and Assignment of Salary.

The Institution of Funding for the Retired sent a letter to the Ministry of National Education and stated that it was impossible to determine from the State Security Court documents "whether Durak's death had taken place as an outcome of a personal conflict or as a result of the duty with which he was entrusted." The Institution of Funding for the Retired demanded from the Ministry that it be made clear the grounds for the demand for a pension for a person whose death was yet unexplained. The following was said in the letter: "The letter sent by your Ministry, and the documents attached, were examined. As the person in question died on the particular day around 3 p.m. at the Silvan district center as a result of an attack by unknown people, and as it has been demanded that a salary should be assigned though there is no clear explanation as to whether the incident of death had taken place as an outcome of a personal conflict or as a result of the duty he was entrusted with, the grounds for this demand have to be made clear."

The letter stated that for a salary to be assigned for the Durak family, the court decision certifying that Durak had been killed as a result of terrorist actions directed at subduing the powers of the state had to be presented. The letter which stressed that in the case that this was not fulfilled, the file would be shelved, and stated the following: "It is required that you send us the indictment, the court decision and the investigatory documents prepared by the judiciary and the executive authorities and all the other documents related to the killing of the aforesaid which show that it was not the result of a personal conflict but a result of terrorist actions directed at subduing the powers of the state."

Mehmet Ali Durak's parents stated that their son had continuously been threatened because he wouldn't send his students to the "Cuma namazi" (worshipping ritual to be performed at the mosque by men every Friday). They said, "They say that the murder had been carried out by the Hezbollah. And some say that the PKK had done it. Two days prior to his death, Mehmet Ali had been threatened and told not to have the National Anthem sung out loud in the school or the Turkish flag hung."

1)- Health problems and health personnel

The incidents experienced in the State of Emergency Region also affected the health personnel working in the region. During the period between 1990 and 1994, over 20 health personnel lost their lives in armed attacks (all of which were murders by unknown assailants). However, no incidents resulting in the killing of any health personnel were witnessed in 1995. Health services rendered in the region greatly decreased. The increase in the child mortality rate reached a worrisome level. Especially those who migrated to provincial or district centers, leaving the settlements they lived in for years, faced serious health problems. Epidemics were frequently witnessed in the region.

The TTB published a report in March 1994 on the situation of the health services in the region and the problems of the health personnel working there. The following was said in the report, which was translated into English and published by the HRFT, in short: "The most vital problem of the people living in the region is life security. Three to 8 people, killed by unknown assailants, have reportedly been brought to the Diyarbakır State Hospital every day. Migration from rural areas to urban areas, from the East to the West, is at an incredible level. It has been said that up to 30-35 people have been found living in a single house in the provincial center of Diyarbakır. Migration and extraordinary conditions have negatively affected the health of the people, health services and professionals. Collecting healthy data and rendering the necessary health services are extremely difficult in the region. The data at hand are not reliable. All

indicators and observations prove that the health condition of the population has worsened in recent years. The infrastructure of Diyarbakır is not in harmony with the increase in population, causing outbreaks of various communicable diseases. Negative conditions have been affecting health services and the health personnel to an important degree. Due to the widespread personnel migration, exiles and evacuation of the health centers, health institutions are not able to function.”

Dr. Ata Soyer, (*) one of the executives of the Turkish Medical Association (TTB), in an interview he gave in January, narrated the problems related to health and condition of health personnel in the region as follows:

“The health services in the State of Emergency Region are satisfying neither in quality nor quantity. First of all, certain conditions necessary for promoting health are lacking. Inadequacy of the infrastructure is a very important problem. Problems such as sewage, disposal of solid waste material, clean drinking water and environmental pollution have reached a climax. Despite all these problems, environmental health services are quite inadequate. Secondly, the number of health institutions is lower than that of other regions. Regarding the health centers, the number of people per one health center in Turkey overall was 13,647 by the year 1993 whereas this number was much higher for Adıyaman, Ağrı, Bitlis, Diyarbakır, Şanlıurfa, Van, Batman and Şırnak. However, this is of course according to the official data. For example, 11 of the 54 health centers in Diyarbakır are closed at present. And there are no doctors in 7 of them. Within this framework, it can be observed that in Diyarbakır, 36 health centers are open at present and the number of people per one center is 30,417 (which is 3 times the average for Turkey).

Whereas in the year 1993, the average number of people in Turkey per one hospital bed is 454, this number is higher in all the cities of the region, except Diyarbakır. One reason for this is that the hospitals in Diyarbakır are rendering services for the whole of the region. Additionally, the figures become more and more distressing when we take into consideration that, again according to the numbers on paper, there are no physicians in Kulp, Hazro and Çüngüş, there is only 1 general practitioner in Ergani, Lice and Dicle, and the infrastructure of hospitals is quite inadequate. And thirdly, regarding the number of health personnel, the table we are faced with is as follows: In Turkey, there are 2,268 people per 1 specialist and 2,194 per

(*) The Ministry of Health launched an investigation of Ata Soyer, who was mentioned in an article published in the August 1993 issue of the medical journal JAMA. The article, stating that Ata Soyer was included on the “death list” of the Islamic Jihad (Holy War) Organization, had stressed that Soyer’s life was under threat. During the investigation, the Ministry of Health Board of Inspectors Head Office questioned Ata Soyer about “whether he had obtained any authorization from an official unit related to the statement he had made,” and “what his aim had been in giving such a statement.” Ata Soyer, in the written answer he gave, expressed the following opinions: “The action I am charged with has nothing to do with my official status. Additionally, I, as the Secretary General of the Turkish Medical Association Central Council, do have the right to make a statement or to write without having to get permission from anybody. The article states that 28 people, including myself, have been threatened by the Islamic Jihad in 1992. Considering the fact that this very threat had been published by the press again and again all across the country, and had been brought before the attention of the authorities, but the authorities had refrained from making any attempts or taking any precautions, I find it quite difficult to understand how come the authorities have reacted so strongly against the publication of the very same information in a journal, and launched an investigation against me.” After the investigation report by the Ministry of Health Board of Inspectors Head Office was finished, it was decided to suspend Ata Soyer’s merit rise in rank for one year, on charges that “he had given information and statement for the journal without acquiring permission from the authorities.” The charge was annulled by the Ankara Administrative Court No.4 upon the objection by Ata Soyer.

1 general practitioner. As for the region, it can be observed that the general practitioner/population balance is quite unpleasant. In Şırnak, there are 43,668 people per 1 specialist, in Bingöl 22,815, in Tunceli 22,191 and in Bitlis, 22,008 people. The balance of general practitioner/population appears to be slightly better. However, the atmosphere created by clashes have intensified in the region during the last few years and have caused the migration of doctors out of the region.

The Protective Health Services are inadequate when compared with other regions. The inadequacy of chlorinating of the water and drainage services is especially significant. The village tours by health centers were not able to be carried out during the last 2-3 years. A reflection of this is the decrease observed in the rate of vaccination. For example, whereas the rate of mothers not vaccinated for tetanus is 57.5 percent on average for overall Turkey, this rate is 75 percent in the region. Again, the rate of 12-13 month-children not vaccinated for tuberculosis is 71.3 for overall Turkey, this rate is 91 percent in the region. The rate of babies vaccinated for diphtheria-whooping cough-tetanus is 77 percent for Turkey overall whereas this rate is 54.5 percent in the region. The rate of children vaccinated for measles is 58 percent in the region, while this rate is 77.9 percent on average for Turkey overall.”

Ata Soyer stated that the health personnel working in the region, which is the arena of continuous armed conflict, faced pressure, are prosecuted and arrested, and he continued:

“Many of our colleagues have been detained, arrested, persecuted on the accusations of ‘treating suspects.’ However, the physicians are obliged to render health service, under every circumstance and without taking into consideration any discrimination of religion, language, race, sex, political affiliation, etc., to anybody demanding such a service. This pressure forces our colleagues, who try to render service in the region against all troubles, to run away from the region or makes them unable to carry out their profession. Recently, the health problems have been getting worse and worse due to the armed conflict in the region and related internal migration. In addition to the extraordinary conditions in legal terms, there is also extraordinary social and health conditions. Apart from all, the reasons that lead to these extraordinary conditions should be corrected in order to solve the problem of people being negatively affected. It can be seen, only by looking at the official health data, that the extraordinary situation in the region affected mostly civilian people. It is not possible to render proper health services unless this situation is removed.

However, we, the health professionals, along with our task of giving importance to protection/prevention, are obliged not to ignore forth treatment if these efforts fail to be sufficient. The health problems, which have burst with the internal migration caused by the atmosphere of armed conflict, necessitate urgent precautions. If these precautions are not taken, health problems will be added to social, economic and psychological problems. Thus, certain steps should be taken within this framework. As for another point, a health worker is a person who is to render service to every living human being. Taking this principle into account, every means should be provided for the health personnel to render service without any difficulty. From our point of view, the World Health Organization’s ‘Regulations in Time of Armed Conflict’ are of great importance.”

Necdet İpekyüz, the Secretary of the Diyarbakır, Mardin, Siirt, Batman, Şırnak Medical Chamber, said in May that the extensive migration towards the city centers, due to the evacuation of villages, had created new problems in the region where health services could not be rendered properly, and the child mortality rate for the State of Emergency Region was two or threefold the average Turkey overall, and that communicable diseases in the region had become ordinary. İpekyüz said that there was tendency to render normal health and education

services in the region despite the fact that an extraordinary atmosphere prevailed. "Health services cannot be rendered ordinarily during an earthquake, and this is the same case here," said İpekyüz. He disclosed that the vaccination campaign launched by the Ministry of Health had proved to be unsuccessful in the region, and continued, "We received information indicating that the gendarmerie did not permit health personnel to visit villages. The vaccination has not been carried out properly. Children in the region have not been vaccinated."

İpekyüz said that the armed conflict in the region had negatively affected the health personnel, and some of the murdered health workers had not been regarded as "victims of murders by unknown assailants," and compensation had not been given to their families. İpekyüz stated that 60 health workers, 11 of whom were physicians, had been detained since September 1992. He said, "The physicians are detained for very odd reasons. You treated someone. Three months after, it comes out that he had a PKK connection or he is captured. During the interrogation, he says that he had been treated before being captured. There are friends in prison at the moment. You perform a hemorrhoid operation at a private hospital. This person is captured 3 months later for being a member of the PKK. And you are detained for aiding the organization and sheltering its members, and a trial is launched against you. This application may be understood if you treated somebody with a gunshot wound, but you are accused for having conducted a hemorrhoid operation to a person whom you never knew."

Health workers encountered various attacks in 1995, too. Moreover, the fate of physician Recai Aydın (32), working in the health center in the Çınar District of Diyarbakır, who had been abducted by unknown people on 7 July 1994, could not be determined in 1995.

PKK militants raided the Çağlar Town of the Varto District of Muş on the evening of 16 August, and abducted a physician named Necip Tolga and nurses Hediye Uzunoglu and Fatma Yavaş working at the health center in town. A statement made by the TTB about the incident said that "the incident had taken place in the fog of the region." The abducted health workers were released in the vicinity of Varto on the morning of 21 August.

Kadri Polat, the Deputy Head Physician of the İstanbul Göztepe SSK Hospital, was detained by the police in İstanbul on 22 October, on the accusations that "he had treated a wounded PKK militant named Halil İbrahim Doğan in 1992-1993, while he was the SHP Urfâ District Chairperson." It was disclosed that Kadri Polat had been detained in accordance with the testimony of Mehmet Ata Zengin, who had been captured during a PKK operation held in Mardin. In his cross-examination at the İstanbul SSC, Kadri Polat said, "One of my friends came and told that one of his relatives had been wounded in a fight between tribes. Upon this, I went to the house of the patient, and treated him. I don't even know the name of the patient." Kadri Polat was released after cross-examining.

Physician Şenol Varnalı in charge at the İzmir Atatürk State Hospital, was beaten and wounded by non-commissioned officer Kahraman Hanbaba and a group of soldiers on 1 February. The physician was reportedly beaten for "parking his car too close to the wing where prisoners were kept in the hospital." Şenol Varnalı, who was beaten with rifle butts and kicked, was taken for treatment in the Brain Surgery Service. As a result of official complaints, an investigation was launched against non-commissioned officer Kahraman Hanbaba. Because of the investigation, a group of soldiers, on 2 February, entered the Brain Surgery Service where Şenol Varnalı was being treated, and provoked incidents by insulting the physicians and nurses there.

m)- Village guards

The village guard system, one of the important aspects of the Kurdish problem, often was an issue in 1995 because of the incidents the village guards caused and their unrestrained behavior. During the year, village guards caused savage incidents. They were involved in crimes such as smuggling, theft, robbery, kidnapping women and raping them. In the report prepared by the Parliamentary Commission to Investigate Murders by Unknown Assailants and publicized in 1995, striking cases involving the village guards were included. The report, which demanded “an end to the village guard system,” and that “the weapons given to the village guards be taken back,” stated that the village guards, by using the authority vested in them, engaged in smuggling and village raids as PKK militants did. The report draws attention to disturbing evidence proving that some of the murders by unknown people were committed by village guards. There is detailed information on 30 incidents, including 5 murders, 1 assault, 2 cases of extortion, 1 kidnapping, 6 cases of smuggling, all of which were carried out by village guards.

Lawyer Zeki Ekmen, a Batman delegate who delivered a speech during the 23rd General Assembly of the Turkish Bar Association held on 28 May, stated that the village guards were also involved in cases of murders by unknown assailants in the region, and continued, “Remarkably, the number of cases of murders by unknown assailants and terror incidents suddenly increase prior to the voting for the extension of the period for the emergency state rule. The village guards are out of control. There are village guards who commit murders, carry out thefts, burn vehicles, and killing innocent people, draw money by saying ‘I killed a terrorist’.”

The promise that “the village guard system would be reviewed and abolished gradually,” which took place in official statements, was not fulfilled in 1995. On the contrary, the village guard system became more widespread. In many regions, the village guards were provided with the opportunity to act as the officials of the state, participate in the operations, detain and interrogate people. Statements were made saying that “the village guard system would continue even if the State of Emergency legislation ended.”

When we consider the wages, as well as the weapons, ammunition and equipment expenditure, the burden of the village guards on the budget of Turkey was TL 1 trillion (25 million US \$) per month in 1994. This burden exceeded TL 2 trillion (about 30 million US \$) in 1995. Thus, the village guard system has turned into a source of living and a profession. The number of the village guards, which was 14,000 in 1988, reached 62,000 by mid-1995. As of July 1995, a total of TL 335 billion 553 million was paid as wages to 62,186 village guards working in 21 provinces in the East and Southeast. (*) The number of village guards per province is as follows:

(*) The village guards are paid different wages, according to their place of duty. Out of the 10 cities in the State of Emergency Region, wages of the village guards were determined as TL 4,464,000 in Van, TL 6,164,000 in Hakkari, Siirt and Şırnak, and TL 5,864,000 in Batman, Bingöl, Tunceli, Bitlis, Diyarbakır and Mardin. The village guards were paid TL 4,464,000 in Adıyaman and Elazığ, 5,464,000 in Muş, TL 3,464,000 in Gaziantep, Maraş, Malatya and Urfa, and TL 4,364,000 in Ağrı, Kars, Ardahan and Iğdır. In November, the wages of the village guards were risen up to TL 11,000,000 on average. While the 1996 budget was being prepared, about TL 7 trillion 500 billion (about 95 million US \$) was allocated for the wages of the village guards. When we take into consideration that in the budget TL 7 trillion 800 billion was allocated for purchase of equipment, heating and repair expenditures of the primary and secondary schools, and TL 5 trillion 300 billion for the current expenditures of the Ministry of Health, the burden put by the village guard system on the national economy can easily be understood.

“Batman (3,487), Bingöl (2,715), Bitlis (3,664), Diyarbakır (5,858), Hakkari (7,263), Mardin (3,738), Siirt (4,801), Şırnak (7,597), Tunceli (384), Van (7,936), Adıyaman (1,655), Elazığ (2,320), Muş (2,053), Ağrı (1,969), Gaziantep (646), Maraş (2,350), Kars (691), Ardahan (125), Iğdır (423), Malatya (1,402) and Urfa (1,109).”

Various rights were given to the village guards. For example, with a decision by the Supreme Military Council, the village guards were given the privilege of “rendering their compulsory military service at the settlements where they were on duty.” The then-Minister of Interior Affairs Nahit Menteşe, in a statement he made in March, reminded that there was an application which gave an opportunity to the teachers to conduct their military service as teachers at their schools, and stated that the same opportunity was given to the village guards. He disclosed that 512 village guards had benefited from the application in 1994, and noted that those village guards had been sent to the gendarmerie commanderships in the region where they had been on duty.

The implementation of the village guard system was not only restricted to the State of Emergency Region and certain cities in the surrounding. For example; Hatay became one of the provinces in which village guards were assigned extensively in 1995. Nahit Menteşe, speaking in a meeting held on 26 May with the participation of the governors, security directors and gendarmerie commanders of Hatay, Maraş, İçel, Malatya and Adana, disclosed that the village guard system had been put in practice in Hatay, its surroundings and at the plateaus of Mount Amanos. This implementation caused anxiety in the region. While the meeting of the authorities was being held on 26 May, the Executive Board of the “Platform of Workers’ and Civil Servants’ Trade Unions in Hatay” and the Hatay and İskenderun chair-persons of the İHD gathered at Eğitim-Sen office, and pointed out to the worrisome situation in the region.

In the Southeast report prepared and made public in August by the Union of Chambers and Commodity Exchanges of Turkey (TOBB) (Detailed information is on pages 138-139.), the topic of village guards was discussed and it was stated that the authority given to village guards and restrictions placed on their activities were not clear. The report noted that intimidating attacks by the PKK against the villages of village guards was an expected attitude, and continued, “But, if the same method is being used by the security forces, this means that making effort to win over the public, one of the most important principle of the struggle against terrorism, is neglected.

The report stressed that the ongoing violence in the region had deeply affected the people, making them to feel insecure and uncomfortable. It added, “The local people in the region have been paying a huge price for years. The village guards are one of the bodies exacting this price. The aims, authority and the restrictions of the implementation of the village guard system have not been accurately defined. The village guards should be responsible for protecting the rural community. They should not be used as alternative or additional forces in the village raids or security operations. It is known that some of the people who have chosen to become village guards aim are hiding beneath the wings of the state to escape conviction for crimes they had committed previously. Although less in number, the aforesaid problem is important as it demonstrates the phenomenon of a biased legal body which is one of the most important complaints of the people in the region.”

While the abolishment of the village guard system was being discussed, an example of to what extent the village guards are out of control, was witnessed in the Beytüşşebap District of Şırnak at the end of 1995. The incident, brought to the attention of the public on the agenda by the newspaper Hürriyet, developed as follows:

Prior to the general elections held on 24 December, Nesim Timur, the nephew of Hüsnü Timur (the Mayor of the Mezra Town of the Beytüşşebap District of Şırnak) and one of the prominent members of the Mankuren tribe, called the District Election Council and insulted and threatened the council members. In response to a complaint filed with the Prosecution Office, Nesim Timur was arrested on 30 December. Right after his arrest, Colonel Yücel Tuncel, the commander of the military unit in the region, called the judge in charge and demanded that Nesim Timur be released. When this demand was refused, some officers and non-commissioned officers from the same military unit came to the Court House and repeated the demand, however, the demand was refused again. A group of 250-300 armed village guards, who gathered at the entrance of the district on 31 December, started to march towards the Court House. As a result of the developments, the district governor demanded help from soldiers and police. The police officers were ineffective in stopping the group who surrounded the Court House for about 2 hours. Thereupon, Nesim Timur was released, and the armed group left the district by shouting “long live soldiers, long live gendarmerie.” Colonel Yücel Tuncel, who came to the scene later on, said “If you had released that man when I told you to do so, this would not have taken place.” Although the judges in the district informed the Ministry of Justice about the incident, no investigation was launched for a long period of time. On the contrary, the related bodies were ordered to improvise the release of Nesim Timur according to the procedures. Upon this demand, it was documented that “Nesim Timur was released by a decision by the superior court upon appeal.” When the incident was published in the press, the Beytüşşebap Public Prosecution launched an investigation against nearly 300 village guards who were involved in the incident. However, the incident was not regarded as a crime that fell under the jurisdiction of the SSCs (a collective rebellion against the state).

In the clashes that broke out among certain groups of village guards or between security officers and village guards in 1995, 21 people died, 33 people were wounded. Following are some striking examples about the incidents caused by village guards in 1995 and the dangers of the village guard system: (*)

On 9 January, a fight with stones and clubs arose between villagers in the Salihli Village of the Ergani District of Diyarbakır, and village guards who forced them to become village guards. Security officers, who came to the village upon the fight, detained 18 people. Ten of the detainees were released shortly afterwards. Names of the 8 people, who were kept in detention for a long period of time, were as follows: “Yaşar Can, Mehmet Erol, Musa Erol, Mahmut Erol, Derviş Giray, Ramazan Giray, Mustafa Doğu and Zeki Acun.”

In the Meşeli Village of the Derik District of Mardin, a clash broke out on the evening of 18 January between Çelikler and Yoğuran families, who engaged in a vendetta. In the clash, 4 village guards, Mehmet Bağış, Mehmet Nuri Bağış, Nejat Çabuk, Metin Yoğuran, and an unknown person died, 8 people were wounded. Security officers forbade entrance in the village after the incident and detained numerous people.

In the Aşağıyanık Village of the Çaldıran District of Van, a clash broke out between two groups of village guards on 27 February because of a dispute. In the clash, village guard Kadir Çalpan was killed while village guards Ahmet Kaplan, Celal Çalpan, Süleyman Gelmiş and Emin Kaplan and people named Çiğdem Çalpan, Gülendam Çatak, İbrahim Çatak and Fahrettin Kaplan were wounded.

(*) Information on numerous incidents caused by village guards is in the sections on attacks against settlements and extra-judicial executions.

About 300 village guards in the Çermik District of Diyarbakır gave their guns back on 6 March in order to protest Çermik Gendarmerie Commander Major Nail Yayalan, who had insulted them. The village guards declared to the State of Emergency Regional Governorate that they were on the side of the state, but they would continue their protests as long as Major Nail Yayalan, who had gathered them in a schoolyard and sworn at them, remained on duty.

In a clash that arose at noon on 7 March between village guards and soldiers in the Yukarı Balçıklı Village of the Özalp District of Van, village guard Hakim Pay was killed and another village guard named Mehmet Salih Akan was wounded. It was disclosed that the clash had started upon the killing of a dog of village guards by the soldiers.

In the Yenidoğan Village of the Mutki District of Bitlis, a dispute arose on 11 April between two village guards named Ferzende Şirin and Siddik Önder on the question of who would be the one to cut the trees in the village. The dispute turned into a clash soon. In the clash, 8 people, Siddik Önder, Turan Önder, Muhammed Önder, Cevher Ayçiçek, Gülpaşa Ayçiçek, Kesire Ayçiçek, Deniz Ayçiçek and İzmir Ayçiçek died, 7 were wounded.

A clash broke out in the Sason District of Batman at about 06.00 p.m. on 17 May among village guards who had a problem because of a marriage demand. In the clash, village guards Hasret Demirhan (25) and Abdurrahman Demirhan (37) died, 2 people named Zeki Sevinç and Ayhan Aydemir were wounded. Later, curfew was proclaimed in Sason.

Nine village guards were sentenced to various prison terms by the Ankara Heavy Penal Court No.4 on 28 May for involving in the killing of 7 people in the Başkale District of Van in 1994. A fight that arose among children in the Başkale District of Van on 22 April 1994, turned into an armed clash between the village guards of the Ertuş and Ertaş families. During the incident, a coffee house was raided, 7 people were killed and 10 people were wounded. Eleven village guards were charged in connection with the incident. At the end of the trial which was held in Ankara for security reasons, 4 village guards, Sadi Ertuş, Aydın Ertuş, Necdet Ertuş and Cihangir Ertaş were sentenced to life imprisonment. Village guard İlhan Ertuş was sentenced to 18 years 7 months in prison, 4 village guards were each sentenced to 4 months in prison, whereas 2 were acquitted. Mustafa Ertuş, who received a 4 months' sentence and then released at the end of the prosecution, shot his wife Fatma Ertuş (Caner) with a rifle as she said to him, "You are killing innocent people," when he returned back home. Mustafa Ertuş was then arrested because of this murder he committed on 5 June.

A group of villagers, who went to Nusaybin from the Yolbilen Village of Nusaybin for shopping, encountered an armed attack by village guards named Süleyman Özel, Nezir Özel, Ramazan Özel and Selahattin Özel in the Dört Yol region at the district center. In the incident that took place on 24 June, 3 people, Necat Deniz, Şeyhmuz Ak and Mahmut Mete were wounded. It was reported that the village guards who had opened fire were inhabitants of the Kasrik Village of Nusaybin and that they were not prosecuted after the incident. The residents of the Yolbilen Village disclosed that they had been under pressure as they refused to become village guards, and that the attack might have been carried for that reason.

In a clash that broke out between soldiers and village guards in the Mertekli Village of the Üzümlü District of Erzincan on the evening of 9 July, one village guard died and one village guard was wounded. The incident took place when village guards, who were controlling the road on the Mertekli Bridge, wanted to stop a minibus. When the minibus did not abide by the stop warning, the village guards opened fire. The minibus continued to go on despite the fire, people in the minibus reported to the gendarmes in charge with the protection of a transformer in the region, that they had been attacked by PKK militants. Upon this, a team under the command of non-commissioned officer Nadir Yılmaz raided the Mertekli Village. During the

raid, soldiers opened fire against 5 village guards standing guard at the entrance of the village, killing Hüseyin Yıldırım (45) while wounding Hayati Sulu (23). Residents of the Mer-tekli Village narrated the incident as follows: “The non-commissioned officer was keeping us under pressure continuously. They launched fire since we are Alewis. After the incident, 40 to 50 cartridges were found on the spot. This reveals that fire had been launched at random and arbitrarily. In fact, we would not be equipped with guns, but as the Sunni villages in the neighborhood were equipped with guns, we were not able to go out at nights. Fire was launched against our village for a few times. Then, we were obliged to get armed.” As a result of the investigation, non-commissioned officer Nadir Yılmaz and enlisted men Bayram Doğan, Davut Daşgın and Ali Gelmez were arrested. In the meantime, guns of the 33 village guards in the Mertekli Village were taken back by the Gendarmerie Station Commandership.

In an attack against a house in the Kulp District of Diyarbakır on the night of 21 July, a village guard named Metin Bozkuş died, his wife Nezahat Bozkuş and village guards Süleyman Bozkurt and Avni Taş were wounded. When the incident was heard, a group of village guards gathered in Kulp on the morning of 22 July, held a demonstration, and opened fire at random. During the demonstration, shops were closed and people withdrew back to their houses. The village guards dispersed after a speech delivered by the district governor.

On 21 July, Ahmet Seyran, a village guard in the Hacıağa Village of the Aralık District of Iğdır, shot to death his relative Hüseyin Seyran (30), with whom he had a dispute because of irrigation. Ahmet Seyran, who surrendered after the incident, was arrested.

n)- Other developments

A 168-page report prepared by Prof. Dr. Doğu Ergil upon request by the Union of Chambers and Commodity Exchanges of Turkey (TOBB), was made public on 3 August. The report, which was prepared as a result of interviews with 1,267 people (*) in Batman, Diyarbakır, Mardin, Adana, Mersin and Antalya, caused serious discussions. The report stressed that

(*) Following are answers given to some of the questions in the questionnaire which provided the basis for the report: Of the people who were asked “how they defined themselves and their origin,” 43,5 % told that they defined themselves with their tribal and ethnic identities, 22,3 % told that they were citizens of the Turkish Republic, and 10,5 % emphasized their religious identity. Of the interviewees, 42,4 % stated that they had migrated due to the unemployment and poverty, a group of 15,1 % complained about the PKK’s pressure whereas 3 % complained about the state’s pressure, and 84 % told that the migration did not bring peace and comfort. 30,6 of the interviewees defended that the PKK confronted with the state for cultural-political rights, whereas 15,3 % stated that the PKK aimed at founding an independent Kurdish state. 46,7 % gave accent to the PKK’s policies while 53,3 % opposed the PKK practices. The rate of the interviewees who believed that “Turkey had to acquire a new administrative and political structure” was 89,7 %. The interviewees who gave accent to the PKK’s policies were firstly from Diyarbakır, followed by Mardin and Batman. With regard to the support to the organization in the provinces which received migrants, Adana, Mersin and Antakya were on the first rows, respectively. The number of the supporters of the organization in Adana and Mersin came out to be more than the total number of those living in overall Southeast region. 75 % of the interviewees de-fended that the state would not be successful in struggle against the PKK. Of these people, 16,8 % stated as a justification to their answer that the strength of the PKK rooted in the public, whereas 12,5 % said that the state was using terror as a method, as much as the organization did, and the rate of the ones who did not answer the question was 29,9 %. The rate of the people who defended that the state should construct its Southeast policy upon investment and employment was 12,2 %, whereas a group of 10,7 % de-manded that democracy be spread with recognition of cultural rights and identities of the Kurds. Of the people who answered the question “What shall the organization do?”, 53 % stated that the PKK should lay down the arms and give a democratic struggle as a political party.

the ongoing violence in the region had deeply affected the people, and the people felt neither comfortable nor secure. It added that the ethnic origin of each Turkish citizen did not necessarily have to be Turkish, and the cultural arena would be politicized if everybody living in Turkey were forced to be Turks. The report stressed that the people living in the region had to encounter violence for many times, and said the following:

“Children of some have been captured by the cogs of bloody politics. These cogs either grind these children or throw them far away from their families. Some have not only suffered emotionally but they also have to experience investigation, prosecution and finally, being forced to migrate for the sake of regional security. People living in the region have been paying a heavy price for years. Living in a dilemma, the people are stuck between the PKK and the state. The PKK has been forcing the people for a more radical stand. It says, ‘Either support us or the state; make your choice.’ The interesting point is that, the state also forces them to make their choices. However, the people do not want to take sides neither with one nor the other. They want to live in peace, dealing with their own work, and without being disturbed.”

Pointing out that no democratic country can tolerate a biased legal system, the report said, “If the scope of the ordinary legal system is narrowed by adding extra-ordinary provisions to the existing legal norms, it is inevitable that the basic rights and freedoms will be suspended and occasionally violated.” The report examined in detail the concept of migration in the region, and stressed that “village evacuations for security reasons meant negligence of the efforts to win the public,” adding, “the migration gave rise to radical tendencies.” The report pointed out that 58 percent of the people who wanted a federation in the Southeast were the ones who had migrated, and stated that those people, who had lost their sense of security and stability, had a radical stand. The report defends the following opinions in short:

“This fact once again implies the radicalization effect of migration. Another possibility is that, the radical tendencies may be conveyed from the East and Southeast to the other parts of Turkey as a result of the official policy. This is like directing a gun at the heart. Hearing about the effective PKK activities in Adana, Mersin and rural parts of Hatay is a point that indicates the necessity of the discussion on the outcomes of conveying the security problem to the urban areas. The politics in the East seems to be carried out by political parties, but in fact it is carried out by influential personalities within the framework of ‘boss-hireling’ relations. The source of politics in the East is either land ownership or tribal and religious ties. These 3 impacts have usually contributed to the making of politics all together. For most of the local people, the politicians are not a part of the solution but they are the problem themselves.”

The report noted that certain cultural and some political associations and organizations, which were deemed to be inconvenient and closed after the 12 September coup should be reopened: “As long as these remain closed and banned, cultural and political indicators, which have ethnic basis, will be under unnecessary pressure and stay banned. Especially the Kurds will feel the discrimination, which is non-existent on the level of the law on citizenship, on the level of cultural groups, and continue their protests against the system. Is there any single example to prove that prohibitive policies bring unity?”

After being brought to the public attention, the report led to profound discussions and protests. (*) Certain circles supported it, while some others directed heavy criticisms against the report and Doğu Ergil.

(*) Following are the views of certain columnists that wrote on the report, in short:

In a statement he made, HRFT President Yavuz Önen pointed out that the inter-viewees were the people having a certain level of income, and some of the results of the survey appeared to be suspicious, and expressed that the report, trying to cover up the political aspect of the problem, attempted to demonstrate the Kurdish problem as an economic one: “In the report, there are certain parts that can confront the official discourse. The acceptance of the ethnic structure is a criticism of the official ‘indivisible unity’ discourse. Though the state has disclosed a pre-determined calendar, stating a few times the exact dates and even months (5 times), it has so far failed in ending the armed conflict. This is a fact. Economically, the budget has been melting away. Seeds of enmity are being sown among the people. The state cannot continue its policy of violence up to the end. These policies are in bottleneck. Deaths, village evacuations have become business as usual.”

Yavuz Önen expressed that the report might have raised a question: “Can the problem be out on the table?” He said, “It seems to be a civilian initiative. However, I don’t think that it is out of the control of the state. It is quite probable that it was filtered. Despite these, it should not be thought that the conclusions shall be acknowledged by the main powers of the state. It can be a pioneer in one sense to overcome the crisis. However, I think that the atmosphere is unsuitable for the hearing and taking into consideration of the report. Another aspect of the report is that, it tries to cover up the responsibility of the state, as much as possible, regarding the ongoing incidents, from clashes, village evacuations, migration. Additionally, it tries to emphasize on the economic aspect. By doing so, it tries to direct the state towards socio-economic policies. This is the policy which has been implemented against the Kurdish problem since 1920s. The report presents a civilian approach against the continuing war. However, it is impossible to implement these initiatives appearing to be civilian on surface as long as the National Security Council is active.”

In the meantime, the Ankara SSC Prosecution Office launched an investigation regarding the report. In connection with the investigation, Doğu Ergil testified to SSC Prosecutor Talat Şalk on 30 October. He was accused of “disseminating separatist propaganda.” In a statement he made after testifying, Doğu Ergil said, “I have intentionally shouldered the task of

Taha Akyol (Milliyet): Because of the deep rooted methodological mistakes, the majority of our Kurdish citizens are not represented in the report. It reflects the opinions of a group which is under the harshest conditions and thus have become most politicized.

Coşkun Kırca (Yeni Yüzyıl): The report is not scientific, and Mr. Yalım Erez (the then-TOBB Chairperson) has become the victim of a propaganda plot against the indivisible unity of the state.

Emin Çölaşan (Hürriyet): Doğu Ergil is fond of money. Left aside his Southeast report, I wouldn’t believe him even if he would say God is one.

Arslan Bulut (Akşam): If the report had been prepared at the Bekaa Valley, by using the PKK militants as subjects, and the questions had been answered by the PKK militants, the results would have been more rational.

Oktay Ekşi (Hürriyet): The report has not been written to find a solution to the Southeast problem, but to reflect the requests of a certain part of our Kurdish citizens with a scientific approach, and probably to give support to those blurring out their opinions without taking part in the problem. Thanks to those who have prepared the report.

Mehmet Altan (Sabah): A scientific report has simply shown the important difference between the practice and the policies which should be implemented. Without taking into consideration the attacks against it, it is very much essential to congratulate the TOBB and Doğu Ergil, who prepared it.

İlnur Çevik (Turkish Daily News): The intellectuals, who have become lazy by thinking that the military methods would solve everything, should now understand they should carry out whatever necessary that befall on them.

Derya Sazak (Milliyet): We regard the research important as it directs the public attention to the Southeast, and leads the government to take new steps.

preparing a scientific report on the Eastern problem which has disturbed the country throughout the history of the republic. The report subjected to investigation is a report on national integration. No solution is put forward in the report, which should be read out and evaluated keeping in mind that it respects national integrity. The political authority should generate solutions in the light of the results driven from the study in hand and succeeding ones." A decision of non-prosecution was delivered at the end of the investigation on the grounds that "there were no elements of a crime in the report." The decision undersigned by Ankara SSC Prosecutor Talat Şalk read that the report did not exceed the limits of criticism and it was on the Eastern problem and ways of solution, and said, "The opinions in the report may be inadequate or may not be true. However, the report has been prepared in order to start a discussion within the public, and to provide the official bodies with material."

The Parliament-in-exile

One of the important developments in 1995 was the activities of the Assembly established under the name "Kurdish Parliament-in-Exile." (SKP). The SKP, established in the Netherlands (The Hague) on 12 April, held its second meeting in Vienna, Austria between 30 July and 1 August. Turkey had carried out diplomatic attempts in various European countries for the banning of the SKP, but failed to obtain any result. Yaşar Kaya was elected the Chairperson of the SKP.

In the General Assembly of the SKP, it was proposed to declare 21 March as a national day and holiday. After the speeches and discussions, the draft bill that proposed 21 March be declared as national holiday for all Kurds was enacted. Accordingly, the Newroz, which will be celebrated officially, shall start at 05.00 p.m. on 20 March. The Kurdish organizations and institutions in exile will also act within the framework of the bill. During the General Assembly meeting, articles 2 and 8 of the Establishment Act were amended, and the winner of the competition launched to determine the SKP emblem was declared. The emblem of the SKP was accepted unanimously. In the General Assembly meeting, it was decided to start the studies to gather the "Kurdish National Congress" at the earliest convenience.

Hunger strike by PKK-member prisoners

In 1995, certain actions by PKK-member arrested or convicted prisoners were witnessed. The prisoners prosecuted in the PKK trials staged an indefinite/alternate hunger strike starting from 14 July. About 5,000 arrested and convicted prisoners in over 20 prisons participated in the hunger strike, which was staged on political demands. A statement made by the prisoners while staging the hunger strike said: "Dialogue call by PKK Chairperson Abdullah Öcalan for a political solution should be adopted as an initial step for solution, and supported. Geneva War Convention should be obeyed. Killing of civilians, disappearances in detention, extra-judicial executions, torture, village burnings should end. Prisoners should be granted the status of prisoners of war. Military operations should stop. Delegations from the United Nations and Red Cross should be sent to the region to watch the dirty war and to examine the situation in prisons."

The hunger strike was turned into an indefinite/non-alternate one on 13 August (on the 31st day). The hunger strike by the PKK members ended on 19 August. A statement made after the ending of the hunger strike said: "The great hunger resistance has turned into magnificent spontaneous peace act thanks to the support staged by our patriotic people and friends in every field they occupy. It has affected the peoples of Turkey and the public opinion of the world, has arisen intensive interest and sensitivity, and reached its target."

During the hunger strike, a convicted prisoner named Remzi Altıntaş lost his life in the Amasya Prison and convicted prisoner Fesih Beyazççek in the Yozgat E Type Prison. Remzi

Altıntaş was hospitalized on the morning of 11 August when his condition deteriorated. Remzi Altıntaş, who was first taken to the Amasya State Hospital and diagnosed as having “lung cirrhosis,” was transferred to the Samsun Medical Faculty Hospital on 12 August. He was immediately taken under operation, but died during the operation. He was buried at the Diyarbakır Mardinkapı Cemetery with a funeral. The police let nobody participate in the funeral, except for his family. Remzi Altıntaş, who had joined the PKK in January 1992 and who had been arrested in July in the same year, had been sentenced to 12 years 6 months in prison, and this sentence had been upheld by the Supreme Court.

Fesih Beyazççek, who was not treated for a while after his situation deteriorated in the Yozgat E Type Prison, died on 23 July while being transferred to Ankara. In a statement made by the prisoners, it was disclosed that they had applied to the prison administration numerous times for the treatment of Fesih Beyazççek when his condition had worsened. In the statement, it was noted that the prison administration had transferred Fesih Beyazççek to Ankara in order to avoid his death in the prison. Zülfünaz Beyazççek, the mother of Fesih Beyazççek, said that they had gone to Ankara in order to take over the body of her son, and continued, “The police invented problems when we wanted to take the body of my son. We were able to take the body after struggling for about 3 or 4 hours.”

Relatives of the prisoners staged hunger strikes, occupied political party buildings, and held demonstrations and rallies in order to support the hunger strike staged at the prisons. The security officers intervened in most of these actions, people were forcibly ousted from political party buildings, some were beaten and some wounded. Hundreds of people were detained, some of the detainees were arrested. During the actions, Gülnaz Bağistani died in Germany (Berlin) and Latife Kaya (burnt herself) in Adana.

In İstanbul, alternate hunger strikes staged on 17 July at the HADEP Bağcılar District Center with the participation of 28 people, at the HADEP Bahçelievler District Center with 15 people and at the İHD İstanbul Branch with 20 people, continued under police siege. About 100 prisoner relatives from Adana, Antakya, Tarsus, Ceyhan, İskenderun and Osmaniye made a statement indicating that they supported the requests of the prisoners, and staged a hunger strike at the HADEP Seyhan District Center starting from 18 July.

A group of about 1,000 people, including relatives of the prisoners on hunger strike, gathered in front of the İstanbul Provincial Center of the United Socialist Party (BSP) in Tünel at noon on 24 July, and marched to the Galatasaray Post Office. Then, the relatives of the prisoners sent telegrams composed of a 7-item list, requesting an end to the continuing war in the Southeast and the pressure on Kurds, to the Presidency of the Parliament, United Nations Human Rights Council, European Human Rights Commission and Red Cross. The police did not intervene in the demonstration.

About 1,000 people, most of whom were the prisoner relatives, gathered in the Sultanahmet Square in İstanbul at noon on 30 July in order to hold a demonstration in support of the hunger strike. The people, who demonstrated for an hour by shouting various slogans, were prevented by the police when they attempted to march. The demonstrators argued with the police officers for some time, and started to disperse towards the Sultanahmet Park after the warning by İstanbul Security Vice Director Çetin Güven, who said, “If you disperse silently, we will maintain your security. Otherwise, we know how to disperse you.” The demonstrators were attacked by police officers short after, while they were dispersing. The police officers, who started to beat ruthlessly and chase after the demonstrators, regardless of young or old, detained 73 people. During the incident, a young man named Hasan Doğan was beaten and pushed over a wall by the police officers, and his leg was broken. Additionally, arms of a person named Nuri Yıldırım (16) were broken. Filiz Özççek, Erkan Dilek, Baki Akkan and İsmail

Akkan, who were wounded due to the beating, were hospitalized. 20 of the detainees, most of whom were minors, were released without being taken before the prosecutor, whereas the remaining 53 people by the İstanbul Public Prosecution Office on 2 August.

A pregnant woman named Hazal Deniz, who was among the demonstrators beaten by the police, stated that she had a miscarriage. Hazal Deniz said the following in the press conference held at the İHD İstanbul Branch on 31 July: "I was 2-month pregnant. We were dispersing after the demonstration. Suddenly, police officers attacked us. Although I said that I was pregnant, they beat me for a long time, and dragged me on the ground. Subsequently, I had a hemorrhage and then a miscarriage." İHD İstanbul Branch Chairperson Ercan Kanar stated that the İHD had sent observers to the Sultanahmet Square in order to watch the demonstration, and added, "The police mobilized all its forces in İstanbul against a peaceful demonstration. Despite the agreement between the security authorities and the crowd, the police officer attacked the people while they were dispersing." Kemal Parlak, the HADEP İstanbul Provincial Chairperson, said, "We refer the İstanbul police chief, who preserves a revolting attitude even against the political power that had assigned him, to the people in İstanbul and Turkey. Because I cannot find any competent authority, other than the people, to complain about him. During the attack, the police had opened fire on the back streets. The police officers carried the MHP emblem on their guns and belts. And this shows out that the MHP and the security department are in collaboration."

Ninety-five prisoner relatives, who staged a hunger strike in the HADEP Diyarbakır Bağlar District Center, were detained by police officers who raided the center on 4 August. Of the detainees, Hatice Tanrikulu and Ferhat Karataş, who were in a distressing condition, were hospitalized, and 5 elderly women were released within a short time. Ferhat Karataş, who was hospitalized, was taken to the Security Directorate following the medical intervention. Except Hanifi Akboğa, Veysi Çağır and Nuri Çelik, 87 of the detainees were released on 6 August.

Thirty-four prisoner relatives occupied the İstanbul Provincial Center of the RP on 6 August, and went on a hunger strike. Upon this incident, the Provincial Center of the RP was blockaded by the police, and those who wanted to enter the building were not allowed. Additionally, lawyers Selim Okçuoğlu, Talat Tepe, Bedia Burhan and Naciye Kaplan, who wanted to enter the building in order to see the prisoner relatives, were not allowed. Police officers entered the building at about 05.00 a.m. on 9 August, reportedly upon requests by the RP executives, and detained the prisoner relatives, 4 of whom were children. The detainees were released by the Zeytinburnu Public Prosecution Office at the evening on 9 August. İHD İstanbul Branch Chairperson Ercan Kanar, who reproached the RP executives' application to the police, said, "This attitude does not befit a party which is an organization of a civil society. The RP has proven to be militarist."

A rally, which was held in Adana by about 500 people, including prisoner relatives on hunger strike at the Adana Provincial Center of the HADEP in support of the hunger strikes in the prisons, was forcibly prevented by the police. The crowd that gathered in front of the HADEP Provincial Center at about 01.00 p.m. on 11 August, stated that they would send a telegram to President Süleyman Demirel and started to march towards the PTT office. The police waylaid the crowd within a short time. When the crowd insisted on marching, police officers beat the demonstrators with truncheons and planks, and dispersed them. Some of those dispersed returned to the HADEP's Provincial Center, while a group of 25-30 demonstrators sat on the E-5 Highway and blockaded the traffic. During the incidents, nearly 100 people were detained and 22 people were injured because of truncheon and plank blows. The names of those injured were as follows: "Sabriye Aslan, Emine Erdemir (60), Hülya Şener, Gurbet Algül (18), Cahide Mutlu (24), Sema Aktaş (15), Şahiye Arzak (28), Sultan Dağ (57), Safiye Dalgıç

(28), Cahide Mutlu, Nahide Ekin (33), Fatma Budak (27), Medine Özkılıç (35), Emine Orhan (30), Ahmet Bayar (10), Arzu Hatun, Adalet Lale (70), Menice Akbulut, Rabia Özdemir (50), Hediye İnanç, Zehra Erdem (60) and Makbule Ayan (30).”

Zehra Erdem, one of the wounded, said the following: “When the police prevented us, we all sat on the ground. They hit me with truncheons. I fell on the ground. They were hitting at my shoulder and hip. I was on an alternate hunger strike since 5 days, and my stomach was empty. I fainted after the blows to my stomach. I opened my eyes at the hospital. There, physicians did not treat me. Upon this, I was taken to a physician at a private clinic. The physician told me that my ribs were bruised. There are injuries and bruises all over my body. I am not able to get out of the bed.” Of the people detained during the rally, 9 were arrested and the remaining were released. The names of the arrested ones were as follows: “Saime Fırat, Halil Kuddusi Şahin, Nuray Sandallı, Mehmet Doğan, Deniz Söylemez, İlkbâl Baysal, Yunus Özgür, Hülya Günay and Zeynep Akıncı.”

Thirty-five people, who were staging a hunger strike in the New Democracy Movement (YDH) İzmir Provincial Center, were forcibly ousted and detained by the police on 13 August. Of the 35 people, including 32 prisoner relatives, 34 were released while Emrullah Çelik was arrested on charges of resisting the police. Meanwhile, it was learnt that İHD İzmir Branch Chairperson Ahmet Turan Demir, who was in the YDH Provincial Center during the police raid, was also kept in detention for some time. Emine Can, a reporter for the journal Odak, was detained while the relatives of the prisoners were being taken out of the building. She disclosed after being released that she had been tortured at the İzmir Political Police Center where she had been taken to.

Eight foreigners, 7 of whom are Germans and the remaining one is Swiss, who came to Turkey in order to watch the developments concerning the hunger strikes by the PKK-member prisoners, were detained by the police in Diyarbakır. The 8 foreigners, 4 of whom were detained on 16 August and 4 were detained on the morning of 17 August, were released by the Diyarbakır SSC, and sent to İstanbul by plane. The names of those detainees were as follows: Eva Erle, Jeanine Weigel, Holber Neibert, Anina Jendreyko, Ann Kristien Kowarsch, Uwe Oetken, Martin Dietermann and Thomas Vappeller.

A demonstration that was to be held by about 200 Kurdish children aged between 5 and 15, who blockaded the traffic on the İstanbul Galata Bridge at about 03.00 p.m. on 19 August, was prevented with the intervention by the police. The children carrying banners that read “Long live peace,” “We do not want bombs but candies,” “Let children eat sweets,” and “We do not want our parents to die,” were harassed and taken to the side of the street by police officers. Growing even harsher when the children tried to continue the demonstration while shouting, “We want peace,” the police officers detained 88 children and 18 adults, including İHD İstanbul Branch executives Müjgan Aslan and Selahattin Okçuoğlu and lawyers Mustafa Ayzit, Mercan Güçlü, Müesser Baş, Sevim Akat and Müslüm Erçetin. Another group of about 100 children blockaded the Altunizade exit of the İstanbul Bosphorus Bridge and tried to stage a similar action at about the same hours. This demonstration was also prevented upon the intervention by police officers, and 8 children and 10 adults, including İHD members and executives, were detained. The 96 children and the 18 adults detained after the act on the Galata Bridge were released at evening hours and on 20 August, respectively.

Five lawyers, who were detained while watching the act of the Kurdish children on the İstanbul Galata Bridge and in Altunizade, were accused of “aiding the PKK and harboring its members.” Lawyers Mustafa Ayzit, Sevim Akat, Mercan Güçlü, Bilgütay Durna and Müslüm Erçetin, who held a press conference at the İHD İstanbul Branch on 21 August, said that they

had been accused of “acting in contravention of the Law on Meetings and Demonstrations” at the police station, and that the prosecutor had decided on their release. The lawyers told that police officers had not taken the directives of the prosecutor into consideration and brought them to the İstanbul Political Police Center, and added, “This is an attitude against jurists and lawyers who think in a way out of the framework of the official ideology.” Lawyer Mercan Güçlü, one of the executives of the İHD İstanbul Branch, stated that the detentions were an extension of the campaign against the İHD, and said, “When the police started to beat the children on the Galata Bridge, we intervened. However, they treated us as if we had organized the demonstration. There were many other people there, but the SSC Prosecutor interrogated us on claims of ‘aiding the PKK and harboring its members.’ However, other people were accused of acting in contravention of the Law on Meetings and Demonstrations. Even this difference proves that this event was a part of the campaign against the İHD.”

Other developments

The PKK submitted a “letter of intention,” which is related to the Geneva Convention that determines the rules to be obeyed by the fighting parties, to the Red Cross on 23 January. The application, undersigned by PKK leader Abdullah Öcalan, was submitted to the Swiss and Red Cross authorities by Ali Sapan, the ERNK European Spokesperson. Upon the application that indicated an intent to sign the Convention dated 1949 and the Additional Protocol dated 1977, the convention was signed in a meeting with the Red Cross. The convention is binding only the PKK, unilaterally. In the letter of intention given by the PKK, the categories chosen as targets in the war by the organization were listed as follows: Turkish Armed Forces, counter-guerrilla, MİT (National Intelligence Organization), gendarmerie and village guards. The PKK, with the letter in question, stated that “the PKK would not regard the civil servants other than the listed ones as targets in the war.” Among the rules that the PKK promised to obey were “the granting captive status to the captured soldiers,” “the informing of all of the PKK units about the provisions of the convention,” “punishment of those who would not obey the rules” and “acceptance of all of the services to be rendered by the Red Cross.”

Ferhat Ataman, the Spokesperson for the Ministry of Foreign Affairs, disclosed that the PKK’s accepting to obey the provisions of the Geneva Convention was “not taken seriously” by Ankara, and said, “These sorts of propaganda initiatives and attempts will never change the fact that the PKK is a bloody terrorist gang.” He noted that only the authorities that represented a nation were enabled to make a commitment on obedience of the provisions of the convention against a signatory state, and said, “These kind of propaganda attempts are not new. Being a party to the Convention and its Additional Protocols can be taken as seriously as the attempts to establish a so-called Kurdish parliament-in-exile.”

Newspaper Milliyet Tunceli reporter Ferit Demir interviewed Şemdin Sakık, one of the leading names in the PKK who was said numerous times to have “died,” in his headquarters in a mountainous region in Tunceli at the beginning of May. Şemdin Sakık, indicating that there was no divergence between himself and Abdullah Öcalan, said that “they had made mistakes by harming the civilian people in the past,” and continued, “Yet, our attitude against the civilian people will be softer. Instead of killing the teachers, we will tend to teach them our own culture.” Şemdin Sakık, who said that him and his brother Sırrı Sakık, the former DEP Deputy, were on different paths, said, “I struggle at the mountains, he does so in politics. The DEP has no organic ties with us.” Şemdin Sakık, who falsified the news that alleged he was suffering from a kidney disease and he had to live connected to a dialysis machine.

Mehmet Öcalan (45), the brother of PKK leader Abdullah Öcalan, was detained along with his 6 children (Aynur-14, Havva-13, Fatma-11, Ömer-9, Gülsüm-6 and Dilan-4), in a raid

carried out on a house in the Güzelbahçe Quarter of İzmir on the morning of 22 September. Police authorities reported that Mehmet Öcalan and his children had been caught while they were preparing to escape to the Sisam Island of Greece by boat. Mehmet Öcalan said at the İzmir Security Directorate that he wanted to go abroad for treatment of the illness in his salivary glands, and added, "There is no one to care for my children since my wife died a year ago. For that reason I took my children along with me. I would try to go abroad through illegal ways since I thought that they would not give me a passport." In the meantime, 2 people named Aslan Aktop and Fesih Sayar were detained on accusations of "providing help for the escape of Mehmet Öcalan and his children." Mehmet Öcalan and his 6 children were released on the morning of 24 September by the İzmir SSC. On the other hand, Aslan Aktop and Fesih Sayar were arrested on accusations of "being members of the PKK."

Protests from abroad

The gravity of the Kurdish problem, and inhuman applications in the State of Emergency Region occupied an important place in the reports by international organizations. In 1995, numerous international organizations, mainly Amnesty International, International Federation of Human Rights and Human Rights Watch, released reports that condemn Turkey (and sometimes the PKK), and launched campaigns. Turkey also faced troubles before the international bodies such as the European Parliament and the OSCE. (Detailed information is on pages 25-29.) A report disclosed by the Human Rights Watch was an important example of the protests in 1995.

The report entitled "Weapons Transfers and Violations of the Laws of War in Turkey," which was made public with a press conference held in İstanbul on 21 November, documented that the NATO and especially the US weaponry was used extensively in the human rights violations by the security officers in the Southeastern Turkey. The report also criticized the human rights violations by the PKK, and listed the weapons used by the PKK and the income sources of the organization. The HRW representatives Joost Hilterman and James Ron, who participated in the press conference, said, "We are not opposing Turkey's struggle against the PKK, but we strictly criticize its attacks against the civilians," and noted that both the PKK and the Turkish government severely violated international humanitarian law. A news story published in connection with the aforesaid report and the press conference in the 22 November 1995 issue of the newspaper *Yeni Yüzyıl* is as follows:

The HRW representatives asserted that Turkey, which is the third biggest purchaser of the US weapons after Israel and Egypt, used the US weaponry not only in the combat against the PKK but in the human rights abuses against the civilian people. The report, which wrote that Cobra and Black Hawk helicopters were used in the forced evacuation of the villages, F-16s in the bombardment of villages and some civilian settlements in Northern Iraq and the Southeast, and the US, English and German product machine-guns were used in extra-judicial killings and torture, is based on detailed interviews with over 100 eyewitnesses.

Hilterman stated that they had submitted the report to the Turkish Foreign Ministry and the meeting had been positive. He said, "We could not reach a consensus with the Foreign Ministry on the conditions of the warfare and on the determination of international norms to be applied." Among the subjects defended by the HRW, there is one point that the Turkish government strongly rejects. The HRW categorizes the PKK problem in Turkey as a "civil war," and requests that the Turkish government should abide by the related articles of the Geneva Conventions about the civil wars and captives; whereas the Turkish government defends that the implementation of the Geneva Conventions will legitimize the position of the PKK, and the problem is an "internal security problem." The HRW authorities, who stated that

the PKK and the Turkish government should immediately stop human rights abuses, requested that Turkey should fulfill the conditions of the Geneva Conventions about the civil war law and accept the Red Cross.

The report, which said “Up to date, the war caused 19,000 casualties, 2,000 of whom were the PKK sympathizers killed by death squads, internal migration of two million people, 2,200 demolished villages, most of which were burnt down by the Turkish security forces,” also extensively included the human rights abuses by the PKK. Additionally, it was noted that the PKK had obtained weapons from various sources, including the neighboring countries, and applied to various methods such as drug trafficking and extortion in order to finance these weapons. Turkey, which bought weapons amounting to 8.8 billions dollars in the last 10 years, purchased some of these weapons from the NATO countries, and the part amounting to 5.3 billion dollars from the USA. The HRW says that Turkey, the leading weapon importer of the world in 1994, uses some of these weapons in the human rights abuses. It is claimed that the Sikorsky/Black Hawk/Cobra helicopters are used in the random fire against villages and other settlements, forced migration during the operations, mass executions, random raking, and taking reinforcement to the units that inflict torture. Among the weapons used in the human rights abuses, M16 rifles, M203 rocket launchers, F16, F4 war planes, and German, American and Turkish armored vehicles are listed.

The HRW “Arms Project,” which has been carrying out an investigation in Turkey since January, had interviewed over 100 eyewitnesses, some of which had lasted up to 4 hours. In the report, which included 29 case stories, are also statements by 3 army members. Of these, 22-year old enlisted man (B.G.) narrates the torturing and execution of a PKK adherent on 19 April 1994. B.G. adds that the incident had taken place in the Kuruçayır Hamlet of Silvan, and the gendarmerie had beaten the men in the village and then set the village on fire. According to the statement by the enlisted man, the operation had been commanded by Gendarmerie Regional Order Commander Hasan Kundakçı, who had arrived at the scene by a US-made Huey helicopter. During the operation, English, German and German-American made guns had also been utilized.

Calls in the report

- *Turkish security forces and the PKK should stop the human rights abuses.*
- *The policy of burning down and evacuation of villages should end, compensation should be paid for the losses.*
- *The General Staff Office should establish a unit, under the command of a high-ranked and respected officer, to list the human rights abuses by the security forces. This unit should be controlled by the Human Rights Ministry.*
- *The General Staff Office should determine the rules regarding clashes and operations, and distribute these rules, which should be convenient to the international law, to all security officers in the form of a booklet.*
- *The activities of the special team should be stopped. The methods and recruitment policy of this unit should be investigated. Extreme rightist groups and those who have connections with political parties should be fired.*
- *The US government should either stop to sell weapons and military assistance to Turkey, or at least stop the selling of weapons which are directly used in abuses, such as helicopters, cannons, armored vehicles and guns, until the heavy human rights abuses are ended.*
- *The PKK should stop its policy of punishing village guards, killing civilian state officials, unarmed village guards and people alleged to be collaborators.*

The report received harsh criticisms by Turkey. The Ministry of Foreign Affairs, preparing a counter report, evaluated the report as “inconsequential,” and asserted that the report was “baseless, far from the truth, and prepared to serve the PKK ends.” In the counter report by the Ministry, the following was defended against the determinations, assertions and suggestions in the HRW report:

“The incidents in the Southeast are evaluated as a civil war within the framework of the war law. However, the incidents are stemming from terrorism, and do not befall under the legislation of the humanitarian law. The report aims at shifting the PKK up to the same level with the Turkish state, and legitimizing it. Additionally, the Human Rights Watch representatives also confessed at the Ministry of Foreign Affairs that the humanitarian law knowledge of the people who had prepared the report was limited. The report does not mention the PKK as a terrorist organization engaged in acts of terrorism. The report gives the impression that terrorist connections of the PKK is tried to be hidden away.

The word Turk shows an supra identity. It is not possible to speak about a Turkish-Kurdish clash, just like now it is impossible to speak about clashes between Americans and Spaniards, French and Britons, Italians and Sicilians.

The report was prepared without carrying out investigations on the scenes, and based on the anonymous interviews with unidentified people. According to the basis of the investigation mechanism of the humanitarian law, the related country should grant permission to a humanitarian organization that requests to carry out an investigation. However, the Human Rights Watch did not request such a permission, and disclosed that an “investigation was carried out,” without having the permission. This situation is against the norms of the international humanitarian law. Due to the PKK pressure, some of the people in the villages and hamlets in the mountainous regions have migrated on their own will while some others have been transferred to other regions in order to avoid any harm. This implementation have been carried out through the collaboration of the Red Crescent with the local administrators. The villagers request village guards in order to protect their villages against the PKK. In the report, abolition of the village guard system is requested, aiming at leaving the villagers defenseless against the PKK.

The report aims to undermine Turkey’s legitimate right of self-defense by requesting that the sale of arms to Turkey be halted. However, no limitation was requested against the PKK which maintains its weapons from the free market.”

The reaction against the report was not limited only to the counter report by the Ministry of Foreign Affairs. The December issue of the journal “Savaşa Karşı Barış” (Peace Against War), which published a comprehensive summary of the HRW report, was confiscated by the İstanbul SSC. After the confiscation decision, a trial was launched against the executives of the journal under Article 312 of the Turkish Penal Code on accusations of “inciting people to enmity against each other by making regional discrimination.” Additionally, a trial was launched at the İstanbul Heavy Penal Court No.2 against Ayşe Nur Zarakolu, the editor of the Belge Publishing House, and translator Ertuğrul Kürkçü for translating it into Turkish and publishing its Turkish edition. In the trial, Ertuğrul Kürkçü and Ayşe Nur Zarakolu were requested to be sentenced between 1 year and 6 years in prison under Article 159/1 of the Turkish Penal Code on accusations of “insulting the military forces of the state.”

MURDERS BY UNKNOWN ASSAILANTS

Murders by unknown assailants, one of the most important human rights problems of the recent 4-5 years, prevailed in 1995, though decreased to a great extent compared to the previous years. Particularly in the State of Emergency Region, people from every circle, every profession (a total of **166** people) lost their lives as a result of attacks by unknown assailant or assailants. Other than the settlements in the State of Emergency Region (particularly Diyarbakır and Batman), murders by unknown assailants intensified in Adana and Mersin. The insensitivity towards murders by unknown assailants continued as it did in the previous years. Clearly evident facts or reports gathered about the murderers were not taken into consideration. All but a small portion of the hundreds of murders remain unsolved and no concrete information about the assailants could be obtained.

Authorities in the State of Emergency Region and in Ankara did not take any action beyond issuing statements saying “the assailants will be apprehended.” In these statements it was continuously stressed that “murders by unknown assailants were committed by the PKK and Hezbollah militants active in the region.” In some of the official statements (such as in those made by the State of Emergency Region Governorate or Ministry of Interior Affairs), it was announced that the assassins in some of the murder cases had been caught. However, no information could be obtained, indicating that the apprehended people had been convicted.

Adding another dimension of murders by unknown assailants was the clashes within the Hezbollah. The long-time dispute between two factions known as “İlim” followers and “Menzil” followers, erupted into armed clashes in the second half of 1993. These clashes, which became bloodier in 1994, continued in 1995, although less severe when compared to the previous year. Numerous people were murdered in attacks with meat cleavers or in armed attacks or bombings.

a)- The Parliamentary Commission to Investigate Murders

The Parliamentary Commission to Investigate Murders by Unknown Assailants, (*) which was formed in February 1993 after the great public indignation caused by the murder of journalist-writer Uğur Mumcu in a bomb assassination (24 January 1993), managed to complete its task in April 1995. However, the report prepared after a study was completed, sparked discord among the Commission members. Some members of the Commission from the DYP and ANAP

(*) The Commission was composed of DYP Deputies Sadık Avundukluoğlu, Nevzat Ercan, Osman Seyfi, Melih Pabuçcuoğlu, Sadık Keseroğlu, İsmail Köse, and Süleyman Ayhan, CHP Deputy Mustafa Yılmaz, ANAP Deputies Yüksel Yalova and Eyüp Aşık, and RP Deputy Hüsamettin Korkutata.

complained, “There are some statements and sections in the report that will lay the blame on the state,” and demanded these sections be corrected. For this reason, the report was not officially released, but it was reported in the press and caused great reverberations.

The report which attracted publicity, emphasized that murders by unknown assailants had increased rapidly since 1991 and had panicked the people to a great extent, and stated that 908 murders by unknown assailants had been determined by the end of 1993. The report recorded that murders by unknown assailants had been committed mainly in Diyarbakır (259 cases), Mardin (155), İstanbul (145), Batman (125), Şırnak (34), Malatya (23) and Adana (15) (including surrounding districts). The report also said that 781 of the murders had been committed with guns like pistols and rifles, 22 of them in bombings, 18 in attacks by knives and other weapons, and 23 by throttling or hanging.

The report put forward that the increase in the number of murders by unknown assailants and failure to reveal the people or organizations who had been involved in these murders generated distrust in the society and put the state under suspicion. It added that information about these murders had not even been scrutinized in an effective manner by the state institutions, especially by the Ministries of Justice and Interior Affairs. The report, which drew attention to the difference between the records of the Ministries of Justice and Interior Affairs and to the prevalent public impression that “the assailants have been protected,” stated, “Political murders by unknown assailants are generally committed on streets, in the busiest places of cities and in the daytime. The assailants of these murders committed in the busiest places of cities in the day-time are not found, and this frightens citizens and causes suspicion. Security forces cannot apprehend the assailants in political murders, although they apprehend or identify the assailants of ordinary criminal murders within a short time, and therefore citizens think that the state is an accomplice to those political murders.”

The report stated that there were security officers, repentants and village guards who had been involved in murders by unknown assailants or who had committed murders themselves, and gave examples. In addition, it stated that some of the murders by unknown assailants had been committed by radical Islamic organizations like the Islamic Movement and the Hezbollah, and some others by the PKK. The report pleaded that repentants (*) in prisons had been allowed out with special permission and then charged with carrying out operations, and that some crimes committed by repentants had been disguised by top level state officials. It stated the following:

“The practice of repentance has swerved from its purpose. These legal facilities were also provided for those who were captured by the security forces during clashes, or those terrorists who were in conflict with their organizations or determined to have utilized the organization’s financial means for their own purposes; and in its implementation, the practice has swerved from its purpose. The repentants, benefiting from the protection of the state and even, as in Diyarbakır, sheltering in the lodgings of the state which had been bought for the accommodation of police

(*) It was disclosed that there were a total of 483 repentants (385 arrested and 125 convicted) in prison by December. This figure revealed out that the repentance system, which had been continuously criticized since it was first implemented in 1985, had not served to the desired end, and the number of the repentants did not amount to even 5 percent of the total number of prisoners. According to the data by the Ministry of Justice, 24 of the repentants are women and 5 are children. Most of the repentants are in the Diyarbakır Prison. The distribution of the repentants according to the prisons is as follows: “259 (13 women) in Diyarbakır, 8 in Ağrı, 5 in Ahlat, 1 in Akhisar, 3 in Gerede, 1 in Edirne Agriculture Prison, 23 (2 women) in Elbistan, 3 in Gökşun, 1 in Elmalı, 2 in Erzincan, 3 in Antep, 64 (4 women) in Gümüşhane, 3 in Çukurca, 1 in Hatay, 1 in Hizan, 13 in İzmir, 3 in Kayseri, 19 Kırklareli, 1 in Kozan, 1 in Kumluca, 2 in Malatya, 1 in Hekimhan, 6 in Maraş, 16 in Siirt, 1 in Pazarcık, 2 in Nevşehir, 26 in Silifke, 5 in Siverek and 2 in Van.”

officers, have established criminal organizations, and gotten involved in activities such as gun running, murders and drug trafficking.”(*)

Some of the determinations and demands related to murders by unknown assailants included in the conclusion of the report, are:

- The PKK movement in the region, which had been initiated by 200 people, has developed and has begun to determine the agenda despite all the authority vested by the State of Emergency Law and numerous soldiers sent to the region to serve for the Gendarmerie. Since the state institutions are not functional and public services have been operated just nominally, the incidents have climbed rapidly. For this reason, the State of Emergency Legislation, which serves only to pay high wages to public officers who are in charge in the region, should be lifted.
- The village guard system, which has become the focal point of new illegal activity and has remained insufficient in the combat against the PKK despite the fact that the number of village guards in the region has been increasing day by day, should be abolished. After studying new alternatives (including the alternative of paying the wages they have been currently paid by the state without charging them in the region), these people should be provided new job opportunities. If necessary, the wages these people have received should be paid in the form of unemployment compensation and they should be disarmed as soon as possible.
- Repentants should be provided new ID cards and relocated after they have accomplished what is asked of them. The state-repentant relationship, which seems to provide those persons too many benefits from the state, should be ended. A healthy relationship should be maintained with the repentants. In addition, these people should immediately be ousted from the police lodgings in Diyarbakır.
- The Gendarmerie organization should be abolished in the long term, and forces that would be specially trained should be employed instead of gendarmes.
- A sufficient number of experienced *imams* should be assigned to the region.
- A sufficient amount of intelligence funds should be provided for the relevant units in the form of a discretionary fund, and counter intelligence services should be given priority. Additionally, intelligence activities should be left to legally authorized units and the confusion on this issue should be ended by preventing unauthorized units from functioning.
- The practice and the idea which suggests that the administration should defend, at all costs, a public official who has done wrong, as seen in the murder of Uğur Mumcu and in other murders, should be abandoned, and the system should not be demolished for the sake of disguising the faults of a public officer.
- The elements within the state that are capable of destroying the state either intentionally or negligently should be eliminated and an organization should be established so that the police would function professionally against murders by unknown assailants.

(*) In the past, crimes have been committed by the repentants. For example; In November 1991, a clash broke out in İstanbul Fenerbahçe between people who wanted to extort money from a businessman, and police officers who came to the scene after a tip-off. In the clash, 2 people, who wanted to extort money from the businessman were killed. As a result of the investigation, it came out that one of the dead was a super-intendent while the other was a repentant named Orhan Özay (with a fake ID in the name of Sedat Mete). Orhan Özay had become a repentant during the MLSPB (Marxist Leninist Armed Propaganda Unit) trial, and had been released because “he had displayed his deep repentance with his behavior.”

- Iran, which claims to have been a protector of all movements in favor of Hezbollah, provides training and support for all organizations functioning in our country under the name of Hezbollah, and trains about 400-500 children in the Southeast to fight against our country. It should be warned to stop these kinds of activities.
- A copy of this report should be sent to the Supreme Board of Judges and Prosecutors to enable an assessment of the acts and procedures of Ankara SSC Chief Prosecutor Nusret Demiral and SSC Prosecutor Ülkü Coşkun who have barred the works of the Commission for reasons we could not obtain, and who have cut off the information and document flow to the Security Directorate, in violation of the law.

Reactions against the report

The report sparked a discord among the commission members. Commission members from the DYP, apart from Commission Chairperson Sadık Avundukluoğlu, filed an opposition brief about the report. In addition, some members of the commission from the DYP and ANAP complained, “There are some statements and sections in the report that will lay the blame on the state,” and demanded these sections be corrected. On the other hand, ANAP Trabzon Deputy Eyüp Aşık stated that his impressions during the visits to the Southeast appeared to support the report, and said, “In fact the report is even light-handed. There are many serious incidents in the region.” DYP Erzurum Deputy İsmail Köse, who argued that the state and the security forces had been blamed in numerous sections of the report and who demanded that statements and sections in the report which would “lay the blame on the state and security forces” be excluded from the report, said, “There has been an official complaint raised against the Ministry of Interior Affairs. What crime has the Ministry of Interior Affairs committed? It is clearly seen that this report aims to point blame at the state.” Meanwhile, DYP Deputy Melih Pabuçcuoğlu criticized the demand to file an official complaint with the Supreme Board of Judges and Prosecutors against Ankara SSC Chief Prosecutor Nusret Demiral and SSC Prosecutor Ülkü Coşkun.

The DYP member deputies, who argued that “individual mistakes could not be billed to the state,” asserted in their opposition brief about the report that the security forces were tried to be rendered fatigue, and that there was an unjust attitude against the officials of the Ministry of Interior Affairs. They said, “If these sections are not excluded, this report, which accuses the state and its security forces, will be a good document for the separatist forces that aim at the destruction and separation of the state. Complaints against Turkey will easily be lodged with the European Parliament and Amnesty International, and Turkey will experience trouble.” The DYP deputies, who noted that the repentants, in order to assist the security forces, were taken out of the prison at the demand of the public prosecutor and the decision by the court, opposed the statement in the report that “the state did not protect the repentants and it was unable to control the malicious repentants,” and defended, “The state has taken every measure to protect the repentants. It would be unjust to claim that the state did not protect the repentants, on the basis of killing of one person.” The sentences the opposition brief asked be excluded from the text are:

- In contrary to the law, a secret village guard system was created.
- In numerous districts, the post of district governorate is undertaken by security officers ranked chief superintendent or deputy superintendent.
- Instead of sending experienced security officers to the region, people who have never carried a gun are being sent.
- The citizens, due to the lack of security, cannot not take emergency patients from villages to the cities, and they cannot bury the dead.
- As the state authority in the region is extremely weak, it is not known who does what.
- Certain unauthorized people can walk around in city centers with guns.

- If the assailants of the murders by unknown assailants are not found, then the impression is created that “the state does not reveal these people for it does not want to do so.”

Sadık Avundukluoğlu, the Chairperson of the Commission, evaluated the reaction of the DYP deputies as “a betrayal to the state and the nation,” and accused the DYP deputy commission members of “being tools of certain bodies by putting the claims of the opposition as a brief on the report”: “Attempts to hide and cover up mistakes is an advantage given to those who want to destroy and divide the state. To protect unlawfulness should not be the task of a commission that carries out an investigation in the name of the Parliament.” Sadık Avundukluoğlu criticized the opposition brief by saying that “it was an unreal scenario written from an alien point of view and insensitive to the public opinion.” Sadık Avundukluoğlu, who accused the DYP deputies of “writing an opposition brief without reading the report,” noted that those deputies had not attended the visits to the regions where murders by unknown assailants had been committed, and thus had failed to hear what was going on in the region. Sadık Avundukluoğlu, pointing out that the findings of the report were also stated in reports prepared by the civil service inspectors, said the following:

“It is not possible to understand the situation of the inhabitants of the region by sitting in a room in the Parliament. It is not possible to gain anything by objecting to the truth. The people and the institutions who have to see the truth and have to search for solutions in order to maintain the domination of the law in the region, are trying from their seats to cover up these negative incidents, in a way that inevitably recalls the negative incidents of our near past. The incidents are not made better by being hidden or covered up. Getting rid of mistakes is only possible by dealing with them. Although half of Silvan, which is a small district, is composed of soldiers and there is a police force there, people are killed on the main street in day time and the assailants are not found, which makes it impossible for the people to think any other way. Here, the task of the state is to eliminate the incidents that lead people to think any other way. The fact that the ones who are supposed to be determining the agenda are actually pursuing it has caused certain hesitations in the public, and upon encouragement by certain evil-intended people, the suspicions have intensified.”

CHP Malatya Deputy Mustafa Yılmaz said that the incidents had increased the suspicions of a “counter-guerrilla,” and added, “If it is desired to increase the trust of the people in their state and to maintain internal peace, it is necessary to bring to light the problem of counter-guerrilla, which has been discussed for the last 30 years.” Mustafa Yılmaz, who stated that presidents, prime ministers and political party leaders in Turkey had mentioned the existence of counter-guerrilla, said that the counter-guerrilla, which might have been established by certain people within the state, should not be protected and those who had contributed to the crime should be revealed out and punished. Mustafa Yılmaz disclosed that “Gladio” in Italy was a counter-guerrilla organization and there were similar organizations in the NATO-member countries, and added that only in Turkey there was not a struggle against a counter-guerrilla. Mustafa Yılmaz, who said, “If we want to maintain internal peace, to increase the trust in the state, and to clear the state, the problem of counter-guerrilla should be enlightened,” added that one of the most important findings during the process of scrutinizing the murders by unknown assailants was the failure of the MİT (National Intelligence Agency).

The Ministry of Interior Affairs prepared an alternative report entitled “Final Report of Investigation,” which came out against the report by the commission. In the 7-page “secret” report, the following was said: “It was not possible to find any document on whether the commission was entitled to determine the situation in the Southeast or not. If the issue is within the task of the commission, the findings should be handled by the authorities. If there is no such task and the commission had included that part on its own, this attitude inevitably brings out the probability

that the commission is prejudiced against the state.” In the report, it was argued that the findings of the commission as to the murders by unknown assailants were that “the state did not find the assailants on purpose,” and the following was said: “The commission report has been examined in connection with the accusations against the state and the claims that puts it under suspicion. It has been discerned that, in the main section of the report entitled conclusions and suggestions, scrutiny was not carried out but the issue was almost handled with the prejudice that, ‘The state backs the murders by unknown assailants; how can we reveal out this fact?’ The accusations in the commission report are eager to render the legislative, executive and judicial organs of the state against each other. The report is composed of points stemming from a sensational and commentary approach and including baseless claims.”

Incidents verified the report

Some incidents in 1994 and 1995 verified the conclusions reached in the report. For example, a tradesman named Mehmet Şerif Avşar, who was abducted by armed people coming his shop in the Yenişehir Quarter of Diyarbakır at noon on 22 April 1994, was found dead around the Tepebaşı Village of Silvan on 7 May morning. It was determined that Mehmet Şerif Avşar had been murdered with two bullets to the head. As a result of the investigation, village guards Yaşar Günbattı, Aziz Erbay, Ömer Güngör, Fevzi Gökçek and Nevzat (Sayel) Akçıl, and repentant Mesut Mehmetoğlu, who abducted and killed Mehmet Şerif Avşar, were apprehended. Later, a trial was launched by the Diyarbakır Public Prosecution Office against those people. In the trial, death sentence was demanded for Ömer Güngör while the other defendants faced up to 20 years in prison. The trial started at the Diyarbakır Heavy Penal Court No.3 on 5 July 1994. Out of the defendants cross-examined in the hearing, Ömer Güngör defended that he had killed Şerif Avşar under provocation and pressure, and said, “I killed because I was scared. I don’t know the Avşar family. But, Mesut and brother of the person I killed had met at the mountains and there had been a conflict among them. We went to his shop and took him upon the order of Mesut. As we are village guards, the police officers at the exit of the city did not ask our IDs. I was told that the person was being taken for interrogation.” Ömer Güngör said the following:

“One day before the incident, we went to Diyarbakır together with the others. After spending the night in a gendarmerie guest house, we went to the Security Directorate. Here I saw Ferit Akçay who supports the state and whom I knew before. He gave me the address of Şerif Avşar’s shop. I and the other village guards went to the shop, and tried to take Şerif Avşar with us. But he didn’t come and he asked us to call the police. Fevzi Gökçek and Aziz Erbay went and called the police. Mesut Mehmetoğlu and a person wearing glasses whom we didn’t know arrived saying they were police officers. We brought Şerif Avşar to the Gendarmerie Commandership. Later, I and Mesut, Fevzi, Şerif Avşar, and the person whom I didn’t know went to a ruined building on the 19th kilometer of the Diyarbakır-Lice road. There, Mesut and the person whom we didn’t know talked to Şerif Avşar for a while. Then Mesut called me and wanted me to kill Şerif Avşar. Since I was frightened, I obeyed the instruction, and shot twice in the head. On our return, policemen stopped us. A radio announcement, ordered our vehicle to be kept waiting. However, they set us free when the person wearing glasses said that he was a policeman.”

Fevzi Gökçek stated that he had participated in numerous operations, that they had detained Şerif Avşar during one of these operations and they had the authority to detain any person at any time, and said they had informed the Hazro Gendarmerie Commander of the situation after killing Şerif Avşar. Fevzi Gökçek, who repeatedly said in the cross-examination that he had been used, said, “I cannot speak freely at the moment. In detention, a non-commissioned officer, whose name I don’t know, wanted us to testify by repeating what he considered appropriate.” Fevzi Gökçek, who stated that they had committed the crime because they had been trapped by Mesut Mehmetoğlu, added, “We told that we were taking that person for interrogation. But when

we got out of the city, I understood that it would not be an interrogation. I related the incident to Major Mithat Gül.”

Stating that the testimonies received in the gendarmerie station and the prosecution office were fake testimonies, Yaşar Günbattı said, “We can’t speak a lot about the incident. The state charged me to detain some people, but later we became guilty. Had we not carried out the duty, we would have been fired.” Aziz Erbay said the testimony he gave in the gendarmerie station was fake, and false statements had been prepared in order to save the person who was also involved in the incident and introduced himself as a “policeman.”

Repentant Mesut Mehmetoğlu (*) stated that the defendants had agreed to tell the same tale in order to accuse him, and said, “They are showing me as a power above the state. I joined the PKK when I was 16. I carried out activities within the organization for years. I came and became a repentant. If I were happy to murder people, I would have stayed in the PKK. Now I am ashamed of myself. I am a victim of biased media. Not only this incident, but certain other incidents have been ascribed to me by the press. I am under suspicion as the PKK has spoken, through agents, to these people one by one. Faruk İncel, the son of Aziz Erbay’s uncle Reşit İncel and who is presently in the İstanbul committee of the PKK under the nickname ‘Duvar,’ has made an important contribution to the propaganda launched against me. Because we have a blood feud with these people for over 30 years.”

The hearings of the trial launched upon the killing of Şerif Avşar were the scene of interesting developments. Lawyer Şenal Sarihan, who attended the trial as the intervening party on behalf of the relatives of Şerif Avşar, applied to the Ministry of Justice before the trial started, and demanded that the prosecution be held in Ankara for security reasons. In her application, Şenal Sarihan said, “The witnesses of the incidents, those who were harmed because of the incident and those who shouldered the defense have been subjected to various pressure, threats. Some of the witnesses had to leave the city and migrate due to the threats.” This demand was rejected. In the meantime, before the hearing held on 21 September 1994, Şenal Sarihan was followed by unknown people, and she was threatened by people who approached her after the hearing and said, “It would be good for you if you don’t come here any more.”

During the prosecution, the presiding judge of the trial was changed (October 1995). Intervening lawyer Şenal Sarihan protested this change, and stated that such a change would prolong the prosecution period in the trial which had almost come to end. Şenal Sarihan, noting that the decisions taken by the court were not fulfilled and the letters were not accurately answered by the authorities, stated that she would raise official complaints against the responsible people for negligence in duty, if the attitude of not answering the letters continued.

In the meantime a private television channel (ATV) asked to cover the hearing held on 18 October. However, the presiding judge did not permit the coverage of the trial, and this led to discussions. Şenal Sarihan said, “In the hearing, I asserted that the trial was not closed to the press, and demanded that the journalists should be taken in the court hall. The presiding judge said he could permit the journalists, but he would not let the camera in. I stated that this attitude should be recorded in the minutes and a decision should be made, otherwise it would be in contradiction to the prosecution provisions. The judge replied, ‘Go and complain to anybody you want, I won’t

(*) Mesut Mehmetoğlu attempted to commit a suicide in prison on 28 June. Mesut Mehmetoğlu did not die as other repentants in the wing informed the prison administration about the incident, and received treatment at the hospital for a while. Writing a letter before his attempt, Mesut Mehmetoğlu said that he was not guilty, that the state had not backed him, and that he could not believe the way the state had treated him since the person he had ordered the murder of was an enemy of the state.

record your words in the minutes. I won't let the camera.' The dispute was over when one of the judges said 'Apply with a petition.' Şenal Sarıhan added that the television team, who wanted to make an interview with the family of Şerif Avcı, failed to do so because there were numerous plainclothes police officers around the house."

In the investigation conducted after Şeyhmuz Yavuz(*) was found dead on the night of 11 March 1994, it was revealed out that the murder had been committed by İsmail Yeşilmen (20), a PKK repentant. İsmail Yeşilmen, who was caught along with another repentant named Burhan Şare and with a gun in a stolen car at the beginning of July after a tip-off to the Diyarba-kır Security Directorate, confessed that he had committed a series of crimes, including extortion, robbery, blackmail, abduction and murder. İsmail Yeşilmen said that he, together with two policemen in Şırnak, had killed Şeyhmuz Yavuz with a gun he had taken from the Cizre Security Directorate. He included the following:

"I lived on pocket money from the police and soldiers. Recently, I have waged combat by going to the countryside together with the officials from the Cizre Security Directorate Special Operation Department. Under the instruction of the Cizre Security Director, a superintendent in charge at the Anti-Terror Department gave me the unlicensed pistol which was found on me and had been used in the murder of Şeyhmuz Yavuz. Additionally, a document proving that this pistol belongs to the police was prepared. One day before the incident, I went to the Diyarbakır Provincial Center of the MHP. While I was sitting there, I spoke with a policeman whom I knew from the operations in Şırnak and whose name is Hüseyin Albaş/Akbaş or Bozkurt, and with a person whom I knew but whose name I could not remember. We chatted and then parted company. One day later, police officer Hüseyin phoned to the house that I had rented in the Ofis Quarter of Diyarbakır. He said he was waiting for me across from the National Intelligence Organization building. We met and went to the Kültür Patisserie together. Şeyhmuz Yavuz was sitting at a table. When he left the patisserie, we abducted him."

Abdullah Canan (43), who disappeared on 17 January 1996 in the Yüksekova District of Hakkari, was found dead in the vicinity of the Altınbaşak Village of Yüksekova on 21 February 1996. It was determined that Abdullah Canan had been intensely tortured, his face was cut into pieces with a knife, and was shot dead with two rifle bullets in the chest and one in the head. The case of Abdullah Canan, who is believed to have been killed 10 days after his disappearance, was regarded by the authorities as a murder by unknown assailants for a long while, and the facts, which came out together with the evidences, were not investigated. However, as a result of the operation carried out upon certain kidnapping and ransom cases witnessed in Yüksekova in the second half of 1996, it came out that Abdullah Canan had been abducted and killed by a gang composed of soldiers, repentants, special team members and village guards. It was determined that this gang, most members of which were arrested, had abducted and killed numerous people.

An important sample case proving that the repentants in prison have been allowed out of prison from time to time and have participated in operations, was PKK repentant Alaattin Kanat who is claimed to have been "involved in numerous murders by unknown assailants." During the period he was kept under arrest, Alaattin Kanat was repeatedly taken out of the prison with the knowledge of the Diyarbakır E Type Prison Directorate. It was determined that Alaattin Kanat had been taken out of the prison 11 times between 1991-1993 when he was under arrest, and he

(*) Şeyhmuz Yavuz (41) was abducted in Diyarbakır on 11 March 1994 by armed people, and found dead at the Diyarbakır State Hospital Morgue. It was revealed that Şeyhmuz Yavuz had been brought to the morgue after he had been found on the Diyarbakır-Silvan road on the night of 11 March, his hands tied behind his back and shot in the head.

had spent the last 3,5 months (A repentant who is taken out of prison under the Repentance Law has to be taken back within 15 days.) of the arrest period outside prison. During the period Alaattin Kanat was outside prison, many people, including journalist-writer Musa Anter, Mardin Deputy Mehmet Sincar, and İHD Elazığ Branch Chairperson Metin Can and his friend physician Hasan Kaya, were murdered. Alaattin Kanat was detained in İstanbul on 21 August along with his three friends Nizamettin Kutlu, Kadir Akbıyık and Mehmet Yazıcıoğulları, upon a tip-off from a Kurdish businessman, from whom he was trying to extort DM 100,000.

İbrahim Babat was one of the people whose name was frequently mentioned when murders by unknown assailants came to the agenda. In an article by Saynur Çetinel, published in journal *Nokta* (January 1996) about İbrahim Babat, who has become involved in numerous murders by unknown assailants after becoming a repentant, the following was stated:

About 2 years ago, the name İbrahim Babat, the PKK repentant presented by the press as the murderer of JİTEM (The Gendarmerie Intelligence and Anti-Terror Unit) Major Cem Ersever, surprisingly came once again on the agenda through a swindling case. Employed as a trustee by Ünlü Textile, a firm located in İstanbul Eyüp and owned by Sabri Ünlü, İbrahim Babat disappeared about 10 days ago, taking TL 9 billion of the company's money along with him. Having disappeared with the money to be paid to Ünlü Textile employees, it was claimed that İbrahim Babat had regretted what he had done right a day after, taken the money back to Sabri Ünlü's house in Ümraniye, and handed it over to his wife. Ünlü Textile employees do not have any idea as to Babat's whereabouts, who disappeared following the incident!

İbrahim Babat has been wanted on the grounds that he had been involved in various crimes along with being the suspected murderer of Major Cem Ersever. The question of how he has so easily managed to live in İstanbul for such a long time remains unanswered.

*In an article entitled, "We Are Disclosing The Murderer of Cem Ersever" published in the November 1993 issue of journal *Nokta*, the claims against Babat all came out. Though Babat lived in a house in İstinye at the time, he was not apprehended. After the incident at Ünlü Textile, it came out that Babat had lived ever since right in the middle of İstanbul without even feeling the need to hide. Considering the fact that at that time, the İstanbul Security had been under the rule of really tough names like Necdet Menzir and Orhan Taşanlar, the question of why Babat had not felt the need to hide himself is yet unclear.*

*About 2 years ago, according to a statement to *Nokta* by a member of the Turkish Revenge Brigade (TİT), İbrahim Babat had not only killed Cem Ersever but was involved in various mysterious happenings in the Southeast as well. The TİT member had stated that İbrahim Babat, who had worked for a long time for the PKK under the code name "Mete," had been the PKK military commander of Besta-Uhudere-Beytüşşebap. Involved in the PKK movement since the first day it had been established, İbrahim Babat was a citizen of Syria and a member of the Babat clan. Brought up among the mountain team, it was also claimed that Babat used to be a bomb specialist.*

Another interesting point was that Babat, who had preferred to become a repentant after being caught, had neither been prosecuted nor arrested. It was stated that Babat had later met JİTEM Commander Cem Ersever. They started working together, and Babat significantly influenced Ersever's opinions about the Southeast. Babat and Ersever had worked together for 7 years, struggling with the PKK on the one hand and saying privately that "the inadequate methods of the State would all end up in vain" on the other.

Among the claims against him was that, making use of the existing potential in the region, Ersever and Babat had quickly organized the TİT with the support and the lead of a security director. The starting point of establishment of the TİT was that it would be more appropriate to

use the same methods the PKK used in the ongoing struggle. They were of the opinion that by this, “they would lessen the impact of the negligence by the governments, end the career aspirations of certain officers in charge at the region and conduct influential work as well.” Among the horrible claims was that TİT had a finger in many of the murders by unknown assailants committed in the region. Along with İbrahim Babat, Gendarmerie Lieutenant İsmail Öztoprak had also been a close friend of Ersever at that time.

It was claimed that in the independent TİT studies, Ersever had sustained absolute control. According to the claim, at the beginning, it was preferred that the organization would contemplate sabotages rather than killing the selected targets. Among these were “missions” such as bombing the car of Diyarbakır Bar President and setting newspaper Yeni Ülke on fire.

However, day by day, the operations carried out by the group turned bloodier than ever. As the work progressed, the star of İbrahim Babat, alleged to be employed both by the JİTEM and the TİT, shone brighter than ever. Babat himself prepared a video tape including Talabani and Barzani’s praises of PKK leader Abdullah Öcalan, and handed it over in person to TRT programmer Ertürk Yöndem. It was claimed that Babat, one of the most prominent figures of the TİT; was strictly devoted to the illegal and aberrant methods of the organization.

In time, it would become clear that TİT had indeed been quite right in putting special emphasis on including repentants within the organization. Repentant TİT members, equipped with detailed information about the PKK, would succeed in directing the financial sources in the region in favor of the TİT. It was alleged that the money collected in Ersever’s account, was to be used to provide weapons and create sources for the organization. However, the good days would not last for long. Among the organization, the belief that Cem Ersever worked “for his own account” spread.

Again according to a claim, a peshmerga commander, who had escaped to Silopi right after the Gulf War and sought asylum in Turkey, and was then sent to Antalya, would somehow be brought back to Silopi by Lieutenant Ersever. Ersever would hand him over to the Iraqi intelligence officers waiting at the Silopi border in return for \$ 100.000.

The incident caused a shock within the TİT. Lieutenant İsmail Öztoprak had a stand-up fight with Ersever, saying that he was going to tell the situation to his superiors and that he never again wished to work with him. Friends helped the officers calm down. However, during a training session held on the night of the same day, a soldier from Burdur “accidentally” killed Lieutenant Öztoprak. This would be the final blow. Bloody incidents took place one after another in an environment dominated by the complex relationships of the weapons and drug markets. Meanwhile, it was claimed that Babat, allegedly dismissed from the JİTEM, had settled down in İstanbul and been taken under the protection of the security director who had provided support for the establishment of the TİT. His team dispersed, Major Ersever nonetheless succeeded in keeping his name on the agenda through the statements he made to the press following the death of Eşref Bitlis. Shortly after breaking up with the JİTEM, the corpses of Ersever and 2 of his friends were found.

So, İbrahim Babat, said to have set up one of the most important rings of this dark chain, has once again appeared and then disappeared. Under these conditions, the question of how Babat could have been employed as a trustee by Ünlü Textile inevitably drew attention. However, firm owner Sabri Ünlü refrained from providing information on the phone and refused to speak when we went to his office for a meeting. İbrahim Babat, said to have no records at the firm where he had been employed as a trustee, has once again gone missing. It is yet unknown at which state of the ongoing chain of dark incidents he is to reappear.

In the meantime, a retired superintendent named Hüseyin Polat, who had to resign when he was accused of “assisting drug smugglers and receiving bribes,” killed 2 PKK repentants named Hidayet Bozyiğit (with a fake ID with the name Muhsin Dumlu) and Abdullah Güral, who had gone to this office in İstanbul Kadıköy at about 06.00 p.m. on 22 August. After the incident, Hüseyin Polat and his brother Tahir Polat were detained. In his testimony, Hüseyin Polat said that he was to be abducted, and his gun fired when it fell on the ground during the fighting, whereas Tahir Polat said that he had no connection with the incident, and that it was all over when he went to the scene after hearing gun shots. The police disclosed that they had information indicating that the incident involved a dispute regarding the money from drug trafficking.

b)- Hezbollah

The name of the radical Islamic Hezbollah organization was frequently uttered in connection with murders by unknown assailants in the State of Emergency Region. In the operations carried out occasionally, certain people, who claimed to be “members of the İlim or Menzil wings of the Hezbollah,” were detained. In the official statements made after the operation, it was claimed that numerous cases of murders by unknown assailants had been solved as a result of the interrogation of the detained people and that those detained had been involved in numerous cases of killing, wounding, bombing. Trials were launched against these people, but no serious result was obtained at the end of the prosecutions.

Diyarbakır SSC Prosecutor Bekir Selçuk, in his statement published in the 7 May 1995 issue of the newspaper Cumhuriyet, stressed that the Hezbollah was organized through the use of legal loop-holes, and added that there was a serious struggle against the Hezbollah. But after the abolition of Article 163 of the Turkish Penal Code, the radical Islamic groups had increased their organizational and political activities. Bekir Selçuk said, “Article 8 of the ‘Law to Fight Terrorism’ only pertain to ‘separatist activities.’ By using religion, they can easily get together and propagate. There is no penal sanction against it. In 6 or 7 years time, there may be a Hezbollah syndrome, much more serious than the PKK one.” Bekir Selçuk, pointing out that that the graduates of *imam hatip* schools (high schools providing religious education for people who want to work at the mosques) were a majority among the captured Hezbollah militants, continued:

“There is a serious struggle against the Hezbollah. However, it is obstructed at a certain point. Hezbollah is active in Iran, Syria, Lebanon, and though quite weak, in Iraq. We come to a certain point in our investigation regarding the Turkish Hezbollah, but we can’t go beyond this. We do not know much about their political organization. We have information on the military wing. However, we don’t know if they are trained in the country or abroad. The weapons they use are usually from the iron curtain countries. Why don’t they use weapons from Belgium or Germany? We don’t know. These kind of things rise question marks. The organization of the Hezbollah in other countries and the Hezbollah in Turkey are different. However, they are unique in essence. The Turkish Hezbollah uses different methods in organization. The graduates of the imam hatip schools are a majority among them. They figure out the people who sympathize with them, and then begin to organize them.”

Operations and trials

As a result of the operations carried out in Mardin and in the Nusaybin District of Mardin in the last days of March, 26 people were detained on accusations of “being members of the Hezbollah and having participated in certain armed attacks.” The State of Emergency Regional Governorate disclosed that the detainees had been involved in 88 armed attacks and bombings which had resulted in the killing of 54 people (50 in Nusaybin, 3 in Gaziantep, one in Mardin) and

wounding of 18 people. (*) In the statement, it was said that 4 rifles, 14 pistols and one hand grenade had been captured together with the detainees. Out of the detainees, 22 were arrested while 4 were released. In May, a trial was launched against 26 people. In the indictment prepared by the Diyarbakır SSC Prosecution Office, the death penalty was sought for 11 defendants while various imprisonment terms between 5 years and 15 years was sought for 15 defendants. Names of the people who face the death penalty are as follows: “Kaan Aktaş, Mehmet Salih Aslan, Abdurrahman Orhan, Adnan Aktaş, Şeyhmuz Uğur, Mehmet Kadri Can, Sacit Özbey, Hayrettin Demir, Haşimi Güneş, Mehmet Zeki Ergin and Aziz Keskin.” Stating that the Hezbollah had come out around 1983-1994 had started its activities during the same years, the 61-page indictment added the following in short:

“The organization has committed 19 cases of murders by unknown assailants in İstanbul. It has been determined that the Hezbollah has been divided into 4 branches, *askeri* (military), *istihbari* (intelligence), *içtimai* (social) and *tebliğ* (propaganda). The organization was re-structured between 1984 and 1991, and shifted their activities to East and Southeast regions. The organization aims are to enlarge its base, find new participants, create a sympathizers group, make propaganda, create new financial sources and find logistic support. Wherever it is weak, the activities carried out are delivery and invitation. The organization aims at establishing an independent Kurdish state in the East and Southeast regions based on the principles of Islam. They instruct the newcomers on religious subjects as first step. At this step, the students are classified according to their interest, loyalty, and espousing of the cause. As the second step, those who will be educated are determined and their names are given to the leaders at the mosques. And the responsible person refers the case to the *cemiyet* (community), *cemaat* (congregation) and *istihbarat* (intelligence) units in order that the necessary investigation be carried out. During this period, the candidates place within the society, their educational status, and relations with other legal or illegal organizations are scrutinized. Information regarding their families are compiled. Afterwards, those who are accepted as candidates are invited. Then those who are accepted as candidates are entitled to get in contact with the members of the organization. The education during the second step is given at the mosques or at the student houses used by the organization.”

(*) According to the indictment, some of the people killed or wounded by the Hezbollah in Mardin and Nusaybin are: “Abdurrahman Söğüt (18 January 1992), Oktay Türkmen (2 February 1992), Rıdvan Ağırman (3 February 1992), killing of Eyüp Aktaş, wounding of Abdülaziz Toprak, Abdülhamit Acun, Şükrü Bozdemir and Soni İnan (29 February 1992), Halime Erkan (3 March 1992), Tekin Alan (21 June 1992), Bedirhan Güneş (25 July 1992), Mehmet Kızılcınar (4 August 1992), Abdullah Uğurlu (5 August 1992), Hüseyin Akçakaya (6 August 1992), Ömer Kardeş and Abdullah Kardeş (19 August 1992), Süleyman Güler (27 August 1992), Metin Turan (15 October 1992), Zeynettin Dağ (16 October 1992), Hasan Çetin (23 October 1992), Sinan Yılmaz (14 December 1992), Lokman Gündüz (30 December 1992), Mehmet Emin Deniz (5 January 1993), Celal Uçar and Süleyman Gök (13 January 1993), Beşir Deniz (4 February 1993), Ali Doğan (17 February 1993), Derbest Bekler (4 March 1993), Şevket Aslan (14 April 1993), Abdürrahim Sert (13 June 1993), Adil Başkan (9 July 1993), Halil Özmen (30 July 1993), Mehmet Selim Şahin (2 August 1993), Abdullah Durmuş (3 August 1993), Ahmet Elinç (13 August 1993), Yusuf Dündar, Hasan Yağlız and Hasan Dündar (13 October 1993), Mehmet Yıldırım (26 October 1993), Cemal Aktaş (14 January 1994), Şemsettin Oral (16 January 1994), Hasan Gümüş (26 February 1994), Mehmet Salih Aslan (20 April 1994), killing of Hüseyin Özdemir and İbrahim Seren, wounding of Mehmet Bulun (1 May 1994), Sevilay Seyithanoğlu (2 May 1994), Abdülvahap Küçükaslan (11 June 1994), Abdurrahman Sert (13 June 1994), killing of Ali Özdemir, wounding of Abdullah Özdemir and Esman Özdemir (21 June 1994), Muzaffer Yıldırım (29 June 1994), Sabri Arar (30 June 1994), Mecit Kaya and Hasan Kaya (1 July 1994), İbrahim Çetin (1 July 1994), Musa Kaya (6 July 1994), Celal Bulut (27 July 1994), Goran Demir (17 August 1994), Celal Kurt (24 August 1994), Sadık Yıldırım (26 August 1994), killing of Behzat Deniz and Abdülkadir Deniz, wounding of Zekiye Yıldırım (1 November 1994).”

In operations carried out by the police in İstanbul on 6 April, 8 people, Murat Filiz, Mehmet Ali Filiz, Abdüsselam Gezgin, Eşref Akın, Kadri Çelik, Hüseyin Yalçın, Levent Donbay and Metin Demir were detained on accusations of “being members of the İlim wing of the Hezbollah.” It was disclosed that the 8 people, who were shown to the press on 18 April, had abducted Fidan Güngör, (*) the leader of the “Menzil” wing of the Hezbollah, and Sabahattin Talayhan alleging that “they had 40 people from the İlim wing killed.” The statement said that Fidan Güngör had been handed over to the militants of the organization coming from Batman to interrogate him, while Sabahattin Talayhan had been killed and buried in a forest area in the vicinity of the Bahçecik Town of Kocaeli. The statement, which mentioned that the burial place of Sabahattin Talayhan was unknown as the militants who had buried him had not been apprehended, said, “It has been determined that the apprehended people have been making efforts to establish a base for the İlim wing of the illegal Hezbollah organization, and that they collect money under the name *sadaka* (alms) in order to use in the organizational activities.” Out of the detainees, Murat Filiz, Metin Demir, Hüseyin Yalçın and Eşref Akın were arrested.

In operations carried out in the Nusaybin District of Mardin in June, 12 people were detained on accusations of “being members of the Hezbollah and having participated in armed attacks and bombings.” A statement made by the State of Emergency Regional Governorate said that the detainees had killed 37 people, wounded 21 people, bombed 9 houses. The statement added that 23 pistols and 3 automatic guns had been captured along with the detainees.

In an operation launched after the armed attack, which was carried out in the Gündoğdu Quarter of Mersin on 5 June resulting in the killing of a salesman named Abdullah Önen, 4 Hezbollah followers named Emin Ekinci, Mehmet Mürsel Ekinci, Niyazi Özdemir and Remzi Özdemir who were involved in the attack, were detained. In addition, 2 persons named Ali Rıza Yöndem and Habib Kaya were sought by the police.

In operations carried out by the police in Adana in July, 14 people were detained on claims of “being members of the İlim wing of the Hezbollah and having participated in certain armed attacks and bombings in Adana.” The official statement said that the detainees were involved in the killing of Mehmet Salih Sebuktekin, one of the executives of the HADEP Adana Provincial Organization (28 September 1994), Rebih Çabuk (3 October 1994) and Sefer Cerf (3 October 1994), Bahattin Oğuz (12 January 1995), Rüstem Akan (12 April 1995) and İzzettin Görnü (1 June 1995), wounding of Salih Satan and Tahir Afşin. The names of the detainees were as follows: “Hasan Tilki, Zahar Tekin, Bayram Aslan, Abdullah Sülün, İbrahim Şen, Murat Kavak, Sedat Yılmaz, Cengiz Tekin, Fevzi Akkaya, Mehmet Hadi Şimşek, İsmail Gök, Mehmet Emin Kaya, Mehmet Mehdi and Zaman Güner.” Out of the 14 people, Hasan Tilki, Abdullah Sülün, Hüseyin Şen, Zahar Tekin, Bayram Aslan and Murat Kavak were arrested.

During operations carried out in Bolu in August, 15 people were detained on accusations of “being members of the Hezbollah and having carried out robberies on behalf of the organization.” Eleven of the detainees were arrested by the Ankara SSC whereas 4 were released. The names of the arrested people were: “Hasan Aşar, Cengiz Çelik, Güngör Gök, Cengiz Aksoy, Yılmaz Demirtaş, Halil Kurt, Abdülhıhat Taştan, Yusuf Dayar, Yılmaz Demirtaş, Durmuş Dinç

(*) Writer Fidan Güngör and his friend named Sabahattin Talayhan disappeared on 11 September 1994. Tufan Mengi, the Mazlum Der (Association of Human Rights and Solidarity with Oppressed People) İstanbul Branch Chairperson, and Ercan Kanar, the İHD İstanbul Branch Chairperson, held a press conference regarding the incident on 1 November 1994. In the conference, which was also attended by Fidan Güngör’s wife Nazife Güngör and their 2 children, Tufan Mengi said that Fidan Güngör and Sabahattin Talayhan, after leaving the house, had been taken away by persons introducing themselves as “policemen,” however inquiries by the Association had been met with the response that “these persons were not under custody.”

and Mehmet Dinç.” Those released argued that they had been detained because of their religious beliefs and worshipping, and they rejected the accusations. In September, a trial was launched against 15 people by the Ankara SSC Prosecution Office. In the trial, death penalty was sought for Hasan Aşar, Cengiz Çelik and Güngör Gök under Article 146/1 of the Turkish Penal Code, sentences of no less than 15 years in prison were sought for Cengiz Aksoy, Halil Kurt, Yılmaz Demirtaş, Hayri Yıldırım, Durmuş Dinç, Abdülhâhat Taştan, Mehmet Dinç and Yusuf Dayar and no less than 5 years for Ahmet Aydın, Sebahattin Bedir, İbrahim Yıldırım and Arif Seçkin.

The trial started at the Ankara SSC on 25 October. Hasan Aşar, who read verses from the Koran in his defense, said that it was not necessary to seek a mediator other than God and the only valid law was the Koran. Hasan Aşar, who admitted that he had robbed the dynamite warehouse of the firm he worked, disclosed that they had planned to use the 130 sticks of dynamite he had stolen in attacks against Jews and Americans in Turkey. Stating that they had abducted a guardian (Ali Arık) from the Afyon Prison because he had mistreated the defendants of the Sivas case, Hasan Aşar said, “This guardian had severely beaten a defendant. We were to beat that person nicknamed ‘bone-cracker’ in a similar way. But, we were able to keep him for 1.5 hours.” Cengiz Çelik, one of the defendants, rejected the accusations in the indictment, and said that he was not a member of the organization. In the hearing, arrested defendants Yılmaz Demirtaş, Halil Kurt, Hayri Yıldırım, Cengiz Aksoy, Abdülhâhat Taştan and Yusuf Dayar were released. The trial continued in 1996, and Durmuş Dinç and Mehmet Dinç were released.

In operations launched by the police in Diyarbakır in August, 12 people were detained on accusations of “being members of the Hezbollah and having participated in certain attacks.” The State of Emergency Regional Governorate disclosed that one pistol, one knife, and numerous documents were captured along with the detainees. It was alleged that 12 people had been involved in the killing of 8 people in knife attacks and 2 people by shooting, and the wounding of 13 people in knife attacks and 1 person in a shooting. All of the detainees were arrested.

As a result of a raid carried out by police against the Hacı Hüseyin Mosque in the Bağlar Kaynartepe Quarter of Diyarbakır on 25 December, 7 people were detained on accusations of “being followers of the ‘İlim’ wing of the Hezbollah and having participated in certain armed acts.” It was alleged that guns and some knives had been found at the mosque. The sources in the region reported that for the first time a mosque in Diyarbakır had been raided by police.

Attacks against the *imams*

Starting from 1995, murders by unknown assailants in the region targeted mosque imams and religious figures more than before. The attacks against the religious people or imams intensified in the last 3-4 months of the year. As an important point, all of the attacks were carried out by youths aged 17 or 18. It was disclosed that the attacks were carried out against those religious people who had opposed the Hezbollah activities and had not let the Hezbollah militants in the mosques or schools they worked.

For example; an imam named Abdullah Ülgen, who suffered an attack by 3 people with meat cleavers near the Diyarbakır Muhammedhan Mosque at noon on 4 October, was severely wounded. Two of the assailants were caught right after the attack. Abdullah Ülgen’s son Hamit Ülgen, who was a peddler, had been killed in an attack by unknown assailants in Diyarbakır on 23 September 1993. In a news story published in the local newspaper “Söz,” it was stated that a dispute had arisen when Abdullah Ülgen did not let 3 Hezbollah adherents enter the mosque previously, and that the attack might have been carried for that reason.

An imam named Bekir Tüylü (48), was killed in an attack by unknown persons with meat cleavers on the Diyarbakır İstasyon Street at noon on 12 October. Bekir Tüylü was re-reportedly

based at the Sümer Mosque on İstasyon Street. Ahmet Tekel, the imam of the Şehitlik Mosque, died in an attack with meat cleavers on the same day. In a statement he made after the killing of Ahmet Tekel, an imam who wanted his name to be kept confidential, said, “The Hezbollah wants to train the children. It wants the verses be interpreted in line with their own ideology. The imams who do not act according to the demands by the Hezbollah are targets.”

Diyarbakır SSC Prosecutor Bekir Selçuk, in his statement published in the 19 October 1995 dated issue of the newspaper Cumhuriyet, evaluated the attacks against the imams as “an attempt to take over the mosques,” and said the following: “The Hezbollah had chosen the mosques as places of hiding after committing crimes, for accommodation and carrying out educational activities. They first warn the officials of the mosques who oppose and resist them and who refuse to hand over the keys of the mosques. Then, they punish those people who do not abide by this warning with their own methods, they kill them with meat cleavers.” Bekir Selçuk, who stated that the attacks with meat cleavers were carried out by 2 or 3 people, said, “There may have been certain imams who accepted the ideology of the Hezbollah. They do not disclose the name of the imam who helps them. Up to now, no repentant has come out of the Hezbollah to help us and give information about the organization. After they are captured, they do not carry out activities for a period of time. But they recover within a short time. They can easily find members for the military wing which carries out the attacks. Despite this, they remain silent and do not carry out attacks for a while, sometimes 2 or 3 months. Then, they educate those people who were found to replace the arrested ones in a short period of time and brainwash them, and they push them to carry out attacks.”

Bekir Selçuk, who said that the Hezbollah was using meat cleavers in the recent attacks in order to leave no clues behind, said, “The organization was using guns at the very beginning. But they used the same gun for several attacks, leaving clues for police when the gun was found. After realizing this recently, they began to carry out the attacks with meat cleavers and knives. They throw away the meat cleaver used in an attack, leaving no clue behind. Even if they do not do so, it is technically impossible to determine that the meat cleaver was used in 2 different attacks. Thus, they generally use meat cleavers in their attacks in order to avoid giving away clues to other murders by unknown assailants.”

Those found dead (*)

Among cases of murders by unknown assailants, a great number involved people who had been kidnapped and found dead later on. Cases of people found dead after having been kidnapped, which was first put on the agenda in 1991, prevailed among the most important human rights violations in 1995. Security officers, intelligence organizations and the counter-guerrilla units were held responsible for most of such cases. Certain clues were found as to these incidents starting from mid-1996. These clues revealed an organization which committed murders fearlessly and without any hesitation. Most of the members of the organization were security officials (policemen, soldiers, MİT agents, special team members) and MHP adherents.

Mehmet Ađar, the Minister of Interior Affairs within the cabinet of the RP-DYP coalition government which was established in mid-1996, resigned on 8 November 1996. Incidents that led to the resignation of Ađar developed as follows in short: In a traffic accident that took place in the vicinity of the Susurluk District of Balıkesir on 3 November 1996, former İstanbul Security Deputy Director Hüseyin Kocadađ, Abdullah Çatlı (who carried a fake ID under the name Mehmet Özbey), a woman named Gonca Us died. Besides, DYP Urfa Deputy Sedat Bucak was

(*) Detailed information regarding the people who were found dead after having been abducted is in the section entitled “Disappearances.”

severely wounded. After the accident, the relations between the mafia, police and politicians began to be discussed extensively. Then, claims that Mehmet Ađar had protected Abdullah atlı, who was wanted for the murder of numerous people prior to 12 September 1980, and that Abdullah atlı had shouldered secret tasks in the name of the state, came on the agenda. It was also asserted that atlı, who was arrested in Europe for being a drug smuggler after 1980, had been an important figure of an organization that carried out counter-guerrilla activities.

Starting from 1991, numerous people were found dead after having disappeared. For example; HEP Diyarbakır Provincial Chairperson Vedat Aydın, abducted by people who came to his house in Diyarbakır on the night of 5 July 1991 and introduced themselves as “police officers,” was found on the Diyarbakır-Maden Highway on 7 July 1991; İsmail Hakkı Kocakaya, abducted in the Esenler Quarter of Diyarbakır on 23 November 1991 by people alleged to be “police officers,” was found in the Karacadađ region around Siverek on 27 November 1991; journalist Bülent Ülkü, who went missing in Bursa by the beginning of year 1992 was found in Bursa Uludađ on 1 April 1992; İHD Elazığ Branch Chairperson lawyer Metin Can and doctor Hasan Kaya, gone missing on 21 February 1993, were found on 26 February 1993 12 kilometers from Tunceli; journalist Ferhat Tepe abducted on 28 July 1993 in Bitlis by people with hand radios was found around the Sivrice District of Elazığ on 3 August 1993; retired major Cem Ersever (had quit the army by the beginning of year 1993 and made important statements about the activities of the counter-guerrilla units) who went missing in November 1993 and his 2 friends namely Mustafa Deniz and Neval Boz (members of the intelligence department) were found in the vicinity of Ankara on 5 November 1993 -all dead.

The number of the people killed after being abducted by unknown/known persons increased from 1994. For example; Kurdish businessman Behet Cantürk (44) and his driver Recep Kuzucu were found dead in the vicinity of the Sapanca District of Sakarya on 15 January; an imam named Kerem Gencer (42) was found dead in the vicinity of the Kırkbudak Village of Tatvan on 17 January; Yusuf Ekinci (52), a lawyer of the Ankara Bar, was found dead around the Gölbaşı District of Ankara on the morning of 25 February; a Kurdish businessman named Savaş Buldan (30) and his friends Adnan Yıldırım (37) and Hacı Koray were found dead in the vicinity of the Karakuş Village of the Yıđılca District in Bolu on 4 June; a trade unionist named İkrım Mihyas was found dead in the vicinity of the Yaka Village of the Bornova District of İzmir on 6 July and lawyer Faik Candan’s body was found in the Salih Bey region 15 kilometers from the Bala District of Ankara on the morning of 14 December.

Similar incidents also took place in 1995. Pharmacologist Ayşenur Şimşek (one of the founders and administrators of Sağlık Sen), who had gone missing in 24 January, was found dead on 29 January around the Yaşihan District of Kırıkkale. Her family was informed 3 months later. Rıdvan Karako, declared to have “gone missing after being detained by the police in İstanbul on 15 February” and Hasan Ocak, gone missing after being driven away by people reported to be “police officers” in İstanbul Gedikpaşa on 21 March, were found tortured to death in the vicinity of the Buzhane Village of Beykoz.

e)- Sample cases of murders by unknown assailants (*)

A person named Şirin Karabay (33) was knifed to death by unknown people on 8 January in the Pınarbaşı Quarter of Batman. In addition, a woman named Yıldız Aytek was killed as a

(*) Detailed information about party administrators and members, teachers, health personnel and news-paper vendors who were victims of murders by unknown assailants is in the sections related to human rights abuses, pressure and attacks directed at these professionals.

result of an attack by unknown people with meat cleavers in the Camii Kebir Quarter of Diyarbakır on 9 January.

In a clash that broke out among students wielding meat cleavers and guns in the Fatih High School in the Ofis Quarter of Diyarbakır at 11.45 a.m. on 20 January, 2 students were severely wounded. The police reportedly refrained from intervening in the clash among the students. On the same day, a high school student named Ferhat Kalır (18), who suffered an attack by 4 people wielding meat cleavers in the Melikahmet Quarter at about 02.00 p.m., was severely wounded with 4 meat cleaver blows.

A woman named Garibe Can (45) was killed in an attack by unknown assailants wielding meat cleavers in the Bağlar Quarter of Diyarbakır on 23 January. In the attack, Garibe Can's daughter Bedriye Can (20) was severely wounded. In an attack carried in the same quarter on 22 January, a woman namely Naciye Yolcu was knifed and wounded by 2 unknown assailants. It was reported that Mehmet Kula, one of the assailants who wounded Naciye Yolcu, was caught.

On 25 January, the mutilated corpses of 2 males were found in the vicinity of the Göksu stream between the Bismil and Çınar districts of Diyarbakır. It was reported that the males, who were found by workers, were between 17-18 and 35-40 years old. The two people, whose names could not be determined, were buried by the Diyarbakır Municipality. In the statement made by the State of Emergency Regional Governorate as to the incident, it was alleged that the corpses belong to PKK militants who had been killed in a clash. However, the workers who found the corpses said that there had been no clash in the region.

A woman named Türkan Sert (22) was killed in an attack by unknown assailants wielding meat cleavers on Aliemiri Street in the Yenişehir Quarter of Diyarbakır on 11 February.

The corpses of 4 males killed by unknown assailants were found on the road between Diyarbakır and Silvan on 15 February. The name of one of the killed was determined to be "Salih Genç." It was reported that Salih Genç, who was a minibus driver working between Diyarbakır and Lice, was detained by security officers on 1 February and then disappeared.

A woman named Nimet Bal (45) was killed in a meat cleaver attack by unknown assailants in the Beşevler Quarter of Batman on 21 February. In the attack, another woman named Neslihan İnataç (60) was severely wounded. Besides this, in the 19 Mayıs Quarter of Batman, a woman, around 50 years old, was wounded in a shooting by unknown assailants.

Mehmet Saydam, who was abducted by unknown assailants at the Seri Transportation Inc. in the Urfakapı Quarter of Diyarbakır on 9 February, was found dead in the vicinity of the Devegeçidi Dam between Diyarbakır and Ergani on 21 February. Relatives of Mehmet Saydam, who claimed that he had been detained by police officers who came to his office, said, "We immediately applied to the Diyarbakır SSC Prosecution Office, but the prosecution office said that no person by that name had been detained. Twelve days after the incident, we found the tortured corpse of Mehmet Saydam."

A woman named Zehra Kılıçaslan (49) was killed in a meat cleaver attack by unknown assailants on the morning of 4 April in the Seyrantepe Quarter of Diyarbakır. In another attack with meat cleavers on the Sıtkı GÖral Street in the Huzurevler Quarter of Diyarbakır in the same hours, Hüsamettin Özkumaş was killed. It was reported that although Hüsamettin Özkumaş had fired the pistol he was carrying on him, he was not able to escape from the assailants.

Worker Rüstem Akan (47) was shot to death by unknown assailants at about 04.30 p.m. on 12 April in the 19 Mayıs Quarter of the Yüreğir District of Adana. Rüstem Akan was reportedly a member of HADEP. The authorities of HADEP stated that it was worrying that the armed attack had been carried out just after a police operation in the 19 Mayıs Quarter.

Ferhan Eşer, the Director of the Registry of Births in the Lice District of Diyarbakır, who was abducted by unknown persons in the Şehitlik Quarter of Diyarbakır on 13 April, was found dead in the vicinity of the Pirinçlik town of Diyarbakır on 27 April. Ferhan Eşer was reportedly killed by strangling with a wire and that there were many traces of torture on his body. He had been detained by the police in March on charges of aiding the PKK, and interrogated for a while. It was learnt that Ferhan Eşer had had a dispute with village guards from the Oyuklu village 1 week before his abduction, and for that reason he had been threatened by a captain who was the District Gendarmerie Commander. No results were obtained from the applications filed by the family of Ferhan Eşer to the Lice District Governorate, Diyarbakır Governorate, State of Emergency Regional Governorate, Security Directorate and Diyarbakır SSC Prosecution Office.

A person named Hacı Şemsettin (Seyit Şemso) was killed and 2 persons were wounded in the fire opened by unknown people in the Nusaybin District of Mardin on 14 May. The attack was reportedly carried out by Hezbollah adherents. Just after the incident, an arcade where the attackers had taken shelter was raided by a large group. In the clash which broke out during the raid, 2 people were killed and 7 Hezbollah adherents were wounded. One of those killed during the raid was alleged to be the person who killed Hacı Şemsettin. Six people were detained in connection with the incident. In the meantime, İzzettin Aktaş, the father of one of the Hezbollah adherents who carried out the attack, was killed by people who raided his shop during the incidents.

A 16-year old young girl (Z.D.) was wounded in the back and the head in a meat cleaver attack by unknown assailants in the vicinity of the Hürriyet Primary School in the Bağlar Quarter of Diyarbakır on 22 May. Lütfi Demir, the father of the girl, stated that he had no information about who carried out the attack.

A civil servant named Süleyman Kaplan, who was abducted by being forced into a car by 4 unknown assailants at about 05.30 p.m. on 26 May in the Midyat District of Mardin, was found dead in the vicinity of Kayapınar, 20 kilometers from Midyat, on the morning of 27 May. It was revealed that Süleyman Kaplan had been executed by shooting and his body was then burned. Süleyman Kaplan previously had been detained for a few times on charges of “aiding the PKK and sheltering its militants.”

A farmer named Süleyman Yalçın (50), who was abducted by a group of 10-15 armed people raiding the Bakacak Village of the Nusaybin District of Mardin on the night of 27 May, was found dead on 28 May in the vicinity of the village. It was reported that the people who had raided the village had made speeches against the PKK.

İzzeddin Görnü (60), a member of HADEP who was wounded in a shooting by 2 unknown assailants on the morning of 1 June on the Çukurova Street in the 19 Mayıs Quarter of Adana, died at the hospital on 24 June. İzzeddin Görnü’s sons Ekrem and Aydın were targeted in an armed attack in Batman on 24 August 1992. In the attack Ekrem Görnü (23) was killed while Aydın Görnü was paralyzed. İzzettin Görnü had left Batman upon this incident.

Peddler Abdullah Önen died in an armed attack by unknown assailants in the Yenipazar Quarter of Mersin at about 11.00 a.m. on 5 June. Abdullah Önen’s brother Azad Önen had been killed in an armed attack by unknown assailants in Diyarbakır on 13 January 1994, and his uncle Mahmut Önen on 25 May 1994. Two of the people who had attacked Mahmut Önen had been chased and killed by his relatives. The Önen Family had migrated to Mersin after this incident. Relatives of Abdullah Önen said, “We migrated to Mersin because of pressure. The murderers followed us and killed Abdullah. Everybody knows about the murderers. If not, they would have not dared to attack Abdullah fearlessly in the daylight and in the middle of the street.” In the meantime, in a police raid after the killing of Abdullah Önen, 4 Hezbollah adherents named Emin Ekinci, Mehmet Mürsel Ekinci, Niyazi Özdemir and Remzi Özdemir, who were involved in the

incident, were detained, and 2 people named Ali Rıza Yöndem and Habib Kaya were declared wanted by the police.

Two children named Meryem Yavuz (10) and Fatma Yavuz (10), who were grazing animals around the Gürgenli Village of the Sason District of Batman, were shot to death by unknown assailants on the morning of 20 June. Four of the villagers from the Gürgenli village, going to the scene after hearing gunshots, stepped on a mine. In the explosion, İsa Abay died, and Hayrettin Yavuz, Sadık Yavuz and Zekim Yıldırım were wounded.

In the Ovacık District of Tunceli, driver Sabri Sarıgül died when the bomb placed in his truck by unknown assailants exploded at about 04.30 p.m. on 26 June. In the explosion, another person, Cemal Uç was wounded. Sabri Sarıgül, who had been arrested in 1994 on charges of being a member of the PKK and kept for 8 months in the Erzurum E Type Prison, had been set free in April.

Unknown assailants, who raided the Dersi Village of the Hazro District of Diyarbakır on 1 July, executed a person named Abdülvahap Koçan by shooting.

Unknown assailants, who went to the Alibey Village of the Silvan District of Diyarbakır at about 02.00 a.m. on 2 July, took Mehmet Salih Savaş (34) out of the village and executed him by shooting. In a similar incident which occurred in the Yayık Hamlet of the Darköprü Village of Silvan on 2 July, Seyfettin Zengin (65) was killed. It was reported that Mehmet Salih Savaş and Seyfettin Zengin were Hezbollah adherents.

It was revealed that Süleyman Abak and Abdullah Abak, abducted from their house in the Kızıltepe District of Mardin in the beginning of 1994, had been killed. The fate of Süleyman Abak and his nephew Abdullah Abak, the corpses of whom were found by villagers in the vicinity of the Bridge Şahvelah in Viranşehir in June and who were buried upon the permission given by the Viranşehir Prosecution Office, was not learnt by their relatives before mid-July. After the incident was uncovered, the corpses of Süleyman Abak and Abdullah Abak were taken from the Viranşehir Cemetery and re-buried in Kızıltepe. In addition, Mahmut Abak, the brot-her of Süleyman Abak, who was abducted by unknown people in December 1994, was found dead in the vicinity of the Çilbina Village of Kızıltepe in June.

In the Feridun Quarter of the Silvan District of Diyarbakır, a coffee shop owner named Ahmet Yıkılmaz was beaten to death by 4 people, reported to be “Hezbollah adherents,” at about 05.00 a.m. on 20 July.

A butcher named Ahmet Sulak (33), was knifed to death in an attack by unknown assailants in the Şehitlik Quarter of Diyarbakır on the morning of 16 July. In Batman, a farmer named İbrahim Çelik (30) was shot to death by unknown assailants.

Ensari Demir (60) was shot to death in the head in an armed attack by 2 unknown assailants on Lefkoşe Street in the Bağlar 5 Nisan Quarter in Diyarbakır on the evening of 30 July. It was revealed that Ensari Demir had left the Dökmetaş Village of the Ergani District of Diyarbakır because of the pressure put on him and settled down in Diyarbakır.

Farmer Abdüllatif Kılıç (30), who was abducted from the Şetrük Village of the Eruh District of Siirt by unknown people on 6 June, was found dead in the vicinity of the village on 10 August. Those living in the Şetrük village stated that Abdüllatif Kılıç had been detained and tortured to death by security officers.

A civil servant named Mehmet Bıçakçı, who was abducted from Batman by unknown people on 10 August, was found dead in the vicinity of the Aydınkonak Village of Batman on 13

August. The autopsy revealed that Mehmet Bıçakçı had died after being tortured and shot in the stomach. Reportedly, his fingers and knee-caps were broken and his face was burnt.

High school student Mürsel Polat was shot dead by 2 unknown assailants in the 5 Nisan Quarter of Diyarbakır Bağlar on the morning of 27 October. Mürsel Polat, a student in the Diyarbakır Namık Kemal High School, was presumably “killed by members of the ‘İlim’ wing of the Hezbollah.”

Village guards in charge at the Güleçooba Village of Diyarbakır sustained an armed attack by Hezbollah adherents in the Balıkçılarbaşı Quarter of Diyarbakır on 30 October. In the attack, 2 village guards, Abdullah Keser and Salih Keser, died, and village guard Mehmet Keser was wounded. During the attack, a jeweler named Abdurrahman Bozkuş, who witnessed the attack and excitedly drew out his licensed gun, was killed in the crossfire by the village guards. Nine people on the spot were wounded. The names of 3 of the wounded people were reported to be Şaban Bozkuş, Nevzat Dor and Müzeyyen Baran.

Three people named Ramazan Ayhan (47), Fehmi Akyürek (21) and Baki Işık, who had been abducted by unknown people in Diyarbakır within the last week of October, were found dead on 9 November. It was learnt that Ramazan Ayhan, Fehmi Akyürek and Baki Işık, whose corpses had been found on the Diyarbakır Mardinkapı road, had been strangled to death after having been tortured. It was reported that Fehmi Akyürek had completed his military service recently, and Ramazan Ayhan and Baki Işık had to migrate from Lice to Diyarbakır in 1993. The relatives of the victims said, “The dark agents within the state are responsible for the killings.” It was also learnt that Bahri Işık was the uncle of Fahri Kusun who had been found dead in the River Tigris on 2 August.

Nesim Malki (43), a Jewish businessman, was killed in an armed attack at the city entrance of Bursa at 10.30 a.m. on 28 November. An unknown person who called the Gendarmerie Station after the incident, stated that Nesim Malki had been killed in revenge for the killing of Fethi Şakaki, the leader of the “İslami Cihat Örgütü” (Islamic War Organization), by Israeli agents in Malta. However, Bursa Security Director Ahmet Demir said he did not believe that the killing of Nesim Malki had political connections. Ahmet Demir stated that the aforesaid tele-phone call might have been aimed at misleading investigation, and said, “The incident is related to his personal life, and rooted in İstanbul.”

As a result of the fire opened by unknown assailants on a vehicle on its way from Batman to the Beşiri District of Batman on the morning of 10 December in the vicinity of the Beyçayırı Village of Beşiri, a bank officer named Ekrem Demirtaş (43) and his children Bahar (7) and Ercan (5) were killed. It was learnt that Ekrem Demirtaş, who was killed in the region controlled by village guards, was on the road to visit his brother in the Beşiri Prison. It was reported that another brother of Ekrem Demirtaş was a PKK member killed in a clash in May. In the mean-time, a shepherd named İbrahim Çakar (20), who reportedly saw the incident, was found in the same region, knifed to death.

d)- Those killed in murders by unknown assailants

In cases of murders by unknown assailants most of which occurred in the State of Emergency Region, a total of 166 people (In cases of murders by unknown assailants, 42 people were killed from the beginning of 1989 till the end of 1991, 362 in 1992, 467 in 1993, and 423 in 1994.) lost their lives during the year. Murders by unknown assailants in the State of Emergency Region were mostly committed in Diyarbakır, Batman, Nusaybin, Silvan and Midyat. Among murders committed in big cities in the West, such cases intensified in İstanbul, Adana and Mersin. The

cases of murders by unknown assailants decreased in 1995 when compared to the number of such cases in 1992, 1993 and 1994.

The list of the people murdered by unknown assailants in 1995 and information on these murders are as follows:

<u>Name & surname</u>	<u>Place</u>	<u>Date</u>	<u>Information</u>
001)- Zekine Balkan (20)	Batman	00 January 1995	Woman
002)- Süleyman Abak	Around Viranşehir	00 January 1995	
003)- Abdullah Abak	Around Viranşehir	00 January 1995	
004)- Hacı Sait Macir	Adana	01 January 1995	HADEP exec.
005)- İhsan Yılmaz	Derik-Düztaş village	06 January 1995	Village guard
006)- Faysal Polat	Derik-Düztaş village	06 January 1995	Village guard
007)-	Derik-Düztaş village	06 January 1995	Village guard
008)- Cemil Bingöl	Mardin-Ömerli	06 January 1995	Headman
009)- Şirin Karabay (33)	Batman	08 January 1995	
010)- Yıldız Aytek	Diyarbakır	09 January 1995	Woman
011)- Selahattin Aygül	Batman-Sason	10 January 1995	
012)- Şemsettin Gümüş	Around Midyat	10 January 1995	
013)- Zahir Balan (21)	Batman	11 January 1995	Student
014)- İzzettin Gönçe (31)	Diyarbakır	11 January 1995	Tradesman
015)- Şerif Kaplan	Nusaybin	12 January 1995	
016)- Hüseyin Kılıç (41)	Mersin-Tarsus	14 January 1995	Teacher
017)- Askar Simitko	İstanbul-Silivri	14 January 1995	Iranian
018)- Lazem Esmaeli	İstanbul-Silivri	14 January 1995	Iranian
019)- Cemal Aktay	Nusaybin	14 January 1995	
020)- Zeki Adlığ (52)	Batman	17 January 1995	HADEP exec.
021)- Mutlu Demir	Diyarbakır	17 January 1995	
022)- Garibe Can (45)	Diyarbakır	23 January 1995	Woman
023)- (18-male)	Between Bismil-Çınar	25 January 1995	
024)- (40-male)	Between Bismil-Çınar	25 January 1995	
025)- Nejat Vanlı	Diyarbakır	26 January 1995	Hezbollah ad.
026)- Halil Öksüz	Gaziantep	26 January 1995	
027)- Vasif Çetin (45)	Batman	30 January 1995	HADEP exec.
028)- Osman Hopi	Urfa-Siverek	31 January 1995	Farmer
029)- Naif	Urfa-Siverek	31 January 1995	Farmer
030)-	Urfa-Siverek	31 January 1995	Farmer
031)- (30-male)	Batman	04 February 1995	
032)- Türkan Sert (22)	Diyarbakır	11 February 1995	Woman
033)- Mehmet Dayan	Adana	13 February 1995	HADEP me.
034)- Salih Genç	Around Silvan	15 February 1995	
035)- (male)	Around Silvan	15 February 1995	
036)- (male)	Around Silvan	15 February 1995	
037)- (male)	Around Silvan	15 February 1995	
038)- Nimet Bal (45)	Batman	21 February 1995	Woman
039)- Mehmet Saydan	Diyarbakır	21 February 1995	Tradesman
040)- Nevzat Ersönmez	Diyarbakır	21 February 1995	Driver
041)- Rıdvan Karakoç (34)	İstanbul	02 March 1995	
042)- Mehmet Selim Müjdecı	Batman	11 March 1995	
043)- Hüseyin Parlaticı (33)	Tarsus	11 March 1995	İP Dist.Chair
044)- Tahsin Kaplan (38)	Diyarbakır	13 March 1995	Driver
045)- Aslan Kabaaltında (32)	Diyarbakır	14 March 1995	
046)- İhsan Özbay (25)	Urfa-Siverek	14 March 1995	
047)- Mehmet Aksarı	Van	28 March 1995	

048)- Mehmet Latifeci (36)	Hatay-Samandağ	30 March 1995	HADEP Dist.Cha.
049)- Yahya Latifeci (59)	Hatay-Samandağ	30 March 1995	
050)- Sadık Sazer	Diyarbakır	00 April 1995	
051)- Ekrem Beski	Diyarbakır	00 April 1995	
052)- Süleyman Durmuş	Diyarbakır	00 April 1995	
053)- Üzeyir Tekdemir	Diyarbakır	00 April 1995	
054)- Kevser Türk	Diyarbakır	00 April 1995	Woman
055)- Fethi Denk	Diyarbakır	00 April 1995	
056)- Zehra Kılıçaslan (49)	Diyarbakır	04 April 1995	Woman
057)- Hüsamettin Özkumaş	Diyarbakır	04 April 1995	
058)- Çetin İnalçın (19)	Hatay-Dörtyol	10 April 1995	Worker
059)- Rüstem Akan (47)	Adana	12 April 1995	HADEP me.
060)- Ayşenur Şimşek (25)	Kırıkkale	12 April 1995	Pharmacolog.
061)- Atilla Barış (20)	Muş	13 April 1995	
062)- Memduh Özgen	Diyarbakır	16 April 1995	
063)- Abdullah Karaca	Diyarbakır	16 April 1995	
064)- Salih Ges	Around Cizre	18 April 1995	Driver
065)- Nevzat Ersönmez	Around Cizre	18 April 1995	Driver
066)- Bilal Berimen	Betw. Siverek-Çermik	26 April 1995	Farmer
067)- Celal Berimen	Betw. Siverek-Çermik	26 April 1995	Farmer
068)- Adil Berimen	Betw. Siverek-Çermik	26 April 1995	Farmer
069)- Ferhan Eşer	Diyarbakır-Lice	27 April 1995	Population D.
070)- Hüseyin Koku (42)	Malatya-Pötürge	27 April 1995	HADEP exec.
071)- Özgür Evrim Gökçen	Ankara	02 May 1995	Student
072)- Vehbi Deniz (23)	Diyarbakır	05 May 1995	
073)- Hasan Ezer (34)	Diyarbakır	09 May 1995	
074)- Hacı Şemsettin	Nusaybin	14 May 1995	
075)- İzzettin Aktaş	Nusaybin	14 May 1995	Tradesman
076)-	Nusaybin	14 May 1995	Hezbollah ad.
077)-	Nusaybin	14 May 1995	Hezbollah ad.
078)- Abdülkerim Kaya (60)	Ömerli-Işıkdere	15 May 1995	
079)- Hasan Ocak (30)	İstanbul	16 May 1995	
080)- Süleyman Kaplan	Mardin-Midyat	28 May 1995	Civil servant
081)- Süleyman Yalçın (50)	Nusaybin-Bakacak v.	28 May 1995	Farmer
082)- Fırat Acar (19)	Diyarbakır	29 May 1995	Student
083)- Hakkı Akbalık (35)	Diyarbakır	29 May 1995	
084)- Mahmut Abak	Around Kızıltepe	00 June 1995	
085)- Merdan Küçük (19)	Diyarbakır	04 June 1995	
086)- Abdullah Önen	Mersin	05 June 1995	Peddler
087)- Hadi Baran	Siirt-Kurtalan	07 June 1995	Farmer
088)- Hacı Ali Kemik (26)	Urfa-Siverek	11 June 1995	Shepherd
089)- Mahmut Yıldız (40)	Batman-Beşiri	16 June 1995	Farmer
090)- Hasan İter	Batman	16 June 1995	
091)- Meryem Yavuz (10)	Sason-Gürgenli village	20 June 1995	
092)- Fatma Yavuz (10)	Sason-Gürgenli village	20 June 1995	
093)- (male)	Lice	22 June 1995	
094)- (male)	Lice	22 June 1995	
095)- (male)	Lice	22 June 1995	
096)- (male)	Lice	22 June 1995	
097)- İzzettin Görnü (60)	Adana	24 June 1995	HADEP me.
098)- Sabri Sarıgül	Tunceli-Ovacık	26 June 1995	Driver
099)- M. Duran Özkan	Antalya	28 June 1995	Village guard
100)- Metin Karsut	Silvan-Dağcılar vil.	00 July 1995	Farmer
101)- Halis Kılıç	Silvan-Dağcılar vil.	00 July 1995	Farmer
102)- Mehmet	Silvan-Dağcılar vil.	00 July 1995	Farmer

103)- Abdülvahap Koçan	Diyarbakır-Hazro	01 July 1995	
104)- Dinçli	Kızıltepe	01 July 1995	
105)- Mehmet Salih Savaş (34)	Silvan-Alibey village	02 July 1995	Hezbollah ad.
106)- Seyfettin Zengin (65)	Silvan-Yayık village	02 July 1995	Hezbollah ad.
107)- Ferit Yonca	Diyarbakır	05 July 1995	Waiter
108)- Kadir Alphan (29)	Diyarbakır-Silvan	07 July 1995	
109)- Salim Önürme	Around Mutki	09 July 1995	Driver
110)- Cengiz Canoğlu (17)	Diyarbakır	11 July 1995	Student
111)- Kendal Kurt	Diyarbakır	12 July 1995	Hezbollah ad.
112)- Mehmet Ay (31)	Diyarbakır	12 July 1995	
113)- İbrahim Çelik (30)	Batman	16 July 1995	Farmer
114)- Ahmet Sulak (33)	Diyarbakır	16 July 1995	Butcher
115)- Ahmet Yıkılmaz	Diyarbakır-Silvan	20 July 1995	Tradesman
116)- Ömer Erkek (19)	Diyarbakır	21 July 1995	
117)- Salih Akbulut (65)	Diyarbakır-Bismil	21 July 1995	
118)- Vahit	Diyarbakır-Bismil	21 July 1995	
119)- Ensari Demir (60)	Diyarbakır	30 July 1995	Farmer
120)- Süleyman Duran (16)	Diyarbakır	02 August 1995	Student
121)- Fahri Kusun (30-35)	River Tigris	02 August 1995	
122)- Burhan Çelebi	Bitlis-Mutki	03 August 1995	Driver
123)- Mehmet Salih Eraslan	Silvan-Gözderesi	03 August 1995	Headman
124)- Ramazan Nas	Şırnak-Geçitboyu	05 August 1995	Horse-car. dri.
125)- Hüseyin Hüsnü Elduru	Diyarbakır	06 August 1995	Hezbollah ad.
126)- Hasan Nuri Yen	Diyarbakır	08 August 1995	Village guard
127)- Harun Efe	Diyarbakır	09 August 1995	
128)- Erhan Temel (19)	Muş-Karaağaçlı	10 August 1995	Farmer
129)- Abdüllatif Kılıç (30)	Siirt-Eruh-Şetruk	10 August 1995	Farmer
130)- Mehmet Gördü (42)	Diyarbakır	12 August 1995	
131)- Mehmet Bıçakçı	Batman	13 August 1995	Civil servant
132)- Nurettin Ekinci (57)	Diyarbakır	14 August 1995	
133)- Cevat Özalp	Bismil	26 August 1995	Headman
134)- Nazmi Kaçan	Diyarbakır	31 August 1995	
135)- Ahmet Tekel (62)	Diyarbakır	03 September 1995	İmam
136)- Abdullah Önemli	Diyarbakır	10 September 1995	Worker
137)- Mehmet Güngör (53)	Çemişgezek-Ulukale	13 September 1995	Farmer
138)- Sedat Aslan (41)	Diyarbakır	13 September 1995	
139)- Abdullah Başaran	Diyarbakır	13 September 1995	
140)- Muhammed Murobi	İstanbul	25 September 1995	Syrian
141)- Faik İsmail Moral	İstanbul	25 September 1995	Iraqi
142)- Necati Çiçek	Diyarbakır	26 September 1995	İH High Dir.
143)- Bekir Tüylü (48)	Diyarbakır	12 October 1995	İmam
144)- Ramazan Katar (35)	Diyarbakır	12 October 1995	Watchman
145)- Mürsel Polat (18)	Diyarbakır	27 October 1995	Student
146)- Abdullah Keser	Diyarbakır	30 October 1995	Village guard
147)- Salih Keser	Diyarbakır	30 October 1995	Village guard
148)- Abdurrahman Bozkuş	Diyarbakır	30 October 1995	Jeweler
149)- Cemal Ağırman	Midyat-Çalpınar vil.	05 November 1995	Farmer
150)- Lokman Akay	Around İdil-Sert vil.	07 November 1995	Tradesman
151)- Fehmi Akyürek (22)	Diyarbakır	09 November 1995	
152)- Ramazan Ayhan (50)	Diyarbakır	09 November 1995	
153)- Baki Işık (60)	Diyarbakır	09 November 1995	
154)- Mehmet Atmaca (36)	Van	21 November 1995	Teacher
155)- Nesim Malki (43)	Bursa	28 November 1995	Businessman
156)- Kamil Bektaş (45)	Silopi	01 December 1995	Headman
157)- Süleyman Acar (50)	Silopi	01 December 1995	

158)- Mehmet Durmaz	İskenderun	02 December 1995	Student
159)- Yener Kaya	İstanbul	02 December 1995	Businessman
160)- Beşir Dolaşmaz (51)	Midyat	08 December 1995	Farmer
161)- Ekrem Demirtaş (43)	Betw. Batman-Beşiri	10 December 1995	Bank officer
162)- Bahar Demirtaş (7)	Betw. Batman-Beşiri	10 December 1995	Child
163)- Ercan Demirtaş (5)	Betw. Batman-Beşiri	10 December 1995	Child
164)- İbrahim Kaçar (20)	Betw. Batman-Beşiri	12 December 1995	Shepherd
165)- Abdullah Tuğrul	İstanbul-GOP	14 December 1995	HADEP me.
166)- Mehmet Ayan	Batman	19 December 1995	

EXTRA-JUDICIAL EXECUTIONS

As a heavy blow to the right to life, the most fundamental of acknowledged human rights, extra-judicial executions have spread since the enactment of the “Law to Fight Terrorism” (12 April 1991), and continued uninterrupted in 1995. Throughout the year, a total of **96** people lost their lives as a result of actions by security officers referred to as “extra-judicial executions,” such as house and shop raids, fire opened on people in demonstrations, people disobeying stop warnings or merely at random, and the execution of people captured alive. Extra-judicial executions were mostly observed in the State of Emergency Region and in İstanbul. Extra-judicial executions were legitimized and systematized under the guise of the “struggle against terror-ism,” and came to a point where all society was threatened. Extra-judicial executions, both a systematic punishment method and political revenge apparatus, have also become an important apparatus of oppressing, subduing and terrorizing the society.

For example; the then-Security General Director Mehmet Ağar, speaking in a ceremony held at the Gaziantep Police Academy on 17 July, said the following: “Today in our country, there are people who have ended up defending the terrorists’ rights while talking about human rights. These people are not entitled to speak about human rights while my police officers, my soldiers are becoming martyrs. On the verge of the year 2000, we will never, ever let the same movie be shown again. Those who want to resist the police are answered with guns. This is an authority granted to us by the Parliament. No one can call this an extra-judicial execution.” Mehmet Ağar, saying that police officers carried out their duty under extremely harsh conditions and for that reason some police officers made mistakes, added, “However, there is no willful intent in these mistakes.”

Nihat Dünder, one of the high-level administrators of the Security General Directorate, made a statement in October, demanding that those who claimed that the police carried out “extra-judicial executions” apply to the courts with the evidence they had. Nihat Dünder, recalling that 150,000 people worked for the police agencies, said, “I don’t know how they can dare use the expression ‘The police carried out extra-judicial execution.’ How can they accuse 150,000 people without discriminating? I call the claimants of these accusations. Determine the person that you complain about and lodge a complaint. And we will help you with all our means.” Nihat Dünder stated that extra-judicial executions were out of the question in a State of Law, and said that the times when people decided by themselves, executed this decision and took revenge was definitely over. Nihat Dünder said that “execution” was understood in the police organization as fulfilling

orders of competent and authorized bodies. He added, “A competent and authorized court decides on the arrest or detention of a person. Police officers apprehend this person or people and refer the case to the relevant bodies. This is the type of execution understood and applied by the police. In our legal system, there is no punishment such as shooting a person to death. The police officer does not carry out extra-judicial execution. If there are such claims, it can be asserted that the police officer misused his/her duty. The evidence which would support the accusations shall be submitted to the authorized court. If that person is guilty, s/he shall be punished.”

A considerable number of those killed in extra-judicial executions were presented to the public as “members of illegal and separatist organizations” who clashed with the security forces or “criminals escaping from security forces.” The discussions focused on the judicial records of the killed people, whether they were criminals or not, their organizational connections or whether they were drunk or not. This propaganda and insensitivity within the society led security officers to act even more comfortably. Thus extra-judicial executions began to target the whole society, regardless of whether the victim was guilty or not. People guilty of nothing other than selling water at police lodges, young girls who looked suspicious while looking for a toilet, mentally handicapped or deaf people, drivers who drove fast or who parked their cars illegally, youths distributing leaflets constituted a considerable number of victims of the extra-judicial executions.

Extra-judicial executions never attracted the required public attention. Statements of some eye-witnesses indicating that “Security forces opened fire without any call to surrender.” and “These people were killed instead of being apprehended alive, or after being apprehended.” were not taken into consideration. Insensitivity towards such incidents expanded from single individuals to people in higher official positions.

While an extra-judicial execution in Germany led a minister, proclaiming himself responsible, to resign and a case in France led police officers to accept that they were guilty, (*) the situation in Turkey was the contrary, in a way that encouraged new extra-judicial executions. Extra-judicial executions were applauded and defended. Security forces who were involved in extra-judicial executions were rewarded. Those who brought up extra-judicial executions were criticized and condemned.

An article related to Spain, entitled “*The State is Prosecuting the Terror*” and published in the 23 February 1995 issue of the newspaper *Cumhuriyet*, revealed how other countries struggled against extra-judicial executions and against the organizations committing these executions:

(*) The incident that led the resignation of Federal Interior Minister Rudolf Seiters took place as follows: Brigit Hogefeld and Wolfgang Grams, members of the outlawed Red Army Faction (RAF), were involved in a clash with GSG-97 forces in Bad-Kleinen town of Mecklenburg Vorpommern province on 27 June 1993. Wolfgang Grams and a security officer named Michael Newrzella were killed during the clash. An eye-witness who appeared in the course of the investigation about the incident explained that Grams had been killed by a shot to his head from close range. On the other hand, it was also alleged that the security officer who died in the incident was accidentally killed by his colleagues. The lawyer of the Grams family explained that he had been killed by a bullet to his temple, but the Interior Ministry denied all these allegations. However, the result of the autopsy on Grams affirmed the allegations. When it was revealed that Grams had been shot dead in the temple, the Federal Interior Minister Rudolf Seiters resigned on 4 July 1993. The killing of an Algerian named Khalid Kelkal (24), accused to have been one of the assailants of the bombing against the Paris metro in July 1995, in Lyon at the end of September 1995 prompted a similar investigation. It was then revealed that Khalid Kelkal was a victim of an “extra-judicial execution.” A police authority, who argued during the hearing of the case that the attack against the metro had been carried out by a person who had come from abroad for that purpose, said, “Khalid Kelkal had never been abroad. Of course he was a dangerous person, but not a big terrorist. He was just a criminal playing on the wrong field,” and admitted the extra-judicial execution.

The Anti-Terror Liberation Groups (GAL), which were born in the hands of Spanish socialists in year 1983 and carried out their final action in 1987, have once come on the agenda through the dusty files opened 10 years later by Prosecutor Baltasar Garzon. Garzon has recently arrested former State Secretary of Security Rafael Vera, who, for 11 years (up till last year), has carried the responsibility of being the second ranking person after the Minister of Interior Affairs in charge of domestic security. With anxiety mounting within the government with the arrest of Vera, the question “who’s next” is circulating. Charging Prime Minister Felipe Gonzales of being the chief of the GAL which represents state terror, the conservative and the communist parties in opposition demand his resignation. Nowadays, Garzon is also expected to re-launch the “Amedo case,” the case in which police officers Amedo and Dominguez had each been sentenced to 108 years in prison in connection with the GAL incidents of year 1991. While Garzon seeks Mister X (organization’s chief) on the one hand, he tries to uncover the payments allocated for the organization from the state’s slush fund.

In 1991, in the Amedo case, where all authorized persons, including Prime Minister Gonzales had to testify, the interior ministers entrusted till now by the socialist governments and others related to the case had, claiming that state security would be damaged and under the shelter of the law which foresees that the slush funds can not be made public, argued that to make such a statement would be to commit a crime; consequently, the case had been closed. Now the Higher Court has decided that the prosecutors should be enabled to conduct a research related to the slush funds in the case that corpus delicti is detected. In addition, a draft in this direction was prepared and ratified by the Parliament. According to this, the slush funds will be put under government supervision.

Garzon accuses Vera of utilizing the slush funds for state terror. Amedo and Dominguez, who had been sentenced to 108 years in prison in 1991 but who were released 3 years after in accordance with the Repentance Law, all of a sudden, started speaking and claimed that the expenses of the organization had been covered by Vera. Following are the claims of Amedo and Dominguez: Vera sent Amedo and Dominguez to Portugal to find a couple of hired assassins. During the years the aforesaid police officers served in prison, a considerable amount of money was paid monthly to their wives, in return for silence. The wives went to the Ministry of Interior and received their salaries from Juan de Justo, Deputy to Vera. In addition, 60 billion for each of the aforesaid police officers was deposited in accounts in Switzerland. While Vera denied all the charges, Garzon went to Switzerland and had the accounts frozen.”

While Amedo, who had decided to speak, claiming that he had not received the expected support from the state, is seen at the most luxurious restaurants of Madrid with bodyguards on his side, driving the super-lux Mercedes; Vera, who had carried for 11 years the responsibility of the security forces at the highest level, is in the same prison, Alcala Meco, in rooms next to those of the convicts of ETA case whom he had fought against for 11 years. Amedo now acquires his fortune with the statements he makes for the press rather than at the prosecution office, especially the government-opponent newspapers.

Extra-judicial executions were admitted, occasionally. For example; the then-Minister of Justice Mehmet Moğultay, speaking at a meeting held in Ankara on 23 April, said that security officers did not make efforts to capture the criminals alive and occasionally carried out extra-judicial executions. Mehmet Moğultay said, “Recently, some grievous incidents have been taking place at the schools and on the streets. People are being killed in extra-judicial executions. Today, extra-judicial executions are committed in our country. Unfortunately, this is the case for every single aspect of the life. They are committed at the schools, in the family, on the streets, in the buses, in the media occasionally. The primary duty of security officers is to capture the sus-pect

together with the tool of the crime. No one is entitled to convict another without a trial. The police has to wait for days, if necessary, and capture the criminals together with the tools of crime. The state should not stand as a threatening figure but holding its arms open, should embrace its people instead.”

These words by Mehmet Moğultay prompted a heavy response from the then-İstanbul Security Director Necdet Menzir, who gave a speech during the funeral of a police officer named Rüştü Erdem, who had been killed by DHKP-C militants while keeping guard in front of the DYP İstanbul Provincial Center on 9 June. Necdet Menzir, accusing the politicians, especially Mehmet Moğultay, and certain circles, also criticized people who spoke out against the extra-judicial executions. (Detailed information is on pages 75-77.)

The table below shows the extra-judicial executions during the last 4-5 years.

	1991	1992	1993	1994	1995	Total
Those killed during house and shop raids	: 22	63	57	32	21	195
Those killed in fire opened on demonstrators (except Newroz incidents)	: 32	26	20	-	26 (*)	104
Those killed for disobeying stop warnings, in random shootings, and after being apprehended alive	: 44	103	109	97	49	402
TOTAL	98	192	186	129	96	701

The table indicates that the extra-judicial executions in Turkey increased in the last 4-5 years to a level that even exceeded those that during the 12 September post-coup period. When the number of the people killed in detention or in attacks against settlements are also taken into consideration, the table becomes more sorrowful. The extra-judicial executions are continuing, victimizing another person each day.

a)- Trials and investigations

Deaths caused by security forces fit the definition of “extra-judicial (extra-legal) executions” stated in the documents of the United Nations. However, this situation has never been taken into consideration, and almost all of the extra-judicial execution incidents, despite the regulations stated in the United Nations documents, were not investigated in a sound manner. Instead of serious investigations, some practices and statements were observed which were bound to encourage the security forces. The trials which were opened were only for show. Defendants were generally acquitted in the trials, which continued for a long time. Sentences, rarely given, did not exceed one year or two years in prison. Generally, the sentences were not carried out due to suspensions or prescription. There were even trials launched on the request of an acquittal decision rather than a conviction. (*)

(*) Including the people killed during the incidents in the Gazi quarter and Ümraniye in İstanbul.

(*) The United Nations published a manual in 1991 entitled “Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.” The manual aimed to complete the resolution on the “Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary

For example, 16 security officers who had executed by shooting 4 people who had been in a car they had stopped in İstanbul Tuzla on 7 October 1988, were acquitted after a 6-year long prosecution. The names of the 16 security officers who were acquitted in the trial, which ended on 16 February at the İstanbul Kartal Heavy Penal Court No.1, are as follows: “Celal Demirtaş, Halil Yalçındağ, Taki Sümer, Abdullah Süzer, Hüseyin Demir, Ali Çetkin, Enver Aytemür, Bayram Kartal, Fahrettin Meral, Enver Aslan, Efraim Erkek, Mehmet Kulaç, Abuzer Fidancı, Fikret Işınkaralar, İsmail Alıcı and Metin Öztürk.” The acquittal decision was made under Article 49 of the Turkish Penal Code on the grounds that the security officers had utilized the power provided them by the laws, and defended themselves.

The verdict provoked protests by the relatives and their lawyers. The relatives of those killed stated that they would appeal, and file an individual application to the European Human Rights Commission. In the incident on 7 October 1988, 4 people named İsmail Hakkı Adalı, Fevzi Yalçın, Refa Şen and Kemal Soğukpınar who had been in a car blocked by numerous plainclothes and uniformed police officers, were killed. The incident had been publicly referred as a clash, however, in the search carried out in the car, one pistol was the only weapon found. The autopsy report that came out during the trial, stated that the people had been killed in fire opened from 35-100 cm. away (gun shots at blank point). However, in the second autopsy report coming from the Forensic Medicine Institute later on, it had been asserted that “the distance of the gun shots could not be determined.” This second autopsy report constituted one of the most important grounds for the acquittal decision.

Nine security officers who were prosecuted in connection with simultaneous raids on three houses and a workplace in the Nişantaşı, Dikilitaş, Levent and Balmumcu quarters of İstanbul on the evening of 12 July 1991, in which 10 people, named Niyazi Aydın, İbrahim Erdoğan, Hasan Eliuygun, Cavit Özkaya, Zeynep Eda Berk, Nazmi Türkcan, Yücel Şimşek, Ömer Coşkunırmak, İbrahim İlçi and Bilal Karakaya were killed, were acquitted on 8 February. The acquittal verdict issued for defendants, Şefik Kul, Hasan Erdoğan, Abdullah Dindar, Salih Tonga, Fahrettin Bozkurt, Mustafa Altınok, Adnan Sinan, Hüsni Necdet Taka and Mesut Demirbilek was upheld by the Supreme Court on 13 November.

The trial, which continued for 3 years at the İstanbul Heavy Penal Court No.6, was a concrete example of the difficulties faced in trials launched in connection with the extra-judicial executions.

Despite numerous official complaints lodged immediately after the raids, the trial was not held before 25 February 1992. (*) During the trial that, which 3 years, the security officers, who

Executions,” which was adopted by the Economic and Social Council on 24 May 1989. In the manual the types of extra-legal executions are listed by the United Nations as follows: “Political murders,” “disappearances,” “deaths due to excessive violence by the security forces,” “executions without due judicial process” and “attempted massacres.” The manual attaches special importance to investigations into deaths of this sort and presents autopsy report examples. Important criteria for any investigation to be carried out are: It should be “carried out immediately,” “carried out impartially,” and “relatives of the victim should be protected and should participate in the investigation as a party,” “the investigation should be carried out by an independent body” and “the results of the investigation should be made public.”

(*) The prolonged duration of the prosecution drew criticism from the lawyers of the victims. Lawyer Zerrin Sarı, who intervened on behalf of the relatives of the people murdered in the raid, made an individual appeal to the European Human Rights Commission in 1993 defending that “the trial lasted too long and was not fair.” Sevgi Erdoğan, Hüseyin Şimşek, Nahit Özkaya, Hakkı İlçi and Mahmut Eliuygun, the relatives of those murdered, also appealed to the Commission. The applicants pointed out that the 10 people had been killed on purpose by policemen. It was claimed that the garments of the victims should have been examined in order to find out the distance of shooting, but the police had burned them so that the garments could not be examined.

were accused of “pre-meditated murder and committing crimes by exceeding the limits of legal authority,” appeared in court only once, and that was for cross-examination. During their cross-examinations, the security officers argued that the incident was not an extra-judicial execution but a clash. The autopsy reports examined during the prosecution revealed that the gun shots causing deaths were fired from a very short distance. However, the exact shooting distances could not be determined as “the corpses were taken to the morgue naked” and thus the clothes could not be examined. (**) Thus, the most important evidence, which would have affected the result of the trial, had been obliterated. After the disappearance of the clothes, owners of the guns utilized during the raids could not be determined.

Traffic police officer Müşerref Şen, who had shot to death Volkan Günday (29) who had been trying to park his car on the Söğütlüçeşme Street in İstanbul Kadıköy on 30 April 1994, was convicted to 17 years 6 months in prison. In the trial, which ended at the Kadıköy Heavy Penal Court No.1 on 13 April, Müşerref Şen was first sentenced to 28 years in prison. However, the sentence was commuted to 17 years 6 months in prison, taking into account extenuating circumstances. The relatives of Ediz Volkan Günday were not allowed in the court hall by police officers who said, “You can learn about the verdict from the newspapers.” In the defense he made in the last hearing, Müşerref Şen (25) said the following: “We all had been warned as the date was prior to the 1st of May. There was excessive traffic on the street. I warned the driver of a car parking by the road. When he insisted to stay there despite my warning, I re-approached him. He said, ‘Go away. Do you rely on the gun on your belt?’” Müşerref Şen, who argued that the youth driving the car had sworn at him, thus he had wanted to take official action against him, but he had been injured as the car had been drown towards him and had fired in order to protect himself, said, “If I had intended to kill, I would not have fired a single shot. In addition, I took him to the hospital.” After the disclosure of the verdict, Turan Günday, the father of Ediz Volkan Günday, expressed his reaction as follows: “I don’t want a life in exchange for the life of my son. However, this sentence is too light. This is not justice.”

Police officer İsmail Küçükbaş, who was prosecuted on the grounds that he had killed Mehmet Güneş and wounded Mustafa Güneş in a restaurant serving alcoholic drinks in the Akhisar District of Manisa on 23 June 1994, was sentenced to 17 years 6 months in prison. In the trial which ended on 9 June at the Adana Heavy Penal Court No.2, İsmail Küçükbaş was first sentenced to 28 years in prison. However, taking into account extenuating circumstances and his good conduct during hearings, the court board decreased the imprisonment term to 17 years 6 months. The trial in question was held in Adana instead of in Manisa for security reasons. In his defense, İsmail Küçükbaş had said, “I was having fun at the tavern. Mehmet and Mustafa began to shout PKK slogans and attempted to take my gun. I started to shoot randomly in order to defend myself. I did not intend to kill.”

The Commission, taking the case into consideration, asked the Turkish Government to submit related information. In its reply, the government stated that those killed had reciprocated by opening fire on the call to “surrender” made by the security forces. The government asked the Commission to reject the application, since there was a trial pending related to the case.

(**) In a report submitted to the court during the trial, it was stated as an important deficiency that the condition of the raided places had not been reported to the performers of the autopsy. Out of the 10 bullets found in Cavit Özkaya, 5 had reportedly entered from the back, and the fatal shot had been made most probably while Özkaya had been laying on the ground. The report pointed out 4 mortal shrapnels to the chest of Yücel Şimşek, said that the bomb might have exploded when he had bowed, proving out that he had been alive and on his feet. The report was not taken into consideration by the court.

In a trial held at the Aegean Army Commandership (İzmir) Military Court, a woman named Saniye Çelikdayak, who had been shot and wounded by soldiers during practice fire in 1992 in the vicinity of Torbalı (İzmir), was found half at fault due to a “bad coincidence.” Thus, the sentence passed on first lieutenant Adil Güzelbahçe was decreased. The incident that led to the launching of the trial and the prosecution developed as follows:

During practice fire by the soldiers from the Torbalı District Gendarmerie Commandership on 20 September 1992, Saniye Çelikdayak, working in a field 2,400 meters away from the practice area, was shot and wounded. Saniye Çelikdayak, in the trial launched upon her complaint, was shown as having 4/8 of the fault in the expertise report. The expertise report said: “It has been determined that District Gendarmerie Commander Adil Güzelbahçe had properly obeyed security precautions before, during and after the practice; in addition, he had warned with sirens and announcements with megaphones, although these are not stated in the regulation; thus all the necessary precautions had been taken prior to the practice, however, this incident was a result of a bad coincidence.” In the expertise report, it was stated that Adil Güzelbahçe was found as having 4/8 of the fault as he did not abide by the provision of the regulation by the Gendarmerie General Commandership related to the practice fire that foresaw “fire from 25 meters instead of 200 meters in the units that do not have a suitable practice area.” The Aegean Army Commandership Military Court, taking into account the expertise report, sentenced Adil Güzelbahçe to 3 months in prison and fined him TL 150,000. However, the sentence was first commuted to 45 days and then to TL 226,667 and reprieved.

Halil İbrahim Güncan, the lawyer of Saniye Çelikdayak, stated that the expertise report had been prepared with a fatalist approach and that there was no place for fatalism in the law system, and continued, “I cannot understand the starting point of the expert. He attributes the incident to a coincidence, and calls this a bad coincidence. Anything called a bad coincidence cannot exist within the legal system. It’s not possible to explain accidents and crimes as coincidences especially in cases in which the individual takes initiative. Stemming from this point, we objected to the expertise report. However, we drew back our objection as I could not trust the court that made a decision within the framework of this report. I think that this was necessary at least in order to utilize our right to seek compensation based on 8/8 fault. We are getting prepared to launch a compensation trial.”

The trial launched at the İstanbul Heavy Penal Court No.7 against police officers for killing Burhan Remzi Kafadenk during an operation held in İstanbul Gayrettepe on 26 October 1991, resulted in acquittal on 21 December. The acquittal verdict was issued under Article 49 of the Turkish Penal Code on the grounds that “the situation called for the compulsory use of guns.” The lawyers of Burhan Remzi Kafadenk stated that they regard the verdict as biased and being against the law, that they would appeal, and that they would apply to the European Human Rights Commission if the verdict was upheld by the Supreme Court. The lawyers argued that the courts had a biased interpretation of the Law on Police and Article 49 of the Turkish Penal Code; that it was an obligation to capture alive according to the Law on Police, and that the police had an obligation to fire on the non-vital parts of the body during clashes. Upon the killing of Burhan Remzi Kafadenk, a high-ranking police officer had said that “the aforesaid person had been thought to be Mete Nezih Altınay, one of the leaders of the Revolutionary Left organization.”

In the meantime, lawyers attending to the extra-judicial execution trials as intervening parties and the relatives of the victims faced various pressure and threats. The court halls and corridors were usually the scenes for the pressure and threats. In certain cases, some lawyers were detained and threatened.

For example; lawyer Ahmet Düzgün Yüksel, who is registered at the İstanbul Bar, was detained by the police along with Sabahat Varol, the Chief Editor of the journal Devrimci Gençlik, on 21 June. The İstanbul SSC Prosecution Office decided that Ahmet Düzgün Yüksel should be kept in detention until 5 July. Lawyer Zeynep Fırat, who made a statement about the incident, said that Ahmet Düzgün Yüksel had been detained prior to 2 extra-judicial execution trials in which he would attend as the lawyer of the victims, and continued, “In these trials, 2 security chiefs would testify. We think that the detention has connections with this hearing. Our friend is being interrogated by the police, in a way contrary to our laws. The lawyers can only be interrogated by a prosecutor.” Düzgün Yüksel, who was released on June 26 without waiting for the end of the detention period, said that he had been tortured on the first day of his detention when he had been taken to the Security Directorate. He stated that he had not been tortured on the other days, but he had continuously been insulted, and continued, “The permission for the detention was made by SSC Prosecutor Erdal Gökçen personally. The attack against me is in fact an attack against our bureau and the legal defense institution.” Düzgün Yüksel, stating that he had been taken before Anti-Terror Branch Director Reşat Altay on the second day of his detention, said, “They demanded me not to shoulder the advocacy of the revolutionists and not deal with their deaths. When I showed the torture traces to the director, he replied without any hesitation by saying, ‘Everything has a price. You should be grateful that we do not behead you’.”

Sabiha Doğan, the mother of Selma Doğan, who was one of 2 youths killed (*) by police officers raiding a house in the Hasköy Quarter of İstanbul on 26 November 1993, was dismissed from her job at the Marmara Bank Elmadağ Branch. In a statement she made, Sabiha Doğan argued that she had been dismissed upon demands by the police officers, and continued, “The thing disturbing the police is that: I am the mother of Selma. They are not content with killing my daughter, but they also want to convict me and my son Can to hunger and poverty by maintaining my dismissal. This pressure will intimidate neither me nor my son.”

Following is information about the extra-judicial execution investigations and trials launched or continuing in 1995:

The prosecution of 9 security officers who participated in the raid against a cafeteria in the Perpa Business Center in the Okmeydanı Quarter of İstanbul on 13 August 1993, which resulted in the killing of 5 people, continued in 1995. (*) In the trial that started at the İstanbul Heavy Penal

(*) During the raid, high school student Selma Doğan and her friend Erol Yalçın were killed. It was learnt that the raided house belonged to Selma Doğan’s mother Sabiha Doğan and the Doğan family had been living there for 10 years. Upon the official complaint lodged by Sabiha Doğan, a trial was launched against the police officers who had participated in the raid. The trial that started on 21 April 1994 at the İstanbul Beyoğlu Heavy Penal Court resulted in acquittal within a short period of time. In the meantime, after the first hearing, Sabiha Doğan was detained and beaten by police officers including those being prosecuted. Sabiha Doğan was kept under arrest for a while on allegations of “aiding the Revolutionary Left organization and harboring its members.”

(*) In the raid, Nebi Akyürek, the owner of the cafeteria, Selma Çıtak, one of the workers, and youths named Sabri Atılmış, Mehmet Salgın and Hakan Kasa were killed. Police authorities claimed that those killed were members of “Devrimci Sol” organization and that they were preparing for a bank robbery. An eye-witness stated that Selma Çıtak had shouted something like “Stop. I am going out,” and he added: “I saw that young girl being taken by police officers wearing bullet-proof vests. She was alive but wounded in the leg.” Relatives of Nebi Akyürek told journalists that the event was an extra-judicial execution and said the following: “Nebi’s house and job were known. It would be very easy to apprehend him alive.” Fatma Kasa, the mother of Hakan Kasa, stated that her son had been killed without any interrogation at a cafeteria he had dropped into, and Nedim Çıtak, the husband of Selma Çıtak, stated that his wife had no links with any illegal organization. In a statement made by the Revolutionary Left organization, it was stated that among those killed in the raid,

Court No.7 in November, sentences of up to 30 years in prison were sought for the police officers on accusations of “murdering more than one person in a way to conceal the real assailant.” The names of the prosecuted security officers are as follows: “Ercüment Yılmaz (Deputy Director of the İstanbul Political Police Department), Ali Çetkin (security chief), Hasan Erdoğan (superintendent), Hüseyin Doğru, Ömer Kaplan, Ayhan Çarkın, Ayhan Özkan, Selim Kostik and Kadir Uçar.” In the hearing of the trial held on 28 September, policemen who had examined the raided cafeteria after the incident were heard as witnesses. The relatives of the people killed in the raid protested the statements of witnesses, and said, “Our children were killed by the police as a consequence of false denunciation. The policemen heard as witnesses did not tell the truth. Among the defendants are the chiefs of the witnesses heard in the trial. When this is taken into consideration, it becomes apparent that the witnesses are not reliable.”

A trial was launched against 5 of the police officers who participated in the raid against a cafeteria in the Beşiktaş Quarter of İstanbul on 28 September 1994 which had resulted in the killing of 3 people named Fuat Erdoğan (lawyer), Elmas Yalçın and İsmet Erdoğan, alleged as “being members of the Revolutionary Left.” In the trial launched by the İstanbul Public Prosecution Office, various prison sentences were sought to Hilmi Kalaycı, Baki Avcı, Şefik Kul, Mustafa Karabulut and Ramazan Ayan on accusations of “murdering, while on duty, more than one person in a way to conceal the real assailant.” The prosecution of the police officers started at the İstanbul Heavy Penal Court No.9 on 9 February.

In the hearing of the trial held on 5 May, Şefik Kul, Mustafa Karabulut, Hilmi Kalaycı and Ramazan Ayan gave their testimonies. In the meantime, it was revealed that the defendant named Baki Avcı had died. In his testimony, Şefik Kul (***) said that they had, along with 8 police officers, gone to the scene upon a denunciation, and continued: “I, Mustafa Karabulut, Ramazan Ayan and Baki Avcı entered the cafeteria, announced that we were police officers and wanted to carry out an ID check. They started to fire from somewhere above. Upon this, we launched a sniper fire, repeatedly saying during this time that we were police officers and called them to surrender. They responded by opening fire and shouting slogans. We had to fire. When we got upstairs after the shooting ended, we saw that all 3 had died. However, I did not shoot, but 4 friends with me did.” In their cross-examinations, other defendants stated they shared the statement of Şefik Kul. In the hearing, police officers Erhan Mamikoğlu and Nuh Çelik were heard as witnesses. The intervening lawyers, who took the floor upon this, stated that also there were trials launched against the police officers heard as witnesses, and demanded that their testimonies not be taken into consideration.

In the hearing held on 30 October, owners of the cafeteria Nazan Atlı, Suzan Atlı and Canan Atlı testified. In her testimony, Suzan Atlı said that people in civilian dress who came to the outside of the cafeteria on the day of the incident when she had been dealing with the customers, had beckoned to her, calling her outside, but she had not gone, and after this she had been pushed

Hakan Kasa and Mehmet Salgın were militants of the organization, and Nebi Akyürek, the owner of the cafeteria, was a sympathizer, but Selma Çıtak and Sabri Atılmış had no relation with the organization. In the report prepared by members of the İHD and the Contemporary Jurists Association after investigation into the cafeteria raid, the following was stated: “There was no situation of legitimate defense which would have required the police to use guns in the incident. The police had alternatives like entering the shop as customers and capturing the killed people, but these alternatives were not chosen. This is a collectively committed crime.”

(**) Şefik Kul was also a defendant in an earlier extra-judicial execution case in which Lawyer Fuat Erdoğan, who was killed in the raid, was an intervening lawyer. Şefik Kul abstained from answering a question about this addressed to him during the hearing.

into the next shop by the people who had come to the door. Suzan Atlı said that about 10 police officers had entered the cafeteria and she had heard successive gun shots, and added that the gun shots had been heard 2 or 3 seconds after the police officers entered, that none of the windows had been broken except for the one beneath the mezzanine, and that it was impossible to break that window with a shot from the mezzanine. Suzan Atlı said that the incident, which was called a “clash,” had continued for about 2 or 3 minutes. The police officers who had entered had been civilian dressed and wearing no bullet-proof vests, she said. Upon this testimony, the defense lawyer İlhami Yelekçi took the floor, and asked Suzan Atlı if she had “faced any coercion or not.” Suzan Atlı said that such a thing was out of question. Nazan Atlı, another witness, stated that her testimony given at the security directorate was not true, saying that the testimony had been written by the police officers and she had to sign it. Upon this, an official complaint was sought against the police officer who forcibly took the testimony, but this demand was rejected by the court. In addition, during the hearing, İstanbul Political Police Department Director Reşat Altay’s answer to the question about his “demanding the guns of the prosecuted police officers from the security directorate in order to perform a ballistic examination” was read out. In the letter it was stated that it was impossible to send the guns to the court for security reasons. Upon this the court board decided that the guns should be handed over to the court in order to be sent to the Forensic Medicine Institute, and the police officers should be provided with other guns. The demand by the intervening lawyers for the arrest of the defendant police officers was rejected, and the defendants’ obligation to attend the hearings was lifted.

A trial was launched against 11 police officers who had participated in the raid of a house in the Mahmutbey Quarter of İstanbul on 27 January 1992 and had resulted in the killing of 3 youths named İsmail Cengiz Göznek, Servet Sanin and Hüseyin Yaşar. In the trial which was launched 3 years after the incident, various prison terms were sought for the security officers on charges of causing death. The names of the security officers in question are as follows: “Cüneyt Yeşil, Şefik Kul, Hasan Erdoğan, Mehmet Şakir, İsmail Alıcı, Bayram Kartal, Hüseyin Doğru, Birol Abanoz, Selim Kostik, Adnan Taşdemir and Remzi Kaya (superintendent).” The first hearing of the trial was held on 10 April at the İstanbul Bakırköy Heavy Penal Court No.3. Of the security officers heard during the hearing, Remzi Kaya, Şefik Kul, Hasan Erdoğan, Mehmet Şakir, İsmail Alıcı, Bayram Kartal, Hüseyin Doğru and Cüneyt Yeşil stated that they had been outside of the building during the raid maintaining security and they had not fired. Birol Abanoz, Selim Kostik and Adnan Taşdemir, who acknowledged that they had entered the house, said, “We came to the door of the house wearing bullet-proof vests and broke down the door. In front of the door, without entering, we opened fire without aiming at any specific targets against the people who had opened fire at us. We carried out our duty, and we demand our acquittal.” When the intervening lawyers asked, “Why didn’t you use gas bombs?,” the 3 security officers said, “We did not have time to take gas bombs while going to the operation.” This answer by the security officers, who had enough time to put on bullet-proof vests, led to protests by the intervening lawyers.

A trial was launched against the 6 of the security officers who had participated in the raid against a house in İstanbul Kadıköy Moda on 30 April 1994 during which 2 university students named Uğur Yaşar Kılıç and Şengül Yıldırım had been killed, on accusations of “murdering more than one person in a way to conceal the real assailant.” In the hearing of the trial held at the Kadıköy Heavy Penal Court No.1 on 3 April, a young girl named Ergül Uzundiz, (*) who had

(*) Ergül Uzundiz, in the press statement she made in a video-tape shown to journalists on 5 May 1993, said that someone had knocked at the door while she was chatting with Şengül Yıldırım and Uğur Yaşar Kılıç on the day of the event, but they did not open it, and the police, who entered the house firing, killed her friends, while she was able to escape. Ergül Uzundiz reappeared willingly after hiding for a while. Ergül Uzundiz who

been in the same house with Uğur Yaşar Kılıç and Şengül Yıldırım during the raid and who had escaped from death by running away, was heard as witness. Ergül Uzundiz said that there had been no guns in the house and the police had intentionally killed her friends.

Ergül Uzundiz, in an interview published in the issue dated June 1995 of the Bulletin of Rights and Freedoms, summarized what she had gone through and the developments related to the trial launched against her on charges of “illegal organization membership” as follows:

I managed to escape execution. I am a student of the Yıldız Technical University. I met Uğur and Şengül at the university. Our friendship continued till the day they were slaughtered. On 2 August 1993, I filed an official complaint with the İstanbul Public Prosecution Office. Due to the fact that public attention was concentrated on the case, the police dared not detain me. Later, I was turned into a defendant and thereby, the trial started. Before the massacre of 30 April, the Revolutionary Youth Liaison Office had been raided on 18 April, many people had been detained and interrogated under torture. Uğur and myself had been among these people. After being kept in detention for two days, we had been dropped out in the middle of the road without even being taken before the prosecutors. Not even 10 days after the incident, we were proclaimed “terrorists” by the police. Uğur and Şengül were slaughtered. Of course this slaughter had its reasons. They were striving to suppress the flourishing student youth opposition, to intimidate and to subdue. The message, “Should you keep on struggling, you are going to end up like this.” was behind this massacre.

(...) On 30 April, we had celebrated 1st of May at the Yıldız Technical University with our friends. We were planning to participate in the 1st of May demonstrations to be held on the next day in Şişli. As we were planning to go all together, we went as guests to a house belonging to a friend from the university. Just when we had set down for dinner, the police raided the house and started to fire inside without prior warning. Totally unaware of what was going on, we dashed out of the window. Uğur and Şengül got out first. I was unable to see where they headed for in the dark. I started walking on the roof. I got inside a house from the roof, and managed to get out from the garden. All the while I heard never-ending gunshots and cries. Uğur and Şengül were slaughtered just then. They were in an ambulance when I left. Right then, it just didn't enter my mind that they could have been killed.

(...) The police had constructed a scenario to prove themselves right, and to pass off the massacre as legitimate. Like, “It was a safe house, they were terrorists, they were apprehended dead following an armed clash.” However, all during the trial, we demanded that a search of the house be carried out to determine whether any bullets had been fired from inside the house, and it should be proved where and how the weapons claimed to have had been present had been found. They did not accept our demand, for even only this would bring out everything into the open. Claims that I was the member of an illegal organization, the house had been utilized as a cell, and that I had rented the house were included in the indictment. Though Lawyer Rıdvan Eyüpoğlu, the landowner's representative, came to the courtroom as a witness and said that it was not me who had rented the house and that he had never seen me before, nothing changed.

(...) The trial went on for 2 years. Starting from the first hearing, there was a demand that it be merged with another case. This demand was rejected during 4 hearings, for in fact it had nothing to do with my case. A dispute arose in the trial. After being kept waiting at this point for 4

went to the Prosecution Office on 2 August 1993 with her lawyers and family, made an official complaint about the house raid in Moda. Afterwards, Ergül Uzundiz was taken to İstanbul SSC by police officers stating that “there was an arrest warrant against her in absentia.” Interrogated by the SSC Public Prosecutor there, Ergül Uzundiz was arrested on charges of “being a member of an illegal organization,” and a trial was launched against her. Subsequently, she was sentenced to 15 years in prison.

months, the two cases were merged by the Supreme Court despite the fact that they were definitely unrelated. Following the merger of the cases, an opinion related to the essence was demanded on the first hearing although the case had not actually been properly examined, and sentences were passed on at the second hearing. Questions as to why the two cases had been merged, what developments had been achieved at which point, and whether or not it had contributed to elucidation of the incident, were left unanswered. Though our friend, who had been the owner of the house in question, was acquitted, each of us was sentenced to 15 years in prison.

(...) The attitudes of police officers as witnesses could have provide a perfect theme for comic magazines. Over 20 police officers were present in the hearings. Nearly all of them stated that they had not been involved in the clash, and that they had been in charge of security in the neighboring regions. However, they could not escape from revealing numerous flaws in their stories: "Sir, I had been around, in charge of security. I've got nothing to do with the incident. However, I remember hearing the footsteps of someone escaping from the roof." It is impossible for a police officer in charge of security of the surrounding region to hear the footsteps of someone escaping from the roof of the 6-floor building, with the sound of gunshots and all that. The superintendent who had in person participated in the clash is unable to remember the incident. Stating after the hearing of the records, "I was just passing by, heard the gunshots, and the clash had long been over the moment I reached the spot," the superintendent even dared to say, "Sir, the police would never fire." Again another police officer openly lied by saying, "I was there then, but I do not know whether there were any weapons or not." And the others, by saying, "The records heard are true, and I am of the same opinion as my superintendent," showed that they had no wish to give anymore clues related to the fact.

(...) From the moment I went before the court, the delegation strove hard to stop me from speaking. This prevented the uncovering of the incidents. And then, not taking into consideration the arguments in favor of us, they clearly showed that they were on the police's side. For example, at the times the police officers from Kadıköy Security attended the hearings as witnesses, their protective, caring attitude and the way they talked in whispers were quite remarkable. Upon objections to this attitude, the court delegation used to say, "let me understand first, and then I'll tell it to you." In addition, they saved the police officers at critical times by giving breaks. Though the police officers said that they had not seen me at the particular spot where the incident had taken place, and that they had seen me for the first time at the court, the president of the delegation, by saying, "Stare carefully, maybe you might have seen her," spent efforts to guide them. I was sentenced to 15 years, though there was not a single proof, not a single document. This is definitely unlawful.

Village guards named Mustafa Kuloğlu and Paşa Kaşa, who killed Ökkeş Kuyupınar (48) and her daughter Zeynep Kuyupınar (20) on 20 November 1992 in a house in a vineyard near the Miyanlı Village of the Pazarcık District of Maraş, were arrested by the Çağlayancerit (Maraş) Penal Court of Peace on 15 May. A trial was launched against the village guards on accusations of "pre-meditated murder."

The prosecution of 4 police officers in connection with a house raid carried out by the police in the Esentepe Quarter of İstanbul Kartal on 6 March 1993, resulting in the killing of 5 people, (*) continued in 1995. In the hearing held at the Kartal Heavy Penal Court No. 1 on 2 June,

(*) As a result of the raid, Bedri Yağan, Gürcan Aydın, Menekşe Meral, Rıfat Kasap and Fatma Kasap were killed. During the event, children of Rıfat and Fatma Kasap, 4-year old Özgür and 7-month old Sabahat, managed to escape without any wounds. Upon the official complaints made, a trial was launched against 4 police officers who had participated in the raid. In the trial that started at the İstanbul Heavy Penal Court No. 1 on 26 October 1993, various prison terms were sought to the police officers named Yaşar Karaçam, Ömer

Ayhan Çarkın, out of the defendant police officers who was cross-examined, pleaded not guilty, and said “When we went to the house in question in order to execute our orders, the persons in the house opened fire at us. We broke down the door and entered the house. Since my gun was automatic, I could not say how many shots I fired. They were shouting ‘We will not surrender to the fascist state.’ In the check we carried out later, we realized that they had died.” Subsequently, Gülizar Tuncer, one of the intervening lawyers, took the floor, and pointed out that the defendant police officer was lying, and added, “Although there were not any breaks on the door, the defendant says that they signs the door. If they had opened fire from inside, there would have been bullet traces on the door. However, there was neither breaks nor bullet traces on the door.”

In the trial held on 19 July, intervening lawyer Osman Ergin stated that evidence was being concealed, and demanded that the investigation be broadened. In his petition to the court, Osman Ergin said that the prosecutor’s report concerning the scene of the incident was insufficient, that the sketch of the scene had not been drawn, and that a sketch had been published in the newspapers after the incident and thus the journalists had carried out the task of the prosecutor. Osman Ergin demanded that pictures published in the 8 March 1993 issues of the newspapers Sabah, Hürriyet, Milliyet and Cumhuriyet be obtained from those newspapers. He said that the cartridges of the bullets used in the incident had not been handed by the police, and added, “The cartridges should be found. It is necessary to determine how many police officers used guns during the incident.” Fatma Meral, the sister of one of the victims, Menekşe Meral, also demanded that the investigation be broadened, and said the following: “The ink traces on his fingers prove that Rıfat Kasap had previously been detained, his fingerprints had been taken at the security directorate and that he had then been taken to the house. While everybody in the house was wearing sweat pants, sweatshirts and slippers, there were leather jacket and shoes on Rıfat Kasap. The court has never investigated this aspect of the case. The defendant police officers said that they had entered after breaking the door. However, it can be understood from the evidence that they had Rıfat Kasap open the door, and carried out the execution directly. The police officers had gone to the house for a massacre. Nobody used guns but the police.”

A trial was launched against 19 security officers in connection with a police raid carried out against a house in the Çiftelavuzlar Quarter of İstanbul on 17 April 1992 and resulted in the killing of 3 people named Eda Yüksel, Taşkın Usta and Sabahat Karataş. In the trial launched by the İstanbul Public Prosecution Office, it was demanded that the accused security officers be prosecuted on charges of murder, but self-defense provisions should be applied in their case by taking into account that “they had carried out an order and had to use guns during the clash.” The prosecutor’s demand of the application of self-defense provisions in the trial, which could hardly be launched 3 years after the incident, was an indicator that the trial was just for show. The prosecution of the 19 security officers started on 15 June at the İstanbul Kadıköy Heavy Penal Court No.2. In the first hearing, a press ban was issued by the court board upon demand by the lawyers of the defendants. In addition, the court house where the hearing was held was surrounded by hundreds of official and plainclothes police officers. More than 100 people who attempted to watch the hearing were detained. Certain lawyers of the victims and some journalists were harassed by police officers in the hearing hall. In addition, police officers who banned vehicles from entering the Bahariye Street where the court house is located, held march and shouted slogans after the hearing. In the hearing held on 26 September, 2 of the accused security officers were cross-examined. The hearing was closed to the press in accordance with the ban decision made by the court board in the previous hearing. Meanwhile, the Kadıköy Court House was surrounded by hundreds of plainclothes and official policemen, and the traffic on the Bahariye

Kaplan, Hasan Erdoğan and Ayhan Çarkın on accusations that “they had exceeded the limits of their duty and had killed with the intention of murdering.”

Street was blockaded again. The names of the security officers on trial are as follows: “Reşat Altay (Political Police Director), İbrahim Şahin (Special Operation Branch Director), Vasfi Kara, Abdullah Dindar, Mehmet Şakir Öncel, İsmail Alıcı, Adnan Taşdemir, Aslan Pala, Mehmet Baki Avcı, Ruhi Fırat, Mehmet Düzgün, Adalet Üzüm, Şenel Karaman, Ömer Mesut Yağcıoğlu, İsmail Türk, Ali Türken, Yahya Kemal Gezer, Zülfikar Çiftçi and Sönmez Alp.”

The trial launched against police officers by the family of Enver Tağaç, who had been killed by the police during a demonstration on 10 July 1993 in the Maltepe Quarter of İstanbul, started at the Kartal Heavy Penal Court No.2 on 15 June. Only 9 police officers attended and testified during the first hearing of the trial in which 30 police officers were charged. In their testimonies, the police officers said that they had not been involved in a clash, and that they had been responsible for the security of the vicinity. Intervening lawyer Levent Tüzel stated that 35 police officers had undersigned minutes of the incident, but a trial had been launched against 30 police officers, and that the police officers who had been involved in the clash were being protected. Some people who had witnessed the incident said that Enver Tağaç had been captured alive and then shot to death.

The prosecution of police officers against whom a trial was launched on accusations that they had killed 2 youths named Mehmet Eroğlu and Yüksel Güneysel, who had attempted to steal money from the office of Mahmut Altuncu in the Gaziosmanpaşa Quarter of İstanbul on 26 June 1993, (*) started in the beginning of 1995 at the Eyüp Heavy Penal Court No.1. In the hearing held on 17 July, intervening lawyer Ahmet Düzgün Yüksel stated that the judge was biased, and demanded that he withdraw from the case. In his petition to the court board, Ahmet Düzgün Yüksel stated that from the very beginning it was obvious that the police officers would not be convicted, and declared that the court board, totally depended on the one-sided indictment by the prosecutor, and had not examined the evidence properly.

A trial was launched against 21 security officers in connection with the raid of a house in İstanbul Kozyatağı on 17 April 1992, during which 3 people, Sinan Kukul, Şadan Öngel and Arif Öngel, were killed. In the trial launched by the İstanbul Public Prosecution Office, various imprisonment terms were sought for the defendant police officers on accusations of “murdering in a way to conceal the real assailant.” The prosecution of the 21 security officers started on 18 July at the Kadıköy Heavy Penal Court No.2. Of the accused security officers, only 4 attended the hearing. Journalists were not allowed to watch the hearing. In their cross-examination, the security officers indicated that Sinan Kukul, Şadan Öngel and Arif Öngel had been killed in the clash which had broken out when they had reciprocated by firing at police who called them to surrender, and demanded their release. The intervening lawyers were not invited to the hearing. Ahmet Düzgün Yüksel, one of the intervening lawyers, stated that the court had sent the indictment and invitations to the defendants, but not to him, although his address was in the proxy and at the İstanbul Bar, and for that reason he had missed the hearing on 18 July. He lodged a complaint with the Ministry of Justice against the court board and the secretary of the court. Arguing that the situation could not be taken as “negligence,” “mistake” or “forgetfulness,” Ahmet Düzgün

(*) The official statement about the incident claimed that “those youths who came to the office in order to take money, had been killed in a clash with the policemen who tried to prevent them.” It was subsequently revealed that the youths had no guns and the police officers had opened fire on them without any warnings. The İstanbul Gaziosmanpaşa Public Prosecution Office, which launched an investigation after the official complaints were made, decided that the event was extra-judicial execution. For this reason, applying to the Eyüp Public Prosecution Office, the Gaziosmanpaşa Public Prosecution Office demanded that a trial be launched against police officers Mehmet Saka, Şevket Yılmaz, Süleyman Bolak and Erol Tekten.

Yüksel said the following in his petition to the Ministry: “The case is an extra-judicial execution case. It is extremely important. The people’s right to life has been violated.”

The prosecution of 3 police officers, against whom a trial was launched in connection with the killing of a young girl named Sultan Canik in the raid of a house in İstanbul Kadıköy Acıbadem on 1 October 1992, started at the Kadıköy Heavy Penal Court No.1 on 10 November. The defendant police officers did not attend the hearing. In this hearing of the trial, in which the police officers were prosecuted on charges of “murder,” “agent-police” discussions were raised. Lawyer Düzgün Yüksel, who argued that Sultan Canik had intentionally been murdered by the police in order to force a militant named Tuğrul Özbek to become a police informer, demanded that the Ministry of Interior Affairs should be asked whether or not Tuğrul Özbek had been charged as a police officer. Noting that Sultan Canik and Tuğrul Özbek had stayed at the same house and Tuğrul Özbek had shown the house to the police officers, Düzgün Yüksel said that Tuğrul Özbek had been declared missing, but later on he had been seen with police officers in certain places. Noting that the case file contained no information regarding Tuğrul Özbek, Yüksel said, “We have concluded that the police, in order to make Tuğrul Özbek a police informer, had carried out the execution ‘intentionally’ and without a clash. This game by the security organization will be brought to light if that person is proved to be a registered police officer.”

Human Rights Commission

In 1995, numerous cases were forwarded to the European Human Rights Commission because extra-judicial executions were not seriously investigated, the lawsuits brought were not serious, and the responsible people were not punished. The Commission accepted and investigated many of those cases. After examination of certain applications, decisions were delivered against Turkey. For example, the applications of Hüseyin Güleç, the father of Ahmet Güleç who died in a shooting by security forces who opened fire on participants to a demonstration in İdil (4 March 1991), and of Sariye Uğur, the mother of night watchman Musa Uğur who was killed by soldiers and village guards raiding a coal mine in Şırnak (24 December 1990), which were forwarded to the Commission on 26 March 1993, were found admissible. Turkey’s statement arguing that “security forces had to prevent incidents and maintain security in the State of Emergency Region, and that internal judiciary measures had not been employed,” was found to be inappropriate. In the Commission’s decision, the plaintiff families and the Turkish government were invited to find a friendly solution. In the trials opened on the grounds that the right to life had been violated, there was a call for abolition of Article 4 of the State of Emergency Legislation, which prevents compensation to the relatives of those killed, and prosecution of members of the security forces, who are found guilty of murders, and of the related articles of the Law on Prosecution of Civil Servants (in force since 1913), which foresee some obstructions.

In July, the application by Ramazan Çağırğa, who had lost 7 members of his family (*) during the incidents in Cizre on 7 November 1992, was found admissible by the European Human Rights Commission. Upon this decision, Turkey preferred a friendly solution, and paid 150,000 French Francs (TL 1 billion 40 million) to Ramazan Çağırğa as compensation. Ramazan Çağırğa had applied to the Human Rights Commission right after the incident. While evaluating the

(*) After the destruction of a police armored vehicle that struck a mine planted on the road, police officers in the vehicle began to fire all around, and PKK militants in the vicinity fired at the police officers. While the clash was under way, certain houses and shops were destroyed by the howitzers and fire launched by the security officers. During the incident, 7 people, who were in a house hit by a howitzer, died while 4 people were wounded. It was alleged in the official statement that “7 people died when a missile fired by the PKK militants against the police vehicle ricocheted and hit a house.” This claim was frequently repeated by Turkey while the case was being held at the Commission.

decision, his lawyer Hasip Kaplan indicated that the case was important from two points: “The first is that the case file was accepted by Turkey before it was referred to the Human Rights Court. And the second is that from now on, the case files of the people who were wounded, who had died or whose houses were destroyed during incidents in the State of Emer-gency Region will be found admissible before the internal judiciary measures are employed.”

Following is information and developments concerning those killed in extra-judicial executions in 1995:

b)- Deaths in house and workshop raids

01)- Hüseyin Deniz (23)

02)- Refik Horoz (22)

03)- Havva İpek (25)

04)- Selim Yeşilova (25)

A house in the Şehitlik Quarter of Diyarbakır was raided by the police at about 08.00 p.m. on 12 January. In the raid, 4 students named Hüseyin Deniz, Refik Horoz, Havva İpek, and Selim Yeşilova were killed. Police authorities claimed that the raided house was used as a safe house by DHKP-C militants. Friends of the students who studied at the Dicle University Faculty of Science and Literature, stated that their friends had not been involved in illegal activity, that the incident had not been a clash, and that 4 young students had been executed by shooting by the police officers. The same people said that Refik Horoz had been detained by the police on the morning of 12 January and the detention had been confirmed by some witnesses.

05)- Mehmet Deliktaş

A house in the Gölbaşı Quarter of the Viranşehir District of Urfa was raided by security officers on 27 January, and as a result a PKK militant named Mehmet Deliktaş died. It was reported that during the raid Mehmet Deliktaş had clashed with the security officers for a long time and then he had committed suicide.

06)- Demet Taner (22)

07)- Hüseyin Coşkun

A house in the Şahinbey Quarter of Gaziantep was raided by police on the morning of 5 April. In the raid, a young girl named Demet Taner was killed. In that same period, again in Gaziantep, a youth named Hüseyin Coşkun was also shot dead by the police. Police authorities disclosed that Demet Taner and Hüseyin Coşkun had been killed when they had clashed with security officers during the raid of a house in the Şahinbey Quarter, and that the raided house was a safe house used by the DHKP-C. After official complaints were filed about the incident, a trial was launched against police officers İbrahim Güneşli, Vakkas Gül, Ünal Naçar, Savaş Özberk, Hüseyin Dönmez, Hikmet Bahtiyar and Mecit Nur. No result was obtained from the investigation, during which the Gaziantep Public Prosecutor issued a decision of non-jurisdiction and referred the case file to the Malatya SSC Prosecutor. The Malatya SSC issued a similar decision and sent the case file back.

08)- Mustafa Selçuk (34)

09)- Şirin Erol

10)- Seyhan Ayyıldız (21)

Mustafa Selçuk and two girls named Şirin Erol and Seyhan Akdeniz were killed in police raid on a house in the Haritacilar dwellings in the Kardelen Quarter of Ankara Batikent on the night of 12 April. Police authorities claimed that the house they raided was used as a safe house by the DHKP-C militants and the 3 people had been killed during the clash. In the autopsy, more than 60 bullet wounds were found on the corpses of the victims. In the statement made by the İHD and Contemporary Jurists Association delegation, which examined the raided house soon after the incident, the incident was termed “a definite extra-judicial execution”: “The 3 people in the house were shot dead at a close range after they were laid down on the floor. Traces of bullets and blood on the floor and the carpet prove this fact. There are no signs of bullets fired from inside to outside

on the entrance door, but traces of 9 bullets were detected on the entrance wall opposite to the door. That means the police officers opened fire from inside to outside while the door was open. The entrance door was broken down due to fire opened by the police officers outside. The traces of the bullets fired from outside were determined on the walls of the entry of the flat. According to the witnesses, the extra-judicial execution started at 11.00 p.m. and lasted for 5 minutes. Such a short period of time is the clearest evidence that there was no clash.”

It was concluded as a result of the investigation that the incident was an extra-judicial execution, and a report was prepared. In the report it was indicated that double-effect bullets, which were forbidden even in the USA, were used during the raid. In addition, Algan Hacaloğlu, the then-Minister of State responsible for human rights, examined the raided house. However, no result could be obtained from the official complaints lodged against the security officials who had carried out the raid. The incident was covered up without any trial. In connection with the incident, Algan Hacaloğlu sent a letter to Tansu Çiller. (*) The letter dated 20 April, which was not answered by Tansu Çiller, said, “It is impossible to understand why such bloodshed occurred despite the fact that the suspects could have been captured. It is evident that the security forces did not pay the required attention to capture the suspects alive. There was a horrifying scene in the house, a blood lake in two rooms, and a bloody bed. It is impossible to understand why so much blood was shed. The blood traces on the floor of the corridor show that the bodies of the dead persons killed in the back room were dragged to another room. All the facets of the incident must immediately be brought to light and required procedures must rapidly be fulfilled to bring the responsible people before the judge. If these actions are not taken, neither the Security organization nor the Ministry of Interior Affairs, nor the state can be exonerated.”

During the meeting of the Council of Ministers on 21 April, the house raid in Batıkent was brought to the agenda. Algan Hacaloğlu and some ministers from the CHP, taking the floor during the meeting, criticized Minister of Interior Affairs Nahit Menteşe for disappearances, murders by unknown assailants and extra-judicial executions. Algan Hacaloğlu, saying that the house raid in Batıkent was an extra-judicial execution and that he himself had determined this, demanded that the necessary steps immediately be taken to put an end to extra-judicial executions. Minister of Health Yıldırım Aktuna, taking the floor subsequently, stated that it was necessary to provide the security officers with bullet-proof vests in order to end extra-judicial executions, and said “As security officials wearing bullet-proof vests would be sure of their lives, they would rarely tend to use weapons in the operations of this kind. Thus extra-judicial executions would decrease.” These words by Yıldırım Aktuna annoyed Nahit Menteşe. In a press conference on 26 April, Algan Hacaloğlu reiterated that the killing of 3 people was an extra-judicial execution. Algan Hacaloğlu said, “The incident was examined by a delegation from my ministry, and then was evaluated with my participation. I saw that the execution had taken place in Batıkent. If this is not an authorized implementation of violence by the security forces, the Ministry of Interior Affairs has to launch the required investigation.”

Meanwhile, all the belongings of Mustafa Selçuk, Şirin Erol and Seyhan Ayyıldız in the house were donated to the Keçiören Municipality Charity House upon the instructions of Ankara SSC Prosecutor Nuh Mete Yüksel. Protesting this action, intervening lawyers stated that the property rights prescribed that personal belongings should be at disposal of the legal heirs, and

(*) The letter was reprinted in the newspaper Yeni Yüzyıl after the breakup of the DYP-CHP coalition government. In addition, it was revealed that a copy of the letter had also been sent to Hikmet Çetin, the then-Deputy Prime Minister, and Nahit Menteşe, the Minister of Interior Affairs. After the letter was published in the press, Zeki Rüzgar, the lawyer of relatives of the victims, stated that they regarded the letter as a new evidence, and that they would lodge another official complaint.

they lodged an official complaint against Nuh Mete Yüksel whom they accused of an “illegal proceeding.” The lawyers said, “What he did is disrespect to our most fundamental moral values and traditions. Respect for the dead is indisputably accepted in every society. Nuh Mete Yüksel himself directed the massacre operation. His vengeance is so extreme that he donated, despite the laws, the goods and furniture belonging to murdered people, as his own property.”

11)-

12)-

A house in the Fatih Quarter of Diyarbakır was raided by the police on the morning of 22 May. In the raid, 2 youths in the house were killed. Police authorities claimed that the victims were PKK members preparing for an illegal operation, and that they had died during a clash which broke out when they opened fire at the police officers.

13)-

14)- Cavit Kaçmaz (police)

15)- Yadigar

A house in the Üçyol Quarter of the Kızıltepe District of Mardin was raided by special team members at about 03.00 a.m. on 9 June. In the raid, a PKK militant whose name was not disclosed, and a young girl named Yadigar were killed, and a person named Hamit, the owner of the house, and his wife Fatma were severely wounded. Yadigar was reported to be the daughter of Hamit and Fatma. In the clash which broke out during the raid and lasted for 3 hours, a special team member named Cavit Kaçmaz was also killed. In operations carried out in Kızıltepe after the raid, about 10 people were detained.

16)- Mustafa Dölek (42)

Special team members who raided the Küçük Cennetpınarı Village of the Pazarcık District of Maraş on the morning of 24 June, shot Mustafa Dölek dead at the door of his house. This incident was first passed off as a clash. Then, it was claimed that “Mustafa Dölek had been shot dead with a stray bullet while he had been on the roof of his house watching the clash that had broken out in the village.” A rapid autopsy was performed on Mustafa Dölek, whose corpse was taken to the Maraş State Hospital by the special team members soon after the incident. The following were stated in the autopsy report undersigned by physicians of the hospital and Maraş Public Prosecutor: “No gunshot wounds, no wounds by cutting or stabbing tools, and no blow traces were detected on the waist area of the corpse. The left leg of the corpse bears two inward and outward bullet holes. No bullet hole was detected on any other part of the corpse. The examination shows that the blood loss due to the bullet wounds on the left leg caused the death.”

Sultan Dölek, the wife of Mustafa Dölek, objected to the autopsy report, and lodged an official complaint with the Pazarcık Public Prosecutor, seeking the prosecution of the special team members who had killed her husband. Sultan Dölek wrote the following in her petition: “Someone knocked at our door about 06.00 a.m. When we opened the door, we found 3 special team members. My husband complacently said ‘Good morning’. Every thing happened at this moment and they fired their weapons. My husband fell on the ground. They threatened me, saying ‘We will also kill you if you open your mouth,’ and then smacked me. They broke the door of the guest room to pass off the incident as a clash. They subsequently took away the corpse of my husband. The prosecutor and the doctor conducting the autopsy abused their duties. It had been stated that blood loss due to the wound on his left leg caused the death of my husband. How-ever, there was also a bullet wound on the chest. Therefore, we want another autopsy, and the assailants should be put on trial.”

The Pazarcık Public Prosecution Office launched an investigation upon the official complaint by Sultan Dölek, and decided that the autopsy should be repeated. The corpse was re-examined at the Mortuary Expertise Chief Office in Adana, and the findings in the second

autopsy were not consistent with the former. The following were stated in the second autopsy: "It was understood from the result of the autopsy that a bullet on the right side of the chest had caused the death. The right part of the lung, liver and the other internal organs were pierced." The bullet taken out from the corpse was submitted to Adana Public Prosecution Office as it was evidence of the crime. The TTB Central Council, alarmed about the falsification of the first forensic report issued by the physicians from the Maraş State Hospital, launched an investigation. The then-TTB Chairperson Selim Ölçer stated that they had accepted the news released in the press as a denunciation, and said, "Professional organizations, wherever in the world, cautiously launch an investigation against physicians who do not follow up their professional duties, and carry out the necessary sanctions. We, the TTB, will continue to be determined in this case as long as we can."

As a result of the investigation as to the case, a trial was launched against special team member Soner Ağbaba. The trial launched by the Maraş Public Prosecution Office, but was moved outside Maraş for security reasons. An 8-year prison sentence was asked for Soner Ağbaba, who was accused of "killing in a way that exceeded the limits of duty." Prosecution of Soner Ağbaba, who was not arrested despite the heavy sentence he faced, started at the Ankara Heavy Penal Court No.8 on 5 March, 1996. Cross-examined in the hearing, Soner Ağbaba argued that the incident was an accident, and added, "Mustafa Dölek attempted to grab my weapon. Upon this, we grappled. I didn't intend to kill him. I only fired at his legs." However, intervening lawyer Kazım Genç, stating that Soner Ağbaba lied, said "The defendant says 'I only fired at his legs.' But bullets in the chest and stomach caused the death. Mustafa Dölek had been shot in the legs and had fallen on the ground, and then he had been shot in the chest. In addition, he had not been hospitalized on time although he had been wounded." Kazım Genç, pointing out that the prosecution was held on accusations of "murder," demanded that Soner Ağbaba be arrested. This demand was not accepted by the court board.

17)- Ali Rıza Kurt (35)

A house in the Bozyaka Quarter of İzmir was raided by police late at night on 26 July, and DHKP-C militant Ali Rıza Kurt was killed. Ali Rıza Kurt had fled from the İzmir Buca Closed Prison, where he had been kept under arrest, together with his friends Tevfik Durdemir, Celalettin Ali Güler and Bülent Pak on 17 July. Lawyers Hülya Üçpınar and Şengül Gültekin, who saw the corpse of Ali Rıza Kurt at the Morgue of the İzmir Aegean University Hospital, stated that there were bullet wounds below the right eye and the neck of the corpse, and that he did not resemble the victim of a clash at all. The lawyers indicated that the Public Prosecution Office had not let them witness the autopsy. Thus they had concluded that the evidence had been destroyed, and said that they would lodge an official complaint against the responsible people. Those who attended the funeral for Ali Rıza Kurt on 29 July in İstanbul were attacked by the police. As a result of the attack, numerous people were wounded and about 100 people, including Ali Rıza Kurt's mother Melek Kurt and lawyers Metin Narin and Efkân Bolaç, were detained.

18)-

19)-

In raid on a house in the Bismil District of Diyarbakır on the night of 18 August, 2 people were killed. Security officials stated that the raided house was used as a safe house by PKK militants. This statement was confirmed by the sources in the region.

20)- Şirin Altun (24)

21)- Fesih Ömür (25)

A house in the 5 Nisan Quarter of Diyarbakır Bağlar was raided by the police at about 06.30 a.m. on 10 November, and a PKK militant named Şirin Altun was killed. In the clash that broke out during the raid, 2 police officers, Bahattin Bahçeci and Kaya Ulusoy, were wounded. Shortly after the incident, the house of Fesih Ömür, the owner of the house where Şirin Altun

stayed, was also raided by the police. In the raid, Fesih Ömür died, and his wife Zübeyde Ömür, brother Hanifi Ömür and his nephew Ramazan Aktar were wounded. A statement made by the State of Emergency Regional Governorate alleged that 2 people had died and 2 police officers had been wounded in the raid against a safe house used by PKK militants. No information was given in the statement regarding the other people who were wounded during the raid.

c)- Fire opened on demonstrating groups

01)- Halil Kadir Erdem (17)

In the Emirdağ District of Afyon, a 12-year old child (M.D.) was raped on 11 January, and this caused tension in the district. When it was learnt that one of the people who had been involved in the rape (A.G.-35-year old) had been arrested and interrogated at the Court Hall, about 3,000 people gathered in front of the Court Hall and started to demonstrate. Some people entered the Court Hall and attacked the suspect with clubs and iron sticks. The beating of the suspect, who was heavily wounded in the attack by the aforesaid people, was shot by a cameraman, and later these pictures were broadcast on numerous television channels. While the incidents in the Court Hall were continuing, gendarmes opened fire on the people demonstrating outside. As a result, a high school student named Halil Kadir Erdem was shot dead with a bullet in the stomach, while 4 people were wounded. In the official statement, it was alleged that the gendarmes opened fire in the air, but the ricocheted bullets had caused the death and wounding cases. Necati Özdemir, the Emirdağ Public Prosecutor, said that Halil Kadir Erdem had died with a single bullet in the left side of the stomach. He added, “We could not found out how this youth, who was watching the incidents at the back of the crowd, died. We have sent the bullet for a ballistic examination.” As a result of the examination of the video recordings of the incident, 27 people were detained on accusations of “provoking the people, lynching attempt, and attacking security officers.” Of the detainees, Sunar Çil, Mehmet Karagöz, Yaşar Aygurlu, Mesut Buzlu, Yüksel Çimen, Cumali Ak, Cemil Kalender, Ayhan Aslan and Turan Düzkaya were arrested on 18 January while others were released. (*)

02)- Halil Kaya (61)

04)- Mehmet Gündüz (37)

06)- Zeynep Poyraz (25)

08)- Ali Yıldırım (22)

10)- Sezgin Engin (17)

12)- Dilek Sevinç (25)

14)- Hasan Sel (20)

16)- Hasan Gürgen (25)

18)- Mehmet Özgür

20)- Gülistan Sevimlikurt (48)

03)- Mesut Efe (32)

05)- Reis Kopal (20)

07)- Mümtaz Kaya (21)

09)- Fadime Bingöl (35)

11)- Fevzi Tunç (22)

13)- Dinçer Yılmaz (19)

15)- Hasan Ersüren

17)- Hüseyin Bilal

19)- Şefika Sevi (18)

Fire was opened by unknown people at coffee houses located on the İsmetpaşa Street in the Gazi Quarter of the Gaziosmanpaşa District of İstanbul that are frequented by Alewis and left-wing people, on the night of 12 March. In the fusillade, Halil Kaya was killed and 19 people were

(*) In the Emirdağ District of Afyon, a quarrel arose between gendarmerie specialist sergeants who objected to the bill in a restaurant which also serves alcoholic drinks and the employees of the restaurant at about 11.30 p.m. on 15 September. The specialist sergeants, who went out of the restaurant after the quarrel that caused damage to the restaurant, opened gunfire at random, and this drew protests from the district residents. Within a short time, hundreds of people gathered in front of the Emirdağ Security Chief Office and started to demonstrate. The situation calmed down when the Emirdağ District Governor, İbrahim Avcı, who delivered a speech to the crowd in front of the Security Chief Office stated that an investigation had been launched against the specialist sergeants. An investigation was launched against specialist sergeants Hakan Ergen and Murat Çebik.

wounded, 5 severely. The assailants also killed Mesut Efe, the driver of taxi they forced themselves into, by cutting his throat. The attack provoked protests in the Gazi quarter. Demonstrations by thousands of people turned into bloody clashes when the police interfered, and 15 people died and over 300 people were wounded by the police fire. While the incidents were under way, a car was burnt down with a Molotov cocktail, causing the death of 2 women and the wounding of 2 people. (Detailed information is on page 194 and following pages.)

21)- İsmail Baltacı

22)- Hasan Tuyan

23)- İsmihan Yüksel (52)

24)- Genco Demir

25)- Hakan Çabuk (19)

Police opened fire at the people demonstrating in the 1 Mayıs (Mustafa Kemal Paşa) Quarter to protest the incidents in the Gazi quarter, and 5 people were killed (4 people on the spot and 1 person at the hospital) and 24 people were wounded, 1 severely. (Detailed information is on pages 203-204.)

26)- Hikmet Soysal

In the Elbistan District of Maraş, incidents broke out when 2 police officers named Kamal Ernez and Hüseyin Eren “abducted 2 married women, namely Aysun Yüce and Makbule Yüce.” A group of about 200 people, gathering at noon on 4 June in front of the police station at which the aforesaid police officers were in charge, began to demonstrate to protest the incident. The number of demonstrators grew into more than one thousand within a short period of time. The demonstrators, continuously shouting Islamic slogans, threw stones at the police station and burnt 2 police vehicles. In the meantime, a person named Celalettin Akbaba was shot in the neck and wounded, by shots coming from the police station. Since the demonstrators did not disperse and they began to destroy other police stations and public buildings in Elbistan, a curfew was proclaimed starting from 07.00 p.m., and military units were activated. Despite this, the incidents continued until 04.00 a.m. on 5 June. The tension and demonstrations in Elbistan prevailed in the following days. A group of about 200 people, gathering in front of the police station on the night of 5 June, stoned the police station and threw Molotov cocktails. The fire that the Molotov cocktails caused, was extinguished before spreading. Since the demonstrators did not disperse, security officers opened fire from time to time. In the fire, 3 people named Erhan Ölker (12), Cemal Keleşoğlu and Mevlüt Gariboğlu were shot and wounded. In addition, Hikmet Soysal, the uncle of one of the wounded, had a heart attack and died. The incidents in the district continued until sunrise. In the meantime, Elbistan Security Chief Hüseyin Can, who was found responsible for the incidents in the district, and police officers Hüseyin Eren and Kamal Ernez were arrested. In addition, arrest warrants were issued for Aysun Yüce and Makbule Yüce, upon official complaints by their husbands. Prosecution of the arrested 3 police officers and Aysun Yüce and Makbule Yüce started at the Elbistan Penal Court of First Instance on 29 June. In the hearing, Hüseyin Can was released, but release demands by Hüseyin Eren and Kamal Ernez were rejected. Kamal Ernez and Hüseyin Eren^(*) were released in the hearing held on 17 July.

d)- Incidents in the Gazi quarter

Fire was opened by unknown people at coffee houses located on the İsmetpaşa Street in the Gazi Quarter of the Gaziosmanpaşa District of İstanbul that are frequented by Alevis and left-wing people, on the night of 12 March. Unknown people arrived at the İsmetpaşa Street at about

(*) After being released, Hüseyin Eren, together with Makbule Yüce, left Elbistan and settled in İstanbul. On the night of 15 September, Hüseyin Eren and Makbule Yüce were shot dead by Makbule Yüce’s brother Mete Öksüz (22) while they were sleeping. Mete Öksüz surrendered to the police after the incident. A trial was launched against Mete Öksüz, who was arrested, with the death penalty sought. The prosecution of Mete Öksüz started on 28 November.

09.00 p.m. with a taxi they had forced themselves into. They opened fire with automatic guns at 4 coffee houses and a pastry-shop. As a result of the fusillade which lasted for about 3-4 minutes, a person named Halil Kaya (61) who was in one of the coffee houses, was killed and 19 people were wounded, 5 severely. The taxi was found burnt 500 meters far from the scene. It was revealed that the assailants killed Mesut Efe, the driver of the taxi. The names of the people wounded during the incident are as follows:

“Adem Güler, Barış Işık, Zeki İnce, Mahmut Altıntaş, Hüseyin Bozoklu, Mehmet Şahin, Mehmet Canpolat, Rıza Balta, Dursun Bozoklu, Süleyman Yaşar, Murteza Güler, Kamuran Sönmez, Tahsin Düzgün, Hasan Bozoklu, Aslan Bozoklu, Mahir Şahin, Suna Bayraktar, Huriye Aldeve and Cengiz Çakmak.”

The attack provoked great protests. Thousands of people who gathered on the İsmetpaşa Street just after the incident started to march shouting slogans such as “Shoulder to shoulder against fascism,” “Fascist-police hand in hand,” “Human pride will overcome torture.” The crowd, indicating that the attack was carried with the support of the police, subsequently surrounded and stoned the Gazi Police Station. After gun shots were fired by the police, the demonstrators were removed from the scene. The crowd became more and more angry after the police fired, and continued demonstrating until the morning hours. In the meantime, clashes arose between the demonstrators and police, and numerous shops and vehicles were damaged. Upon the attack, demonstrations were staged in the Okmeydanı and Alibeyköy quarters of İstanbul. Clashes became more bloody after gun shots were fired by the police officers on the demonstrators as of 02.30 a.m. Clashes with stones, clubs and arms between the demonstrators and the police lasted till 06.00 a.m. These incidents, during which one person was killed and more than 50 people (11 police officers) were wounded, almost stopped after this hour. However, barri-cades were erected in the quarter.

Thousands of people who started to march again towards the Gazi Police Station at about 10.30 a.m. on 13 March, were met by police officers opening fire first into the air and then on the crowd. The demonstrators who came within 200 meters of the police station in spite of the fusillade, reciprocated by throwing stones, clubs and molotov cocktails at the police officers. A group of 70-80 people climbed over iron fences and entered the garden of the police station. Those who entered the garden were driven back by gun shots from the police officers. In the meantime, a group of 2-3,000 people, who assembled in Alibeyköy, went to the vicinity of the Gazi Police Station through the Yeşilpınar Quarter. While this group was marching, they damaged the building of Yeşilpınar *Ülkü Ocağı* (a youth organization supporting the MHP) with stones and clubs. The clash spread when the group from Alibeyköy got involved. Police officers started to open fire at the crowd again. During the incidents which lasted for more than 2 hours, 3 people were killed and many people were wounded. When the situation settled down, a 4-person delegation composed of representatives of the demonstrators negotiated with the police authorities and asked for permission to march to the İstanbul Governorate building. This demand was rejected by the police.

The silence which lasted for more than one hour in the Gazi quarter was broken again at about 02.00 p.m. At that time, the corpses of Halil Kaya, killed in the armed attack against the coffee houses on the night of 12 March, and Mehmet Gündüz, killed during the demonstrations, were carried to the Gazi Cemetery. Immediately, the police armored vehicles tried to disperse the crowd carrying the corpses. Subsequently, the incidents escalated again. Hundreds of police officers began to fire volleys at the groups that were demonstrating or continuing the resistance with clubs and stones. At this moment, the situation became bloodier than ever. Numerous people were shot to death or wounded by the police. It was seen that the police officers had beaten people ruthlessly and kicked those wounded. At that moment, some police authorities made the

following announcements from the police radio: “Some police officers have gotten out of control. We cannot stop anybody; they do not obey orders. The incidents will blow up.”

When crowd did not disperse and the police violence reached the peak, a brigade of 5,000 soldiers was sent to the region. A curfew was announced as of 04.00 p.m. in the Gazi, Zübeyde and Esentepe quarters. With the beginning of curfew, soldiers took control on the streets, and most of the police officers withdrew. However, gun shots and small clashes continued until dark. With the darkness, the atmosphere calmed. Those who participated in the demonstrations held in the daytime, returned to their houses and back streets. A group of 600-700 people did not disperse and continued waiting in front of the *Cemevi* (a place of worship for Alewis) in the region. New barricades were erected in the region. In the meantime, crowds in the Tuzla and Ümraniye regions of İstanbul started to demonstrate to protest the incidents after dark.

Peace prevailed in the Gazi quarter on 14 March. In the region where the curfew was enforced during the whole day, a group of 600-700 people gathered in front of the *Cemevi* and continued waiting shouting slogans. New barricades were erected in some parts of the Gazi quarter in anticipation of possible police interference. Groups of 40-50 people formed behind the barricades. No results were obtained from initiatives made by military authorities and leaders of Alewi associations to try to lift the barricades and disperse the crowd. The region which was calm during the day time, witnessed new incidents after dark. In the Fatih Quarter of Gaziosmanpaşa where a curfew was not announced, unknown people threw a Molotov cocktail at a passing car at about 08.30 p.m. In the incident, a woman named Şefika Sevi (18) was burnt to death while 3 people named Mehmet Sevi (54), Cemal Sevimlikurt (24) and Gülistan Sevimli-kurt were wounded. (Gülistan Sevimlikurt died at the hospital on 19 March.)

Of the people killed by the police, Dilek Sevinç, Sezgin Ergin, Fadime Bingöl, Hasan Gürgen, Zeynep Poyraz and Hasan Ersüzen were laid to rest following the funeral in the Gazi quarter on 15 March. The funeral, which was attended by thousands of people, ended without any incidents. After the funeral, barricades in the quarter were lifted and the resistance which had been continuing in the region for about 48 hours ended. Afterwards, the wounded people who were treated in *Cemevi* or in some of the houses by physicians sent by the İstanbul Medical Chamber, were hospitalized. After the resistance ended, the curfew in the Gazi, Zübeyde and Esentepe quarters was lifted as of 06.00 a.m. on 16 March. In the meantime, of those killed in the Gazi quarter, Reis Kopal and Mümtüz Kaya were buried at the Alibeyköy Quarter of İstanbul while Dinçer Yılmaz was buried at Tokat on 16 March. The funerals ended without any incident.

In connection with the incidents, Gaziosmanpaşa Security Director Mehmethan Tokuş(*) was removed from duty, and all of the police officers in the Gazi Police Station were replaced.

(*) Mehmethan Tokuş was involved in numerous torture cases. In all the units he served, he was either prosecuted or investigated on charges of “torturing and killing.” He tortured Kemal Köksal and Mehmet Karakaya on 25 August 1975 while he was working in Kırşehir, and was sentenced to 2 months 15 days in prison on 2 November 1982 by the Kırşehir Penal Court of First Instance where he was prosecuted. He was also prosecuted in 1989 for torturing to death a woman named Neriman Papiş who was detained on charges of “theft,” but he was acquitted because of “lack of evidence.” He was prosecuted for having shot in the back and wounded a left-wing student named Seyfi Meriç in Vize, and killing a person named Vefalî Hik-met by hitting him with a police car in Çorlu. He received a punishment of a decrease in rank, for he was “drunk” during the accident. The name of Mehmethan Tokuş arose during the investigation launched as to the killing of sesame seed pretzel seller Bayram Duran at the Gazi Police Station. CHP Tekirdağ former Deputy Yılmaz Alpaslan said the following regarding Mehmethan Tokuş, whom he knew closely: “He is a fan of the MHP. He was appointed to Çorlu when his name was involved in the killing of a leftist student in Vize. He had a reputation in Çorlu for oppressing the people. He should have been dismissed from duty considering all his convictions.” The then-CHP Artvin District Chairperson Arif Arifağaoğlu, who narrated his impressions

Making a statement on 16 March, the then-Spokesperson of the Government, Yıldırım Aktuna, said that the police had acted in contravention of orders and opened fire on the demonstrators during the incidents in the Gazi quarter. Yıldırım Aktuna confirmed that Gaziosmanpaşa Security Director Mehmethan Tokuş and all of the police officers in the Gazi Police Station were replaced. Mehmethan Tokuş was appointed security director in the Beykoz Quarter in 1996.

During the Gazi incidents, 19 people died, 15 of whom from police fire during the demonstrations. About 300 people were wounded, most of whom by gunfire and 150 of them were treated at the hospitals. It was disclosed that 30 of the wounded people were police officers and 7 were soldiers. The names of the people killed and wounded (those treated at the hospitals) and the results of the autopsies are as follows:

KILLED

“**Halil Kaya** (died in the attack against coffee houses), **Mesut Efe** (driver of the car used in the attack against the coffee houses), **Mehmet Gündüz**, **Reis Kopal**, **Hasan Sel**, **Zeynep Poyraz**, **Mümtaz Kaya**, **Ali Yıldırım**, **Fadime Bingöl**, **Sezgin Engin**, **Hüseyin Bilal**, **Dilek Sevinç**, **Diñer Yılmaz**, **Hasan Ersüren**, **Hasan Gürgen**, **Mehmet Özgür**, **Fevzi Tunç**, **Şefika Sevi** (died in the car burnt by a Molotov cocktail) and **Gülistan Sevimli-kurt** (died in the car burnt by a Molotov cocktail).”

AUTOPSY REPORTS

Mehmet Gündüz: *Mortal single bullet to the head. Shot from long distance, no bullets in the body. The cause of death is fractured skull and brain hemorrhage due to bullet wound.*

Mesut Efe: *7 bullet holes and 1 graze wound to the head, nape, shoulder, neck and tongue. Shots from long range. 2 bullets in the body. The cause of death is internal bleeding because of rupture of a major artery due to bullet wound.*

Reis Kopal: *Single bullet to the waist. Shot from point-blank range. No bullets in the body. The cause of death is internal bleeding because of rupture of parenchymal organ due to bullet wound.*

Zeynep Poyraz: *Single bullet in the back. Shot from point-blank range. No bullets in the body. The cause of death is internal bleeding because of rupture of parenchymal organ due to bullet wound.*

Mümtaz Kaya: *Single bullet hole in the head. Mortal single bullet was shot from long range. No bullets in the body. The cause of death is brain injury and intracranial bleeding, and fractures in the skull due to bullet wound.*

Ali Yıldırım: *Single bullet in the chest. Shot from point-blank range. No bullets in the body. The cause of death is internal bleeding because of rupture of parenchymal organ due to bullet wound.*

Fadime Bingöl: *Single bullet in the lip region. Blow traces on the thigh region. Single bullet in the body. Shot from long range. The cause of death is internal bleeding because of rupture of a major artery, and fractures in the neck and vertebra due to bullet wound.*

Sezgin Engin: *Two bullets in the leg and below the umbilical region. Mortal bullet shot from point-blank range. 2 bullets in the body. The cause of death is internal bleeding because of rupture of a major artery due to bullet wound.*

regarding Mehmethan Tokuş while he was serving in Artvin, said, “He saw everybody who did not think like he did as an enemy. When I saw his name in the Gaziosmanpaşa incidents, I was not surprised that the incidents had grown to that extent. Artvin was a peaceful place in 1979. However, our peace was disturbed when Mehmethan Tokuş came. Fortunately, he stayed for quite a short period. Our governor had some common sense, and he realized the facts and arranged his assignment to another place.”

Fevzi Tunç: *Single bullet in the abdomen. Mortal bullet shot from point-blank range. No bullets in the body. The cause of death is internal bleeding because of rupture of parenchymal organ and of a major artery due to bullet wound.*

Dilek Sevinç: *Single bullet in the thoracic vertebrae. Mortal bullet shot from point-blank range. Numerous traumatic traces on the body due to blows. No bullets in the body. The cause of death is internal bleeding because of rupture of parenchymal organ and of a major artery, and fracture in the rib due to bullet wound.*

Dinçer Yılmaz: *Single bullet in the back. Mortal bullet shot from point-blank range. No bullets in the body. The cause of death is internal bleeding because of rupture of parenchymal organ due to bullet wound.*

Hasan Sel: *3 bullets in the shoulder and neck. The mortal bullet to the shoulder shot from point-blank range. No bullets in the body. The cause of death is internal bleeding because of rupture of parenchymal organ, and fractures in the rib and vertebrae due to bullet wound.*

Halil Kaya: *Single bullet in the back of the head. Mortal shot from long range. No bullets in the body. The cause of death is brain injury and intracranial bleeding, and fractures in the skull due to bullet wound.*

WOUNDED

İstanbul Medical Faculty Hospital: (total 24) *Kahraman Güngördü (severely), Mustafa Çil (enlisted man), Bayram Ali Yalçın (cameraman), Binali Rençber, Hasan Hersize, Cemalettin Var, Turgut Pehlivan (Küçükköy Security Chief), Kazım Bagan, Hüseyin Var, Erhan Şimşek, Ali Karabulut, Kemal Danış (enlisted man), Çakman Celil (police officer), Doğan Var, Mustafa Arslan, Refik Günel (police officer), Murat Polat (police officer), Ali Sanlı, Zeynep Akgün, Kemal Yeşiltepe, Celal Kaya, Ahmet Demir, İdris Şahinbaş, Lokman Çelik (police officer).*

Haseki Hospital: (total 50) *Bayram Arslan, İsmail Ay, Bülent Çoban, Ali Rıza Binici, Orhan Eker, Yücel Bağrıyanık, Aysel Bülbül, İbrahim Kılıç, Yasin Kendigelen, Memduha Uslu, Halil Öztürk, Derviş Özkan, Abdullah Karşıyaka, Mevlüt Kara, Mediha Karamehmetoğlu, Mustafa Erdoğan, Barış Kılıç, Uğur Bahadır, Metin Ayyıldız, Eren Oymak, Bayram Bektaş, Doğan Yıldırım, Murat Bilgin, Esmagül Kutlu, Mustafa Yavuz, Mülazım Başçı, Levent Kayalar, Hüseyin Polat, Emrah Kılıç, Kazım Ocak, Orhan Moroğlu, Zeki Genç, Yusuf Selessek, Mehmet Adıgüzel, Sinan Yiğit, Mustafa Yavuz, Emrah Bingöl, Hüseyin Aytaç, Bekir Kurt, Musaf Kaya, Demir Arslan, Cafer Gülen, İsmail Şahan (police officer), Turan Yıldırım, Dilek Şahin, Kamuran Sönmez, Haluk Özdemir, Merve Yetkin, İmran Kurgır and Kemal Yüksektepe.*

Okmeydanı SSK Hospital: (total 33) *Mehmet Kırmızıgül, Muhteşem Celep, Gökhan Çınar, Rıza Akyürek, Muzaffer Korkutan, Süleyman Menoğlu, Ender Yıldırım, Musa Çimen, İsmail Yurtseven (Yüksel), Yücel Yılmaz, Kemal Kayadibi, Salih Çetin, Murat Özdek, Nihat Şimşek, Aykut Çiftçi, Şahin Çetin, Sedat Akçelik, Fatma Kılıç, Osman Çukurlu, Mustafa Yılmaz, Ercan Kabakçıoğlu, Metin Dilmen, Sevim Yıldırım, Gülçiçek Aybey, Cafer Kılıç, Makbule Yarıdan, Nazife Yenik, Miyase Özkan, Turan Koç, Niyazi Özgen, Zeynel Çılgın, Hüsnüye Güreñç and a person named Aziz.*

Private Gaziosmanpaşa Hospital: (total 32) *Barış Aktaş, Mustafa Aslan, Hıfzullah Kıpçak, Murat Kılıç, Haydar Altun, Hasan Çetin, Süleyman Ünal (police officer), Hüseyin Bozkurt, Mehmet Emin Ertuğrul, Mehmet Canpolat, Mehmet Şahin, Başaran Aydoğdu, Ali Sever (enlisted man), Bülent Yüzdaş, Songül Şil, Sadık Ozan, Murat Bozdemir, Şengül Yanmaz, Ali Rıza Aktaş, Beşer Keklik, Gül Karakaş, Murat Dumlupınar, Haydar Balcı, Hıdır Korkmaz, Emel Öztürk, Nurten Korkutan, Vedat Ulusoy (police officer), Murat Uçar (enlisted man), Murat Danacı (police officer), Gülizar Aktan, Murat Bilgili and Bahar Kılıç Gedik.*

Vakıf Gureba Hospital: (total 6) *Yılmaz Karagöz, Eylem Şimşek, Hayri Kılıç, Ahmet Öner, Barış Akbaş and Erkan Demir.*

Private Hayat Hospital: (total 8) Kemal Yerlikaya, Cumali Bölükçü, Nail Yetiş (police officer), Hasan Yıldırım (reporter for the newspaper Meydan), Ahmet Özgün (police officer), Ziya Akmeşe (police officer), Osman Algül and İlhan Aykın (reporter).

Other wounded people: (total 18) Refik Günel (police officer), Rıza Özkan, Mehmet Ali Çelik (police officer), Servet Esnek (police officer), Cemal Yıldırım (security chief), Mehmet Koç, Abdullah Kıpçak (police officer), Abdülmecit Akşit (police officer), Memiş Çakmak (police officer), Selahattin Yılmaz (police officer), Sinan Demir, İsa Kirim (police officer), Zeki İnci, Süleyman Kaya, Alaattin Köş, Leyla Kaya, Hakkı Güneş and Süleyman Yaşar.

WITNESS ACCOUNTS

Uğur Cankoçak: (Cumhuriyet - 15 March 1995) *I went to the Alibeyköy Cemevi on 13 March around 03.00 p.m. There, I spoke to my friends. Two old grandfathers at the Cemevi said, "Come with us." They led the way with their car. Following them with ours, driving through the back streets, we arrived at the Pir Sultan Abdal Cemevi. We addressed the public, and told them to stay calm. And they said, "OK, just show us the way, tell us what to do." I told them: "Sit down and do not respond. Do not throw stones at the police officers. Let the youth withdraw." They responded, "Then come and see the situation yourself." They took me with them, and we went to the site of the clash. There, I immediately noticed that the police were firing salvos. They asked me, "What is going to happen to us if we sat still under this fire?" The bullets, buzzing continuously, passed over my head. I was left with nothing to say. However, I murmured, "There should be no more casualties." The grandfathers and I decided to approach a high-rank police officer or a soldier, and secure the stopping of salvos. As we headed for the police, they opened fire at us. We had to run for the back streets. The scene I saw at the moment was as follows: Helicopters up in the air, armored vehicles on the front, the police behind. The helicopters were guiding them, the armored vehicles moved forward, the police opened fire. I watched it all from a point high above the ground. Three police officers on the back separated from the chain, headed for a street and I heard the gunshots. Someone cried, "Help, they are killing!" The police officers got away and re-joined the chain. We ran for the street, and a person about 25 years old was lying on the ground. A woman came out of her house and wrapped the scarfshe had on her head around the young man's injury. An ambulance was called. Three doctors and a nurse arrived. The young man's heart had stopped. They applied heart massage, struggled for 10 minutes and brought the young man back to life.*

Nevzat Altun: (Gazi Quarter Headman / Milliyet - 15 March 1995) *I came home around 06.30 p.m. My office is quite close by the coffee-house that had been attacked. The gun-shots continued after the raking of the Doğu coffee house under the Cemevi. Actually, we are quite used to hearing gunshots each night in the neighborhood. Taking into consideration its history, the Gazi Quarter is a place dominated by political activism. The attack against four coffee houses in fact festered the wounds of the people. A 'simitçi' (sesame covered bread-roll seller) had been found dead a while ago at the Gazi Police Station. For this reason, people had gone to the station, staged a protest and returned back. Three-hundred meters away from the station, at a taxi station, a person had been shot. (*) The general belief among the public is that the police protects them. Now, if you open fire at four coffee-houses at the same time, it is natural that the public shall pour on to the streets. Halil Kaya died in the first attack. We used to help him, and take care of him at the Cemevi. After he was shot, we went to the Gaziosmanpaşa District Governorate at night. The Governor, his deputy, and the deputy security directors, Mehmet Çağlar and Hüseyin Kocadağ were there. We said, "We are going to arrange a funeral for him. Let us do this properly, and do*

(*) Here, the developments witnessed after the death of Bayram Duran at the Gazi Police Station on 16 October 1994 are stated.

not send any police officers there. It is very likely that certain people might provoke the police, and then the police might open fire." They answered, "The police definitely are not going to be there. You can safely hold the funeral." While we spoke with them at about 04.15 a.m., a police panzer, breaking through the barricades, had attacked the Cemevi. The crowd of people gathered there were provoked. Another person was shot in front of the Cemevi. We went to talk, but the number of deaths reached three.

Upon these developments, the Governor suggested that 2 people be buried to prevent further unrest. We told him that it was impossible to explain this to the public. Then we took the bodies to the Cemevi. It was 01.30 p.m. when the bodies arrived at the Gazi Quarter. We kept them waiting far outside, and checked with the people. Then we broke the barricade to pave the way for the funeral procession. Thousands of people were present there. The cemetery was just 700 meters away, so we thought we would walk there. While we formed a cortege, two armored vehicles came. Police in the helicopter reported that the barricade had been opened, and the armored vehicles dashed through the crowd. About 5,000 people rushed to the Gazi quarter from the neighboring districts upon the incidents. A dynamic group of 500 is capable of motivating many people. The incidents experienced in the quarter are not organized by nature. It is the State's duty to find the ones who had launched the attack. If I am not allowed to wander around with my pocket-knife, it is the State's duty to find the ones doing that with automatic weapons. The people have come out into the open with a collective psychology. We live in a quite small place, if anything happens to anybody, it is heard immediately. The people help each other.

Hayri Kozakçioğlu: (The then-İstanbul Governor / Hürriyet - 17 March 1995) We have prevented two great traps. During the funeral, a group of about 2,000 people started walking in the opposite direction. They aimed at climbing over the barricades and spreading all over Gaziosmanpaşa. Had they succeeded in doing that, Turkey would have been smeared with blood. But the real trap had been set at the Cemevi. The group of militants set up a barricade in front of the Cemevi and carried explosives inside. They aimed at blowing the Cemevi to pieces, and provoking a clash with security forces. Then they would have start the propaganda, "There is an Alewi massacre, they are tearing down our places of worship," all throughout Turkey and the world. We escaped this trap. Some ask, "Why haven't you used tear gas?" The answer is quite simple. We do not have any gas masks at hand, so we were unable to use tear gas. We had the soldiers before us. They too did not have any gas masks. So how were we to use the tear gas in this situation? Had we used this, then both the soldiers and the opposing party would start running away in panic, and there would be chaos. A lot of blood would have been shed. The police had strictly been ordered not to fire. However, there is a trick here. The kids (means the police) had withdrawn till the police station. The station is a public property, and they were able to withdraw no further. The majority of these kids have not carried out their military service, they came here after only a year's training. As a result of the incidents, 30 police officers were injured. Six of these were wounded by bullets. Some militants, who had opened fire against the police, also fired at the public. There are two eye-witnesses. I called one of them to the gover-norate, and heard his accounts. He says that he definitely was not shot by a police officer. He participated in the march. Upon the fire, he hid by the side of a wall. A woman was shot right in front of him. As he attempted to draw her behind the wall, he was shot on the shoulder. He says, "The police were at least 500-700 meters away from me. It is impossible that I had been shot by the police. The fire came from a nearby building." During the incidents, the journalists and TV cameras were behind the police all the time. Therefore, they monitored the police firing, but not the counter-fire.

In an article entitled "**Predictions by the US Media**," published in the 9 April 1995 issue of the newspaper Cumhuriyet, interesting claims about the Gazi incidents were included. The article signed by Zafer Aknar, Ayşe Yıldırım and Ahmet Şık is as follows:

The incidents that started at the Gazi Quarter on the night of 12 March, and the hours of horror experienced on 13 March... Afterwards, the protest demonstrations in Ümraniye... The result, 23 deaths, hundreds of people wounded... In fact, we have gotten quite used to mass deaths, we always happened to die collectively in traffic accidents, murders by unknown assailants, land slides in mines and terrorist bombings. We have been longing for the days when people used to die one by one. However, the incidents experienced in the Gazi Quarter and in Ümraniye had a difference; were we returning back to the times we lived before 12 September (which, in our country, is used like BC and AD)?..

The scene was just the same, Çorum, Maraş, Sivas... It all passed before our eyes, like a short movie. The archives were scanned, the number of deaths was calculated. The scenarios, the statements, the charges were all very much the same, the only difference being the date. It was no one's fault! However, the incidents were not of a nature that could be easily ignored. This time, the wick was fired in the biggest metropolis of Turkey, İstanbul. Before we come to the night of 12 March, that night of hell when 4 coffee-houses and a patisserie were attacked, let us first remember the developments experienced in 1995.

We entered the new year, as hopeful as usual. Additionally, UN had proclaimed the year 1995 as "the year of tolerance." Furthermore, this was originally suggested by Turkey. Our expectations were not restricted to tolerance. The doors of the Customs Union were about to be opened for Turkey. It seemed as if everything was all right. In February, unexpected incidents came on the agenda; restlessness had started in the universities. The clash between the radical nationalist-revolutionist students made the newspaper headlines. Fights with meat cleavers, knives, stones and clubs, barricades, occupations, cases of taking hostage... Was someone striving to create trouble in the universities?.. The incidents continued till the beginning of March. The attention focused on the meeting of European Council-Turkey Partnership Council to be held on 6 March. We, as a whole nation, were mad with joy for we would be able to buy cheap cars the following day. The Customs Union treaty had been signed. However, the real task would start afterwards. New laws were discussed, the public happily followed the fight between the ones who were in favor, and those who were against. The media was drunk with the Customs Union. However, somewhere far away from us, overseas, that is, the United States, Turkey was on the agenda, but the topic debated was different.

While we were busy with the Customs Union, the US media made predictions capable of making Nostradamus jealous. The first prediction was broadcast by CNN. Some journalists in Turkey also mentioned these predictions. But until 12 March, no one took these evaluations into consideration. In a program broadcast on CNN, the reporter asked a CIA employee: "If you start piling your agents at a specific point, this means that there is going to be a mess there. Tell us, which country is going to be messed up?" The CIA employee, without hesitating for a second, answered, "Turkey," and continued: "In the upcoming period, the country which is going to be messed up the most is Turkey. You are still unaware of this, but at this moment, Turkey is number 1 on the intelligence gathering agencies' agenda."

This prediction was made on CNN in February. But an article signed by John Darnton, published in The New York Times at the beginning of June, meant more than a prediction. Darnton, in his article, stated the following in short: "Turkey has arrived at its most serious turning point since 1923; the western-opponent fundamentalist movement is growing stronger with every passing day. The Cyprus problem constitutes trouble for Turkey. The Turkish authorities fear that a large-scale Alewi uprising may take place." On the same day, a summary of John Darnton's article was published in the Herald Tribune. And the most interesting article was included in The Wall Street Journal, the number 1 newspaper of the business world. The article signed by Peter Waldman put forward certain interesting claims: "In the villages of Anatolia, the

Alewis and the Sunnis have been struggling with each other for years. One-third of the Turkish population consists of Alewis, which means, there are 20 million Alewis living in Turkey. Under the iron claw of Atatürk, and under the name of secularism, the Alewis have been subdued. And now, they are re-awakening. The Alewi rites, used to be held secretly behind closed curtains, have now come out into the open. An Alewi party that would be established against the Welfare Party of the Sunnis would mean a civil war...

Ertuğrul Özkök, in the introduction of his book, "Mass, Communication and Power," expressed the speed of the media of the future as follows: "Ladies and Gentleman, the US President will be shot in a few minutes and you will be watching this assassination live..."

This idea would be validated shortly afterwards. The media, which would turn the whole world into a tiny village, would also carry out the duty of informing beforehand the incidents to break out. But where did all the clues come from? The winter issue of journal Mediterranean Quarterly, published four times a year by a Washington firm named Mediterranean Affairs controlled by the CIA, brought a totally new dimension to this question. In an article signed by Obrad Kesic, published in the journal, the following was stated:

"On 30 September 1994, US Foreign Secretary Warren Christopher warned Turkey for not to continue the war conducted against the Kurdish separatists despite all the promises made and responsibilities undertaken related to the issue of human rights. This incident is the most openly publicized example of a series of developments signaling the presence of a chain of changes to pave the way for vague and cold winds upon the US-Turkish relationship..."

Before Turkey took its borders with Kurds under strict supervision, US Foreign Undersecretary Peter Tarnoff was sent over to Ankara to communicate a message stating the dissatisfaction of Washington due to the attitude of Turkish Government growing more national and non-collaborating each day. As long as the Turkish Government continues to designate its own route generally in contradiction with the American interests regarding the regional issues, the US-Turkish relationship is bound to deteriorate. The Çiller government is unwilling to make certain changes in its route regarding the Kurdish problem, due to the fact that it is afraid of an uncontrollable national reaction and losing a part of the Turkish territory. The non-conciliating attitude shall continue to increase the political and social distress of Turkey."

While the world outside kept on discussing all these, why had that mysterious hand pulled the trigger in the Gazi Quarter?..

Attacks against journalists

Journalists who were watching the incidents in the Gazi quarter were also exposed to various attacks by the police. Hasan Yıldırım and İhsan Aykın, correspondents for the news-paper Meydan, were beaten with truncheons and kicked by police officers and wounded on 13 March. Hasan Yıldırım who was hospitalized, stated that he had been attacked by about 10 police officers when he took the picture of a wounded police chief. He said, "They started to hit all over my body with wooden truncheons. The beating also continued after I fell on the ground. I was strained with blood in a moment. At that time, a police officer broke my camera. When the demonstrators started to throw stones, the police officers let me free. I went away by dragging myself along the ground." İhsan Aykın stated that that he had been attacked by the police officers who barricaded the road at the exit of the Gazi quarter while he was trying to take Hasan Yıldırım to hospital, and said: "I said that I wanted to take my wounded friend to hospital. They immediately attacked me by shouting. We could hardly manage to escape and went to hospital."

On 13 March, cameramen for the TV stations ATV, Kanal D and İnterstar (Bayram Ali Yalçın), were beaten by the police. On the same day, Hacer Yıldırım, a reporter for the journal

Söz, was attacked by plain clothes police officers and wounded due to an iron stick blow on her left foot. Additionally, her camera and bag were seized. Hacer Yıldırım said the following about the incident: “I realized that 3 police officers were coming from the next street, holding guns and bending over as if they were on a hunt. I said to my friends, ‘Policemen are coming from the back street.’ We began to rush while walking. We didn’t run, as we knew that they would fire without any hesitation if we ran. We came in front of a house, and rang the bell to take shelter. They didn’t open the door. Then the police officers caught us. The youngest of the police officers hold the gun on us. They had hatred on their face. They were ready to kill. They cared about nothing. We told that we were journalists. He swore at the journalists. He deterred from firing, but he did not take his gun down. He took my camera, and wanted the rolls. I said, ‘The rolls are inside the camera.’ He didn’t believe. Angrily and insulting, he drew me nearer by pulling my bag Then they all began to hit. One of them hit me on the leg with an iron stick, one other on my back. They hated us. They could hardly refrain themselves from killing us. We managed to escape. Our friend Evrim had lagged behind. They were beating Evrim. We were unable to do anything. They were kicking her on the ground. Then they also left her.” In addition, during the funeral held in the İstanbul Alibeyköy for Mümtaz Kaya and Reis Kopal, who were killed during the incidents in the Gazi quarter, Önder Şişoğlu, one of the correspondents for the newspaper Akşam, was beaten by certain people participating in the funeral.

Local radio stations Mozaik, Çağdaş, İmaj, Arkadaş (*) and Çankaya broadcasting in Ankara were exposed to police pressure because of the way they presented the Gazi incidents. Police authorities who went to the centers of the radios in question on 14 March, threatened the staff of the radios and ordered them not to broadcast the news without approval by the police. Additionally, of the persons responsible for the radios, Deran Ata (Mozaik Radio), Erdinç Öza-tan (Çağdaş Radio) and Cumhuriyet (İmaj Radio) were taken to the Political Police Center and kept under custody for a while. Additionally, the Radio and Television Supreme Board (RTÜK) warned private television channels Kanal D and HBB because of the way they pre-sented the incidents. In the statement made by the RTÜK on 13 March, it was claimed that the aforesaid channels had broadcast the news related to the incidents in a way that would provoke the feelings of hatred among the society. RTÜK also warned radio stations Aktif Radyo, Alternatif Radyo and Şok Radyo broadcasting in Mersin and Ulusal Radyo and Radyo Umut broadcasting in İstanbul. The decisions were delivered on the grounds that Aktif Radyo, Alternatif Radyo and Şok Radyo “broadcast in contravention of the principle of respect to the laws,” whereas Ulusal Radyo and Radyo Umut “broadcast that would provoke the feelings of hatred among the society and that would lead the society to violence.”

Protest demonstrations

The incidents in the Gazi quarter caused reactions, and protest demonstrations were held all over Turkey. Police or gendarmerie intervention in the protest demonstrations paved the way for new clashes, new deaths and injuries. The bloodiest incident during the protest demonstration was witnessed in İstanbul Ümraniye, and 5 people were killed and 24 others were wounded when the police fired at a crowded group who were marching.

(*) A trial was launched against Arif Eroğlu, the news director of the radio, and speaker Mine Kasap in connection with an announcement related to the Gazi incidents, on the grounds that they had acted in contravention of the “Law on Meetings and Demonstrations.” The trial was reportedly launched in connection with the announcement of a demonstration held by the Ankara Democracy Platform on 28 March. Arif Eroğlu and Mine Kasap said, “We discern that the trial was launched on purpose. We only shouldered the announcement of this meeting. The trial launched against us is illogical. We think that this is another dimension of the pressure on our radio.” The trial ended with acquittal in the first hearing held on 10 July.

A crowd of one thousand people who gathered in the Ümraniye 1 Mayıs (Mustafa Kemal Paşa) quarter at about 02.00 p.m., started to march towards Göztepe by shouting slogans in protest of the government and the police. Demonstrators, the number of which reached to 2-3,000 within a short time, were waylaid by the police in the Atakent Üçyol region at about 03.00 p.m. There, a clash with stones and clubs arose between the police and demonstrators. After the short clash, the crowd moved to another street and kept on marching. However, 10 minutes later, they were waylaid by the police for the second time and were ordered to stop marching. The crowd stated that they were determined to march. At that time, a civilian dressed person fired one gun shot into the air. Then, the police opened fire at the crowd. (Police authorities claimed that some persons among the crowd and from the surrounding buildings had opened fire at police officers and thus they had to retaliate. This claim by the police authorities was not verified by other sources.) As a result of the fire, 4 people, İsmail Baltacı, Hasan Tuyan, İsmihan Yüksel and Genco Demir, were killed at the first moment, and 25 people were wounded, 5 of whom severely. Of the people who were severely wounded, a youth named Hakan Çabuk died on 30 March at the hospital. Thus, the number of the people killed in the incident reached 5.

The demonstrators who did not disperse in spite of gun shots and reciprocated to the police by throwing stones, clubs and molotov cocktails, withdrew for about 1 kilometer and started to wait after erecting barricades in certain regions of the 1 Mayıs quarter. Upon the spreading incidents, military units were sent to the region. As of 05.30 p.m., a curfew was proclaimed in the 1 Mayıs, İstiklal, Namık Kemal and Örnek quarters. The groups keeping on waiting behind the barricades in spite of the curfew, emptied the streets when the police completely withdrew from the region following the negotiations with the military authorities. The curfew was lifted on the morning of 7 March. No significant incidents took place in the region during the curfew. In the meantime, Socialist Power Party Chairperson Aydemir Güler and party executives Süleyman Baba, Adnan Marangoz and Nihat Çağlı, who went to the region right after the incidents and who wanted to meet with the headmen of the quarters, were kept in detention for a while.

İsmail Baltacı, Genco Demir and İsmihan Güner, who were shot dead by the police during the incidents in Ümraniye, were buried in the Karacaahmet Cemetery following a ceremony held on 16 March. Thousands of people attended the funeral at the Karacaahmet Cemetery. The funeral, during which security was maintained by soldiers and no police officers were present, ended without any incidents. Hasan Tuyan, who was killed in the same incident, was buried in the Ümraniye Çataltepe Cemetery on the same day.

In protest of the incidents in the Gazi quarter, demonstrations were held in İstanbul, İzmir, Bursa, İzmit, Mersin, Eskişehir and Manisa on 14 March. After the demonstration held in Eskişehir, 20 people were detained. A group of 80 people, who demonstrated in the Çiğli Quarter of İzmir, were dispersed by the police who opened fire into the air. A crowded group of people who gathered in the Gülsuyu Quarter of İstanbul Maltepe on the night of 14 March, blocked the highway between İstanbul and Ankara for a while. A clash with stones and clubs broke out between the police who went to the region and the crowd who shouted slogans in protest of the government and the police. In the clash, more than 20 people, 5 of whom are police officers, were wounded. After the highway was re-opened for traffic, the crowd withdrew to the Gülsuyu quarter and demonstrated for a long while by erecting barricades.

Upon the call by the Ankara Democracy Platform, a group of 3-4,000 of people gathered at the Kızılay Square of Ankara at noon on 14 March. Following the speeches, the group started to march towards the Parliamentary building. The group that marched for about 300 meters shouting slogans in protest of the government and the police, was stopped by police officers who barricaded in front of the building of the National Education Ministry. The tense awaiting which continued for about one hour, turned into a clash when the group attempted to go beyond the bar-

ricades. Following the short clash with stones and clubs, the police officers started to chase the demonstrators. They ruthlessly beat, kicked and dragged on the ground the demonstrators whom they apprehended. Dispersed demonstrators gathered together again on the back streets and continued to demonstrate in small groups. These small groups were also dispersed by the police under beating. During the incidents, 60 people, including 2 police chiefs and 15 police officers, were wounded, and 65 people were detained. 64 of the detainees were released one day later, but one person was handed over to the military recruitment office on the grounds that he was a “draft evader.” However, about 60 people, most of whom were university students, were detained on the same evening. The detainees were accused of “being members of illegal organizations and having organized the demonstrations in Kızılay.”

On 14 March, a demonstration was held at the Middle East Technical University in protest of the incidents in İstanbul. An armed person who joined the crowd was apprehended by the students. The person over whom an identity card issued in the name of “Ülkü Yalazı” and belonging to the “Gendarmerie Intelligence and Anti-terror Unit” (JİTEM) was found, was beaten and then delivered to the gendarmerie. Later, a trial was launched against 26 students whom were accused of beating down JİTEM agent Ülkü Yalazı. In the trial launched by the An-kara Public Prosecution Office, the students, who were accused of “violating the personal free-dom,” were requested to be sentenced between 5 to 15 years in prison. The indictment alleged that “Ülkü Yalazı had been taken as a hostage, threatened and beaten by the students while he had been in the university to pay a visit to a relative,” and continued, “The METU is a place where anybody can enter according to the procedure. There are no rules that ban the entrance of gendarmes or police officers to the METU campus. Even if there were such a rule, the students are not entitled to implement this rule. Turkey is a state of law. The rules are implemented by the bodies authorized by laws.” In connection with the demonstration, an investigation was also launched by the university administration against 60 students. Protesting the investigation which was launched under Articles 14 and 16 of the University Disciplinary Regulation, the students said, “We could not have kept silent against the massacre in İstanbul. The investigation was launched upon the demand by the gendarmerie. The gendarmerie had notified our names to the university administration. Our even the most slightest democratic move is suppressed. We had apprehended an intelligence officer who wanted to provoke the students during the demonstration. The bill of this incident is demanded to be addressed to the democratic students.”

On 15 March, demonstrations were held in the Yenibosna, Okmeydanı, Kağıthane and Kartal regions of İstanbul and in İzmir. The demonstrations ended without any incidents as the police did not intervene. In İzmir, 17 people, who attempted to invade the DYP İzmir Provincial Organization Building, were detained and arrested. Later, a trial was launched against 17 people on accusations of “being members of an illegal organization.” In the first hearing of the trial that started at the İzmir SSC on 31 May, arrested defendants İlhami Sönmez, Sakine Ögeyik and Şenay Kaplan were released.

Hoodwinking investigations

As a result of the protests and official complaints lodged upon the incidents in the Gazi quarter and Ümraniye and the unrestrained attitude of the police, administrative or judicial investigations were launched against numerous authorities and security officers, including the then-İstanbul Governor Hayri Kozakçioğlu (elected deputy later on) and İstanbul Security Director Necdet Menzir (elected deputy later on). In general, these investigations ended by declaring the demonstrators as “guilty,” and the authorized persons or the security officers as “not-guilty” or as “people who have carried out their duty properly.”

For example, the investigation launched by inspectors of the Ministry of Interior Affairs concluded that Hayri Kozakçiođlu and Necdet Menzir had “carried out their duty properly,” and that “the police officers had not been ordered to fire.” As a result of the investigation carried out by inspectors Dursun Üstündađ, Mustafa Çetin and Vahap Diyarbakırlı, it was stated that the deaths and injuries caused by the police officers were not included within the investigation as these cases were being investigated by the prosecution office. According to the report that con-sisting of a total of 904 pages including the appendixes, Hayri Kozakçiođlu had defended in his testimony that all the precautions regarding the security had been maintained prior to and after the incidents, whereas Necdet Menzir had said, “We intervened in incidents with sufficient forces. Support was maintained from the gendarmerie and military units. The incidents stemmed from the provocation and instigation of the illegal organizations which attempted to led a clash between different sects. Thanks to the precautions, widespread incidents all over Turkey were prevented.” Anti-riot Forces Director İlhan Çetingöz said, “Some of the officers had launched fire into the air without receiving any orders. Nobody was ordered to fire,” and Ümraniye Security Director Enver Ahmetođlu said, “The police officers were instructed not to use guns. As an exception, some of our friends had launched a warning fire into the air while they were drawing back.” In the report, following were said while assessing why the people who had attacked the coffee houses “had not been apprehended immediately”: “The taxi which had been used in the attack had been found at about 09.00 p.m. The license number of this taxi is 34 FJC 86. However, when the police radio communication was decoded, it was understood that the last two digits had been announced as 12. This case proved out that the number had been taken wrongly and the wrong number had been given to the police.”

Trial against the police officers

A trial was launched against 20 security officers who were determined to have used guns during the incidents in the Gazi quarter. In the indictment of the trial, which was launched by the Eyüp Public Prosecutor Ural Büyükdinçer, the security officers were requested to be sentenced to no less than 24 years in prison on accusations that “they had intentionally killed and wounded people by exceeding limits of defense and obligation.” The names of the security officers against whom a trial was launched are as follows: “Süleyman Memişçi (superintendent), Ali Dođan (security chief), Adem Albayrak, Metin Gündođan, Hamdi Özata, Hasan Yavuz, İsa Bostan, Sedat Özemir, Hayrullah Şişman, Metin Çakmaz, Yakup Murat, Uđur Duran, İbrahim Serdar, Orhan Durmuş, Mehmet Türk, Mustafa Keleş, Selçuk Biçer, Ali Ulukaş and Ahmet Türkmen.”

In the indictment, Adem Albayrak, (*) who was accused of “exceeding limits of defense and obligation, and causing to deaths of Ali Yıldırım, Dilek Sevinç, Fadime Bingöl, Reis Kopal, Mehmet Özgür and Zeynep Poyraz,” was requested to be sentenced up to 200 years in prison. Additionally, it was stated that Hamdi Özata, İsa Bostan, Hasan Yavuz, Süleyman Memişçi, Sedat Özemir, Hayrullah Şişman, Metin Çakmaz and Ali Dođan, who were in charge at an armored vehicle during the incidents, “had killed Mehmet Gündüz in front of the Cemevi, by exceeding limits of defense and obligation and in a way that the murderer could not be deter-mined.” It was also stated that Mehmet Gündođan, one of the defendants, had wounded Gül-çiçek Aybey by shooting and beating, and had beaten Turan Yıldırım and Tayyar Türkmen by kicking them in a way that they had become unable to work for 7 days. In the indictment, it was noted that Article 49 of the Turkish Penal Code could be applied for the defendants. Under this article, provisions of

(*) Adem Albayrak had fired on the demonstrators with an automatic rifle and by determining targets, and video recordings and pictures of this incident had been broadcast in the private television channels and published in the newspapers.

self-defense can be applied and an acquittal verdict can be issued for the defendants for “carrying out an order and having been obliged to use guns during a clash.”

During their interrogation, all of the defendant security officers said, “We absolutely did not fire,” whereas the chiefs did not accept responsibility. Evaluating the attitude of the defendants, Ahmet Düzgün Yüksel, one of the intervening lawyers, said, “In their testimony at the prosecution office, none of the 20 security officers accepted that they had used guns. None of the chiefs accepted that they had given an illegal order. It is said that there had been 5,000 police officers in charge during the Gazi incidents. This number is one thousand, according to the official records. It is impossible to fail in determining the ones who had fired. The Security Directorate is protecting the police officers.” Ahmet Düzgün Yüksel added, “We don’t think that Necdet Menzîr had neglected his duty. We say that fire had intentionally been opened on the people. As he is the Minister of Interior Affairs, Nahit Mentşe is the primary responsible person for the incidents. According to the Law on Police Duties and Obligations, the police officers are not authorized to use gun and launch fire without receiving orders from their superiors. Additionally, İstanbul security vice directors Hüseyin Kocadağ and Mehmet Çağlar have great responsibilities. The directors are trying to save themselves, and leave the police officers behind.”

The first hearing of the trial against the 20 security officers was held on 15 November at the Trabzon Heavy Penal Court. The defendants did not attend the first hearing of the trial which had been launched by the Eyüp Public Prosecution Office but sent to Trabzon for security reasons. Prosecutor Gökhan Belgin, taking the floor in the hearing, stated that the deaths and injuries caused by the defendants had taken place while they had been on duty, and requested that the provisions of the Law on Prosecution of the Civil Servants be applied for them. Gökhan Belgin, who denoted that the governorate’s approval was necessary for the prosecution of the public officials in accordance with this law, but such an approval had not been obtained when the trial was launched, demanded that the trial be halted. The court board, who deemed this demand by the prosecutor appropriate, decided to halt the trial and sent the case file to the İstanbul Governorate. Intervening lawyers, who wanted to express a counter opinion upon the demand by the prosecutor, were not given the floor by the Presiding Judge Hüseyin İmamoğlu.

The decision by the court received protests of the intervening lawyers and the relatives of the people killed during the incidents. In the statement made by the intervening lawyers and the relatives of the victims, it was stated that the court had fulfilled prosecutor’s demand without asking anything to the relatives of the victims and the intervening lawyers, and the demand by the relatives of the victims that their objection should be recorded in the minute had been rejected on the grounds that “It could not be recorded as the trial had not been opened.” Following were said in the statement: “As it is known, the trial is launched when the indictment is prepared. Additionally, as the court has prepared an approval document and sent invitations to the complainants and their lawyers for the hearing, it is evident that a trial has been launched. As this was the case, the court should have recorded the demand by lawyers of the complainants in the minutes, and should have come to a decision. The duty of the presiding judge is to maintain the keeping of the records of whatever happened in the court hall. As this was not done, the attitude of the court was against procedures and laws. On the other hand, if the civil servants are prosecuted on charges of murdering, the provisions of the Law on the Prosecution of Civil Servants are not applied. With this conclusion, the prosecution of the police officers is being prevented.”

Trial against the victims

Following the incidents that resulted in the killing and wounding of numerous people, the investigations launched against the real assailants of the incidents were covered up, the hoodwinking trial against the security officers was being dragged on (This trial had not started yet by the end of 1996.), but the victims of the incidents were brought before the court.

As a result of the operations carried out by the police right after the Gazi incidents, 13 people alleged to be members of the Marxist Leninist Communist Party-Liberation (MLKP-K) organization and to have clashed with the police officers during the incidents, were detained. The names of the detainees were Erdiñ Tağaç, Nadir Acar, Zeynep Aytemur, Hasan Polat, Tuncay Işık, Cihan Kırmızıgül, Suna Yaşar, Mehmet Kırmızıgül, Evrim Sarısaltıkođlu, Sevgi Tağaç, Hülya Kuvat, Mehmet Akbaba and Haydar Tüzün. The 13 people who were shown to journalists on 3 April at the İstanbul Security Directorate, did not accept the accusations and stated that they had been tortured under police custody. Out of the detainees, Zeynep Aytemur, Tuncay Işık, Suna Yaşar, Mehmet Kırmızıgül, Hülya Kuvat and Kazım Koç were released, whereas 7 people were arrested. Out of the released people, Zeynep Aytemur disclosed that she had been tortured in detention, and said, “It was alleged that we had been the provocateurs during the incidents. We did not accept this accusation. But, we were introduced to the public as provocateurs. The Human Rights Minister admits that we are not-guilty. Then why does the Minister of Interior Affairs say ‘The provocateurs have been apprehended.’? What is the standpoint for this accusation? Do they attempt to exculpate themselves by showing the people who had no connections with the incidents as criminals?”

A trial was launched against 11 of the defendants (7 arrested) on accusations of “being members of an illegal organization.” The indictment read out in the first hearing of the trial that started at the İstanbul SSC on 11 July, requested sentences of no less than 20 years in prison for the defendants. Arrested defendants Evrim Sarısaltık, Hasan Polat, Erdiñ Tağaç, Sevgi Tağaç, Cihan Kırmızıgül, Mehmet Akbaba and Haydar Tüzün, who were cross-examined pleaded not guilty and said that the responsible ones for the incidents were the police and counter-guerrilla, that they had participated in the resistance during the Gazi incidents and they were proud of this, but they had not used guns. Defendant Hasan Polat pointed out to the fact that the media had covered the police fire during the incidents, and added, “The police had carried out an on-air massacre.” In the hearing held on 21 September, Evrim Sarısaltıkođlu was released. In the hearing held on 26 October, the trial launched against Dr. Musa Kılıç, (*) one of the executives of the Yenigün Cultural Center, Düzgün Akyol and İsmail Yılmaz were unified with this case file.

A trial was launched against 97 people, who were accused of clashing with the police during the Gazi incidents, destroying houses, shops and cars, and erecting barricades on the roads, on claims of “acting in contravention of the Law on Meetings and Demonstrations,” and against 87 people on claims of “collectively causing damages.” All of the 87 people were also the defendants in the trial launched against the 97 people. The defendants were requested to be sentenced between 1 year 6 months and 3 years in prison in the trial launched on charges of “acting in contravention of the Law on Meetings and Demonstrations,” and between 4 years 6 months and 10 years in the trial launched on accusations of “collectively causing damages.” In the indictments of the trials, it was expressed that incidents had grown as a result of the “frequent news announces of certain private television channels” and “provocation of the illegal organizations,” and it was claimed that some demonstrators had used guns, and some others stones, clubs, iron sticks and Molotov cocktails during the incidents.

(*) The meeting organized by the Yenigün Cultural Center on 1 August to maintain support for the brother of Fevzi Tunç, one of the people killed during the Gazi incidents, was prevented by the İstanbul Security Directorate. Musa Kılıç, the Director of the Center, was detained at the police station where he went on 1 August in order to give the names of the artists that would take part in the meeting. Musa Kılıç, who was sent to the İstanbul Political Police Center and interrogated there, was arrested on 7 August and sent to the Ümraniye Prison. Musa Kılıç disclosed that he had been tortured in detention.

The indictments stated that the demonstrators had carried illegal posters, banners and pictures, they had resisted to the security officers who had wanted to prevent and disperse them, got involved in clashes with the police officers, destroyed shops and wounded some police officers, some of whom with bullets. The indictments also added that occasionally more than 5,000 people had demonstrated illegally, and stated that “the security officers had not detained the defendants who had participated in the illegal demonstration on the spot, but contented with taking precautions.” The indictments denoted that all of the demonstrators could not be apprehended for the reason stated above, the studies to determine the names of and apprehend the people who had been involved in the incidents, other than the ones against whom a trial had been launched, were under way, and if they were apprehended, and additional indictment would be prepared and a trial would be launched against them.

The prosecution of 97 people against whom a trial was launched on charges of acting in violation of the Law on Meetings and Demonstrations, started at the Gaziosmanpaşa Penal Court of First Instance No.1 on 25 August. Thirty-five of the defendants, all of whom were prosecuted without arrest, attended the first hearing. Police officers blockaded the Court House and did not allow any spectators to enter the hearing hall, except some deputies and administrators of the CHP. Those who were not allowed to enter the hearing hall gathered in front of the Court House and staged a protest demonstration for a long time. Twenty lawyers in charge of the case quit the hearing hall to protest the prevention of the spectators. Upon this, 31 of the defendants quit the hall saying that they would not testify as their lawyers had left. Later, the court delivered the decision of non-jurisdiction demanding that the prosecution should be made under Article 8 of the “Law to Fight Terrorism,” and sent the case file to the İstanbul SSC. However, this decision was not found appropriate by the İstanbul SSC. Upon this, the case file was examined by the Supreme Court, and it was concluded that the trial should be held at the court where the trial had first been launched.

In the Gazi quarter which attracted the attention of the whole world, various attacks and pressure were witnessed after the incidents in March. The quarter was continuously kept under police blockade, and houses and coffee houses were raided. For example, fire was launched against the house of a person named Zeynel Odabaşı (46) on the 1383rd Street in the Gazi quarter on the morning of 21 May by people who came in front of the house in a red car. No one was killed or wounded in the attack, but windows were broken and damage occurred on the walls. In a statement he made on 22 May, Zeynel Odabaşı, a civil servant at the İstanbul University Faculty of Medicine, said, “We woke up upon the gun shots. There would have been deaths if we had not laid down immediately. It would not be right to evaluate the incident as an Alewi-Sunni clash.” While Zeynel Odabaşı was making the statement, a group gathered in front of the house and protested the attack by shouting slogans. On the night of 2 October, a wide-scale operation was held by the police in the Gazi quarter. During the operation, numerous houses, shops and coffee houses were raided, and 20 people were detained. The detainees, except for Cahit Solmaz, Gonca Hikmet and Özgün Hikmet, were released immediately.

Similar incidents, attacks, clashes and actions

Nurtepe: A group of MHP adherents, who raided a restaurant belonging to Alewis in the Nurtepe Quarter of İstanbul Kağıthane, beat a person and then opened fire into the air with a shotgun. This attack occasioned incidents. After the attack which was carried out at about 07.00 p.m. on 20 May, a crowd of 500 people gathered on the spot and started to demonstrate in protest of the attack. During the clash which broke out when the police tried to prevent the demonstrators, 2 police officers were wounded and some vehicles and shops were damaged. While the clash was under way, barricades were erected on the streets. When the attack was reflected to the public as “an armed attack against the coffee houses which were frequented by Alewis,” demonstrations

were started to be held in the Gazi quarter, Alibeyköy and Okmeydanı. The demonstrations continued till late in the night. On the other hand, the resistance in Nurtepe ended early in the morning when the then-Culture Minister Ercan Karakaş and State Minister Ziya Halis intervened. During the demonstrations, İstanbul Security Director Necdet Menzir made warnings such as “Don’t use gun, don’t approach the demonstrators” through the police radio. Selami Aktaş, Ahmet Güneş and a 17-year old person (H.D.), who raided the restaurant in Nurtepe and opened fire into the air, were apprehended and detained by the police. The detainees were released by the İstanbul SSC on 21 May.

Okmeydanı: A tradesman named Hasan Levent, who was killed by DHKP-C militants who raided a shop on the Spor Street in the Okmeydanı Quarter of İstanbul on the morning of 16 June, was buried in İstanbul on 17 June. A crowded group of people, most of whom were adherents of the MHP and RP, attended the funeral of Hasan Levent. The crowd that shouted slogans like “Damn the Communists,” “Blood to Blood Revenge,” “Even if Our Blood is Shed, Islam Will Win the Victory,” carried placards condemning the Alewis and praising İstanbul Security Director Necdet Menzir. The funeral ceremony that ended at about 02.30 p.m., caused tension in the Okmeydanı Piyalepaşa quarter where Alewis live. Left wing groups that came together on streets upon the news telling “MHP advocates will attack the quarter,” started to demonstrate as of 06.00 p.m. When the police intervened in the demonstrators who erected barricades on the streets around the Fatma Girik Park, a clash arose. During the clash, windows of some police vehicles were broken, a police officer was wounded and an automobile was burnt down. The demonstrators left the scene and withdrew to back streets as the police opened fire and armored vehicles came. The incidents in the quarter continued until late at night. Meanwhile, as a result of the raids launched by the police on the houses and shops in the Piyalepaşa quarter, 117 people, most of whom are youths, were detained. Out of the detainees, 88 were released even without being taken to the prosecution office, whereas 29 were released by the court.

A crowd of about 1000 people, who disclosed that the detainees had been tortured and requested that they should be released, made a press statement in front of the Pir Sultan Abdal Association on 19 June. The statement that denoted that the police pressure upon the people living in the region had intensified after the incidents in Nurtepe (20 May 1995), and continued, “We will hold all the İstanbul police, first Necdet Menzir, responsible for any harm to our children. We invite the public to being sensitive against all cruel implementations.” A woman, Zehra Deliktaş, who stated that her 14-year old child Sinan Deliktaş had been tortured at the Mecidiyeköy Police Station, and showed the bloody shirt of her son to the journalists. Noting that her son had been detained without any grounds on his way home from work, Zehra Deliktaş said that she had seen, when she went to the police station, the police officers beating the detainees. The crowd then started to march towards the Fatma Girik Park by shouting various slogans, and staged a sit-in there. When the police attempted to prevent the sit-in, which continued through-out the day time, on the evening, a new clash arose. During the clash, which started upon the intervention and during which stones, clubs, Molotov cocktails and tear bombs were used, 4 security officers, including Security Vice Director Kemal Bayrak, and some people were wounded.

The tension in the region prevailed in the following days. About 100 people, who made a press statement in front of the headman’s office in the Mahmut Şevket Paşa quarter on 20 June, complained about the pressure by the police, and said that certain press organs had reflected the incidents in the region to the public in a misleading manner. Güzel Otluçimen, the headman of the quarter, who took the floor during the meeting, said, “We have become targets. The people living in our quarter are democratic people who are patriots. The detainees are not guilty. Plots are being staged upon the quarter. However, we will not permit these games.” When the police intervened in

the demonstration by a group gathered at the Fatma Girik Park on 21 June, a clash arose. After the clash, 30 people were detained, and barricades were erected on certain streets.

Demirköy: Stopping a truck in the Demirköy district of Kırklareli on the night of 30 June, police officer Ali Çetin and a non-commissioned officer named Murat beat 2 people named Ferruh Yanal and Mete Filiz who were in the truck, and took them to police station. When the incident was heard in the district, about 250 people gathered in front of the police station and started to demonstrate. The crowd that broke the windows of the police station and attempted to lynch Ali Çetin, did not disperse, in spite of the fire opened into the air by police officers. After demonstrating for about 4 hours, the crowd dispersed when Demirköy District Governor Metin Yılmaz and Mayor İbrahim Şentürk interfered.

Küçükarmutlu: A group of about 500 people attempted to prevent officers from ruining squatters in the Küçükarmutlu Quarter of İstanbul Sarıyer by erecting barricades on the roads on 5 July. When the group was tried to be dispersed by the police, a clash with stones and clubs broke out. During the clash, 13 police officers were slightly injured because of the stones thrown by the group, and 3 others with the tear bombs thrown by the police. Police teams who entered the Küçükarmutlu quarter after the clash, conducted search in many houses and detained 26 people. Fourteen of the detainees were released on the evening of the same day, and 12 by the Sarıyer Public Prosecution Office on 7 July.

YDH Provincial Center: The İstanbul Provincial Center of the New Democracy Movement (YDH) was occupied at about 02.15 p.m. on 13 July by a group of 9 people demanding revelation of the fates of the persons who disappeared after being detained. The occupation, which lasted for more than 2 hours, ended when police officers entered the center at about 05.25 p.m. The police officers who entered the building after throwing many tear bombs, ousted the 9 occupants under beating, and detained them. After the occupation ended, the police officers, who attended the operation, paraded by the Taksim Square while shouting slogans. The names of the detainees were as follows: "Olçay Bulut, Mahir Karaçam, Ali Değerli, Aşur Tavşan, Gülseren Akkuş, Fikret Korkmaz, Barış Arslan, Bülent Güzel and Tekin İme." Out of the detainees, Mahir Karaçam, Bülent Güzel, Fikret Korkmaz, Tekin İme, Barış Arslan and Ali Değerli were arrested whereas Olçay Bulut, Gülseren Akkuş and Aşur Tavşan were released as they were minors. The prosecution of the 9 people, who disclosed that they had been tortured in detention, started at the İstanbul SSC on 26 September.

The developments experienced during and after the occupation were narrated in an article, "**The Occupation of YDH,**" published in the 15 July 1995 issue of the journal Express:

A group of 9 people, in an attempt to protest the murders by unknown assailants and missings in detention, occupies the YDH Headquarters. On the first floor of the building hangs a poster which reads, "Where are the missing 300 innocents? We want the murderers of Ayşe and Rıdvan, we are going to prosecute them. The Revolutionary People's Forces." About 150-200 people, willing to watch the incidents, stand across the street and the number slowly grows. From every single head comes a different comment. The number of people sporting mustaches that reach the chin is more than that of ordinary people. Signaling "Bozkurt (gray wolf)" with their fingers, they state their "ideas" in a loud voice. There are also quite many civilians. The traffic is halted. Three young people appear on the window, shout "The martyrs of the revolution are immortal," "End the missings in detention," "The fascist hands raised against the public are bound to be broken," and disappear. The police, disturbed by this, try to dismiss everyone including the press. Right then, a security officer comes nearby and says, "Why don't you just protest them, what kind of citizens are you?" a weak voice is heard among the group, a few people accompany the voice by saying, "Let the hand raised against the police be broken." A fire engine arrives in front of the building, a young man from inside gets out on the balcony, shouts two-three

times saying, "This vehicle should get away from here," two more people join him, and they start signaling victory with their fingers. Before going back inside, they shout, "If you keep silent, your turn will come next," the fire engine withdraws. The police gets even more angry, and once again, tries to dismiss everyone around.

The police scolds the reporters insistent on not leaving, by saying, "We speak Turkish, you don't understand. If you want, we can speak in another language. We speak with our mouth, our hands are tied. Are you traitors, why don't you just go away?" A police officer, a bit provo-cated, harasses a cameraman. Others intervene in and the incident is calmed down. Certain people, who are not present there by accident but who just happen to come together in incidents such as this, start grumbling and spreading words which smell of blood, such as, "You should hang these people, just get inside and rake all."

The occupiers once again come before the window around 04.00 p.m. They read a declaration entitled, "We are disclosing the murderers of 12 July for the press and the public," and before going inside, shout, "The fighters of freedom are immortal," and release a group of people. Some of the high-rank security officers approach the window and try to negotiate with the occupiers for evacuation of the building, but fail in obtaining any results. Not long after, the insiders are addressed through loudspeakers, "Release the people inside and surrender, otherwise we are going to use force" and they are given a certain period's notice. Right at the same moment, numerous police officers wearing steel waistcoats and gas masks climb on the balcony on the side of the building, most of them with gas grenades in hand. Before the ending of the given notice, suddenly some people start rushing about, and consequently comes the sound of many explosions. It is hard to count the explosions, a pure white cloud surrounds everyone. It is impossible to see anything, the explosions continue, the police gets inside...

Due to the tear gas, the eyes of everyone around are swollen, and everyone cries. The gas causes a slight disorder among the audience, but as it slowly starts to go away, an ambulance comes and drives away a few somehow wounded police officers. Most probably, the police officers must have wrongly utilized the gas mask, a few of them rush outside bellowing. Water is provided from the shops around for the police officers, in order that they might wash their faces, some of the people around are still crying. The police, kicking and pushing, takes out the occupiers who have blood all over their faces. Led by a few people, some start applauding the police. YDH members who had been inside are immediately taken away. The police continuously beats the occupiers with truncheons. The applause grows stronger as the police continues beating the occupiers. The applause turns into swear words, the occupiers are laid on the ground, and down there, the truncheon is replaced by kicks. A cameraman who attempts to monitor the incident is prevented by the police and his tapes are seized. The occupiers are at first made to climb on the police, all of them are in a terrible condition but they are still being beaten. Strange, the police officers are all smiling. They are applauded.

People accustomed to seeing dead people after every operation slowly go away, a bit unpleased. The minibus drives away with the occupiers, then the police officers start marching towards the Taksim Square. They shout, "All for the country." The crowd slowly scatters. The only fact known by everyone is that the 9 young occupiers had all been unarmed from the beginning of the incident.

İstanbul Bar: The building of the İstanbul Bar, located on the İstanbul İstiklal Street, was occupied at about 11.00 a.m. on 28 September by unarmed 8 people introducing themselves as the "Revolutionary People's Forces." The occupiers who hang a banner that read "Where are the 300 missing people?", on the front side of the building, left the building at about 03.00 p.m. as a result of the initiatives by the authorities of the Bar. The 8 people, who were detained by the police, were first taken to the İstanbul SSC Prosecution Office and then to the İstanbul SSC Prosecution Office for interrogation.

Yüreğir: In the Yüreğir District of Adana, about 500 people, who shouted religious slogans during a wedding ceremony on 23 September, clashed with the police who wanted to prevent them. During the clash with stones and clubs, 15 people (2 police officers) were wounded, a police minibus and a car were damaged. Police officers, who were stuck in the crowd, managed to escape by opening fire into the air. When the incident was heard, numerous police officers were sent to the region, and the demonstrators were surrounded. The demonstrators clashed with the police surrounding them for a while. The incidents were calmed down when a security vice director intervened. In the meantime, a cameraman named Ahmet Tekin, who shot the incidents, was attacked by a demonstrator, and beaten.

e)- Deaths in fire opened because of disobeying stop warnings, at random and during similar events, and those killed after being apprehended alive

01)- İzzettin Çelik

In the Ergani District of Diyarbakır, a police officer shot dead a person named İzzettin Çelik, from whom he wanted to extort some money, at about 07.00 p.m. on 1 January. The name of the police officer, who was arrested after the incident that took place at a coffee house in the Kemaliye Quarter of Ergani, could not be learnt. Sources in the region stated that the murder had been committed as İzzettin Çelik refused to give money to the police officer.

02)- Hasan Akdemir

Security officers who set up a road block in the vicinity of the Ilıcalar Town of the Kiğı District of Bingöl on the night of 7 January, opened fire at a minibus on the grounds that it did not obey their stop warning. A person named Hasan Akdemir was killed in the incident, whereas 6 passengers were wounded.

03)- Mustafa Sarı

In the Tarsus District of Mersin, gendarmes who set up a road block at the entry of the Camilimanı Village on the highway between Tarsus and Ankara, opened fire at a vehicle licensed 33 PF 103 on the grounds that it did not obey their stop warning. In the incident that took place at about 02.30 a.m. on 17 January, Mustafa Sarı, the driver of the vehicle, died. Two men named Murat Aktöz and Mithat Gökçe, who were also in the vehicle, got off without any injuries. After the incident, Murat Aktöz and Mithat Gökçe were kept in detention for some time.

04)- Sabri Ortaç (60)

A clash broke out between PKK militants and security officers in the Omerya region around the Akarsu Town of the Nusaybin District of Mardin on 23 January, and 6 people were killed. It was revealed that 5 of the 6 people were PKK militants, but the remaining one was a 70-year villager named Sabri Ortaç. It was reported that Sabri Ortaç had been in the scene in order to pick firewood, and he had been shot intentionally at that time. The State of Emergency Regional Governorate declared him as a “PKK militant killed during a clash.” He was buried in the Akarsu town.

05)- Fesih Akburak

06)- Suat Yıldız (28)

Fesih Akburak and Suat Yıldız (28) were shot dead by the police in the Barbaros Quarter of Mersin at about 06.30 p.m. on 30 January. Police authorities claimed that those 2 people were PKK militants and had been shot during a clash with the police. On the other hand, some people living in the quarter where the incident took place, stated that they had not witnessed any clash and the two people had been shot by the police without any warning when they had got off the car. Following the incident operations were carried out in the Gündoğdu, Yenipazar and Selçuk-lar

quarters which are mostly inhabited by Kurds, and about 20 people were detained. It was learnt that most of the detainees were the relatives of Suat Yıldız and Fesih Akburak.

07)- Pamuk Konak (30)

A woman named Pamuk Konak was shot dead by the soldiers patrolling around the Atpınar Village of the Pertek District of Tunceli on the evening of 21 February, on the grounds that “she disobeyed the stop warning.” The residents of the Atpınar village stated that Pamuk Konak was mentally handicapped and this situation was known by the soldiers. They said, “We fear that those who can kill even a mentally handicapped person, can also kill us. For this reason, we don’t get out of our houses after the nightfall. We can’t even go to get water from the fountain in front of the door. We could not go to the scene until the next morning after she was shot.”

08)- Hüseyin Ayvaz

09)- Ahmet Bulut (10)

10)- Rahim Kumru (10)

11)- Hüseyin Yılmaz (48)

Hüseyin Ayvaz, the headman of the Kayabalı Village of the Ömerli District of Mardin, who had been invited to the Beşikkaya Gendarmerie Station in mid-March, was found dead 13 days after he left the village. His dead body was found in a rocky area 2 kilometers away from the gendarmerie station. It was discovered that he had been shot with 16 bullets, his head had been crashed down with a stone, and his ID had been taken. A person, who left the Kayabalı village due to pressure and settled in Diyarbakır, said: “Our headman had been released on the same day when he went to the station. There are people who have witnessed this. But he did not come back to the village. We immediately applied to the authorities, but no result came out. We heard that after the headman left the station, village guards had announced from the radios, ‘The bird is coming, do whatever necessary.’ The region where the headman was found dead is a place where the soldiers and village guards stand guard and carry out operations continuously.” Pressure on the village intensified upon the killing of Hüseyin Ayvaz. Additionally, 15 village guards, in charge at the Kayaüstü, Kocakuyu and Tekkuyu villages of Ömerli, settled down in the village. These village guards encountered an attack by PKK militants while they were standing guard in the vicinity of the village on the night of 14 May. In the attack, 3 village guards were killed and 2 others were wounded. Upon this incident, village guards raided the Heto hamlet, which is 1 kilo-meter away from the Kayabalı village, on the morning of 15 May. In the raid, children named Ahmet Bulut and Rahim Kumru, and a person named Hüseyin Yılmaz were killed. The residents of the Kayabalı village were beaten at the village square. They said that the village guards had wanted to kill them, but they had escaped from killing, and beating had ended when soldiers came to the region. Then, some of the houses in the village were burnt down.

12)- Hacı Polat (50)

Soldiers, who set up a road block in the Saraykapı Quarter of Diyarbakır at about 10.00 a.m. on 21 March, opened fire at a vehicle on the grounds that it did not obey their stop warning. A person named Hacı Polat was killed and Emin Bozan, the driver of the vehicle, was severely wounded during the fire.

13)- Vahit Yüce

14)- Ali Öztürk

15)- Erol Öztürk (12)

On 27 March, 3 village guards stopped a vehicle on its way from Şırnak to Beytüşşebap in the Avazdibi region, and executed by shooting engineer Vahit Yüce, a person named Ali Öztürk and his son Erol Öztürk, who were in the vehicle. During the incident, the village guards did not harm the driver of the vehicle. The incident was declared as an “attack by PKK militants.” Village guard Cafer Tong, one of the assailants, committed suicide on 18 May. It was learnt that Cafer Tong, in charge at the Bulakbaşı Village of the Uludere District of Şırnak, had gone into a

depression after the incident, and frequently told to his friends that “he had felt remorse because of the incident.”

16)- Asım Uyansız

A person named Asım Uyansız, living in the Terdöken Village of the Hazro District of Diyarbakır, was killed on 27 March by village guards in charge at the Teknebaşı village. Village guards Sinan Kalkan, Tarık Dağkuşu and Behçet Dağkuşu were arrested after the incident and a trial was launched against them on charges of “pre-meditated murder.” Their prosecution started at the Diyarbakır Heavy Penal Court on 18 July. In the hearing, Tarık Dağkuşu and Behçet Dağkuşu were released.

17)- İsmail Karadayı

Non-commissioned officer Mehmet Güngör, in charge at the Gendarmerie Station in the Uzunçiftlik Town of Kocaeli, launched fire from the window of the station on the night of 11 May. During the fire, a night watchman named İsmail Karadayı, who was passing-by the scene, was killed. Mehmet Güngör, who was drunk during the incident, was arrested.

18)- Yusuf Yıldırım

Security officers, who were carrying out an operation around the Zenge Village of the Lice District of Diyarbakır on 22 May, took a shepherd named Yusuf Yıldırım away. Yusuf Yıldırım was found dead on 24 May. His brother Şefik Yıldırım said the following about the incident: “My brother had left the house on the afternoon, saying his wife that he would graze the animals. A few hours later, numerous special team members and soldiers came to the village. First they searched the houses. Then they gathered all of us at the village square, and insulted and beat us. Some time later, they sent children and women back to the houses. But they kept the men until the morning. Meanwhile, we heard from the radios of the soldiers that there were clashes in certain places. The special team members and the soldiers took Ali Deniz, Kasım De-niz and a guest Hamdin Yıldırım along with them while they were leaving the village. When my brother did not come back to the village, we started to look for him. He was found dead later on. His body had been burnt down and hidden under stones. Most of the sheep and goats had been killed by shooting. Additionally, 3 goats had been slaughtered, eaten, and their bones had been scattered around.” On 21 September, certain houses in the Zenge village were burnt down by the soldiers. The village was raided again on 26 October.

19)- Necla Koçyiğit

20)- Sevim Kızıltan

21)- Süheyla

Soldiers, who set up a road block between the Bekirhan and Kahveci villages on the road from Siirt to the Baykan District of Siirt, opened fire at a bus at about 07.00 p.m. on 1 June, on the grounds that “it did not obey their stop warning.” In the incident Metin Çetin, the driver of the bus in which were about 40 women, was shot on his arm and wounded. When Metin Çetin lost the control of steering-wheel, the bus tumbled down the palisade. In the accident, 3 women namely Necla Koçyiğit, Sevim Kızıltan and Süheyla (surname could not be revealed) lost their lives, and 9 women were wounded. The names of those wounded women are as follows: “Hamide Ölmez, Elif Demiroğlu, Pakize Demiroğlu, Hanım Çoban, Müesser Korkusuz, Latife Gültekin, Nigar Öztürk, Kudret Karadeniz and Zeliha Sarmış.” Bus driver Metin Çetin said the following about the incident: “Together with about 40 women from Adana and Ceyhan we set out to visit Veysel Karani Tomb. It was almost 07.00 p.m. when we were around Bekirhan. I continued to drive since I did not see stop signal by the soldiers at the military control point. Then fire was opened at us. I was shot on my arm. After being wounded, I did not stop and continued driving as I had not seen who had opened the fire. After driving for about 2 kilometers, I lost the control and we tumbled down the palisade.” In the official statement made concerning the incident, it was said, “Three people were killed in the fire opened by PKK militants at a bus.”

22)- Sait Özmen (22)

A shepherd named Sait Özmen was shot dead by Halis Mert, a night watchman at the Siirt Governorate, when he was grazing animals in the vicinity of Siirt on 18 June. It could not be revealed for a while that Halis Mert had killed Sait Özmen. While the investigation was going on, relatives of the Sait Özmen applied to the Siirt Public Prosecution Office, and stated that Halis Mert had committed the murder. Upon this, Halis Mert was detained, and it was determined after the ballistic examination of his gun that the murder had been committed by him. He was arrested on 25 June and sent to the Siirt E Type Prison. Sait Özmen's brother Tahir Özmen (14) said the following about the incident: "While grazing the animals, I realized that a sheep was missing. I started to look for the sheep. Then, my brother was sleeping in the shadow of a rock. When I returned back, I saw the dead body of my brother. A person grazing animals around told us that 'Sait was killed by watchman Halis'. Upon this, we lodged an official complaint."

23)- Latife Erdem

Two village guards named Maşallah Erdem and Hacı Erdem, in charge at the Şıkarım Village of Baykan, Siirt, opened fire when they were standing guard on the evening of 18 June, and killed Maşallah Erdem's wife Latife Erdem. It was learnt that Latife Erdem died when she left the house to wrap some goods to protect them from the rain. In their testimony during the investigation about the incident, Maşallah Erdem and Hacı Erdem said that "they had shot Latife Erdem by mistake as they thought that they had seen a PKK militant." A decision of non-prosecution was issued at the investigation as it was concluded that "the incident was an accident."

24)- Abdullah

A group of villagers, who were picking wood in the region where coal mines are located around Şırnak, encountered fire opened by soldiers in the same region on 26 June. As a result of the fire, a person named Abdullah died and 4 people were wounded. It was claimed that the wounded were taken to the Gendarmerie Commandership instead of hospital.

25)- Serdar Uğraş (20)

University student Serdar Uğraş, who was detained during the operation staged upon the killing of 2 enlisted men on the evening of 30 June in the Nusaybin District of Mardin, was executed by shooting in front of his relatives on the night of 4 July. Sibel Uğraş, the elder sister of Serdar Uğraş who was studying at the Edirne Trakya University, said the following about the incident: "Many people were detained after the killing of the enlisted men. At that time, our house was also raided. They were looking for my brother Serdar. We said that he had gone to the Ceylanpınar District of Urfa to visit our relatives. Serdar was detained on 3 July. About 40 special team members brought him to our house on the night of 4 July. They searched our woodshed, but could not find anything. After they got out of the woodshed, they executed Serdar by shooting in front of us. Subsequently, they took the body and went away."

26)- Hasan Yaman (35)

Special team members who raided the Başak Hamlet of the Kaladibek Village of the Hani District of Diyarbakır on 7 July, killed Hasan Yaman and wounded 2 women. In a statement made by the democratic organizations in Diyarbakır, it was said that Hasan Yaman had been burnt to death after being tied to a tree. Additionally, the following were said in the statement made by the Platform of Trade Unions in Diyarbakır: "Murders by unknown assailants, extra-judicial executions, village burnings, massacres have almost become normal aspects of daily life. The incident in the Başak hamlet is terrifying. It is a task of humanity to investigate this claim. The human pride is being trodden in this dirty war. The incident is a concrete example for this. It should be the task of humanity to put an end to these vicious incidents."

27)- Metin Onyıl

The police, who went to a junk car depot in the Okmeydanı Quarter of İstanbul on 9 July upon a theft incident, opened fire against 2 people on the grounds that “they did not obey the stop warning.” A youth named Metin Onyıl was killed during the fire, and the person along with Metin Onyıl ran away. However, a person fitting the description of him was apprehended and detained later on. İsa Onyıl, the father of Metin Onyıl, stated that the incident had been an extra-judicial execution and that his son had previously been threatened to death by a police officer called “Arap Yusuf.” He said, “This police officer had continuously levied tribute on some children dwelling in the Hacı Hüsrev, by saying, ‘You are stealing things here. Give me money, so that I shall not take you to the police station.’ He had also wanted money from Metin. He had rejected. Then they had a dispute, he had chased Metin, and threatened him saying, ‘I will bump off you someday.’ There are witnesses. The police officer called ‘Arap Yusuf’ killed Metin.” Then, İsa Onyıl lodged an official complaint with the Beyoğlu Prosecution Office. Upon this complaint, an investigation was launched and İsa Onyıl testified at the Prosecution Office on 24 July. After testifying, İsa Onyıl made the following statement: “They asked me questions such as ‘How was Metin shot?’ or ‘Which police officer did shoot him?’ How am I supposed to know who shot him; I was not with him. Some people in the vicinity had witnessed. I told that I was the complainant. I mentioned the name of the police officer called ‘Arap Yusuf’. The prosecutor asked, ‘How shall we find this police officer?’ The prosecutor asked the murderers to me. It is the prosecutor who is to seek and find these people, not me.” A tradesman named Şükrü Ayar, who witnessed the killing of Metin Onyıl, said the following after testifying: “My shop was close to the scene. For this reason, I saw Metin’s having been shot. I informed his father about the incident. The prosecutor asked, ‘Did the police shoot him?’ I said, ‘Everywhere was surrounded by the police. It was impossible for anyone else to shoot him, other than the police.’ The prosecutor told that he would investigate the case.”

28)- Halim Fırat

A shepherd named Halim Fırat was killed and about 40 sheep were slaughtered in the fire opened without any reason by special team members, who were patrolling around the Meşebağları Village of the Hazro District of Diyarbakır at about 10.00 p.m. on 10 July. Another shepherd named Melik Kayadibi, who was around during the incident, stated that the special team members who had opened fire had left the scene in 3 cars.

29)- Hasan Kırmızıgül

A shoe repairman named Hasan Kırmızıgül was shot dead in the fire opened by village guards against his shop in the Cizre Buğday Pazarı at about 09.30 a.m. on 11 July. The reason of the attack against Hasan Kırmızıgül could not be learnt. Hasan Kırmızıgül was buried in the Cizre Cemetery.

30)- Hüsni Esen (19)

Two youths named Hüsni Esen and Tacettin Demir, who were chased by plain clothes police officers in the Pozcu Quarter of Mersin at about 02.00 p.m. on 13 July, were wounded when a police car hit them intentionally. Hüsni Esen died at the hospital he was taken after the incident. Some witnesses alleged that Hüsni Esen and Tacettin Demir had been kicked by the police officers after they had been wounded and laying on the ground. In a statement she made about the incident, Zeynep Esen, the mother of Hüsni Esen, said that her elder son Fehmi Esen had been wanted by the police for the last 3 years and the police had been exerting pressure on them for that reason. She added, “Police officers came to the house on that day, entered the house by breaking down the door, and asked about Fehmi. Similar incidents had taken place previously. When they came to the house, police officers were beating my younger son Hüsni. When Hüsni saw the police officers, he ran away together with his friend Tacettin Demir, as he was afraid of

being tortured. Then, some neighbors told that police had hit my son with a car. I immediately went to the scene. There was blood all around.” Zeynep Esen said that the house had been raided for the second time by the police after a short while, certain furniture in the house had been damaged, and her daughter Cahide and neighbors named Ümmiye Koralp, Vedat Koral, Sakine Demir, Hamza Kaplan and Maruf Kaplan had been detained. She added that they had learnt on 14 July that her son had died, and he had been buried in Diyarbakır. Zeynep Esen applied to the İHD Diyarbakır Branch, and demanded assistance.

31)- Remziye Bilgin (Karakaya)

Remziye Bilgin, who was abducted on 12 July from her house in the Kozluk District of Batman by her husband Sait Karakaya, with whom she was separated, and his village guard relatives, was found dead in the Örenağıl Village on 19 July. Emin Bilgin, the father of Remziye Bilgin, stated that her daughter had married Sait Karakaya 6 years before, they had a marital discord in the 5th year of the marriage, and about 1 year before, Sait Karakaya had taken their son and gone to his relatives in Sason. Emin Bilgin said that Sait Karakaya and village guards Celal Karakaya, Eşref Karakaya, Bahyeddin Tekbaş and Abdulcabbar Tekbaş had come to their house at about 04.00 a.m. on 12 July. He said: “We did not want to open the door. We opened it when Sait insisted that they had come to speak and that the subject had been important. Sait told me that he wanted to make it up with my daughter, and said, ‘I will take my wife and go to Sason’. My daughter refused to go. Upon this they forcibly took her. I applied to the Bahçelievler Police Station and the Batman Public Prosecution Office. However, no result came out from the applications. One week later, Celal Karakaya phoned me and said, ‘We killed your daughter.’ Upon this, I went to the Sason Public Prosecution Office. The prosecutor said to me that the villagers had called him and told that their daughter-in-law, who had got out of the house, had been killed by unknown people. I told him that my daughter had been abducted and killed by the village guards. Çavuş Yaşar, the head of village guards in the Dereköyü Village, and Felemez Yaşar, the National Education Director in Sason, want to cover up the murder. I will struggle for the conviction of Sait, Celal, Eşref, Bahyeddin and Abdulcabbar, who had abducted my daughter, and Çavuş Yaşar and Felemez Yaşar.” Meanwhile, Felemez Yaşar said that he had nothing to do with the killing of Remziye Bilgin, and that Sait Karakaya was a relative.

32)- Hüseyin Ertaş

Hüseyin Ertaş, who was abducted by village guards coming to his house in the Çalpınar Village of the Kızıltepe District of Mardin on 18 July, was found dead near the village on 21 July. The relatives of Hüseyin Ertaş stated that they had applied to the Kızıltepe Public Prosecution Office right after the abduction, and made a complaint against village guards named İsmet Kandemir and Memduh Kandemir, but their complaint had not been taken seriously.

33)- Hüseyin Altner

Hüseyin Altner, who was coming back from fields along with his 8-year old son Şehmuz, was shot dead by the village guards in the vicinity of the Narlı Village of the Midyat District of Mardin on 25 July. It was reported that Hüseyin Altner had been taken 200 meters away from his son and then executed by shooting, and that he had told his son right before his death that the name of one of the village guards was “Faik.” Residents of the Narlı village stated that Hüseyin Altner had been shot by village guards in charge at the Altıntaş village, and added, “Abdullah Taş, the head of the village guards in the Altıntaş village, is trying to force us to migrate, and seize our land. For this reason, he oppresses us.”

34)- Murat Kahraman

35)- Mehmet Kaplancı

Two people named Murat Kahraman and Mehmet Kaplancı, who were taken away by people introducing themselves as “police officers” on 26 July in the Dörtöyl District of Hatay,

were delivered dead to their families. A fax message sent to the families of Murat Kahraman and Mehmet Kaplancı from the Dörtyol Armored Brigade Commandership on 26 July read that “the 2 persons entered forbidden zone and shot dead as they did not obey the stop warning.” The relatives of Murat Kahraman and Mehmet Kaplancı, who went to Hatay after receiving the fax message, took the bodies and buried them in Diyarbakır on 27 July. Azize Kahraman, the mother of Murat Kahraman, stated that her son had been a student in Hatay, and added, “There were torture traces on the hands and arms of the bodies. Each of the bodies had 7 bullet wounds in the same region. This proves that they had been executed by shooting. We could not hear from my son for the last 8 months. It is said that our children had joined the PKK. We have also heard that they had joined the guerrillas. However, shall it be a ground to kill our children? They had been apprehended alive. They should have been taken before the court and prosecuted. Witnesses state that my son and his friend were detained by plain clothes police officers.” Maşallah Kaplancı, the wife of Mehmet Kaplancı, defended that her husband had been intentionally and arbitrarily killed by the security officers, and continued, “My husband was selling vegetables in villages. On the day he was killed, he was again going to villages to sell vegetables. I don’t believe that he had entered forbidden military zone, and I say that this is just a lie.”

36)- Selim Tonca (33)

Selim Tonca, the *imam* of the Kalkansöğüt Village of the Lalapaşa District of Edirne, was shot dead in the fire launched by the soldiers patrolling on the Turkish-Bulgarian border, on the grounds that “he had entered the forbidden zone.” Selim Tonca, who was shot in the leg in the incident that took place on 13 August, was kept waiting at the scene and he died due to blood loss as he was not taken to hospital on time. It was reported that Selim Tonca had started to work at the Kalkansöğüt village 20 days before he was killed. An investigation was launched in connection with the incident.

37)- Mehmet Nezir Akıncı

38)- Osman Acar (27)

Special team members, who raided the Budaklı Village of the Midyat District of Mardin on 18 August, killed a minibus driver named Mehmet Nezir Akıncı with 2 bullets to the head. The special team members, who took the body to the Midyat Gendarmerie Commandership with the minibus belonging to Mehmet Nezir Akıncı, detained a person named Ata Bediroğlu who had witnessed the incident. Ata Bediroğlu, who was kept in detention for 24 hours, disclosed after being released that he had been tortured in detention. In the meantime, the authorities made contradictory statements about the incident. Midyat District Governor Mehmet Okur defended that Mehmet Nezir Akıncı had been killed in connection with an organizational dispute, and added, “On the pretext of this incident, they try to trouble the state and give harm to the security officers.” However, Midyat Public Prosecutor Mustafa Yalçın contented with saying that there had been no incident in the vicinity of the Budaklı village except for a mine explosion. The body of Mehmet Nezir Akıncı was taken from the Midyat Gendarmerie Station by his relatives on 25 August, and buried in the Budaklı village. After the funeral, special team members raided the Budaklı village again, detained 9 people, and threatened the villagers to become village guards. In the meantime, the 30 August 1995 issue of the newspaper Evrensel was confiscated under Article 312/2 of the Turkish Penal Code by the İstanbul SSC in connection with a news story on the killing of Mehmet Nezir Akıncı, and a trial was launched against the executives of the news-paper. Special team members, who were carrying out a road control near the Budaklı village on 31 August, executed by shooting minibus driver Osman Acar, who was living in the village. It was learnt that Osman Acar had been killed after having been taken out of the vehicle. The authorities of the Midyat Public Prosecution Office did not give information on the killing of Osman Acar, but said that the incident was under investigation.

39)- Zübeyde Katar (14)

A female police officer named Hülya Elmalı, who opened fire into the air during a wedding ceremony held in the Fatih Quarter of Maraş on 23 September, killed a secondary school student named Zübeyde Katar, who was watching the wedding at her balcony. Hülya Elmalı, in charge at the Gaziantep Police School, was arrested after the incident. It was learnt that Zübeyde Katar was a relative of Hülya Elmalı.

40)- Hamza Haran (60)

Hamza Haran, who disappeared after having been taken away by the security officers raiding the Hüseyinika Village of the Lice District of Diyarbakır on 23 February, was found dead in the vicinity of the village on 24 October. There were bullet wounds on the bruised body of Hamza Haran, and he could only be identified by his relatives thanks to his clothes. Additionally, dead bodies of 2 unidentified men, one aged 30 and the other 25, were found at the place where Hamza Haran was found dead. The relatives of Hamza Haran, who held the security officers responsible for the incident, stated that their applications to the authorities had ended up in vain. İhsan Haran, the nephew of Hamza Haran, had also gone missing after having been taken away by armed people who had come to his shop in the Ofis Quarter of Diyarbakır on 24 December 1994 and introduced themselves as “police officers.”

41)- Hayrullah Çelebi

During an operation carried out by the police on the Baraj Road in the Mevlana Quarter of İstanbul Sarıgazi on 16 November, a youth named Hayrullah Çelebi was killed and a youth named Birol Akbalık was detained. In the official statement, it was alleged that “Hayrullah Çelebi and Birol Akbalık were PKK members; they got involved in a clash with the police, and Hayrullah Çelebi was killed in this clash.” However, Halit Çelebi, the father of Hayrullah Çelebi, defended that his son had been killed in an extra-judicial execution: “My son had been shot, after having been laid on the ground, in the region between the right armpit and abdomen. According to the autopsy report, after the first bullet, another had been shot. And another about 1 centi-meter above of the second. That is, there were 3 bullet wounds. Additionally, there were blow traces on his face. My son was murdered though he was innocent.” Birol Akbalık, who was detained after the incident and put in the Ümraniye E Type Prison after being arrested, made a statement confirming Halit Çelebi. Birol Akbalık said that he had met with Hayrullah Çelebi at the construction site where he worked, they were in the same minibus by chance on the day of the incident, and that they had been surrounded by police officers after having stepped out of the minibus and walked for a while, and added, “The residents of the quarter were watching the incident. They laid us on the ground, handcuffed from behind and took us to different cars by dragging us on the ground. After five minutes on the road, gun shots were heard. The car I was put in stopped. There was a tumult. The police officers kept coming and going. Then a police officer said, ‘Residents of the quarter have seen us detaining these people. This was not necessary.’ At that moment, they were dragging me on the ground and beating. They first took me to the Ümraniye Police Station and then the Political Branch in Aksaray. They continuously forced me to say in my testimony ‘We are PKK members. We got involved in a clash with the police, Hayrullah died in the clash.’ When I did not accept, they threatened me with death. They took me to the place where Hayrullah was killed. There, they told me that I would be killed and I would be announced as a person killed in the clash. For this reason, I testified in line with their demand.”

42)- Doğan Koç (22)

Security officers opened fire against a restaurant in the Mazgirt District of Tunceli on the night of 3 November, and a youth in the restaurant, Doğan Koç, was wounded. Doğan Koç was hospitalized belatedly, due to the prevention by the security officers. He was first taken to the Elazığ State Hospital and then to the Ankara Numune Hospital, and died at the Numune Hospi-tal

on 9 December. Kamer Genç, Tunceli Deputy for the DYP, disclosed that security officers had launched a random fire after a clash that had broken out between the PKK militants and themselves, and Doğan Koç, who was sitting by the window in a restaurant, had been shot, but no investigation had been launched about the incident. Ali Koç, the elder brother of Doğan Koç, said the following about the incident and subsequent developments: “My brother had phoned me one week before this incident, and told ‘Should any harm befall on me, the state forces will be responsible.’ He had said that he had been detained 20 days before, tortured in detention, and continuously followed by the state forces. In detention, the special team members had said to him, ‘We are not done with you, but you can go now. We will absolutely meet again.’ On the evening of 3 November, guerrillas had gone to Mazgirt and got involved in a clash with the security forces. After the clash, the restaurant, in which my brother was eating, had been raked with heavy guns, although it had been known that there had been civilian people inside. My brother had been wounded during the very first fire. The bullet, entering from left shoulder, had stopped at the left hipbone. Another person had been wounded in the leg. Ali Cemal Şahan, the owner of the restaurant, had phoned the police and said, ‘Stop firing. There are wounded people here.’ But the fire had continued. They had said, ‘Nobody will get out until we come there.’ My brother had stayed there for 3 hours. Then, Hüseyin Demir had carried my brother piggy-back up to the district center. The special team members had beaten him and my brother with the butts of rifles and sworn at them. They had said, ‘Let him croak, why do you help?’ Nothing had been done to the wound at the Mazgirt Health Center. He had been taken to Elazığ. There had been no intervention for 10 hours. We learnt about the incident the next day. A cursory operation was made in Elazığ. He stayed at the Elazığ State Hospital for 2 days, but did not receive treatment due to the indifference of the personnel, who even insulted him. Upon this, we had to take him to Ankara. The physicians in the Ankara Numune Hospital said that the surgery operation in Elazığ had not been carried out properly, and his chestwall had been infected. Another operation was made. But the efforts remained fruitless, and my brother died due to the infection all over his chestwall. The state is responsible for his death. While he was at the Elazığ State Hospital, plain-clothes police officers had wanted to interrogate him twice. My brother had said that he had been shot by the special team members when they had asked by whom he had been shot, and there-upon they had gone away by saying, ‘He has gone out of his mind’.”

43)- Cemal Güler (29)

A minibus driver named Celal Güler, who had argued with the police officers blockaded the road in the Emniyet Quarter of İstanbul Üsküdar on the night of 11 December, was shot dead by a police officer named Mehmet Dağdelen. It was claimed that Cemal Güler, who had been wounded with a single bullet on the left armpit, had been put in a police vehicle and beaten on the road to hospital. In the official statement made about the incident, it was asserted that Cemal Güler had entered a wrong way, and fire had been launched when he had not obeyed the stop warning, and added, “When the attacks against the police are taken into consideration, it would be clear that this was an unintended incident.” However, Muzaffer Güler, the father of Cemal Güler, stated that his son had been intentionally killed after having a dispute with the police officers, and that he would not give up following the incident. Mehmet Dağdelen was arrested after the incident, and a trial was launched against him on charges of “pre-meditated murder.” In his testimony at the court, Mehmet Dağdelen said, “The minibus had got in a wrong way. When it did not obey the stop warning, we chased after and stopped it. Swearing at us, the driver got off the minibus and attacked us with a knife. My gun took fire when we were grappling.”

44)- Nihat Gökkan

A hunter named Nihat Gökkan was shot dead by the soldiers around the Derik District of Mardin on 13 December. Nihat Gökkan was buried in Derik on the same day. Bedirhan Gökkan, the father of Nihat Gökkan, said: “When I asked the soldiers who brought the body of my son how

the incident had taken place, they replied, ‘Your son had fired at us, and we had to fire in order to protect ourselves.’ But my son did not even have a gun. There were about 20 bullet wounds on the body, all of which had entered from the front part of the body.”

45)- Deniz Demir	28 January 1995	Around Bingöl
46)- Kadir Ateş (28)	14 June 1995	Around Diyarbakır-Lice
47)- İsa Yün	12 September 1995	Bolu-Düzce-Kaynaşlı town
48)- Süleyman Korkmaz	26 October 1995	Diyarbakır
49)- İzzet Tuğal	20 December 1995	Diyarbakır-Lice-Çavundur v.

In 1995, many people escaped from being killed but were wounded and sometimes disabled, in fire opened by security forces upon demonstrators, houses or vehicles at random or during the raids.

A 6-year old child (C.A.), who was grazing animals in the vicinity of the Derfan Village of the Midyat District of Mardin on 19 April, was shot in the left foot and wounded in the gunshot fire opened by a village guard in charge at the same village. The child said the following while he was being treated at the Batman State Hospital: “My parents migrated to Adana. I have been staying with my grandparents since autumn. I was grazing goats out of the village on 19 April. Two village guards came by me. The one named Boçi (Behçet) said to Zoçi (Zeki), ‘His father is a terrorist. Shoot, to scare him.’ Then Zoçi fired on me.”

A person named Soner Kırık was shot in the ear when special team members opened fire into the air during a wedding ceremony held in the Müfitpaşa Quarter of the Şehitkamil District of Gaziantep on the evening of 22 July. It was learnt that the special team members had been drunk during the incident that took place at about 10.00 p.m.

An *imam* named Mehmet Şerif Aslan was shot in the foot when 3 village guards opened fire at him while he was going to visit his relatives in the Gölbaşı Town of Bitlis on 30 July. The foot of Mehmet Şerif Aslan, the *imam* of the Esenler Village of the Mutki Village of Bitlis, was amputated after the incident. Mehmet Şerif Aslan stated that they had sustained an armed attack while himself and Zeki Aslan, the teacher of the village, and people named Şerif Avcı and Cen-giz Yaşar had been going to a mosque for prayers, and that he had been shot by village guards named Gürsel Doğan, Ecvet Doğan and Menderes Doğan.

A student named Evrim Öktem (17) was shot in the knee by police officers at about 03.30 p.m. on 7 November in front of the Barbaros High School in İstanbul Bağcılar. The police officials stated that Evrim Öktem had been shot when “she did not obey the stop warning” while she had been running away after having hung a banner. However, Mahmut Öktem, the father of Evrim Öktem, stated that the incident had not been fortuitous, and said, “My daughter was not shot while hanging a banner but walking on the street. In order to cover up the incident, the pants of my daughter, pierced with a bullet, and the bullet taken out of her knee were seized by the police. This attack was directed at our family which has participated in the struggle for democracy.”

A group of village guards, reportedly “coming from the Kulp District of Diyarbakır,” opened fire at the youths playing football in the vicinity of the Karpuzlu Village of the Lice District of Diyarbakır at about 01.00 p.m. on 10 December. As a result of the fire, a 17-year old youth (M.A.) was wounded.

f)- Deaths in the explosions of mines and unclaimed bombs

In the State of Emergency Region, a total of 45 (*) people, who stepped on mines planted on roads or in fields, or who tampered with unclaimed bombs or cannon shells they had found, died as a result of explosions in 1995 (this number was 38 in 1992, 123 in 1993, and 131 in 1994), more than 100 people were wounded. Most of the wounded became disabled because they lost hands, arms or feet. Many of these incidents took place on village roads, in the regions close to the border and in the vicinity of military zones. Almost all of the people who died or were wounded in the explosion of the unclaimed bombs or cannon shells found on roads, fields or in settlements were children.

Below is the list of people who have died in the explosions of mines or unclaimed bombs:

<u>Name & surname</u>	<u>Date of event</u>	<u>Place of event</u>
01)- Abdülmecit Yıldız	08 January 1995	Around Siirt-Kurtalan-Kayahısu vil.
02)- Medeni Yıldız	08 January 1995	Around Siirt-Kurtalan-Kayahısu vil
03)- (woman)	08 January 1995	Around Siirt-Kurtalan-Kayahısu vil
04)- Suat Badem (14)	11 January 1995	Tunceli-Mazgirt-Yazeli village
05)- Veli Yıldırım (8)	11 January 1995	Tunceli-Mazgirt-Yazeli village
06)- Emin Erim (16)	07 April 1995	Bitlis-Tatvan
07)- Veysi Erim (16)	07 April 1995	Bitlis-Tatvan
08)- Kamil Öke	07 April 1995	Around Şırnak-İdil-Teke village
09)- Mahmut Arıç	07 April 1995	Around Şırnak-İdil-Teke village
10)- Filiz Gültekin (10)	13 April 1995	Ağrı-Doğubeyazıt-Sarıçavuş village
11)- İpek Gültekin (11)	13 April 1995	Ağrı-Doğubeyazıt-Sarıçavuş village
12)- Selahattin Yılmaz (17)	17 April 1995	Mardin-Kızıltepe-Yurteri village
13)- Kamil Yılmaz (14)	21 April 1995	Around Kars-Kağızman-Şamiler vil.
14)- Ercan Görme (9)	03 May 1995	Around Erzurum-Pasinler district
15)- Ercan Bingöllü (8)	11 May 1995	Around Bingöl-Kumcludere village
16)- Yusuf Çelik	16 May 1995	Around Mardin-Dargeçit
17)- Meclise Teğen (woman)	13 June 1995	Around Siirt-Baykan-Gola village
18)- Enver Özcan (35)	17 June 1995	Around Bitlis-Mutki-Yazıcı village
19)- İsa Abay	20 June 1995	Around Batman-Sason-Gürgenli vil.
20)- İsmet Erdem (45)	24 June 1995	Around Batman-Sason-Deregeçit vil.
21)- Hadi Güngördü (32)	24 June 1995	Around Batman-Sason-Deregeçit vil.
22)- Recai Dülger	26 June 1995	Dicle- Betw. Balon and Pekmezci vil.
23)- Muzaffer Gültekin (35)	09 July 1995	Around Bitlis-Hizan-Oyapınar vil.
24)- Mehmet Şirin Günal (30)	09 July 1995	Around Bitlis-Hizan-Oyapınar vil.
25)- Semra Ölmez (8)	18 July 1995	Bingöl-Solhan-Şimşirpınar village
26)- Sedat Çiçek (10)	18 July 1995	Bingöl-Solhan-Şimşirpınar village
27)- Nihat Çiçek (9)	18 July 1995	Bingöl-Solhan-Şimşirpınar village
28)-	18 July 1995	Around Bitlis-Mutki-Kavakbaşı vil.
29)-	18 July 1995	Around Bitlis-Mutki-Kavakbaşı vil.
30)-	18 July 1995	Around Bitlis-Mutki-Kavakbaşı vil.
31)-	18 July 1995	Around Bitlis-Mutki-Kavakbaşı vil.
32)-	18 July 1995	Around Bitlis-Mutki-Kavakbaşı vil.
33)-	18 July 1995	Around Bitlis-Mutki-Kavakbaşı vil.
34)- Ahmet Varan (26)	31 July 1995	Around Bingöl-Genç-Dereköy village
35)- İsmail Toprak (41)	31 July 1995	Around Bingöl-Genç-Dereköy village
36)- Selim Güler (18)	07 August 1995	Around Muş-Kızılağaç town

(*) This number does not include soldiers, police officers, village guards or PKK militants who died in mine explosions. All of the 45 people were the civilians who were not the parties of the conflict.

37)- Cengiz Övet	20 August 1995	Bingöl-Kiğı-Mezarlıklar region
38)- Düven Enül	20 August 1995	Bingöl-Kiğı-Mezarlıklar region
39)- Güngör Koç (13)	22 August 1995	Tunceli-Ovacık-Hanuşağı village
40)- Salih Nasır	00 September 1995	Bitlis-Mutki
41)- Burhan Güven (27)	18 September 1995	Around Sivas-Hafik district
42)- Dilaver Aslan	16 October 1995	Around Bitlis-Hizan-Gökay village
43)- Gülnaz Sarıboğa	23 December 1995	Siirt-Baykan-Goya hamlet
44)- A. Rıza Karakaplan	29 December 1995	Dişarbakır-Bozak hamlet
45)- Orhan Tan	29 December 1995	Dişarbakır-Bozak hamlet

CAPITAL PUNISHMENT

Capital punishment was again among the most important human rights issues in Turkey in 1995, and came on the agenda frequently. The number of the people who were convicted to the death penalty and the case files of whom were referred to the National Assembly increased. However, no death penalty was executed. Thus, Turkey maintained its place in Amnesty International's category of countries where no death penalty has been executed for a long period. (*) Debates focused on "abolition of capital punishment" and "execution of the death penalties already handed out." Sometimes, requests for immediate execution of the death penalties (especially those passed in political cases) were put on the agenda, and certain reports were prepared in this direction.

Nusret Demiral, who was the Chief Prosecutor of the Ankara SSC for many years, came first among those who wanted that the death penalty should be executed. Nusret Demiral, while he was the Ankara SSC Prosecutor (he retired in October and was a deputy candidate for the MHP during the elections), advocated capital punishment in a program broadcast on the private television channel Kanal D on the night of 11 January. Nusret Demiral said:

"It was not necessary to lift Articles 141, 142, and 163 of the Turkish Penal Code. Amendments will be made to the Law to Fight Terrorism. We see that the sentences are diminished. Diminishing sentences is not supposed to bring a discouraging atmosphere in times when terror is preoccupying. Therefore, I defend that sentences should be much heavier. The death penalty is especially important in the struggle against terrorism. Previously, there was the Law on Prevention of Bandits and a Law on High Treason. These were lifted. It is necessary that these laws should be evaluated and put in force once again."

(*) A statement made by Amnesty International in May stated that the death penalty was implemented in about 3/4 of the UN-member 184 countries. The statement pointed out that the death penalty was abolished entirely in 42 countries, and in certain countries, including Turkey, the death penalty was not executed since long although it retained in the laws. The statement stressed that 1,555 death penalties were executed in the world in 1994, 1,006 of which in the People's Republic of China, 139 in Iran, 100 in Nigeria, 53 in Saudi Arabia, 32 in Singapore, 31 in Egypt, 25 in Yemen, and 17 in Libya. The following were the retentionist countries in 1994: South Korea, Georgia, United Arab Emirates, Taiwan, Jordan, Sierra Leone, Tanzania, Uzbekistan, Russia, Somalia, North Korea, Japan, India, Lithuania, Syria, Lebanon, Cuba, Equatorial Guinea, Kuwait, Kyrgyzstan, Pakistan, Tadjhikistan, Trinidad, Uganda and Ukraine.

Nusret Demiral, in another statement published in the 27 August 1995 issue of the newspaper *Cumhuriyet* while the death penalty executions in Saudi Arabia were provoking protests in Turkey, said that the death penalty should also be executed in Turkey, but he objected to the execution method in Saudi Arabia. Nusret Demiral said, "Every state has laws valid within its own territory. In Turkey and in other countries, the death penalty is executed with electrical chair, in gas rooms, by shooting or hanging. But never has the cruel method of beheading people been implemented." Nusret Demiral said the following:

"The death penalty has been regarded, up to date, as the sole way of getting people away from the atmosphere of committing the same crime once again. The death penalty is foreseen in the laws valid within the territory of the Turkish Republic. Nobody is to implement it extrajudicially. A man kills 5 or 10 people, but in Turkey, even the death penalty given in such a case is discussed. If a man kills these people with his own method, the sentence should be the death penalty, according to the Turkish Penal Code. But what do we do? We carry out the execution in a place and time that it is impossible for anybody to see it. Previously, executions were carried out in the squares, but now they are executed secretly. If the death penalty is given, it should be executed. Postponing or reprieving of the executions pave the way for the outcome that the same crime may be committed by others. For this reason, I defend that if given, the death penalty should be executed. I don't discuss whether the death penalty should be given or not. Indeed, the dispute starts from here."

In 1995, the requests of the death penalty advocates never turned into a wide-scale campaign like that which had occurred in 1993. (*) Files related to the death penalty at the National Assembly were not acted upon. Certain initiatives objecting to the death penalty or demanding the abolition of it were witnessed more frequently. Moreover, a wide-spread reaction against the death penalty came on the agenda upon the execution of Turkish citizens in Saudi Arabia.

A report prepared by the Ministry of State responsible for human rights in April stated that the attitude of the executive and judiciary organs in Turkey towards the abolition of the death penalty was not "clear." The report objected to the death penalty by referring to it as "revenge by the state." The 6-page report stressed that it was a legal, political and ethical obligation for Turkey to ratify the international protocols that foresee the abolition of the death penalty, and added, "Escaping from this will put Turkey into hardship not only on the national but also on the international platform. The right to life is a fundamental right which is indispensable, indisputable and which is guaranteed in the international conventions and agreements, and included in all contemporary constitutions." The report denoted that the death penalty abolished the basic right to life, and that it had its roots in the religious impacts.

(*) Intensifying PKK attacks prompted the demands for immediate implementation of the death penalty in 1993. This request was for the first time brought forward by certain generals in the meeting of the National Security Council in October. Then Ankara SSC Prosecutor Nusret Demiral demanded that trials be accelerated and the death penalty be executed. Within this framework, certain deputies of the DYP and of the ANAP made similar statements demanding immediate introduction of capital punishment. While debates on capital punishment were continuing, the Parliamentary Justice Commission decided on execution of the death penalty against Seyfettin Uzundiz (29), in a meeting held on 17 November 1993. The decision was taken with the votes of 9 deputies from the DYP, ANAP and RP. Seyfettin Uzundiz, who was given the death penalty, had attempted to rob a drapery shop in Kartaltepe, İstanbul on 15 August 1991 and had killed the owners of the shop. Seyfettin Uzundiz who was apprehended by the police one day later, was tried by the İstanbul Penal Court No.1 and given the death penalty in 1992. The case file of Seyfettin Uzundiz is still at the Parliament.

The death penalty decisions

In Turkey, where hundreds of people (*) were executed over the 70-year Republican period, the latest execution of death penalty took place on 25 October 1984. Protests at home and abroad against capital punishment prevented further executions. In addition, the “Law to Fight Terrorism” which came into force on 12 April 1991, has foreseen not to execute the death penalty decisions which were given or were to be given for the crimes committed to date, and has commuted the death penalty into life imprisonment. This policy provided a temporary comfort on the issue of the death penalty. However, the presence of the articles of laws which foresee the death penalty always stood as a threat.

In 1995, numerous trials were launched where the death penalty was sought. The trials involving the death penalty were generally launched at the Diyarbakır and İstanbul SSCs and heavy penal courts in İstanbul and İzmir. At the Diyarbakır SSC, the number of the people for whom the death penalty was sought reached 832. In some of the concluded trials the death penalty was given. Some of the death penalty verdicts were upheld by the Supreme Court, and put on the agenda of the National Assembly. In the meantime, amendments were made to the Forestry Law with a bill passed by the National Assembly on 4 July. The new provision, which foresees that the members of illegal organizations who “burn down forests of the state for terrorist ends” shall be given the death penalty, was promulgated in the 8 July 1995 issue of the Official Gazette and came into force.

Following is the information about the people who were given the death penalty in the last 3-4 years, as far as the HRFT could determine, and about their prosecution process: (**)

<u>Name of convict</u>	<u>Charge</u>	<u>Court</u>	<u>Stage</u>
01)- Seyfettin Uzundiz	Judicial-Murder	Eyüp Heavy Penal	N. Assembly
02)- Bekir Gedik	Military-Murder	Military Court	N. Assembly
03)- Nizamettin Özoglu	Political-PKK	Diyarbakır SSC	N. Assembly
04)- Yakup Karaca	Judicial-Murder	İstanbul Heavy Penal	N. Assembly
05)- Hasip Mehmet Atay	Judicial-Murder	Gaziantep Heavy Penal	N. Assembly
06)- Mehmet Sait Dayan	Political-PKK	Diyarbakır SSC	N. Assembly
07)- Halil Yıldırım	Judicial-Murder	....	N. Assembly
08)- Taner Keleşoğlu	Judicial-Murder	Kars Heavy Penal	N. Assembly
09)- Sinan İyit	Political-PKK	Diyarbakır SSC	N. Assembly
10)- Murat Katrağ	Judicial-Murder	....	N. Assembly
11)- Ali Osman Köse	Political-DHKP-C	Ankara SSC	N. Assembly
12)- Rabbena Hanedar	Political-DHKP-C	Ankara SSC	N. Assembly
13)- Hasan Şahingöz	Political-DHKP-C	Ankara SSC	N. Assembly

(*) According to the official records, 445 people were executed during the Republican period. (114 of the death penalties were executed between 1925-1938, 195 between 1938-27 May 1960, 69 between 27 May 1960-1964, 17 between 12 March 1971-1973, and 50 between 12 September 1980-25 October 1984.) However, when the insufficiency of the records of the prosecutions in the era of the Independence Courts are taken into consideration, it is understood that this figure does not cover all executions. For this reason, the number of the executed people are stated as around 550 in some sources while this number is recorded as 588 in some others. The executions had intensified during the Kurdish rebellions between 1925 and 1938, and after the military coups of 27 May, 12 March and 12 September. 16 parliamentarians or former parliamentarians, all of whom had been convicted for political reasons, were executed.

(**) Temporary Article 4 of the “Law to Fight Terrorism” foresees commutation of the death penalties, which were given up to that time or were to be given for the crimes committed up to that time, into sentences of 10 to 20 years in prison. Therefore, the death penalty verdicts issued within this context are not included in the list.

14)- Ali Nazik	Political-DHKP-C	Ankara SSC	N. Assembly
15)- Cemalettin Cenap Arıcı	Political-PKK	Diyarbakır SSC	Supreme C.
16)- Nimet İğraç	Political-PKK	Kayseri SSC	Supreme C.
17)- Muhammed Taşdemir	Political-PKK	Kayseri SSC	Supreme C.
18)- Mehmet Sinci	Political-PKK	Kayseri SSC	Supreme C.
19)- Hüsnü Özcan	Political-PKK	Kayseri SSC	Supreme C.
20)- Ahmet Gülmezoğlu	Political-PKK	Kayseri SSC	Supreme C.
21)- Abdullah Sönmez	Political-PKK	Kayseri SSC	Supreme C.
22)- Abbas Alkan	Political-PKK	Kayseri SSC	Supreme C.
23)- Erol Özpolar	Political-DHKP-C	Ankara SSC	Supreme C.
24)- Selahattin Mete	Political-PKK	İzmir SSC	Supreme C.
25)- Kasım Karataş	Political-PKK	İzmir SSC	Supreme C.
26)- Coşkun Öztürk	Judicial-Murder	Bakırköy Heavy Penal	Supreme C.
27)- Yıldırım Arıcan	Political-PKK	Kayseri SSC	Supreme C.
28)- Abdurrahman Tekgöz	Judicial-Murder	Antalya Heavy Penal	Supreme C.
29)- Halil Güneş	Judicial-Murder	Urfa Heavy Penal	Supreme C.
30)- Hasan Alapan	Judicial-Murder	Denizli Heavy Penal	Supreme C.
31)- İsmail Doğruer	Political-TİKKO	İstanbul SSC	Supreme C.
32)- Hasan Kadem	Judicial-Murder	Bakırköy Heavy Penal	Supreme C.
33)- Selmani Özcan	Political-DHKP-C	Ankara SSC	Supreme C.
34)- Hüseyin Kıran	Political-TDKP	Erzincan SSC	Supreme C.
35)- Metin Dere	Political-TİKKO	İstanbul SSC	Supreme C.
36)- İzzettin Ekren	Political-PKK	İzmir SSC	Supreme C.
37)- Çeknaz Ekren	Political-PKK	İzmir SSC	Supreme C.
38)- Sabri Keve	Political-PKK	İzmir SSC	Supreme C.
39)- Celal Atalay	Judicial-Murder	Bandırma Heavy Penal	Supreme C.
40)- Birsen Gürbüz	Judicial-Murder	Bandırma Heavy Penal	Supreme C.
41)- Kemal Gömi	Political-DHKP-C	Ankara SSC	Supreme C.
42)- Celal Türk	Political-PKK	İzmir SSC	Supreme C.
43)- Yusuf Çubuk	Political-PKK	İzmir SSC	Supreme C.
44)- Salih Gün	Political-PKK	İzmir SSC	Supreme C.
45)- Zübeyir Paksoy	Political-PKK	İzmir SSC	Supreme C.
46)- Yusuf Akbaba	Political-PKK	İzmir SSC	Supreme C.
47)- Mehmet Darga	Political-PKK	İzmir SSC	Supreme C.
48)- Türkan İpek	Political-PKK	İzmir SSC	Supreme C.
49)- Coşkun Coşar	Judicial-Murder	Burhaniye Heavy Penal	Supreme C.
50)- Ömer Gök	Judicial-Murder	Bakırköy Heavy Penal	....

In the Turkish legal system, 13 Articles of the Turkish Penal Code, 26 Articles of the Military Penal Code, one Article of the Law on Proceeding of Smuggling and one of the Forestry Law foresee the death penalty. Pursuant to the execution system in Turkey, the death penalty decision, after upheld by the Supreme Court, is sent to the National Assembly and taken up by the Parliamentary Justice Commission. If the death penalty decision is adopted by the Commission it is submitted to the National Assembly in the form of a bill for approval. If the decision is ratified by the National Assembly, it is sent to the President for approval. If it is approved by the President, the convict is executed by hanging. The death penalty given for war crimes are executed by shooting. (*)

Article 12 (was implemented actually between 1926 and 1965) of the Turkish Penal Code regulating the execution of the death penalty (except for war crimes) is as follows:

(*) The death penalty has been executed secretly since 1965.

ARTICLE 12:

The death penalty is to put an end to the life of a person who has been given the sentence, by hanging.

The death penalty is not executed on the special days of the religion and sect to which the convict is bound. If there are several convicts, they are not hanged across each other. Those who are pregnant are not hanged until they give birth and those who are judged mentally ill are not hanged if they do not recover.

The death penalty is executed after the verdict is upheld by the Supreme Court, approved by the National Assembly, and in the presence of a person from the court board, Public Prosecutor, a physician, minutes clerk and one of the execution officers of prison, after the verdict is read out in front of the convict.

A person who is the religious official of the religion to which the convict is bound and the lawyer of the convict must be present during the execution of the penalty.

If the person was given the death penalty for killing her/his parents, s/he is brought to the execution place barefoot, bare-headed and wearing a black shirt, and then executed.

The corpse of the hanged convict is handed over to her/his inheritors. If there is no one to receive the corpse, it is buried by municipality.

An account is written about the manner of the execution of the death penalty. The account is signed by the officials who are present there.

Executions in Saudi Arabia

In August, public debate extensively focused on the execution of 4 Turkish citizens in Saudi Arabia. Of the people who were under arrest in Saudi Arabia on charges of “drug smuggling,” Mehmet Nuri Köseoğlu (44) and Seyfettin Erkut (39) were beheaded on 11 August, and Ahmet Mülayim and Fevzi Dana on 14 August. The executions tensed up the relations between Turkey and Saudi Arabia. El-Müfti, the Ambassador of Saudi Arabia in Ankara, was invited to the Ministry of Foreign Affairs, and information was requested regarding the executions. Besides, various demonstrations were held against Saudi Arabia. Algan Hacaloğlu, the then-State Minister responsible for human rights, said the following in his statement on 16 August: “We are respectful to the legal system of all countries. However, the implementation of the death penalty in Saudi Arabian regardless of the crime and this country’s implementations perishing the right to life in essence, is a human rights violation. We want to warn Saudi Arabian authorities. Please stop this massacre. Convict them, but respect their right to life. We expect some understanding for the 40 Turks who are under arrest in your country and other prisoners of other nationalities who were given the death penalty. We wish the abolition of the capital punishment.”

(*)

Despite the high-level initiatives by Turkey in order to halt the executions, Saudi authorities disclosed, “Nobody’s sake is higher than the sake of God. The executions will continue.” To halt the executions, Prof. Dr. Nevzat Yalçıntaş was sent to Cidde as “Special Representative of President Süleyman Demirel and Prime Minister Tansu Çiller.” In line with the proposals of Nevzat Yalçıntaş, the Ministry of Foreign Affairs started certain studies to provide about 70

(*) Amnesty International released a report on the human rights violations in Saudi Arabia, and disclosed that 15 people were executed in this country in 1990, 29 in 1991, 66 in 1992, 88 in 1993, 53 in 1994, and 192 (62 foreigners, 12 women) in 1995. The report noted that the death penalty in Saudi Arabia was given as a result of unfair trials, the detainees were tortured, testimonies received under torture were regarded as sufficient for issuing the death sentence, and the defendants were not provided with the right to hire a lawyer.

Turkish citizens, whom were under arrest in Saudi Arabia, with legal assistance. As a result of the initiatives, the execution of the Turkish citizens were halted.

In the meantime, the bodies of the people who were executed in Saudi Arabia were not sent to Turkey. Upon this, families of Mehmet Nuri Köseoğlu and Seyfettin Erkut held a protest demonstration in Kilis on 14 August. The relatives of Mehmet Nuri Köseoğlu and Seyfettin Erkut, who gathered at the Murteza Mosque in the city center at noon, held a funeral ceremony, and burnt down Saudi Arabia flags on which were pictures of King Fahd. Besides, they shouted slogans such as “Down with the Sheriat order,” “They are murdering in the name of God” and “Are you God, Fahd?” The demonstrators marched for a short while after the ceremony, and demanded that the Ministry of Foreign Affairs should pay attention to the issue. The police did not intervene in the demonstration which was held by about 60 people.

The information compiled by the HRFT concerning defendants convicted to death or trials seeking the death penalty in 1995 is as follows:

The death penalty was sought for Ramazan Aktaş, Ali Hastaş and Erdal Çoban, in the trial launched against them on accusations of killing Alican Yavaş, the driver of a taxi they got on, in the Saruhanlı District of Manisa in 1994. The prosecution of the defendants started at the Saruhanlı Heavy Penal Court on 25 January. The defendants who were cross-examined in the hearing, claimed that they had unintentionally killed the taxi driver.

The Ankara SSC Prosecution Office launched a trial against 9 people on charges of “being members of the DHKP-C, having been involved in certain armed acts and having killed former Minister of Justice Mehmet Topaç.” The indictment sought the death penalty for defendants Hasan Şahingöz, Ali Osman Köse, Rabbena Hanedar and Ali Nazik under Article 146/1 of the Turkish Penal Code while sentences between 3 and 20 years in prison for the remaining 5 defendants. The prosecution of the 9 people started at the Ankara SSC on 6 February. In her defense, Rabbena Hanedar said, “I was not involved in the acts. But if I had been given a duty, I would have gladly carried it out. Mehmet Topaç was punished by our organization.” Besides, defense lawyers submitted documents, certifying that Ali Osman Köse had been tortured, and a medical report proving his inability to work for 15 days, to the court board, and demanded that an official complaint should be filed against the responsible people. The court board deemed this demand appropriate. In the trial that ended on 19 December, Ali Osman Köse, Rabbena Hanedar and Ali Nazik were given the death penalty. Other defendants Nihal Saklayıcı, Abdur-rahman Bağuç, Yıldız Bağuç and Ayşe Eren were each sentenced to 15 years in prison, while Yaşar Özcan was acquitted. The defendants who protested the verdict by shouting slogans were beaten and ousted from the court hall by gendarmes. Besides, some spectators who protested the verdict were harassed by the police.

The İstanbul SSC launched a trial in March against Ömer Yıldırım, Adalet Aktepe and Mehmet Ulucan (arrested in absentia) on accusations of “being members of the PKK and killing 2 people in the attack carried out against a bus around İstanbul on 30 December 1994.” The death penalty was sought for the 3 defendants in the trial launched under Article 125 of the Turkish Penal Code. The prosecution of Ömer Yıldırım and Adalet Aktepe started at the İstanbul SSC on 22 May. (Detailed information is on pages 113-114.)

Coşkun Öztürk, who was prosecuted at the İstanbul Bakırköy Heavy Penal Court No.2 on charges of “killing 3 people, 2 of whom were children, in a house he had entered for theft,” was given the death penalty. Coşkun Öztürk had been prosecuted at the same court and given the death penalty previously. However, this verdict had been overturned by the Supreme Court due to certain deficiencies during prosecution.

Prosecution of brothers Recep Oruç and Rahmi Oruç, against whom a trial was launched on the grounds that “they had killed Mustafa Tura,” started in the first week of April. The indictment read out in the first hearing at the İstanbul Bakırköy Heavy Penal Court No.1 sought the death penalty for the defendants. Recep Oruç, who was cross-examined in the hearing, defended that he had killed Mustafa Tura accidentally.

Prosecution of Bekir Denkteş, against whom a trial was launched on charges of “murdering more than 1 person,” started on 1 May. The indictment, which was read out in the hearing held at the Manisa Heavy Penal Court, sought the death penalty for Bekir Denkteş under Article 450 of the Turkish Penal Code on the grounds that “he intentionally murdered 3 people named Ekrem Bakırcı, Remzi Uçar and Ramazan Ok.” Bekir Denkteş, who was cross-examined, said that he had killed the 3 people since they had provoked him, and stated that the prosecutor’s claim of pre-meditated murder was not true.

A trial was launched against Halit Aydın for killing Ali Kasım during the trial of the latter at the İstanbul Bakırköy Heavy Penal Court No.1 on 30 March 1995. The prosecution of Halit Aydın, for whom death penalty was sought under Article 450 of the Turkish Penal Code on charges of pre-meditated murder, started at the Bakırköy Heavy Penal Court No.1 on 15 May.

In the beginning of May, the Diyarbakır SSC Prosecution Office launched a trial against 6 people who were detained during operations carried out in the Bismil District of Diyarbakır and then arrested on charges of “being members of the PKK.” The indictment sought the death penalty for Ahmet Baykal, and sentences between 5 and 15 years in prison for Savaş Baykal, Zeyat Kelekçiler, Servet Çerçi, Şeyhmuz Kaya and Sebih Sümer. It was learnt that Ahmet Baykal was the assistant of Salih Sümer, a former State Minister and the Diyarbakır Deputy for the DYP, and that Sebih Sümer was the Mayor of the Tepe Town of the Bismil District of Diyarbakır and brother of Salih Sümer. In the trial that started at the Diyarbakır SSC on 2 August, Sebih Sümer and Servet Çerçi were released.

Two people named Celal Atalay and Birsen Gürbüz, who kidnapped musician Erdim Sertoğlu for ransom in July 1994 in the Ayvalık District of Balıkesir and then killed him, were given the death penalty. The trial, which ended at the Burhaniye Heavy Penal Court on 15 June, had been launched under Article 450 of the Turkish Penal Code. Mehmet Çakan, who was prosecuted on charges of assisting Celal Atalay and Birsen Gürbüz, was sentenced to 7 years 6 months in prison while other defendant Hatice Atalay was acquitted. The sentences were overturned by the Supreme Court on the grounds that “investigations was incomplete.” Upon this decision, the Burhaniye Heavy Penal Court re-held the trial in 1996, but gave the same sentences to Celal Atalay, Birsen Gürbüz and Mehmet Çakan.

The death sentence given to Hasip Mehmet Atay, who was prosecuted on charges of “raping and killing a 10-year old child,” was upheld in July by the Supreme Court. Hasip Mehmet Atay, who had been prosecuted at the Gaziantep Heavy Penal Court No.2 in connection with the incident that had taken place in the Bahçelievler Quarter of Gaziantep in May 1994, had been convicted in 1994. The case file of Hasip Mehmet Atay was referred to the National Assembly.

A trial was launched against enlisted men Oğuz Kaya and Mustafa Sal, and non-commissioned officer Fikret Sarı on accusations of “killing non-commissioned officer Nizamettin Ulu and taxi driver Hacı Şahin after taking them to İstanbul Gaziosmanpaşa Boğazköy region in May.” In the trial which started at the İstanbul Eyüp Heavy Penal Court No.2 on 7 August, the death penalty was sought for Oğuz Kaya and Mustafa Sal whereas a sentence of up to 20 years in prison was sought for Fikret Sarı. Of the defendants who were cross-examined in the hearing, Oğuz Kaya and Mustafa Sal admitted that they had killed Nizamettin Ulu because of a woman,

and Hacı Şahin in order to take his money. Fikret Sarı defended that he had had no relation with the murders and pleaded innocent.

A trial was launched against 8 people on claims of “being members of the DHKP-C, killing 2 people and bombing certain places.” The indictment read out in the first hearing of the trial that started at the İstanbul SSC on 23 August, sought the death penalty for defendants Ağa Yıldırım, İbrahim Yerlikaya, Murat Özbakır and Adem Gencer while sought sentences of 4 years 6 months to 15 years in prison for the remaining 4 defendants.

Prosecution of 11 people (9 of whom were arrested and 2 arrested in absentia) in connection with the killing of Lütfü Suyolcu, the former Mayor of the Kuşadası District of Aydın, started on 25 August at the Aydın Heavy Penal Court. The indictment read out in the hearing sought the death penalty for defendants named Fırat Erdoğan and Kürşat Yılmaz, and various prison sentences for the remaining 9 defendants. Fırat Erdoğan, who was cross-examined in the hearing, pleaded guilty and said that he had killed Lütfü Suyolcu since “he had not paid his debt of TL 5 billion to a person named Yavuz Kaşıkçı,” and added that the testimonies he had given at the security directorate and prosecution office were true.

A trial was launched against Ayfer Ercan, who was apprehended after the clash that had resulted in the killing of 2 people (one of whom was a police officer) on the evening of 26 July in the garden of the Bakırköy State Hospital in İstanbul. The indictment prepared by the İstanbul SSC Prosecution Office sought the death penalty for Ayfer Ercan under Article 146/1 of the Turkish Penal Code, claiming that she was a member of the TKEP-L (Communist Labor Party of Turkey-Leninist) organization and had carried out activities in the name of the organization. Ayfer Ercan disclosed that she had been severely tortured in detention.

Kemal Gömi, who was prosecuted on charges of “being a member of the DHKP-C and having been involved in the attack that had resulted in the killing of 2 police officers and 3 DHKP-C militants on 1 April 1993,” was given the death penalty under Article 146/1 of the Turkish Penal Code. Kemal Gömi, who reported that he was ill, and his lawyer, Mustafa Çoban, did not attend the last hearing of the trial held at the İstanbul SSC on 5 September. The court board deemed this case as an attempt to stall the trial and decided to deliver the verdict without waiting for the defense of the defendant.

Ercan Şanlı, İsmail Ekinbiçer and Hüseyin Güçlü, who were prosecuted on accusations of “killing an old couple named Bekir Sami Akın and Fatma Melahat Akın for theft in the Hatay Quarter of İzmir in 1991,” were sentenced to life imprisonment. The defendants, who were convicted in the hearing held at the İzmir Heavy Penal Court No. 1 on 12 September, had previously been prosecuted by the same court, and Ercan Şanlı and İsmail Ekinbiçer had been given the death penalty twice under Article 450/4-7 of the Turkish Penal Code whereas Hüseyin Güçlü had been sentenced to life imprisonment. One of the judges had objected to this verdict, disclosed on 19 October 1993, on the grounds that “the death penalty should have been commuted to life imprisonment.” The verdict had been overturned by the Supreme Court.

A person named Erol Özbolat, who was prosecuted at the Ankara SSC on claims of “being a member of the Revolutionary Left (DHKP-C) and having participated in some armed attacks,” was given the death penalty under Article 146/1 of the Turkish Penal Code. In the trial that ended on 12 October, other defendants Alişan Turan and Alp Aslan were sentenced to 15 years and 10 years in prison, respectively. Erol Özbolat had been tried at the Ankara SSC for the same charges and given the death penalty in 1993. However, this sentence had been overturned by the Supreme Court on the grounds that “the documents in the case file had been deficient.” Erol Özbolat had surrendered to the Ankara SSC Prosecution Office on 11 February 1991 when he had learnt that he had been wanted in connection with the incident that had resulted in his conviction.

Erol Özbolat, whom had been delivered to the political police later on, had been illegally kept 1 month in detention and tortured intensively. Throughout the trial, Erol Özbolat had defended that he had no connection with the incidents, and that there had been a conspiracy against him.

A trial was launched by the İstanbul Public Prosecution Office against a person named Asım Duru, who was accused of “murdering a 4 years old child after raping.” The trial, in which the death penalty was sought for Asım Duru, started at the İstanbul Bakırköy Heavy Penal Court No.2 on 12 October.

A trial in which the death penalty was sought was launched against Mehmet Fırat on accusations of “being a member of the radical Islamic İBDA-C and having participated in certain bombings in İstanbul.” Cross-examined in the hearing held at the İstanbul SSC on 2 November, Mehmet Fırat stated that he was an İBDA-C sympathizer but he had not involved in any bombings, and police officers had conspired against him. Mehmet Fırat’s wife İpek Zeytin Fırat, who was judged on the same trial along with her husband, was requested to be sentenced to 5 years in prison. Mehmet Fırat and his wife had been wounded in an explosion in their house in İstanbul Bağcılar on 18 February and detained later on.

Seven people named Celal Türk, Yusuf Çubuk, Yusuf Akbaba, Mehmet Darga, Zübeyir Paksoy, Salih Gün and Türkan İpek, who were prosecuted at the İzmir SSC on claims of “being members of the PKK and having participated in certain armed attacks carried out in Antalya in 1993,” were given the death penalty under Article 125 of the Turkish Penal Code. In the trial that ended on 6 November, defendants Kadir Kaya, İlhami Ünal, Mehmet Emin Toprak, Ramazan Yıldız, Mehmet Reşit Çakır, Mehmet Sıddık Kurtum and Musa Akyel were each sentenced to 12 years 6 months in prison, Lezgin Öztunç to 8 years 4 months, Yavuz Deniz, Ayten Kaya and Celal Çakır each to 3 years 9 months, and Vesile Kızılkaya to 2 years 6 months. Ten defendants were acquitted.

Prosecution of İbrahim Timur, against whom a trial was launched on accusations of “killing 3 people named Hasan Hüseyin Can, Turgay Arabacı and Kahraman Yılmaz” in the Karabağlar Quarter of İzmir in April, started at the İzmir Heavy Penal Court No.1 on 9 November. In the trial, the death penalty for 3 times was sought for İbrahim Timur who was accused of “intentionally killing more than 1 person.”

Prosecution of a youth named Murat Çetin on accusation of killing 4 people including his sister and her husband, started at the İstanbul Bakırköy Heavy Penal Court No.1 on 20 November. The indictment heard in the first hearing sought the death penalty for Murat Çetin under Article 450 of the Turkish Penal Code.

A trial was launched against 6 people on accusations of “being members of the PKK and having participated in certain armed attacks in İstanbul.” The indictment heard in the first hearing of the trial that started at the İstanbul SSC in the 3rd week of November, the death penalty was sought for defendants İlhan Çomak, Tekin Beyaztaş and Namık Kemal Dinç under Article 125 of the Turkish Penal Code, and sentences of between 3 years and 7 years 6 months in prison under Article 169 of the Turkish Penal Code for defendants Abdülaziz Kaya, Hasan Taşkın and Vedat Yıldız. The defendants, who were cross-examined in the hearing, rejected the accusations and stated that their testimonies had been taken under torture at the security department and that they had no relation with the PKK.

Of the 9 people who were prosecuted at the İzmir SSC on accusations of “being members of the PKK and having participated in certain armed attacks in İzmir,” Hasan Yağız and Osman Demir were sentenced to life imprisonment. Hasan Yağız and Osman Demir had also been prosecuted on the same accusations, and given the death penalty. This verdict issued in 1993 had been

overturned by the Supreme Court. In the trial that ended at the İzmir SSC within the last week of November, other defendants Hükmiye Seyhan, Bahattin Şahin, Ahmet Pamuk, Hüseyin Turgay, Kıymet Erdem, Süleyman Gündüz, Hikmet Birgül, Yusuf Oktay and Abdullah Payçun, were sentenced to prison terms between 2 years 6 months and 18 years 9 months.

The prosecution of Özlem Şenneyli (22), a medical student against whom a trial was launched on accusations of shooting her mother to death, started at the İstanbul Kadıköy Heavy Penal Court No.1 on 5 December. The indictment heard during the first hearing, sought the death penalty for Özlem Şenneyli under Article 450/1 of the Turkish Penal Code. Özlem Şenneyli, who took the floor after the indictment was heard, demanded the trial be held closed to public in order to avoid the family secrets' being publicized. The court board found this demand appropriate.

Prosecution of the 8 people, against whom a trial was brought on accusations of “being members of the DHKP-C and having participated in certain armed attacks,” started at the İstanbul SSC on 8 December. The indictment heard in the first hearing sought the death penalty for defendants Kemal Ayhan, Güldede Çeven, Cemal Turan, Cihan Kaplan, Münire Demirel and Ercan Kartal under Article 146 of the Turkish Penal Code, and sentences between 5 years to 15 years in prison for Uğur Günşiray and Ali Cenik.

Prosecution of the 4 people, against whom a trial was brought on accusations of “being members of the ‘Revolution Party of Turkey’ (TDP) and having carried out a bombing in which 10 policemen had been wounded,” started at the İstanbul SSC on 19 December. The indictment heard in the first hearing sought the death penalty for defendants Kamil Yıldız, Gülderen Baran, Hacı Aziz Hun and Ahmet Oğuz under Article 146/1 of the Turkish Penal Code. Kamil Yıldız, cross-examined in the hearing, disclosed that he was a member of the TDP, he had carried out the bombing against the policemen, and that he had been alone during that act. Kamil Yıldız added that he had carried out the bombing as a reprisal for the fire opened by the police on people during the incidents that took place in March in the Gazi Quarter of İstanbul. One of the defendants, Gülderen Baran, stated in her cross-examination that the accusations against her were not true, and that heavy torture had been inflicted on her in detention. Gülderen Baran, both of whose arms were in sling in the hearing, stated that her right arm had completely and left arm partially lost their function because of the torture.

TORTURE

Torture, which has been applied as a systematic interrogation method for years, was also an issue in 1995. Deaths in detention or prisons, subsequent to detention, claims of rape or sexual abuse in detention continued. The number of people incapacitated due to torture, and the number of cases of torture and rape in detention increased in comparison to previous years. Despite official statements and explanations, torture was not prevented, and no apparent effort was made to decrease the use of torture. Perpetrators were protected, encouraged and even rewarded, promoted, and assigned to higher ranks. (*) Investigations initiated in connection with torture cases did not proceed beyond being nominal. Delaying trials and trivial sentences led the perpetrators even to act without any restraint.

The approach of the authorities towards torture cases was encouraging rather than preventive. They overlooked important information and documents related to torture. For example, Doğu Perinçek, the Chairperson of the Worker's Party paid a visit on 8 June to Algan Hacaloğlu, the then-State Minister responsible for human rights, and submitted to him a video cassette consisting of pictures of Turkish police authorities who had participated from Turkey in the "Torture Tools Fair" (Equipment of Secret Operations Fair) in England in 1994. Doğu Perinçek, who explained that the event was revealed in a TV program entitled "Torture Hearing" on Channel 4 in England on 11 January, stated, "With this TV program it was revealed that English public institutions held secretly a fair on torture tools in 1994. A hidden video camera recorder caught the images of the Turkish police authorities who had taken part in the fair, whose abbreviated name was 'Copekx 94,' and these images were publicly broadcast."

Algan Hacaloğlu, who watched the video cassette together with some journalists, stated that he would take the matter under closer scrutiny, and said "Turkey is not, and must not be a country which buys torture equipment." Doğu Perinçek stressed that sending of police authorities to a fair exhibiting torture equipment was a violation of law and that this constituted an act of offense. He asked certain questions like, "Which authorized body sent the police officials to the torture fair? Has any public institution bought from England electrical truncheons or special handcuffs for torture? If anyone did so, what is the nature, quantity and cost of this equipment?", and added "What is important is not which police officials have taken part in the fair, but which

(*) It is known that numerous investigations or trials related to torture cases were launched against numerous security directors at high-level positions during the period when they were in charge at various levels of the security organization.

authority sent these officials. Exhibition and sale of torture equipment in England are symbolizing that suppression and torture are imported from the West to our country, rather than freedom and human rights. The incident we have disclosed certifies that torture and enmity of democracy are imported from the West, but not freedom. The western states have become the axis of reaction, torture and oppression.” The claims brought on the agenda by Perinçek were neither taken into consideration, nor became a matter of investigation or research.

Torture incidents or claims were often denied. It was asserted that members of illegal organizations or criminals had made baseless claims in order to weaken the security forces or escape from punishment. Nevertheless, some undeniable and evident torture cases and the high number of deaths in detention places made it harder for some circles to claim that there was no torture in Turkey. The torture cases which were brought to public attention forced these circles to accept the reality of torture cases and even that deaths had occurred due to torture. Thereupon, it was argued that torture was not a systematic method, that there were great efforts being made to prevent torture and that perpetrators were punished. However, the number of the punished perpetrators did not exceed 20-30 and most of the sentences expired due to the long-lasting trials.

Efforts and proposals to prevent or decrease torture failed to produce a positive result or to increase sensibility. Among the studies in this context was a report by the İHD. This report consisting of proposals for the prevention of torture was made public by İHD Chairperson Akin Birdal on 5 January. The following are the proposals in the report:

- The regulations in the European conventions against torture and cruel, inhuman and degrading treatment and punishment, approved by the United Nations, have to be reflected in the internal law.
- In radio and TV programs and in educational institutions, the state authorities have to mention frequently that torture is a crime committed against humanity.
- The measures of necessity and requirement must be taken into consideration when determining the detention period, and this period must be open to judicial control. In this respect, present detention periods of 4, 8, 15 and 30 days in the Turkish legal system should be defined as periods that give way to torture and be revised.
- Administrative inspection agencies should be provided with the opportunity of examining the detention centers frequently.
- The family or relatives of every detainee should be informed immediately, and the names of every detainee and the person responsible for putting the person in custody should be registered. Secret or arbitrary detentions should come to an end.
- Reactions against torture should be frequently expressed at the highest levels.
- Necessary measures for protection and observation should be taken during detention and interrogation.
- Torture claims and incidents should be strictly followed up, interrogations should be carried out systematically. Torture must absolutely be prohibited by laws, perpetrators must be prosecuted, and testimonies received under torture must be canceled out. Perpetrators, regarded as criminals committing crimes against humanity, must be deprived of civil services.
- The detainee should be under medical examination during detention. Independent physicians chosen by the detainee, or her/his family should be assigned for such an examination. Torture survivors should benefit from medical and forensic aid, and be paid compensation and offered an apology.
- Access to a lawyer should be provided at the very beginning of detention.
- Police officers, soldiers and officials in charge at prisons should be trained.
- International bodies should be able to intervene in incidents of torture.

- Judiciary police should be established, and the police should not be involved in the phase of interrogation. The rights to fair trial and defense should be carried out thoroughly and without any discrimination.
- A council to follow up torture claims and incidents should be established and dressed with the authority and capability to carry out an investigation in every respect. Representatives of the NGOs should take part in such a council.

The high level of armed attacks, acts by the PKK or other illegal organizations and political violence were among the most important justifications of the circles which try to cover up or vindicate the cases of torture. For example, Mehmet Ađar, (*) the then-Security Director General, said the following during the briefing he delivered in March to the ambassadors and embassy officials of the European Union countries and the USA in Ankara: "It is difficult for us to explain to our friends in the West the circumstances we face today. But we have the right to expect understanding from our friends." Mehmet Ađar stated that there were documents which showed that the PKK had given instructions to its militants "to charge some bombing and killing incidents to the state," and added that threats against Turkey's national security and the extraordinary conditions had never been considered by the security forces as an excuse for ill-treatment.

Mehmet Ađar defended that torture was not a systematic case but an individual one, and asserted that it would be unjust and cruel to say that there was systematic ill-treatment in Turkey, which had undersigned international conventions for human rights and prevention of torture and granted the right of individual application to the European Human Rights Commission. Stressing that the European Committee for Prevention of Torture and UN Committee for Prevention of Torture were able to carry out investigations in Turkey on human rights, he said, "The outgoing reports make us anxious. Although there are justifiable points in the findings of the delegations, there are hints of misleading information supplied by various sources." Mehmet Ađar denoted that "torture claims make Turkey uneasy," and added that investigations were launched against 314 people on accusations of ill-treating defendants in order to force them to accept that they were

(*) Mehmet Ađar became a member of the Parliament as a result of the elections held on 24 December. In order to participate in the elections, Mehmet Ađar resigned at the end of October, and a ceremony was held for him in front of the Security General Directorate on 1 November. The ceremony, in which almost all of the police officers in Ankara participated, turned into a show of force by Mehmet Ađar. After the ceremony, Mehmet Ađar left the scene with his official car, and hundreds of police cars escorted him. For this reason the busiest streets of Ankara were invaded by police vehicles, and thereby took place the peerless show of force of the Republican era. This incident provoked reactions, and Őenal Sarıhan and Kazım Genç, the Chairperson and the Ankara Branch Chairperson of the Contemporary Jurists Association, respectively, lodged an official complaint with the Ankara Public Prosecution Office. The following were stated in the official complaint: "The incident is a political show of force. Mehmet Ađar and other suspects who participated in the act, have openly violated the law by closing the main streets and the vicinity of Parliament to traffic by the official vehicles of the state. They continued their act by passing through the main streets of the capital, including the Kızılay Square, and sounding sirens. The vehicles used in the act belong to the public. The activists are police officers wearing uniforms, who had to be on duty at that time. It is not possible to think that these public officers, who had tried to disperse with truncheons other civil servants seeking their rights at the same spot and who had detained them for days on the grounds of having acted in contravention of the Law on Meetings and Demonstrations, would have some sort of privilege. For this reason we demand that a public case should be launched in order to maintain that Mehmet Ađar and other participants of the action, whose identities could be determined, be interrogated and convicted." However, the Prosecution Office issued a decision of non-prosecution on the grounds that "this kind of implementations were traditional." Thereupon, Őenal Sarıhan and Kazım Genç applied to the Heavy Penal Court, and objected to the decision, but no result could be obtained.

criminals, 35 trials had been concluded, 11 people had been found guilty, and decisions of non-prosecution had been issued for 52 people.

Mehmet Ađar, in mid-April, sent letters, which had a similar content with his statement in the briefing, to the embassies. The letter published in the 30 April 1995 issue of the news-paper Sabah read as follows: “According to the oath they took while entering the organizations, militants get into armed clashes with security officers when they are about to be apprehended and those who surrender are punished under the label of traitor. They prosecute and execute the militants who surrendered or left the organization, in courts they established. Our security forces have never considered the conditions such as a threat to our national security, the state of emergency or other exceptional circumstances, as a ground for ill-treatment. The neither encourage inhuman or degrading treatment, nor show tolerance to such cases. Of course there are individual cases. But there is never systematic behavior.”

Official initiatives

Widespread torture cases drew outcry from the public despite all obstacles and indifference of the authorities. Therefore, baseless statements such as “there is no torture,” “torture cases are rarely witnessed” or “perpetrators are punished” were left aside and some initiatives were taken. However, as in previous years, these initiatives were merely a discourse aimed at placating public opinion and reducing the impact of reactions from abroad, and they did not effect the perpetrators. For example; on the evening of 7 December 1994, Prime Minister Tansu iller and the then-Deputy Prime Minister Murat Karayalın held a meeting with the members of Human Rights Supreme Consultancy Board, (*) presided by the then-State Minister Azimet Kylyođlu. During the meeting in which human rights abuses in Turkey were on the agenda, Tansu iller asked the Board members to prepare a project concerning the methods of obtaining information without inflicting torture in police stations.

Following the meeting, the Consultancy Board prepared a report which examined torture cases in Turkey and proposed solutions on this issue. The report, entitled “Personal Security, Protection Against Torture, Other Cruel, Inhuman and Degrading Treatment and Punishment” was written by Lawyer Nevzat Helvacı and unanimously ratified by the Consultancy Board. It was submitted by Azimet Kylyođlu to Tansu iller and Murat Karayalın on 9 January. However, the report was not publicized and was hidden from the public, that is to say, it was pigeon-holed. Nevzat Helvacı resigned because the report was not made public. Following Nevzat Helvacı, Suhey1 Batum and Aysel eliker also left the Board.

Azimet Kylyođlu disclosed the report on 6 May, after he had left the post of Ministry of State responsible for human rights. Azimet Kylyođlu, in a press conference he held at the Parliament, stated that torture was systematically applied in Turkey, and continued, “To claim that there is not torture in Turkey is the worst thing that can possibly be done against this country. It is necessary to accept it and take the necessary precautions in order to prevent it.”

In the report, it was stated that being the most important human rights problem of Turkey, torture was applied systematically, and said, “It is understood that we have not been able to get

(*) The following people were members of the Human Rights Supreme Consultancy Board within the Ministry of State responsible for human rights: “Toktamıř Ateř, Aysel eliker, Korkmaz Alemdar, Ekrem Aksoy, Tekin Akıllıođlu, Okan Hasan Aktan, Fsun Arsala, Mehmet Aydın, Aysel Aziz, Suhey1 Batum, Lt1fi Dođan, Hsn Gksel, Cahit Talas, Tahir Hatipođlu, Nevzat Helvacı, Yakup Kepenek, Yařar Nuri ztrk, İoanna Kuuradi, Maksut Mumcuođlu, Rıfat nsoy, İlhan Tekeli and Kamil Turan.” Holding a press conference on 27 September 1994, Azimet Kylyođlu said: “This board will guide the government in determining and re-arranging its policies on human rights and for overcoming difficulties in this field.”

torture out of our life despite all prohibitive regulations. Certain state officials have occasionally accepted that torture is existent, but they defend that it is not systematic, and that the perpetrators have been prosecuted. Even if the government has taken steps for struggling against torture, the current situation demonstrates that torture has been applied regularly at various departments under the Ministry of Interior Affairs. There is an evident contradiction between the words of the authorities and precautions taken for the struggle against torture and the ongoing implementations.” In the report, it was stated that the legislative, executive and judiciary organs had to undertake certain tasks for the prevention of torture, and the following was said:

“On this subject, there are important duties for the legislative organ. The first one is to adopt national norms that would fit universal norms. As a second point, the provisions of the Turkish Penal Code foresee insufficient sentences for torture and ill-treatment and are far from being dissuasive. These provisions should be amended in accordance with the definition of torture and its characteristic as a ‘crime against humanity,’ and sentences should be defined in proportion with the severity of the crime. Another point is the detention period and the police’s authority of carrying out an interrogation. Torture is inflicted when the defendant is in detention, and it is used as a method of interrogation. One of the measures to be taken on this issue is that, a judiciary police unit has to be established under the prosecution offices, and the personnel of these units should be trained. It is not possible to say that most human rights problems in our country only stem from the lack of legal regulations. There are serious problems deriving from the practice, and these problems are directly related to the executive organ. A serious human rights training should be provided to all of the staff undertaking the task of security. In addition, human rights lectures should be given in schools. The remedial mechanisms should be open to anyone, the complaints should be taken seriously, and people’s trust should be won by these mechanisms. Torture survivors should be provided with legal assistance and medical treatment, and it should be maintained that these people acquire back their health.”

A report on “prevention of torture and methods, and conditions of modern interrogation” prepared by the Human Rights Supreme Consultancy Board was submitted to the then-Prime Minister Tansu Çiller by Algan Hacaloğlu, the then-Minister of State responsible for human rights, on 19 July. The Ministry of Foreign Affairs and the Turkish embassies in Bern, Bonn, Brussels, Oslo, Rome, Budapest, Stockholm and Washington also contributed to the report while it was being prepared. Prof. Dr. İoanna Kuçuradi, the Chairperson of the Board and Chairperson of the Department of Philosophy in the Hacettepe University, went to Paris and examined the police laboratories. The Security General Directorate did not assist in the preparation of report, in which the training of the French police was given as an example. Mehmet Ağar, the Security Director General, did not meet with the members of the delegation. Additionally, he did not grant permission for an examination of the police laboratories. This situation was cited as a footnote in the report.

The report stressed on the “traditions of the profession” as being a major reason for inflicting torture. The phrase “tradition of the profession” was defined as “carrying out of interrogation by the police officers, who are not specially trained, in a way that they had seen from their predecessors, and recognition of traditional interrogation depending on violence as the sole way of achieving success.” The report listed the following as other reasons for torture cases: “Insufficient training of the security forces,” “failure to protect the personnel rights of the police officers properly,” “not being meticulous in recruiting students for the police schools and the appointment of the police officers,” “lack of effective control,” “protection of the perpetrators by their friends for the sake of professional solidarity,” “some male interrogators’ deeming the female defendants not as a defendant but just as a woman on whom they can inflict whatever they want.”

It was interesting that the 14-page report, in contradiction to the report published by Azimet Köylüoğlu on 6 May, had been prepared based on the opinion that “torture cases in Turkey were not systematic but individual cases.” It was seen that the expressions used while listing the reasons for torture in the report were selected in a way that would verify this conclusion. The report especially emphasized that “the fulfillment of the proposals would not only prevent torture but also serve to protect the dignity of the police profession,” and pointed out that the prevention of torture was directly connected to the training of police officers. In the conclusion section of the report, it was said, “High school graduates should be taken to the vocational police schools after a detailed examination. The students in these schools should take psychological tests every year or at least prior to their graduation. It should be maintained that personnel rights of the police officers who are employed after such an education should be privileged. A list of professional ethics should be prepared for the police officers.”

Circular by Tansu Çiller

Prime Minister Tansu Çiller sent a secret circular to the Ministry of Interior Affairs in February, and demanded a series of measures to be taken for the prevention of torture cases. The circular, which was supposedly issued to prevent publication of the report prepared by the European Commission for Prevention of Torture related to Turkey in 1994, listed these measures as follows: “All periods and precautions foreseen by the laws will be strictly applied during detention in police facilities. Defendants, disregarding the offenses, will not be subjected to ill-treatment. Methods used in Europe and America will be employed to receive information from them. Defendants will have access to their lawyers in a manner foreseen by the laws. Persons detained by police will definitely be registered. Police stations will be controlled and any equipment (if there is) that could be used for ill-treatment will be seized. Cells where detainees are kept will be large enough and will be in conformity with the health standards. Legal procedures will immediately be put into force against police officers or other people who ill-treat defendants.”

Azimet Köylüoğlu, the Minister of State responsible for human rights, made a statement on 22 March when the circular by Tansu Çiller was published in the media in mid-March, and disclosed that 18 different torture methods were inflicted on the detainees at the police or gendarmerie stations. Azimet Köylüoğlu, stating that they had launched a struggle to eliminate torture, listed the torture methods applied in the police and gendarmerie stations as follows: “Palestinian hanger, crucifying, tying to magnetic telephone, blindfolding, sexual abuse, putting in cold water, beating with truncheon, giving electricity, hanging a sand bag on the neck, stripping naked before relatives, forcing to stand on one foot, dripping water on the head, prevention of sleep, restriction of food, restriction of water, forcing to cleanse corridors and toilets, putting in salted water, keeping half of the body in cold water.”

Following the statement made by Azimet Köylüoğlu, “the applied methods of torture” came on the agenda of the Parliament. ANAP İstanbul Deputy Bülent Akarcalı submitted a query to the Parliamentary Presidency in mid-April and directed some questions to Azimet Köylüoğlu, the then-State Minister Responsible for Human Rights: “As a Ministry, the presence of how many methods of torture do you acknowledge at present?”, “Are there any other methods you have determined?”, “What are the initiatives taken by your Ministry against all these?”, “In a study conducted taking applicants to the Human Rights Foundation of Turkey as a basis, it is disclosed that 64.9 percent of the cases of torture have taken place at the security directorates. Have you taken any initiatives to investigate the degree of truth in these expressions?”

Responding to the query by Bülent Akarcalı in June, Algan Hacaloğlu referred to the incidents of torture as “individual cases caused by a few indecent people totally devoid of self-control,” and denied the existence of systematically applied torture backed by the State in Turkey.

Recording that “there are claims that most cases of torture take place in security directorates and police stations” but that certain complaints also kept coming from different places, Algan Hacaloğlu said, “All these claims are currently under investigation. For example, the number of claims of torture-related incidents this January were 88. Twenty-two of these are at the stage of preparatory investigation and twelve have resulted in judiciary decisions stating the lack of grounds for legal action. In one case, the court has decided that the case was beyond its authorization, and in 9 cases, beyond the bounds of its duty. Of the 44 launched trials, only 3 have resulted in conviction.” Denoting that the claims of torture were seriously taken into consideration, Algan Hacaloğlu stated the following:

“It is true that solely legal regulations are not enough against the implementations of torture. It is unacceptable that certain professions, as well as the State as a whole, should be considered to be under negative scrutiny just because of a few indecent people devoid of self control. We are obliged to maintain this all together. It is necessary to acknowledge that this is a matter of education and love, and to immediately put intra-professional training into practice. We have been conducting related studies. In Article 7 of the Security General Directorate Board of Inspectors Regulation published in the 4 August 1994 issue of the Official Gazette, the ‘contradictions of the human rights standards which have become a part of the national law’ have been enumerated as part of the duties of inspectors. Additionally, the order dated 13 February 1995 by the Prime Ministry foreseeing that all sorts of torture should be punished and modern methods of interrogation should be applied, is a document which proves that the administration does not support but forbids torture. By becoming a signatory party to international documents approved by the National Assembly and considered a part of the national law, such as the Universal Declaration of Human Rights, Helsinki Final Act, Convention for the Protection of Human Rights and Fundamental Freedoms, International Convention on Civil and Political Rights and the European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment; and with Article 17 of the Constitution, Articles 243 and 245 of the Turkish Penal Code and numerous articles of the Law on Penal Prosecution Procedure, our country has clearly displayed its attitude against torture.”

In response to Algan Hacaloğlu’s opinions on the incidents of torture, HRFT President Yavuz Önen stated in short the following in a written statement he made on 28 July:

“Through the means of the press, we have been informed of the statement by the State Minister Responsible for Human Rights Algan Hacaloğlu defending that ‘There is no such thing as systematically applied torture backed by the State.’ and ‘It is unacceptable that certain professions, as well as the State as a whole, should be considered to be under negative scrutiny just because of a few indecent people devoid of self control.’ This statement by Mr. Hacaloğlu unfortunately does not reflect the facts. Torture is an important part of human rights violations in Turkey and it indeed is systematic. At every stage of investigation, the defendants, be it a political or an ordinary offender, experience torture as a systematic method of interrogation. The security directorates, police and gendarmerie stations and prisons are among the centers where torture is concentrated. Leaving aside prevention of torture, not even a single improvement has taken place to curtail it, despite all the statements or declarations made. The perpetrators of torture are protected, encouraged and awarded. The number of the people dying in detention or disappearing after having been detained, crippled due to torture, simply tortured or raped or sexually harassed in detention increases with every passing day. As a result of the studies conducted by our Foundation, it has been determined that in the period of 1990-1994, 122 people have mysteriously lost their lives either in detention or in prisons. During this period, the number of people who have stated to have been tortured or made an application on the same grounds, has climbed to well over 3,500. The studies conducted by the Foundation have succeeded in reaching only a very

small portion of the victims of torture. This situation unfortunately must mean that the real number of victims of torture is well above 3,500, about tens of thousands.

The fact that torture is systematically applied in Turkey is also confirmed in the reports by institutions conducting researches in Turkey in line with the international conventions under-signed by Turkey, along with the studies by our Foundation or other human rights organizations. Within this framework, the reports prepared as a result of the examinations in Turkey conducted by the Committee to Prevent Torture (CPT) and the Committee established in line with Article 20 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment state that ‘systematic torture still prevails in Turkey’. Additionally, in reports prepared by independent human rights organizations such as Amnesty International and Helsinki Watch, the extent of torture in Turkey is continuously stressed.

What we have explained shows that the statements by Mr. Algan Hacaloğlu are far from reflecting the truth. We want to believe that Mr. Hacaloğlu has been misled by certain people or that he somehow made this statement out of his personal will.”

The official statement and initiatives referring to incidents of torture were not limited to the circular by Tansu Çiller and statements by Azimet Köylüoğlu and Algan Hacaloğlu. Starting from the beginning of August, “detention watch centers” were established in city and district security directorates and certain major police stations. Disclosing the establishment of centers in a meeting held in Bursa on 7 July, then-Security Director General Mehmet Ağar said that relatives of the detainees would be able to receive information from the “detention watch centers.” Mehmet Ağar stated that certain people were trying to wear out the police, and added, “Against certain baseless claims such as disappearances in detention and extra-judicial executions, new practices are going to be brought on the agenda, not as a means of defense but in order to enable our nation to see the truth. We are setting up detention watch centers in all security directorates.”

Mehmet Ağar then sent a circular to all city security directorates and ordered that “detention watch centers” be established. In the circular, it was also demanded that the inspectors and police chiefs and directors should carefully supervise whether or not the cases of detention were conducted in accordance with the law. The circular claimed that, information was given to relatives of the detained in line with the CMUK, and added the following:

“It is claimed that our citizens, terribly anxious for their relatives whom they have somehow been unable to hear of, make efforts to learn whether or not they have been detained, through the authorities they are acquainted with, that they usually succeed in achieving this though somewhat late at times, but that the depression and stress they go through usually leaves a trace in their lives, and that the police-public relationship is negatively affected as a result of these practices. Therefore, detention watch units are going to be established in anti-terror, intelligence, foreigners, airports, protection, narcotics, weapons ammunition, financial, anti-riot, order and protection of minors departments of the security directorate to report people, regardless of the grounds for their detention, to their relatives and to higher authorities when they are asked about. Employee or employees will work to provide services 24 hours a day.”

a)- CMUK (The Code of Criminal Procedures)

Amendments to the Code of Criminal Procedures, called the CMUK, which was the subject of public debate in 1992, 1993 and 1994, were on the agenda also in 1995. The CMUK, which has not prevented torture, remained only “an indicator of respect for human rights” used by authorities when they were hard pressed. Many negative examples witnessed during the year showed once more that the CMUK, which was put into force on 1 December 1992, did not prevent torture and did not bring any important changes to the judicial system.

The CMUK, () consisting of 31 articles, may be considered a positive document from certain aspects because it generally concretizes arrest conditions, partially prevents arbitrary arrests, shortens the detention period and gives the authority to extend this period to a judge, enables a defendant to have access to her/his lawyer, secures for lawyers the right to examine investigation documents, enumerates forbidden interrogation methods, determines interrogation methods and gives a defendant the right to remain silent and to raise objections against continuation of her/his arrest. Nevertheless the amendments to the law do not cover the political investigations during which torture cases occur most frequently. This discrimination alone is an indicator that the law is not capable of preventing torture. Article 31 of the law says that most of these amendments will not be applied to crimes under the competence of the SSCs. Thus, an extraordinary judicial order was created and two separate legal regimes were systematized in the same country. By means of the law, human rights violations and prohibited interrogation methods during interrogations under the jurisdiction of the SSCs and in the State of Emergency Region were legalized and torture was brought under a legal shelter. Article 31 of the law took much of the force out of the positive amendments.*

The detention period was not shortened decisively. In addition, former detention periods foreseen for crimes in the State of Emergency Region and under the scope of the SSCs remained the same. Under the law, the detention period for ordinary crimes may be extended to 8 days in certain cases, whereas, between 1973 and 1980, this period was a maximum of 7 days. The 8-day detention period is in contravention of Article 5/3 of the European Convention on Human Rights which guarantees that suspects shall immediately be brought before a judge.

Before this law, lawyers were already able to meet defendants in the preliminary stage of an investigation in accordance with a Circular of the Prime Ministry promulgated in 1990. Crimes under the scope of the SSCs were included in this Circular. The right to access to a lawyer was withdrawn by this law, thus resulting in a step backwards. Disregarding the universal principles of judicial procedures, the legislation has handed over the determination of characteristics of a crime, and the responsibility and authority, to police. The handing over of this

(*) Amendments made on the CMUK (the Law No. 3842) are as follows:

Detention periods will decrease to 24 hours for individual crimes, and to 4 days for collective crimes. This period may be extended for an additional 4 days by the decision of a judge for collective crimes. The detention period will be 15 days for crimes under the jurisdiction of the SSCs and 30 days in the State of Emergency Region, as it was before.

Lawyers will be able to be present at every stage of an investigation. A defendant may have access to a lawyer during interrogation. A defendant's right to have a lawyer during interrogation and to demand legal assistance from his/her lawyer cannot be rejected. Testimonies of defendants below 18 will be received in the presence of a lawyer regardless of their demands. The Bar association will secure a lawyer for any defendant who is unable to hire one. However, these provisions are not valid for those detained because of crimes falling under the jurisdiction of the SSCs.

Testimony which is taken under torture, ill-treatment or by means of certain physical or psychological intervention breaking down will-power, is not valid. This will be applicable to all crimes without discrimination. While being interrogated by either security officers or prosecutors, a defendant will be made aware of "the offenses s/he is charged with" and of "his/her rights including the right to remain silent." These will not be applied for cases under the jurisdiction of SSCs.

Periods under arrest will be no more than 6 months during the preliminary interrogation stage and no more than 2 years for crimes entailing prison sentences of up to 7 years during the trial stage. On the other hand, for crimes entailing sentences of more than 7 years' imprisonment, a judge will decide whether the period under arrest will continue or not. In that sense, arrested individuals may be released on bail if the judge approves. These provisions do not include cases under the jurisdiction of SSCs.

judicial function, which had previously been carried out by prosecutors and judges, to police leads to unavoidable arbitrary applications by the police.

Detainees are left to the supervision of officers who have been applying torture as an interrogation method for years. "To have access to a lawyer, to secure that a lawyer is present during interrogation and to provide legal aid for defendants" is not enough to prevent torture. Without changing the staff, who over the course of many years have become used to inflicting torture, it is difficult to believe that these measures will prevent torture. With the amendments, discrimination was created between political and ordinary crimes, the right of political offenders to a fair trial was disregarded and the principle of "equality" was ignored.

Incidents witnessed during 1995 verified the criticisms directed against the CMUK, which have been enumerated above. It did not prevent torture which has been the bleeding wound of Turkey for years. Torture cases and claims, deaths in detention, and complaints made by many organizations, particularly bar associations about negative applications which continued after 1 December 1992, the date when the law was promulgated in the Official Gazette and put into force, made it evident that the amendments did not secure any improvement.

The failure of the CMUK was not limited to the political cases under the jurisdiction of the SSCs and in the State of Emergency Region. The amendments to the CMUK were also ignored in many ordinary judicial investigations. Provisions in favor of the defendant, particularly those enabling lawyers to be present during interrogation, were disregarded by security officers. Special provisions for the investigations concerning defendants below 18 years (for example, interrogation in the presence of a lawyer, informing of families regardless of their demands) were not obeyed. The lawyers who insisted on the implementation of the CMUK provisions were exposed to attacks and insults by security officers. For example, Bilgütay Hakkı Durna, a lawyer of the İstanbul Bar, was harassed and beaten by police officers at the İstanbul Sultanahmet Akbiyık Police Station where he went on 30 July to meet his 2 clients in detention.

The following points related to the implementation of the CMUK were stated in a report submitted by 9 lawyers from the İstanbul Bar (*) to a meeting held in Antalya on 27 October on the subject "Democratization, Human Rights and Advocacy within the Context of Law State":

- Though the rights of an apprehended person should be read out in accordance with the CMUK, this is done neither at the moment of nor after the apprehension.
- Though, in accordance with the CMUK, the period for bringing an apprehended person before a judge is 24 hours under ordinary conditions and prolongation of this period requires the decision of a judge, this is never the case in practice.
- The document regarding the informing of relatives of the defendant, is written with a "not demanded" note on it, without the knowledge of the defendant.
- Though the apprehension should immediately be communicated to the prosecution office, this implementation is not carried out on time.
- Security officers were not late in realizing the deficiencies of the CMUK and they have speedily generated means of implementing the amendments consistent with their comprehension and customs.

(*) The İstanbul Bar disclosed in 1994 that some lawyers, in an effort to earn more money, had made agreements with police which provided them to be always called to police stations during interrogations and this was a misuse of the CMUK. It was added that such lawyers did not in fact go to the police stations, but merely signed statements by police in their own offices and shared the money with police officers. An investigation was launched against 5 lawyers in connection with these claims.

Kadir Arkan, a lawyer of the Mersin Bar, made an evaluation of the CMUK, and said that the testimonies of the defendants were taken by forceful methods, and that the provision of the CMUK that foresaw the presence of a lawyer during the interrogation was not implemented properly. He said that the technical equipment at the security units were not sufficient, and added, "In order to find out whether a suspect, who is claimed to have been involved in a theft, is guilty or not, it is necessary to carry out an examination, collect circumstantial evidences, find out witnesses, and carry out a laboratory examination. The Security Directorate does not have such an infrastructure and the personnel are uneducated, paving the way to apply torture as the easiest method of interrogation. For this reason, the suspects are forced to sign testimonies accepting that they are guilty, and then they are referred to the prosecution office." Kadir Arkan, noting that the detention period for ordinary crimes was 24 hours and that the prosecution office should be informed, according to the CMUK, as soon as the suspect was detained, said, "The lawyer is informed after the interrogation of the suspect under torture is concluded at the security directorates or police stations. In such a case the lawyer becomes ineffective, as it is already late."

Lawyer Hamza Yılmaz, the Chairperson of the İHD Mersin Branch, stated that the lawyers could only see the defendant after the interrogation was concluded, and said, "In this case, there is nothing that the lawyer can do." Hamza Yılmaz, denoting that the CMUK existed on the paper and it was not put into practice, gave an example that he had gone through: "In October, I went to the police station upon the application of an 15-year child who was kept in detention at the Osmaniye Police Station. However, he had to accept the accusations as he had been tortured, and he had been obliged to sign a testimony. I requested from the police officers to record the torture. Upon this, they suspected me and looked at my ID card. Then, they referred the child, handcuffed, to a physician. Later, they called the father of the child, and threatened him in order not to hire me as a lawyer. The child was arrested because of his testimony."

Hitches in the CMUK continuously remained on the agenda. The failure of the Ministry of Finance to send the funds allocated for the lawyers who have provided the suspects with legal assistance within the framework of CMUK, to the Union of Bars of Turkey (TBB), provoked protests by the Union. In a press conference held on 18 July, the then-TBB President Önder Sav indicated that the Ministry had not sent the money allocated for the legal assistance service under CMUK for the last 10 months, and said, "The facilities of and efforts by the Bars alone are no longer sufficient for the conduction of the service. The failure of the Ministry to send this money is an offense." As of the press conference, the legal assistance services provided by the lawyers were halted. The implementation of providing the suspects with the legal assistance resumed on 14 August, when the Ministry of Finance granted the required allocation to the TBB.

In spite of all its deficiencies and failure in preventing torture, the CMUK incurred the wrath of security officers and certain circles. In an effort to sway public opinion, these circles alleged that the CMUK protected criminals and thus the rate of crimes had increased. Many authorized or unauthorized people, from officers in police stations to the Minister of Interior Affairs, were involved in this effort.

Meanwhile, an article, "*Silence in Detention: A Right or an Offense?*", signed by Mihriban Artıklar and published in the 11 November 1995 issue of journal *Özgür Yaşam*, enumerated examples in contradiction of the "right to keep silent," which had been included within the CMUK. The article is as follows:

"I was severely tortured at the İstanbul Security Directorate where I stayed 9 days in detention, for I rejected all the accusations and enjoyed my right to stay silent. I refused to sign the testimony they prepared in line with their own demands. I refrained from answering the questions directed at me at the Security, for all of them happened to be accusations. I was not in a position to

prove myself innocent. As I was taken before the Prosecution Office, a record was prepared stating that I had refused to testify. The Prosecutor interpreted my right to keep silent as an organizational attitude. This was used as an evidence in the indictment. I am still unable to understand the Prosecution Office's evaluation of my silence in detention as an evidence."

These words belong to Zeynep Aytemur, who had been detained on 28 March and prosecuted as an illegal organization member at the İstanbul SSC for having refrained from testifying. What has happened to Zeynep Aytemur is neither the first nor the last case. It can even be said that the interpretation of silence in detention as an acceptance of charges has become a "new legal rule," specific to the SSCs. Nowadays, expressions such as "the defendant, in an attempt to protect the organization and his/her friends, has displayed an organizational attitude by not answering the questions and by going on a hunger strike," are more frequent than ever. Same type of sentences are also included in indictments by prosecution offices and utilized as evidence at the courts.

The judiciary's taking part in the police who disregard the rights guaranteed by laws cause new disputes in the field of law. The trespassing of the "defendant's right to not to charge herself/himself," which is one of the basic rules of law, meets negative reactions from especially the lawyers.

The indictment dated 18 May 1995, prepared for Özdem Turhan and Arzu Özdemir who are still being prosecuted at the İstanbul SSC, states that the defendants have refused to testify at the security and then at the prosecution office and at the court, they have "adopted organizational attitude and declared that they were not going to testify," and adds the following: "The publications seized as a result of the search conducted at the domiciles of both defendants, their adaptation of organizational behavior by not testifying at the security, the prosecution office and the SSC, proves that the defendants are members of the illegal TKP/ML-TMLGB (the Communist Party of Turkey/Marxist Leninist-Marxist Leninist Youth Union) organization."

Özdem Turhan and Arzu Özdemir's lawyer Mihriban Kırdök, whom we have consulted about accusations like this, says that the result is definitely illegal. Mihriban Kırdök stresses that the preparation of such an indictment for her clients, who have refrained from testifying during 10 days spent in detention, stems from a general prejudice directed against political convicts. Mihriban Kırdök, who regards a jurist's consideration of the act of keeping silent not as a guaranteed right but as "organizational behavior" to be "heedless," asks, "Is this a result of not being equipped with the required information in the field of law, or is this the misinforming of the court to facilitate conviction? This needs to be evaluated. In my opinion, in such indictments, the prosecutors' understanding which is in contravention of the law basically stems from the prejudice directed against political convicts. Not from lack of knowledge on the law."

There are also other examples. The same approach is detected in the indictment of the trial launched against Erol Büyükkaraca, Nedim Köroğlu, İskender Bayhan and a couple of other defendants. Similar expressions are used for all the defendants: "For s/he has refrained from testifying and adopted organizational behavior." Lawyer Levent Tüzel says that they have many case files in hand related to this issue. Stating that the prosecutors have a share in the illegal method carried out in detention, he explains this situation as follows: "The indictments by prosecutors are prepared with a police's manner of handling. A few small changes are made. Therefore, the charge of 'organizational attitude' directed against people who utilize the right to keep silent is also acknowledged by the prosecutor. This can in no way be defended legally."

Prof. Çetin Özek, who holds a chair in the İstanbul University Faculty of Law, after evaluating numerous case files related to the situation, sheds light on the situation by saying, "The right to keep silent is not an abstract notion, and the utilization of this right does not mean

loyalty to the organization. The defendants, who have enjoyed their right to keep silent, are referred to as 'organization members.' Of course, this is wrong. The defendants' utilization of the right to keep silent can not be accepted as a proof of organizational membership. The right to keep silent is included in the right to self-defense. Which means, no legal outcomes can be obtained as a result of the utilization of this right." Çetin Özek puts forward very definite measurements: "If responsibility arises as a result of the utilization of the right, this means that the right in fact does not really exist. As the Law and the Constitution foresees the right to keep silent, no negative results against the person can be derived from the utilization of this."

Yes, this is what the jurists and the scholars say. Additionally, even in the brochures issued by the Security General Directorate, "the rights of the citizen" are significantly stressed. However, the result does not change much. The police and the SSC prosecutors still do whatever they wish to do. While the discussions still go on, they keep on treading the act of keeping silent, which has been pointed out as a "right" in the laws, as an evidence of the offense.

As clearly acknowledged in the last amendment to the CMUK, the individual's right to keep silent can be utilized at the stage of prosecution. Keeping silent is a right for the individual. So long as there is no other evidence, the consideration of this right as a factor against the person is wrong. Saying "look, the defendant keeps silent, therefore, he/she is guilty," although there is no other evidence, is a medieval attitude. This is also present in the text books concerning penal law. Before, in the inquisition courts where even the dead used to be prosecuted, they would bring the dead to the hearings and the accusers would question the dead. As the dead would be unable to answer (this happens to be against the nature of matter), they would say, "look, s/he keeps silent, then s/he is guilty." Today, we laugh about it. Therefore, the usage of the right to keep silent as evidence against a person is not regarded as a proper way of behaving by the modern penal law and the law of procedure.

b)- Trials and investigations

Torture cases and claims were once again not seriously investigated in 1995. Investigations initiated in connection with torture cases did not proceed beyond a nominal stage. While most of the official complaints were shelved, decisions not to prosecute were taken for meaningless reasons in other cases where investigations were initiated. To launch trials against perpetrators took great efforts. In the trials which were launched after great efforts, the perpetrators were either acquitted or given trivial sentences. Sentenced security officers benefited from prescription provisions and were not imprisoned since their trials lasted too long. The perpetrators were continuously protected. (*)

A concrete example of how the perpetrators of torture are protected was the case that concluded on 13 July at the Bolvadin (Afyon) Heavy Penal Court. The sentences of imprisonment and removal from office passed on a non-commissioned officer were reduced in line with the decision by the Supreme Court General Penal Board and on the grounds that "he did not have any personal interest involved in the torture he had inflicted." The aforesaid incident developed as follows:

Cafer Bayrak and Abdulkadir Pamuk, who had been detained in connection with an incident of theft which had taken place in 1993 in the Doğancık Village of Afyon Sultandağı, were

(*) According to the data provided by the Ministry of Interior Affairs, investigations were launched against 1,581 security officers (under Articles 243 and 245 of the Turkish Penal Code) in connection with incidents of torture in recent years. As a result of the investigations, decisions of non-prosecution were issued for 542 security officers, while the remaining ones were put on trial. In the trials, 120 security officers were acquitted, and 28 were convicted. Trials against 891 security officers were under way as of 1 January 1996.

tortured for 2 days by non-commissioned officer Hasan Benek at the gendarme station where they had been interrogated. Though they had nothing to do with the incident, Cafer Bayrak and Abdulkadir Pamuk had to shoulder the charge of theft under torture, but later they were acquitted as a result of prosecution. Meanwhile, as Bayrak and Pamuk filed an official complaint with the Public Prosecution Office, a trial was launched against Hasan Benek under Article 243 of the Turkish Penal Code. Hasan Benek was prosecuted and sentenced to 5 years in prison and removed from office for 40 months. However, this decision was overturned by the Supreme Court on the grounds that “the sentences passed on were too heavy.” At the end of the re-prosecution, the Bolvadin Heavy Penal Court did not comply with the decision of the Supreme Court, and insisted on its previous verdict. Upon this, the case file was referred to the Supreme Court General Penal Board. The Supreme Court General Penal Board took a binding decision (***) that foresaw a reduction in the sentence passed on Hasan Benek, by saying, “The defendant acted with the aim of carrying out his duty and finding out the criminals, but committed a crime because of his youth, lack of professional experience, and the surrounding atmosphere. The defendant does not have a personal motive or interest involved in it. A sentence quite above the lower limit is in contravention of the law considering the aim of the defendant, the reason and the motive for the commitment of the crime and the social status of the defendant, who does not have a previous criminal record.” Upon this decision, non-commissioned officer Hasan Benek was sentenced on 13 July to 3 years 4 months in prison and removal from office for 20 months.

The decision of the Supreme Court General Penal Board, due to opposition by members Sami Selçuk and Vural Savaş, was made by the majority of votes. Following are some interesting points of the aforesaid decision:

(...) The defendant, the deputy commander of the gendarmerie station, has beaten the complainants brought to the station upon testimony of Orhan Oğuz, who had been apprehended during the investigation of an incident of theft, on the suspicion that they had taken part in the commitment of theft, for they denied the charges during the verbal interrogation. Additionally, he has taken them down to the basement, kicked and slapped them, stripped them naked and hosed them with pressurized water, laid them down in water, and beat them with a towel and a hose. Then in order to eliminate the traces of torture on Cafer's body, he had him thrust in hot water, he rubbed his body with salt and then took him out into the sun. As a result of torture, the complainants have accepted the imposed charges. But then at the Public Prosecution Office and the Penal Court of Peace, they maintained that they had not taken part in the crime. In the trial launched against them, they were acquitted and the acquittal was upheld.

During the discussions of the case, it was claimed that the actions directed against both defendants constituted a successive chain of crimes and that Article 80 of the Penal Code should be applied for the defendant. An examination, with this in mind, was carried out. Article 80 reads, “Regarding the execution of a decision to commit a crime, the violation of the same provision of the law a couple of times, even if this takes place in different periods, is considered a crime. However, the related sentence to be passed on should be increased by 1/6 up to by half.”

In this incident the defendant has on purpose beaten down both of the two injured parties brought to the station, to make them confess to the crime. The defendant has acted with the intention of making them suffer. One of the injured parties' admittance of the charged offense of theft would bear no result regarding the other injured party, and would not affect him. In other words, the right violated and the advantage to be gained with the beating down of one of the

(**) According to the judiciary system in Turkey, the courts are obliged to comply with the decisions made by the Supreme Court General Penal Board.

injured parties would not affect the other injured party, and would not bring to light the offense committed. Both defendants were tortured separately in order that each of them would accept the charged offense. To obtain a result, to bring to light a single incident of theft, it is not necessary to beat down the two injured parties. The confession of one of the injured parties would suffice. Additionally, Orhan Oğuz, caught after the incident, has admitted to committing the offense and the incident was brought to light. The defendant, inclined to commit separate crimes, has acted not to bring to light the perpetrator of an incident but to make each injured party admit the offense.

The infliction of torture or the carrying out of cruel, inhumane and degrading treatment to make a defendant confess a crime, are themselves elements of a crime stated in Article 243 of the Penal Code, and these elements distinguish this crime from the offense of ill-treatment stated in Article 245. Beating as the element of a crime, and the apparatus used in committing the crime, and the way the crime was committed cannot be accepted as a second and additional sentence. Additionally, the defendant has launched an investigation against the injured parties upon tip-off by convicted defendant Orhan Oğuz, against whom an investigation and a trial had been launched previously in connection with theft. The defendant has acted with the will to carry out his duty and find out the suspects; and committed the crime because of his youth, lack of professional experience, and the surrounding atmosphere. He does not have a personal motive or interest involved in the crime. A sentence quite above the lower limit, determined through a written report inconsistent with the ingredients of the case file, is in contravention of the law considering the aim of the defendant, the reason and motive for the commitment of the crime and the social status of the defendant who does not have a previous criminal record.

For the reasons explained above; it was decided on 27 March 1995 by majority of votes that the local court's conviction of the defendant should be overturned, as excessive increase in the determination of the aforesaid sentence was considered neither sagacious nor appropriate.

Another example showing the lay approach towards of cases of torture and how perpetrators are protected is witnessed at the end of the trial launched in connection with the beating of Salman Kaya, who was an Ankara deputy, on 1 May 1994.

Groups marching after the demonstration held in Ankara on the occasion of the May Day Worker's Festival on 1 May 1994, were beaten and dispersed by the police on the Sıhhiye Bridge. During the incident, 10 people (including 3 police officers) were wounded, and 16 people were detained. Ankara Deputy Salman Kaya was beaten by the police. He was injured as a result of the blows, and treated at hospital. The beating of Salman Kaya provoked an outcry, after which Ankara Security Director Orhan Taşanlar was suspended from office and an inquiry was launched. In consequence of the inquiry, Orhan Taşanlar was found innocent and a decision was made to launch a trial against security officers Mehmet Okur (superintendent), Miklat Budak and Süleyman Yalman, who, it was revealed, had beaten Salman Kaya. However, an official complaint was filed against Salman Kaya on charges of attending an unauthorized meeting, insulting security officers and causing an incident. Orhan Taşanlar was reinstated on 18 May 1994. In November 1994, the Ankara Public Prosecution Office launched a trial against security officers Mehmet Okur, Miklat Budak and Süleyman Yalman. The prosecution of the security officers started at the Ankara Penal Court of First Instance No. 18 in December and sentences of 3 months to 3 years in prison were sought for them. The 3 security officers were acquitted on 23 May. The acquittal verdict was delivered on the grounds that there was no certain and persuasive evidence showing that the defendants had committed a crime. The Court did not accept the video tapes and pictures, which had been taken while Salman Kaya had been beaten, as evidence.

The developments witnessed after 2 cases of deaths in custody in İstanbul in 1991 and 1993, were examples of the protracted trials, how the perpetrators are protected, and the ap-proach towards cases of torture.

A person named Vakkas Dost, who was detained for “drinking alcohol on the street” in the Kumkapı Quarter of İstanbul on the evening of 28 May 1993, died in the Kumkapı Police Station where he was taken. The autopsy made on Vakkas Dost determined that he had died because of internal bleeding in his spleen due to a blow. Fevzi Yeşilay, who was an eye witness to the event said: “Vakkas fell down after a kick to his stomach and started to vomit. When I took him to the washbasin in order to wash his face and hands, he was not able to speak.” Police officer Nurettin Öztürk, who was detained concerning the death of Vakkas Dost, was released after a short time and disappeared as soon as he was released. Relatives of Vakkas Dost filed an official complaint with the İstanbul Public Prosecution Office after the event. In the official complaint, it was stated that police officer Nurettin Öztürk had killed a person by torturing and that superintendent İbrahim Hakkı Çelebi and police officers Bahattin Ülkü and Murat Aksoy had overseen the torture resulting in death. Following the official complaint, an arrest warrant in absentia was issued against Nurettin Öztürk, who was accused of murdering Vakkas Dost by beating him. The trial against Nurettin Öztürk, which started on 20 September 1993, still was not concluded in 1995. The trial still continues in the absence of Nurettin Öztürk, for whom a sentence of up to 24 years in prison is requested.

The trial launched against 6 police officers, (*) who were accused of killing a youth named Yücel Özen under torture at the İstanbul Beyoğlu Security Directorate where he had been kept in detention in November 1991, was still not concluded in 1995. Because the trial continued to drag on, Yücel Özen’s brother Dursun Özen and his lawyers Semih Mutlu and Şeref Turgut held a press conference at the İHD İstanbul Branch on 24 December, and said the following: “The pictures taken at the hospital prove that Yücel Özen had died due to torture. The claim that ‘he had committed suicide’ was shown to be false with medical reports. Yücel Özen had been detained on 9 November 1991 and taken to the Beyoğlu Security Directorate. He had been taken to the Taksim First Aid Hospital on the same night. The people who had taken him there had dis-appeared. Yücel Özen, whose condition had been very serious, died on 24 November, despite all medical intervention. The preliminary investigation conducted after this incident lasted too long. Additionally, it was conducted by people who had themselves committed the crime. Natu-ally, this situation would affect the result of the prosecution in favor of the culprits. The trial has not been concluded after 4 years in order to lessen the strong reaction to it, to calm the public outcry, and to exculpate the police officers. The fact that the defendants have been prosecuted without arrest and have performed their duty since then, despite it was proved that Yücel Özden had been tortured to death, gives the way torture to go on systematically.”

The developments witnessed after the killing of a youth named Baki Erdoğan in deten-tion in August 1993, provides a striking example of the difficulties witnessed in the prosecution of perpetrators and the delayed responses to the efforts initiated to overcome these difficulties.

(*) The trial in which 6 police officers, Ahmet Güngör, Hasan Kirman, Yavuzhan Süzer, Nazif Aktaş, Veysel Atası and Ünal Canlı, were prosecuted, started at the Beyoğlu Heavy Penal Court No.1 on 6 March 1992. The indictment requested that the 6 police officers be sentenced up to 24 years in prison under Article 442 of the Turkish Penal Code. The parents of Yücel Özen said during the hearing that their son had no health problem and that he had died due to torture. Physician Cahide Topsakal, working at Taksim First Aid Hospital, who was heard as a witness, said that Yücel Özen had been brought to the hospital by plainclothes police officers who said that “he had been beaten.”

Baki Erdoğan, who was detained by the police on 11 August 1993 in the Söke District of Aydın on allegations of being a member of the Revolutionary Left (DHKP-C) organization, became ill because of torture inflicted on him at the Aydın Security Directorate where he was interrogated, and was hospitalized on 21 August 1993. He died that night. The death of Baki Erdoğan was revealed on the morning of 23 August 1993. The official statement about the incident claimed that Baki Erdoğan had died because of respiratory system failure which occurred due to tuberculosis. Photographs and video tapes verifying the traces of torture on the body of Baki Erdoğan were publicized in a press meeting held in İzmir in September 1993. Additionally, an official complaint was lodged with the prosecution office.

Upon official complaints, the Aydın Public Prosecution Office launched an investigation against Police Director İbrahim Türedi, Security Chief Necmettin Aydın, Superintendent Abdurrahman Çetinkaya and police officers Cahit Sandıkçı, Ayhan Erdal and Ali Kumal, working at the Aydın Political Police Center, on charges of “torturing to death.” The investigation was concluded with a decision of not to prosecute. An objection raised with the Nazilli Heavy Penal Court about the decision was rejected. However, evident and numerous traces of torture on the body of Baki Erdoğan did not allow the incident to be totally covered up. Thus, a trial was launched against the security officers in question on charges of “inflicting torture.” The prosecution of the security officers started on 3 March 1994 at the Aydın Penal Court of First Instance. The defendants did not attend the hearing. The Court concluded that the case fell under the jurisdiction of penal courts, and sent the case file to the Aydın Heavy Penal Court. The prosecution of the 6 security officers started again on 13 May 1994, and sentences of 5 years in prison were sought for the defendants. Baki Erdoğan’s father Mahmut Erdoğan took the floor in the hearing and said that his son had died because of torture in detention. The security officers pleaded not guilty, and claimed that they had not tortured anybody and Baki Erdoğan had died because he had fallen ill. Some health officers of the Aydın State Hospital who testified as witnesses said that there had been signs of blows and abrasions on the body of Baki Erdoğan.

In the meantime, the decision of non-prosecution made in the investigation launched on claims of “torturing to death” was ratified by the Nazilli Heavy Penal Court. Upon this, the Ministry of Justice intervened, and referred the case file to the Supreme Court Prosecution Chief Office. The case file was examined by the Supreme Court Penal Chamber No.8 in early 1995. In the examination, it was understood that there was a contradiction between the medical report issued by the İzmir Medical Chamber and that of the Forensic Medicine Institute. Upon this, the decision of non-prosecution was lifted, and it was decided that a trial should be launched against the police officers. The trial against the security officers started on 16 May. This trial was combined with the trial launched at the Aydın Heavy Penal Court on charges of “inflicting torture.”

Other trials

The prosecution of police officers Ömer Duman and Murat Aydilek, accused of torturing Mitlik Ölmez while interrogating him at the Gayrettepe Political Police Center, when he had been detained in İstanbul on 25 July 1993, started on 10 April at the İstanbul Heavy Penal Court No.5. The indictment, which was read out in the first hearing, requested sentences up to 5 years in prison for Ömer Duman and Murat Aydilek under Article 243 of the Turkish Penal Code. Mitlik Ölmez, who took the floor in the hearing which was not attended by defendants Ömer Duman and Murat Aydilek, said that he had been paralyzed due to the torture and thus was unable to use his hands. Mitlik Ölmez’s lawyer Eren Keskin said the following in a press statement held in August 1993: “Although my client was detained on 25 July 1993, the police showed the date of detention as 29 July 1993 and interrogated him for 19 days illegally. During interrogation, Mitlik Ölmez was subjected to severe torture. Because of torture, he has difficulty in speaking. Additionally, he is

unable to use his hands.” Mıtlık Ölmez had been given a medical report from the Gebze State Hospital showing his inability to work for 20 days.

Prosecution of a police officer named Turan Binali, accused of torturing a youth named Muzaffer Karagöz in detention at the İstanbul Ümraniye Security Directorate on 22 July 1994, started at the İstanbul Üsküdar Penal Court of First Instance No.2 on 20 June. In the trial, the prosecutor asked for a prison sentence of up to 3 years for Turan Binali. Muzaffer Karagöz, who took the floor in the hearing, told the court delegation that he had been tortured by 3 police officers including Turan Binali during 15 hours in detention, and added, “They jumped on me with picks, truncheons and hose-pipes, and kicked and slapped me. After torturing me for about 1,5 hours, they tied me to radiator pipes. They spit into my mouth.” Lawyer Nadide Metin stated that 3 police officers had inflicted torture, therefore a trial should also be opened against the other two. Turan Binali, who did not attend the hearing, had said in testimony to the prosecutor during the investigation that Muzaffer Karagöz had never been detained, and that he had been threatened with detention in order to learn something about the whereabouts of his elder sister Müzey-yen Kadioğlu. Muzaffer Karagöz had been given a medical report certifying his inability to work 5 days from the Forensic Medicine Institute he had been sent to after the incident.

A trial was launched against Chief Superintendent Mahir Güney, who was accused of torturing a 13-year old child (A.S.), who had been detained on 9 November 1994 in connection with a theft at his workplace and interrogated at the İstanbul Kurtuluş Police Station. The prosecution of Mahir Güney started at the Şişli Penal Court of First Instance No.1 on July. In the first hearing, A.S. stated that Mahir Güney had beaten him, threatened him by squeezing his throat, and applied electricity to his toes. Vahit Kabakçı, Halil Yaşar and Bilal Günok, who worked at the same place with A.S. and who were detained along with him, stated that they had not been tortured, that A.S. had been taken away by the police officers and for that reason they had not seen whether or not A.S. had been tortured, but they had seen when they had been taken to the court hall that there had been bruises on the neck of A.S., and that A.S. had told them that he had been tortured. The torture inflicted on A.S. was certified with a medical report.

Dursun Sevinç (45), who is running a beer house in the Ardanuç District of Artvin, was detained on 14 February on the grounds that “he closed his beer house belatedly,” and was beaten by a superintendent at the police station where he was taken. He received a medical report certifying his inability to work for 15 days, and lodged an official complaint with the Artvin Public Prosecution Office. The official complaint was not taken into consideration until the end of the year. Protesting this situation, Dursun Sevinç stated that the superintendent who had tortured him had been responsible for perpetrating other incidents of torture elsewhere previously, and said, “Neither an investigation nor a trial was launched against the superintendent who tortured me. The prosecution office received my testimony right after the incident, and they told me that whatever necessary would be done. However, there is no progress.”

Doctors involved in torture

The presence of doctors or health personnel who refrain from determining the traces of torture, who protect the perpetrators of torture and prepare reports in order to conceal the crime committed by them, who take part in the inflicting of torture and provide the perpetrators of torture with information related to the question “how much more the victim of torture can take,” frequently came on the agenda in 1995. Certain doctors involved in torture were punished by medical chambers.

An incident which brought to public attention the doctors making efforts to protect the perpetrators of torture, took place during the first days of the year in Eskişehir. Ahmet Özçil, who had been detained in İstanbul on 25 December 1994 on the allegations of “being a member of a

gang engaged in car theft,” was handed over on 27 December 1994 to the Eskişehir Security Directorate Department of Theft in order that the investigation be extended. Interrogated here under all kinds of torture, Ahmet Özçil went into a coma 4 days after due to internal bleeding and damage to kidneys. He was brought as under life hazard to the Osmangazi University Faculty of Medicine Hospital Emergency Service at midnight and taken under treatment at the Internal Diseases Service. A medical report stated that “his life was in jeopardy due to the torture inflicted, and he suffered from an internal bleeding and kidney failure.” This report was not immediately sent to the prosecution office but kept secret for a while. Meanwhile, to conceal the incident of torture, another medical report stating that Ahmet Özçil was “in good health” was issued.

The incident of torture came out when Ahmet Özçil’s wife Canan Özçil filed an official complaint with the Eskişehir Public Prosecution Office with a petition stating that “her husband was tortured” and announced the incident to the press. As a result of the investigation launched by the Public Prosecution Office upon official complaint, a trial was launched against 7 police officers in charge at the Eskişehir Security Directorate, namely Abdullah Ateş (Department of Theft Chief), Mehmet Akif Sonel, Sedat Baş, Ali Hikmet Sakarya, Hasan Aydın, Şahabettin Doğru and İsmail Hakkı Doğan on the grounds that “they had seriously injured Ahmet Özçil under torture.” The indictment sought sentences up to 10 years in prison under Article 243 of the Turkish Penal Code for the 7 police officers. Apart from this, an investigation was launched by the TTB against the 2 doctors who had issued the medical report certifying that Ahmet Özçil was “in good health” and 4 others who had attempted to hide the report certifying that torture was inflicted. The TTB sent an inspector to Eskişehir in connection with the investigation.

Azimet Köylüoğlu, the then-State Minister responsible for human rights, went to Eskişehir upon the incidents and visited Ahmet Özçil while he was under treatment at the Osmangazi University Faculty of Medicine. Azimet Köylüoğlu then filed a written official complaint on 19 January 1995 with the Higher Education Council against the Osmangazi University Rector, certain administrators and doctors who had hidden the reports certifying that torture had been inflicted on Ahmet Özçil, on the grounds that “they had attempted to conceal the incident.” Köylüoğlu also applied to the Ministry of Justice and reported that “Eskişehir Public Prosecutor Mustafa Canpolat did not have the required control over the file on torture.”

In the period dominated by discussions on the torture inflicted on Ahmet Özçil and the ensuing developments, an article on the doctors involved in the incident of torture in Eskişehir and health personnel involved in similar incidents was published in the issue dated 28 January 1995 of the journal *Aydınlık*. The aforesaid article is as follows:

With the medical report certifying that Ahmet Özçil, who suffered from kidney failure due to torture, was in good health, the doctors’ attitude towards torture once again came to the attention of the public. There are 3 different reports issued for Ahmet Özçil by the university hospital. Whereas in the first report, the findings certifying torture were enumerated, Osmangazi University Faculty of Medicine Hospital Internal Diseases Department of Nephrology President Mehmet Soydan, upon orders by the head doctorate, annulled the first report and prepared a new one certifying that “Ahmet Özçil had not been tortured.” When Ahmet Özçil’s relatives filed an official complaint against the police, the Public Prosecution Office requested a new report from Department of Psychiatry President Cem Kaptanoğlu. With the report dated 8 January 1995 prepared by Cem Kaptanoğlu, it was determined that Ahmet Özçil had been tortured. TTB Central Council entrusted a doctor to investigate the incident. The entrusted doctor shall present the report, which would be prepared as a result of the examination to be conducted in Eskişehir, to the Eskişehir Medical Chamber.

Actually, conflicting reports on torture is nothing new. Cem Kaptanoğlu, who had certified the torture with his report in the incident of Ahmet Özçil, has conducted a research on victims of torture, entitled "The Psychological Effects of Torture." In his research conducted in collaboration with the Human Rights Association and the Human Rights Foundation of Turkey, Kaptanoğlu questions 28 people, who had applied to the association complaining of torture and who had all been detained on political grounds, on the role of the health personnel during and after torture. Two of these people responded by saying, "they did all they could," 12 said, "they were uninterested" and 10 said, "they were in collaboration with the perpetrators of torture." Cem Kaptanoğlu especially stresses that these figures cannot be translated to the number of doctors participating in torture, because 10 people might be referring to the same doctor. The TTB also has conducted studies directed at determining and exposing doctors concealing torture and approving it, starting from 1988. Again the report "Doctors Involved in Torture," prepared by a group of health personnel clearly displays the gravity of the situation.

In İstanbul, Dr. Çetin Küçükşaner, First Lieutenant Dr. Ensar Şentürk, First Lieutenant Dr. İhsan Kasapgil and Dr. Serap Karasalihoğlu wrote the same exact report for 159 different people: "No traces of beating or the usage of force have been diagnosed."

On 2 March 1991, İmran Aydın had internal bleeding due to torture and died. In the report undersigned by Prof. İbrahim Turalı, Dr. Tülay İşbaşı and Dr. Talat Yurtman, it was stated that the death that had taken place as a result of bleeding in the pancreas had been a "normal death from the medical point of view." However, İmran Aydın's lawyer, Şenal Sarıhan, continued pursuing the incident, and applied to the Ankara Medical Chamber. The Chamber re-examined the report and clearly brought to light that the death occurred under torture.

Again in Ankara, Dr. Cahide Baysal issued medical reports for 11 students, certifying that "they were in good health." The students were referred to the hospital from prison, and there they were given a second report certifying that torture was inflicted on them. In İstanbul, Dr. Uğur Tanaçan, one of the Forensic Medicine Institute Kadıköy Branch employees, stated that Halis Kargı, who had just come out of interrogation, was "in good health." In the second examination, Halis Kargı received a report certifying that "he was unable to work for 15 days."

Mehmet Ali Kılıç was picked up from home on 12 February 1981 and taken to the Security. Two hours later, he was taken to the Ankara Numune Hospital-dead on arrival. Prof. Adnan Öztürel, Prof. İbrahim Furalı and Dr. Cahide Zertürk undersigned the report on Kılıç. Whereas on the first page of the report, it was stated that Mehmet Ali Kılıç had "died at the hospital," on the second page it said, "he was brought dead to the hospital." In the report prepared for Mehmet Ali Kılıç, who, according to his family had no health problems, the diagnosis was "acute edema in the lungs." Mehmet Ali Kılıç had caught the flu in two hours, and the microbe, traveling in speed of light, had reached the lungs, according to the medical report. In the medical report dated 26 July 1981, Ataman İnce's death occurred as follows: "It may have occurred as a result of bumping himself all around..."

Hasan Hakkı Erdoğan was taken on 30 September 1984 from 1st Branch of the İstanbul Security Directorate to the Çapa Medical Faculty. It was written on the report about his death that he suffered from "chronic kidney failure, acute left heart and acute respiratory failure." Ahmet Sevim Büyükdavrim, Sacide Erden and Nevres Koylan, who had prepared the report, had not questioned the reasons for his death. Manuel Demirel, who had been killed on 24 January 1988, was declared to have died in a clash. However, along with the two bullets on Manuel Demirel's body, there were also traces of beating that had taken place due to blows with butt-ends of rifles, punching and the like. The autopsy report refrained from mentioning these traces.

Police officer Sedat Caner explained in his confessions the torture inflicted on Hamit Kaplan in detail. However, Dr. Seyfi Sahan, Dr. Cavit Evliya and Dr. Mehmet Ünal had prepared a medical report stating that Hamit Kaplan “was not tortured.”

In the medical report prepared on 17 November 1982 for Mustafa Hayrullahoğlu, who had been killed in detention, it says, “he did not have a single unbruised point on his body.” However, the first report was changed. He had died due to kidney failure, according to the new report prepared by Cahit Özen, Talha Balı Aykan, İsmail Dinç, Ertuğrul Sayın and Öznur Aykoç of the Cerrahpaşa Forensic Medicine Institute. The injuries on the body were referred to as follows: “Some of them might have taken place when the person fell down on the ground and hit the car at the time of being apprehended, and during the struggle and fight, whereas the others might have occurred before his being apprehended.” The person who ratified the medical report is the infamous Forensic Medicine Institute President Şemsi Gök. Şemsi Gök, who had not reported the serious findings of torture inflicted on Mustafa Tunç on 13 January 1981, is also the person who had constructed a scenario of suicide for Süleyman Cihan, who had been killed in interrogation on 30 July 1981. On the Forensic Medicine autopsy report issued for Süleyman Cihan, it was written that certain traces of beating had been determined. When reminded of this report, Şemsi Gök responded by saying, “On the body of a person who wears a bathing suit, certain regions are exposed to the sun, therefore there are sun-tanned spots. The person in question must have taken a sun-bath either on the beach or any other place.”

In the first report dated 21 February 1989 by the Physics Ballistics Department of the Forensic Medicine Institute related to the killing of İsmail Hakkı Adalı, Reha Şen, Fevzi Yalçın and Kemal Soğukpınar, there were mathematical determinations certifying that fire was opened from a short distance. However, in the reports issued by the aforesaid institution dated 22 December 1989 and 22 January 1991, the first determinations were altered in favor of the police.

The issuing of medical reports covering up the inflicted torture was not all of it. Certain doctors were present during the interrogations. The function of a doctor in an interrogation is to advise the torturers of the optimum level and duration of torture. For example, the doctor in charge at the Aydın Prison, Osman Özen, decided when the torture inflicted on Sedat Karaağaç should be stopped, saying, “He can take more, go on!” The supervisor of the torture inflicted on Hayri Durmuş was Dr. Erdem Gönüllü, a psychiatrist at the Diyarbakır Military Hospital. Dr. Erkan Mete was among the perpetrators of torture inflicted on Berkut Pınar and İrfan Cüre. Dr. Osman Naçaroğlu’s name was mentioned during the incidents of torture in Maraş. Such doctors would also participate in the hour of evaluation following torture. At the Samsun School of Health, the military doctor (a Major), would take a look at the prisoner brought in, covered all over with blood, and say, “There is nothing inside, and there are no traces of beating. Just cut off his hair, and let him rest for a few days.”

The doctor’s duty continues also at the prison. The prison doctors, who on paper are responsible for the treatment of prisoners, are in fact using health as a threat supporting the impositions of the prison administration. In April 1985, at the Metris Prison, prisoner Adil Can’s illness was ignored and he was not treated because he was not wearing the prison uniform. The doctor executed the administration’s orders stating, “You shall not examine the ones who refuse to wear the uniform, nor take them to the infirmary or refer them to a hospital.” As a result, Adil Can was abandoned to his death.

The doctor “examines” the prisoner from behind the iron bars, and determines the diagnosis from there. This is called “loop-hole examination.” In Metris, each ward had 3 loop-holes having the dimensions of 20x40 cm, and each consisted of iron bars. As a result of the examination performed on İsmet Taş, nothing serious was diagnosed and he lost his life due to the lack of

immediate intervention at the time his condition had worsened. The doctor in charge then diagnosed Hüseyin Aydın's stomach cancer as a "psychosomatic illness." The same doctor did not feel the need to refer Ahmet Çetin, suffering from kidney failure, to a hospital. Consequently, both prisoners died. Falling into a serious depression, Hakkı Hocaoğlu was driven to suicide as supervision by a doctor was not stated as necessary after examination in the infirmary or in hospital. Although while Garbis Altinoğlu served his sentence at the Sinop Prison, it was required that he be examined every 6 months, Sinop State Hospital Internal Diseases Specialist Dr. Ömer Dönderici prepared a report stating that he should be confined in a cell.

In the report published in September 1992, TTB Practitioners Commission stated that doctors in charge at the East and Southeast were under pressure of the police. The Commission declared that reports on autopsies performed in cities in the aforesaid region were prepared under the direct influence of the security authorities and that, therefore, they were far from being reliable. Since the situation was like this, some doctors want to keep their contributions as secret as possible, and refrain from undersigning reports.

We are informed by the statement by the New York Bar Human Rights Committee that Cem Ali Temuçin had been taken to hospital when his situation grew grave. Even Dr. Cahide Baysal, infamous for concealing torture, protested the relaxed attitude of the police officers. Dr. Baysal scolded, "Why have you brought him this soon, the wounds are still there, they have not healed yet." But despite all, she issued a report stating that Cem Ali Temuçin had not been ill-treated and that there were no traces of wounds on his body.

Captain Dr. Metin Denli of the Mamak Prison during the period of 12 March 1971, is another good example how doctors participate in covering up torture by the police. Upon complaints to the Ankara Medical Chamber by prisoners' relatives, Dr. Denli was suspended from duty 3 times. As a result, he was transferred in 1974 from Mamak to Gülhane. Hayrettin Doğan and Hanefi Özdemir were detained in Ankara on charges of smuggling. Although they were savagely tortured, Yenimahalle State Doctor Güngör Kaynak prepared reports stating that each of them were in good health. When the incident came to the surface, Dr. Güngör Kaynak was suspended from duty. As a result, he was exiled to Kastamonu, but the penalty was not carried out for he somehow found his way back to his usual office.

Prof. Dr. Kemal Balcı, the President of the Interior Diseases Department of the Dicle University Medical Faculty, made a statement for the newspaper Güneş on 19 November 1987, and enumerated examples of the practices in Uruguay, Iraq, Chile and Argentina. In these countries, US patented "sodium pentothal" injection was used during torture. Kemal Balcı provides detailed information: "Certain methods of torture such as beating with sandbags, truncheons and iron clubs, and giving electric shocks cause deterioration in the body, and may even result in death. The US has developed a medicine called "sodium pentothal." After injection, the person is devoid of the power of self-control. A tolerant spirit emerges, the person remembers the incidents and tells it without any judgment..."

İstanbul Medical Chamber Honorary Board punished Taner Apaydın, a doctor in charge at the İstanbul Forensic Medicine Institute who had been involved in certain incidents of torture, by suspending him from duty for 6 months under Articles 2, 6 and 7 of the Medical Deontology Regulation. He was charged with "concealing torture by preparing reports certifying Ahmet Aygün, Hasan Demir, Ahmet Tamer, Ercan San, Rıdvan Kara, Erol Kaplan, Fatma Günay, Nuriye Artundal and Yahya Dündar, who had in fact been tortured, were in good health." In the decision made on 15 June by the Honorary Board consisting of Nükhet Tüzün, Rezzan Tuncay, Şükür Erkurt, Nüvit Duraker and Taner Gören, it was stated that the reports issued by Taner Apaydın were not in accordance with the circular by the Ministry of Health related to the report preparation

techniques and the preparation of forensic reports. The decision especially stressed the situation of complainant Ahmet Tamer, and said, “Though no traumatic changes on the body were described in the examination of Ahmet Tamer on 2 May 1994 by Taner Apaydın, in the medical report dated 6 May 1994 prepared by Eyüp Forensic Medicine Institute Specialist Rem-zi Şendil, healed wounds with scabs were found on various parts of the body. As it is impossible for traumatic changes to the body, which have taken place during the previous 4 days, to have completed the healing process, they should also have been found during the first examination.”

On the days when Taner Apaydın was punished, it came out that Dr. Ahmet Sadi Çağdır, in charge at the İstanbul Sultanahmet Department Directorate, also issued reports stating that people who had in fact been tortured were in good health. On 9 April, Ahmet Sadi Çağdır prepared medical reports stating that “no visible findings of torture were diagnosed” on the bodies of 20 people who had been referred to the Forensic Medicine Institute after being interrogated at the Political Police Center. Nine of these 20 people, who objected to this decision and were referred to the Eyüp Forensic Medicine Institute to be re-examined, received medical reports certifying their inability to work for a total of 41 days. As a result of this, lawyers Ahmet Düzgün Yüksel, Metin Narin, Zeynep Fırat and Mustafa Çoban applied to the İstanbul Medical Chamber and filed an official complaint against Ahmet Sadi Çağdır.

An official complaint was filed on 14 November against Dr. Nur Birgen in charge at the İstanbul Beyoğlu Forensic Medicine Institute on charges that “she had prepared fake medical reports as a way to conceal the torture inflicted on certain detainees.” In the official complaint filed with the İstanbul Medical Chamber, it was stated that Nur Birgen had issued medical reports certifying Mahir Karaçam, Bülent Güzel, Barış Arslan, Gülsare Akkuş, Fikret Korkmaz, Tekin İme and Aşur Tavşan, who had been detained on 13 July and kept in detention for 5 days, were “in good health” despite the concrete traces of blows on their bodies. The official complaint recorded that the report was dated “18 July 1995,” and stated that the injuries and traces of blows on bodies of the 7 people were clearly determined at the İstanbul SSC Forensic Medicine where they were taken to on 19 July, and that a medical report certifying this was issued. The official complaint stressed that Nur Birgen had also previously prepared reports concealing the incidents of torture, and requested that she be “suspended from duty.”

Müslüm Yalçın and Sinan Tepe, who had been caught wounded in a clash that had taken place during a robbery on 2 November in İstanbul Bahçelievler, were psychologically and physically tortured at the Bezmialem Valide Sultan Guraba Hospital where they had been taken to for treatment. In the statement made at the İstanbul Medical Chamber on 29 November by relatives of Müslüm Yalçın and Sinan Tepe, it was stated that the attendants for the patients had attacked and insulted Müslüm Yalçın and that they had laid Sinan Tepe, who had been detained and had sustained a wound to the head, down on the stretcher by pulling his hair. In the statement it was recorded that Müslüm Yalçın and Sinan Tepe had first been taken to the Political Police Center and then to the hospital.

International reactions

Because of the incidents of torture, Turkey was frequently condemned on international platforms. Reports of independent human rights organizations such as Amnesty International, Human Rights Watch/Helsinki and International Federation for Human Rights indicated the systematic practice of torture in Turkey. Political powers denied these reports and referred to the human rights organizations as “evil-minded,” instead of making efforts to improve the situation indicated in the reports and to prevent torture. Cases of torture in Turkey have also been examined by some international organizations carrying out research in accordance with international conventions. Within this context, the report sent to Turkey by the European Committee for Prev-

ention of Torture (CPT) in February stated that torture was systematically applied in Turkey, and that the proposals and warnings of the Committee in the previous years (*) were not abided by. Certain points underscored in the report, which was not made public, are as follows:

- At the police stations, the detainees are not regularly registered.
- Detainees and those who have been released are not taken under regular medical examination at the outset of detention and after being released. The case is the same for people who are released after having been arrested. Regular medical control plays an important role in the prevention of torture.
- We have visited a prison that a prisoner had complained about, stating that torture was inflicted. However, it was determined that the wing, in which the prisoner had reportedly been tortured, was emptied, no one was found to speak with. These implementations are suspicious.
- Instruments used for torture were seen at certain police stations. We found a magnetic telephone on a table at a police station, which was described by a detainee down to the color of its cable and stated that it had been used for torture.
- The circular sent to police stations and prisons by the Prime Minister, requesting that torture should be prevented and instruments of torture should be seized, is welcomed.
- The Committee will again visit Turkey in order to investigate the claims. Serious precautions and measures are necessary for the total abolition of torture.

The report was on the agenda in the meeting of the National Security Council in April, during which interesting discussions were witnessed. Strongly reacting against the report, Mehmet Ađar, the then-Security General Director, and General Aydın İlter, the General Commander of Gendarmerie, maintained that torture claims were not true. Aydın İlter stated that the claims were made by separatists and terrorist organizations in order to denigrate the country. Mehmet Ađar reacted against the report's finding that "instruments of torture were found at the police stations," by saying, "There is no torture; it is not inflicted. Certain foreign powers, terrorist organizations and separatists make these claims in order to denigrate the country. We knew beforehand which police stations would be visited. Is it convincing that instruments of torture had been found in these stations?" President Süleyman Demirel interrupted the speech by Mehmet Ađar, and said, "These claims should end. We are dealing with these for years. Torture is not eliminated by saying 'There is no torture.' Leave them aside. Find a concrete solution. These claims should not be made again."

Turkey, which is concerned about the criticisms by international human rights organizations regarding torture, was also troubled with individual applications made to the European Human Rights Commission. Moreover, sometimes Turkey had to accept making compensation to torture victims. For example, the European Human Rights Commission made a decision on 2 March on the applications lodged by the 3 people namely Hüseyin Demir (the SHP İdil District Chairperson), Faik Kaplan (correspondent for the newspaper Hürriyet) and Şükrü Susin, who had been kept under detention for a while in the İdil District of Şırnak at the beginning of 1993. The Commission deemed fair the applications by the 3 people, and concluded that Turkey should pay

(*) The report, which was released by the CPT in December 1992, stated that it had been determined as a result of the investigations carried out in 1990, 1991 and 1992 that both the ordinary and the political offenders were tortured. This report was the first text that the CPT made public using its authority based on Article 10 of the Convention for the Prevention of Torture in Europe. The CPT also made an investigation in Turkey in October 1994, and visited the security directorates, and some police and gendarmerie stations in İstanbul, Ankara, Konya, Adana and Diyarbakır. They met with numerous people who were kept in custody at that moment, and listened to the statements of these people in connection with torture cases.

compensation to the plaintiffs and make the necessary legal amendments to put an end to implementation of a long detention period. The Commission gave a notice to Turkey to fulfill these by 20 April 1995. Lawyer Hasip Kaplan, who undertook the defense of the applicants, stated that the problem would be solved if the detention period was decreased to meet the European standards and they would refer the case to the European Human Rights Council unless an agreement was reached regarding the amount of the compensation to be paid.

The European Human Rights Court reached a decision on 8 March on the application made by Nihat Sargin and Haydar Kutlu, the leaders of the United Communist Party of Turkey (TBKP) which was closed down by the Constitutional Court. It was decided that Turkey should pay TL 520 million (65,000 French Francs) to each of the applicants. In their appeal to the European Human Rights Commission, Haydar Kutlu and Nihat Sargin stated that they had been detained arbitrarily and for a long period of time after they had come back to Turkey in 1987, and that the duration of the prosecution had been prolonged, and maintained that Turkey had violated the international human rights conventions. The Commission had found their application admissible, and the case file had been referred to the European Human Rights Court. Additionally, Haydar Kutlu and Nihat Sargin had previously lodged an appeal against Turkey with the European Human Rights Commission, stating that they had been ill-treated in detention. After the examination of this appeal, the Commission had decided that Turkey had violated their human rights. As a result of the decision, Turkey had agreed to pay compensation of 100,000 French Francs (TL 1 billion 316 million according to the exchange rates at that time) each for Haydar Kutlu and Nihat Sargin.

c)- Deaths in detention and prisons

In 1995, a total of **19** people died in detention (16) and in prisons (3) due to torture or under suspicious circumstances. Four of the deaths were witnessed in the State of Emergency Region, others in İzmir (4), İstanbul (4), Ankara (2), Mersin, Çorum, Gaziantep, Elazığ and Kastamonu. (According to the HRFT's determinations, a total of 12 people died in detention or prisons in 1990, 21 people in 1991, 17 people in 1992, 29 people in 1993, and 34 people in 1994). Additionally, in 1995, **9** people died because of illnesses due to torture or medical negligence and failure to hospitalize on time.

The information compiled by the HRFT regarding the deaths in detention or in prisons in 1995 is as follows:

01)- Abdullah Eren

A worker named Abdullah Eren, who was detained by security officers raiding the coal pits in Şırnak on 20 January, was found dead between Kızıltepe and Nusaybin on 25 January. Signs of torture and bullet wounds were found on his body. Relatives of Abdullah Eren said the following about the incident: "We searched for him for 5 days after his detention, but we were not able to find him. Some drivers had seen his dead body, thus we learnt about his death. Then we brought his dead body to Şırnak. Abdullah had been detained several times before. Occasionally, they even kept waiting at his house till he came. They killed him under torture."

02)- Nurettin Toluk

Nurettin Toluk, who had been taken to a police station in order to be heard as a witness on 16 March in the Kadifekale Quarter of İzmir and no information about him could be obtained later on, was learnt to have been killed. Nurettin Toluk was reportedly found severely wounded near a railway in the vicinity of the Hilal Bridge and died at the Yeşilyurt State Hospital the next day. The autopsy performed on 20 March on Nurettin Toluk, whose corpse was brought as an "unidentified person" to the morgue of the Ege University Faculty of Medicine, revealed that there were "traces of blows on the body" and that "intracranial bleeding due to general trauma on the body had

caused his death.” The reports prepared by the police on the incident claimed that Nurettin Toluk had died because “a train hit him.” Meanwhile, attempts made by his relatives to find him failed for a long time. Lawyer Gül Kireçkaya lodged an official complaint with the İzmir Public Prosecution Office on 30 March against the police officers who had taken him to the police station. She applied on 3 May to the Bornova Public Prosecution Office in order to “examine the reports of the institute of forensic medicine,” but these attempts also failed. The circumstances of his death became clear at the beginning of December, after his son Bülent Toluk examined the morgue records. Bülent Toluk identified his father among the pictures taken at the morgue. Bülent Toluk said the following:

“My home address had been reported to the police due to a dispute between me and the headman of the Güzelyalı Quarter. At that time, my father had fallen down the stairs. Then the neighbors had informed the police, and the police had come and taken him. This event took place on 16 March. I called the police station immediately. They said, ‘Come and take your father from the station.’ I didn’t go to the police station because I was wanted. Instead I sent a neighbor to the police station. However, they had said that my father had not been there. I called the police station on 17 March again. They told me to surrender, and told me that I would not be able to speak to my father. Meanwhile, I applied to the İHD İzmir Branch. The İHD staff were concerned about the event. I called the police station again. When I asked them ‘Have you killed my father?’, a police officer, who disclosed his name as ‘Recep Yıldırım,’ replied, ‘Try and find him, but it will be difficult.’ He was laughing when he said these words. Twenty days later, the police had carried out a search at our house in Kadifekale. They had opened the door with the help of a locksmith. They had taken away my father’s identity card, a calendar on the wall with pictures of Deniz Gezmiş and Yusuf Aslan, and a gold bracelet that belonged to my brother. As it was reported in the autopsy report, there were bruises on the body and fractures of the bones. It is understood that he had intracranial bleeding due to blows. The train operator says that he did not hit him, and he had thought when he had gotten off the train to look at him that “he might have been beaten.” Additionally, the autopsy report confirms the testimony of the train operator. Because, the report says that some of the wounds recovered. The claim of the prosecutor is not true. The autopsy report states that my father did not die from being hit by a train, but that fractures, breaks and intracranial bleeding because of blows had caused the death. My father’s body had been categorized as an unidentified person. However, his ID card had been taken from our house on 30 or 31 March. In spite of this, my father had been registered to the hospital and the morgue as an unidentified person. The Public Prosecution Office has not replied to any of our applications. They did not search for my father as they tried to cover up the case.”

03)- Ataç Kurutürk (22)

A youth named Ataç Kurutürk, who was detained on 31 March and taken to the İstanbul Bağcılar 100. Yıl Police Station on allegations of “molestation,” was soon taken to hospital for being shot in the head. It was claimed that Ataç Kurutürk, who died after he was taken to the hospital, had “committed suicide during his interrogation, by using a gun belonging to one of the police officers in the police station.”

04)- Ali Yılmaz (52)

Ali Yılmaz, who was kept in detention at the Ankara Sıteler Selahattin Doğan Police Station between 10 and 14 May on accusations of “swindling,” and whose condition deteriorated after being released, died at the Ankara Numune Hospital on 27 May. His wife İsmihan Yılmaz stated that he had died due to torture inflicted on him, and said, “Some people had made a complaint against my husband because he did not pay the money of the sheep he had bought. As a result of this, he was detained on 10 May. At the police station where he had been taken, he had been continuously beaten by a superintendent, who is the chief of the police station. The same superintendent also kicked and ousted us when we went to the police station in order to give some

food to my husband. My husband was released 5 days later. His condition was very serious when he came back home. There were bruises on his body. He was constantly complaining, saying ‘I have a headache, I have a stomachache.’ We took him to hospital when his condition deteriorated. Nevertheless, the efforts of the doctors were not sufficient to keep him alive.” How-ever, the authorities of the police station in which Ali Yılmaz was kept in detention, denied the claims of torture, saying, “Before being released, Ali Yılmaz was examined at the Forensic Medicine Institute and issued a medical report showing his health was good. He was an old man. Had he died, he might have died a natural death.” Ankara Public Prosecution Office launched an investigation concerning his death. Meanwhile, an autopsy was performed on Ali Yılmaz on 29 May. The autopsy report stated that the reason for death was “failure of the respiratory and blood circulation systems due to a heart attack.” It added that there had been no bruises on the body, but the heart had been enlarged and shifted. Upon this, some biopsies taken from the body were sent to the İstanbul Forensic Medicine Institute in order that the reason of death be exactly determined. No result could be obtained from the investigation.

05)- Halil Akça (34)

A worker named Halil Akça, who was detained by the police in connection with a traffic accident in Kastamonu, and whose condition deteriorated after being released, lost his life. It was revealed that Halil Akça had been detained on 1 July, and released on 2 July, had been hospitalized as soon as he was released, and had died on 3 July on the road to Ankara for medical treatment. Prior to his death, Halil Akça said to his relatives that he had been tortured in custody at the Kastamonu Security Directorate and his situation had deteriorated for this reason. The body of Halil Akça was brought in front of the Kastamonu Security Directorate by about 500-600 people on July 3rd. The group, who managed to pass across the police barricade and come in front of the building of the Security Directorate, stoned the building and destroyed some police vehicles. During the incident, the Kastamonu Deputy Security Director was injured as he was beaten. The group calmed down when the district chairpersons of the CHP and DSP intervened. In the meantime, 15 people were detained. Halil Akça was buried in the Açıkkarın Village of Kastamonu on 4 July. The Kastamonu Public Prosecution Office launched an investigation in connection with the incident.

06)- Sinan Demirbaş (23)

Sinan Demirbaş, who was detained in Elazığ by the police on 7 July on claims of “being a member of TİKKO,” died at about 05.00 a.m. on 21 July. The police authorities, in a statement they made to the Anatolia News Agency, alleged that “Sinan Demirbaş was injured because he hit his head against the walls in his cell in detention, and fell down the stairs while trying to escape from the hospital he was brought to.” On the other hand, in the statement made by the Elazığ Governorate, it was claimed, “Sinan Demirbaş was hospitalized after his suicide attempt, and died there in spite of medical intervention.” Sinan Demirbaş was buried on the night of 21 July in Elazığ with a funeral held under police control. Only the close relatives were permitted to attend the funeral. Prior to the funeral, Elazığ Governor Mehmet Cansever asked journalists not to write about the death of Sinan Demirbaş.

Hüseyin Demirbaş, the father of Sinan Demirbaş, said that they had learnt about the death when they had been expecting that he would be brought before a judge, and continued “I saw my son before he was buried. There was a deep scar on the head caused by torture. His arms were full of cigarette burns. I wanted the autopsy report from the prosecutor. But they did not show it to me. Then I wanted to meet with the neurosurgeon named Ömer Aydın, who attended the autopsy. The meeting was prevented. They told me that the doctor was on vacation. My son died as a result of torture by the police. All the official statements aim to conceal this fact. They are merely preparing stories to find a legal justification for the death of my son.” Hüseyin Demirbaş subsequently

lodged an official complaint with the Elazığ Public Prosecution Office. In the petition he submitted to the prosecution office, he noted that his son had been killed due to torture inflicted on him at the Elazığ Political Police Center called “1800 Houses (1800 Evler),” and that the autopsy was inadequate, therefore his son’s grave should be disinterred and a new autopsy should be conducted. Consequent to the investigation launched by the Elazığ Public Prosecution Office upon the official complaint, a trial was launched against 8 security officials on accusations of “torturing Sinan Demirbaş to death.” The indictment sought prison sentences of no less than 10 years in prison against the 8 security officers, including Erdoğan İnan, the Elazığ Political Police Director, under Articles 448 and 463 of the Turkish Penal Code. Additionally, the grave of Sinan Demirbaş was disinterred and his body was sent to the İstanbul Forensic Medicine Institute for the second autopsy, which was conducted on 21 August. Gülizar Tuncer, the lawyer of the father of Sinan Demirbaş, was not permitted to attend the autopsy. As a result of the autopsy, cigarette burns were determined on the body. The trial launched against the 8 security officers started at the Elazığ Heavy Penal Court No.1 on 20 October. (*) The inter-vening lawyers who took the floor requested that the security officials under prosecution should be arrested. However, this request was not accepted by the court. Taking the floor during the hearing, the intervening lawyers requested that the defendant security officers should be arrested, but this request was rejected by the court board.

07)- Ali Haydar Efe (31)

Ali Haydar Efe, who was detained on 10 August in connection with a theft in the Gaziosmanpaşa Quarter of Ankara and taken to the Ankara Security Directorate, died in police custody. Ali Haydar Efe, who was interrogated at the Theft Department of the Security Directorate after being detained, was taken severely wounded to the Emergency Service of the Ankara Numune Hospital at about 11.30 a.m. on 11 August. In spite of medical intervention, he died after a short time. The police authorities claimed that he had committed suicide by jumping from the 3rd floor at about 04.00 a.m. on 11 August. The following was said in the statement: “Ali Haydar Efe went out of the corridor in order to go to the toilet and headed to a room the door of which was open. Then he jumped through iron fences.” However, the autopsy revealed that he had died because of respiratory and circulatory failure. In the meantime, Müslüm Efe, who was detained together with his elder brother Ali Haydar Efe, said that he and his brother had been subjected to heavy torture in detention. Stating that he was detained 3 hours after his elder brother’s detention, Müslüm Efe said the following: “We were subjected to every kind of torture, including suspension on a hanger, electric shocks, beating and sexual abuse with a club. On the evening of 11 August they took my brother under interrogation again. I listened to my brother’s screams for a long time. They were giving electric shocks. Later, his screams stopped.” Before being released, Müslüm Efe was taken to the Forensic Medicine Institution and there he was given a medical report verifying signs of torture on his body and his inability to work for 3 days.

(*) During the period when the trial started, the then-Minister of Interior Affairs Nahit Menteşe answered a parliamentary query, insisting on the official thesis that “Sinan Demirbaş had committed suicide.” Nahit Menteşe, who maintained with certainty that Sinan Demirbaş was a member of an illegal organization, said, “The Public Prosecution Office stated that the signs on the body of Sinan Demirbaş had occurred as he had hit his head and certain parts of the body against the walls in the cell he was confined.”

08)- Safyettin Tepe

Safyettin Tepe, the reporter for the newspaper Yeni Politika in Batman, who was detained by police on 22 August in Batman, (***) died on 29 August at the Bitlis Security Directorate where he was interrogated. Police authorities claimed, "Safyettin Tepe committed suicide by hanging himself from the iron bar of the door embrasure in his cell." Safyettin Tepe's brother Tayyip Tepe, who saw the body at the Bitlis State Hospital Morgue, said, "I saw traces of strangling on his neck that I thought were caused by hand. If he was strangled, this was not a suicide, but a murder." Tayyip Tepe, stating that he suspected a police officer named "Şükrü" in charge at the Bitlis Security Directorate, said this police officer had often uttered words such as "I shall not leave Bitlis without exterminating the Tepe family," and that he was also threatened 2 or 3 times by this police officer. Lawyer Talat Tepe, the uncle of Safyettin Tepe, held a press conference in İstanbul on 8 September. He said that his nephew had been hanged after having been killed under torture, and the police had attempted to pass off the incident as a suicide. He added that no findings that should be detected in a suicide case were reported in the autopsy documents, and said: "Marks such as rupture of some neck muscles and echimoses, which should certainly be found in the autopsy conducted on a body of a man who died by hanging, were not mentioned in the report. Nor were a rupture in the carotis arteri and bleeding in the soft tissue in the neck under the line of hanging documented in the report, which would have supported a claim of death by hanging. Almost 40 days ago I myself was also put into the cell in which Safyettin was killed. The door of the cell is about 1.80 meters high, same as Safyettin. The loophole to which he was claimed to have hung himself is 1 meter high. And this proves the murder case was covered up by fabricating suicide." He stated that a new autopsy should be performed on Safyettin Tepe under the observation of a neutral delegation, and requested that the grave should be disinterred and the body should be sent to İstanbul Forensic Medicine Institute for examination.

09)- Şaban Erkol (24)

A guardian named Şaban Erkol, who was detained by the police on the evening of 12 September on charges of bringing drugs into the İstanbul Bayrampaşa Prison, was found dead in a cell at the İstanbul Security Directorate Narcotics Branch at about 04.30 a.m. on 17 September. Police authorities stated that Şaban Erkol had committed suicide by hanging himself from the iron fence above the door of the cell. In the statement it was alleged that the belt that he had used to hang himself had been brought to Şaban Erkol by one of his visitors. Şaban Erkol's father Kazım Erkol stated that he did not believe that his son had committed suicide, and he said the following: "My son was enjoying life. His crime was not so heavy to lead to suicide. After he had been detained, they did not allow us, our lawyer and even police officers whom we know, to see him. My son was a victim of a big plot. How did he find the belt? A belt of a person in detention is taken, isn't it? They killed him in order to prevent him from telling the facts." The Fatih Public Prosecution Office launched an investigation concerning the incident, and an autopsy was performed on the body. The preliminary report prepared by the Cerrahpaşa Forensic Medicine Institute stated that "there was no trace of blows and marks of torture, only a trace of hanging was found on the neck." In the meantime, prison officers Fesih Güven and Selman Keti who were detained together with Şaban Erkol, were arrested on 18 September. After being arrested, Fesih Güven said to journalists that he had been tortured under police custody.

(**) Safyettin Tepe was in Batman together with Ramazan Ötünç, the Batman Representative of the newspaper Yeni Politika, and Aydın Bolkan, a reporter for the same publication. Ramazan Ötünç and Aydın Bolkan were released on 22 August, but Safyettin Tepe was sent to Bitlis on 26 August for interrogation. Safyettin Tepe's cousin Ferhat Tepe (Bitlis reporter for the closed down newspaper Özgür Gündem) had been abducted by unknown people in Bitlis on 28 July 1993 and found dead on the shore of Hazar Lake in the vicinity of the Sivrice District of Elazığ on 3 August 1993.

Oktay Ekşi, the chief columnist of the Hürriyet newspaper, mentioned the death of Şaban Erkol in his article published in the 20 September 1995 issue of the newspaper. An excerpt from the article entitled “**Corruption...**” is as follows:

It has been said that Fesih Güven, the 2nd Director of the Bayrampaşa Prison, was caught red-handed on September 12th when he was going out of the prison with 2 unlicensed guns, a GSM telephone, and about DM 3000 currency, and Şaban Erkol, one of the two guardians who were caught up on claims of collaborating with him, had hung himself with a belt in a cell of the “Narcotics Branch” of the Security...

What is most appalling is that another defendant had been put into custody. But this late-comer had been sleeping when the man beside him had committed suicide, though one detainee in the opposite cell had seen the event and even shouted for help. However, there should have been nothing to be done when the other had hung himself up and died.

Do you believe this story?

It is obvious that they had merely killed the man to silence him...

First of all, is there anybody who does not know that a “belt” cannot be taken into custody? Again, is there anybody who does not know that the detainees and cells should in any case frequently be checked so that such an event would not take place?

10)- Ahmet Ertem

After the deaths of 5 soldiers in a clash that broke out between PKK militants and security forces in the vicinity of the Araz Village in the Gürpınar District of Van on 20 September, a village guard named Ahmet Ertem was detained on the claim of “being negligent,” and lost his life in detention. His death brought fear among the village guards in the region and some village guards quit and migrated.

11)- Uğur Sarıaslan

12)- Yusuf Bağ

13)- Turan Kılınç

The roll-call prevention protest by arrested political prisoners in the İzmir Buca Closed Prison, which started on 19 September to protest certain practices in prison, was repressed with a bloody operation on 21 September. During the incidents 3 prisoners named Uğur Sarıaslan, Yusuf Bağ and Turan Kılınç died and 58 prisoners were injured. The autopsy performed on the prisoners who had been killed revealed that all three had died because of brain hemorrhage and internal bleeding due to beating. (Detailed information is on page 297 and the following pages.)

14)- Sebahattin Karlatlı (32)

A person named Sebahattin Karlatlı, who fell down stairs and was injured in the Haydarpaşa Quarter of İstanbul on midnight of 27 October and who was taken to the Hasanpaşa Police Station, lost his life due to carelessness of the police. According to witnesses, Sebahattin Karlatlı was found unconscious by his neighbors on the bottom of the stairs in the building where he lived. He was taken to the Hasanpaşa Police Station when the police were informed, but no information could be received about him after that. He was found dead at about 07.30 a.m. on 28 October in front of a car repair shop on the Bahçe Street in the Fikirtepe Sanayi Sitesi Quarter. Lawyer Serap Kaya, who maintained that he died because the police were negligent in performing their duty, said, “The police officers in charge at the police station told me that they kept him waiting for 2 hours in the station, and released him after he had gained consciousness. They had treated him as if he was drunken. The police who were on duty on that night were negligent. Since my client was living alone, his neighbors had wanted to help him and called the police. However, the police had kept an injured person waiting at the police station instead of taking him to a hospital, and then

they had sent him back to his home, thinking ‘he had gained consciousness.’ They had not even registered him. Even in their own words they accepted their fault.” In the report of the preliminary autopsy performed on Sebahattin Karlatlı, it was recorded that the reason for death was a “fracture to the skull and intracranial bleeding due to a trauma on the head” and the death time was “5 hours before the body was found.”

15)- Mustafa Akbulut

Mustafa Akbulut, who was detained along with his sons Müslüm Akbulut, Mehmet Akbulut, and with İsmail Köklü, Kara Köklü and Hacı Ateş by gendarmes on 23 November in the Hisar Hamlet of the Pagir Village of Araban District of Gaziantep, died in detention. The news about the death of Mustafa Akbulut, who was said to be “mentally handicapped,” was communicated to his family on 26 November. As a result of this incident, his relatives applied to the İHD Gaziantep Branch, requesting help and attempts for a precise autopsy. Upon the death of Mustafa Akbulut, those who were detained along with him were released even without being sent to the prosecution office. The people who were released disclosed that they were tortured in detention.

16)- Zehra Baysal (52)

A woman named Zehra Baysal, who was detained by the police in charge at the narcotics branch raiding her house in the Kasımpaşa İstiklal Quarter of İstanbul on 6 December, and who was arrested later on, lost her life on 15 December. She died at the Bakırköy State Hospital, and was buried on 21 December. After her body was taken from the Forensic Medicine Institute Morgue, the coffin was opened, and traces and bruises on her body were shown to journalists. Her daughter Badi Baysal, who witnessed her mother’s detention, made a statement and said, “The police suddenly attacked my mother and swore at her. A police officer was hitting her on the head with a radio. I told them she had a cardiac problem, and asked them not to beat her. A female police officer attacked me. They beat my mother in the vehicle.” Çimen Baysal, one of the relatives of Zehra Baysal who also was detained along with her on the same day, stated that both she and Zehra Baysal were tortured in detention. She said, “When they brought my sister-in-law, she was wet and had no clothes on her. She told me that she had been beaten. There were signs of kicks and blows from clubs on her chin, shoulders, back, and chest. Then they put us apart as our surnames were the same.” Zehra Baysal’s son Sadrettin Baysal said that his mother had been kept in detention for 2 days, and then arrested and sent to the Bayrampaşa Prison. He stated that he wanted to visit his mother in prison the day after her arrest, but they told him his mother had been taken to the Bakırköy State Hospital for she was sick. He said that he immediately went to hospital upon this, and added: “My mother was in intensive care in the neurology service. At first they did not allow me to see her. Later they showed her behind the glass. There were gendarmes waiting beside her. My mother pointed out her head, when she saw me. Then I left the hospital. One of our relatives was in prison. Her daughter had visited her. This girl brought us the news about the death of my mother. Having received the news, I went to the prison. They told me her body was at the Forensic Medicine Morgue. When I went to the Forensic Medicine Institute, they told me ‘The body of a person named Zehra Baysal is not here.’ They had recorded my mother as an unidentified person. Upon this I applied to the İHD İstanbul Branch. I went to the Forensic Medicine Institute again, this time along with the lawyers of the association, named Mercan Güçlü and Gülizar Tuncer. Here, we identified the body referred as ‘unidentified.’ There were bruises on the face and body of my mother. I saw a crack in her head.”

17)- Halil Yiğit

A person named Halil Yiğit, on his way from Mersin to Şırnak, was taken out of a bus and detained by plainclothes officers conducting a road control at the entrance of Urfa on 1 December. Halil Yiğit was found dead on 19 December. His father Mehmet Yiğit stated that his son, who made his living by selling clothes in Mersin, had been killed in detention, and continued, “The

bus driver, Hacı Mecit, reported to me that the police had detained my son saying ‘Whoever is sitting in the 36th seat, get off the bus’ during the control at about 03.00 a.m. Hearing this, I applied to the Urfa Security Directorate. An official told me, ‘We took your son upon a denunciation and released him on the same day at 03.00 p.m.’ He also showed me a document undersigned by my son, certifying his release. Then I applied to the Urfa and Cizre Public Prosecution Offices, but obtained no result. On 19 December, the Urfa Security Directorate made a telephone call to me, and they told that my son had been found dead. The police say they released him on the same day, but it is impossible for one who is detained upon a denunciation to be released on the same day.”

18)- Abdülmenaf Zengin

Abdülmenaf Zengin, who was detained by police officers raiding a house where he was a guest in the Afetevleri Quarter of Mersin on the evening of 18 December, died in detention. It was learnt that Abdülmenaf Zengin had died on 21 December and his body had been taken to the Mersin State Hospital Morgue on the same day by the police officers. The death of Abdülmenaf Zengin was kept secret from his relatives until the evening of 24 December. In a statement made by the police authorities about the incident, it was alleged, “Taking advantage of the darkness of the night, Abdülmenaf Zengin had run away, handcuffed, in the field where he had been taken to show the guns that he had hidden. His corpse had been found shortly afterwards in the vicinity of the place where he had run away.” Ömer Zengin, the father of Abdülmenaf Zengin, stated that torture inflicted on his son had caused the death and there was an attempt to cover up the incident by passing it off as a suicide, and that there were traces of blows and cigarette burns all over the body of his son.

İHD Chairperson Akın Birdal stated that the police statement and the autopsy report that had been prepared in line with the statement did not reflect the truth. Lawyer Hamza Yılmaz, the İHD Mersin Branch Chairperson, stated that he had met in prison with people who had been detained along with Abdülmenaf Zengin and who had been arrested later on, and said, “I met with Nurettin Yekta, Abdülhalim Kaplan, Abuzer Şimşek and Sıddık Oran who were arrested and were kept in the Mersin E Type Prison. These people told me that they and Abdülmenaf Zengin had been tortured.”

19)- Selim Gezer

In Çorum, a person named Selim Gezer, who was detained and taken to the Çarşı Police Station on 24 December because of a dispute with a watchman who prevented him from getting into a brothel, lost his life in detention. In the official statement, it was claimed that Selim Gezer had committed suicide in the cell using his own jacket at about 03.00 a.m., after he returned from the hospital where he had been taken for an alcohol test. His mother Gürcü Gezer stated that her son had previously been detained, and that he had said, showing his hands swollen due to beating 2 days before his death, “Public Order Branch Director Hayati Uzun is beating me whenever he takes me to the station.” She said, “I also went to the police station during his last detention. I waited beside him till 02.00 a.m. They called us in the morning and invited us to the station. When we got there they said that Selim had committed suicide.” The cell in which he committed suicide was demolished on the grounds that “a new one would be built.” In the mean-time, the watchman who had quarreled with Selim Gezer was assigned somewhere else.

Deaths because of medical negligence or illnesses due to torture

01)- Orhan Tanrikulu	21 March 1995	Diyarbakır Prison	Political
02)- M. Salih Işık	28 April 1995	İzmir Buca Prison	Political
03)- Ayhan Işık (25)	05 June 1995	İstanbul Beylerbeyi Police Station	Ordinary
04)- Hakan Anterli	15 June 1995	Diyarbakır Prison	Political
05)- Kerem Kalbişen	30 June 1995	Batman Prison	Ordinary
06)- Biray Kurşun (20)	06 October 1995	İstanbul Alibeyköy Police Station	Ordinary

07)- Ümit Doğan Gönül (21)	24 November 1995	Aydın E Type Prison	Political
08)- Bedirhan Önen (24)	00 December 1995	İzmir Buca Prison	Political
09)- Mustafa Kaya (21)	31 December 1995	Bursa Special Type Prison	Political

d)- Determined cases of torture

The Human Rights Foundation of Turkey, as a result of its studies and the information it compiled in 1995, determined that a total of **1232** people of whom **72** were children and **254** were females, had been tortured in places of detention or prison. **241** of those people certified the torture via official medical reports. **17** of the tortured females stated that they had been raped or sexually abused in custody. Throughout the year, a total of **713** people, most of whom had stated that they had been tortured, applied to the treatment centers of the HRFT in Ankara, İzmir, İstanbul and Adana (Detailed information is on pages 276-277.). The cases determined by the HRFT reflect only a fracture in the total number of cases of torture^(*) in Turkey.

	<u>Torture victims</u>	<u>Medical reports</u>	<u>Females</u>	<u>Rape-Abuse</u>	<u>Children</u>
1990	: 329	213	44	8	7
1991	: 552	218	53	9	15
1992	: 594	188	93	24	11
1993	: 827	160	126	22	29
1994	: 1128	476	261	36	24
1995	: 1232	241	254	17	72
TOTAL	4662	1496	831	116	158

A 12-year old girl, Döne Talun, who was detained in the Çubuk District of Ankara on 12 January on the claim that “she had stolen a roll of bread (simit),” had been tortured at the Ankara Security Directorate Theft Desk where she had been kept under detention. Naciye Erkol, the Chairperson of the İHD Ankara Branch publicized the incident with a press conference she held on 16 January. She showed the traces on the body of the child left from beating and electric shocks to the journalists, and said that the child had been kept in detention for 5 days.

A married couple named Garip Aygün and Sultan Aygün, who were detained in connection with a traffic accident in İstanbul Ümraniye on 18 January, stated that they had been tortured in police custody. Garip Aygün, who applied to the İHD İstanbul Branch after being released, said that he had been taken to the Ümraniye Police Station after he hit an electric pole while driving his car, but he had been accused of another traffic accident in the same region. Garip Aygün said that

(*) While preparing this section, we compiled information about the people who made public the torture inflicted on them, through courts or press organs, or who applied to the treatment centers of the HRFT. The information we thought exaggerated or suspicious, was not taken into consideration. As we have always pointed out, torture has been inflicted on every person without any discrimination of political or ordinary cases, as a systematic interrogation method in Turkey. Although there is widespread use of well-known torture methods against suspects accused of ordinary crimes in police or gendarmerie custody, a significant number of torture cases cannot be revealed because, usually suspects do not insist on their rights. Most of the people who lodged official complaints concerning torture or ill-treatment and occasionally obtained medical reports are the ones charged for political reasons. In addition, when the difficulty in receiving information particularly from the State of Emergency Region and other provinces is considered, except from İstanbul, Ankara and İzmir, it becomes apparent that the number of torture victims identified by the HRFT reflects only a small portion of a larger total.

the police had continuously him tortured from 04.00 a.m. to 09.30 a.m. in order to make him accept the accusation: "I was blindfolded, taken to a room and exposed to falanga there. Additionally, they pulled out the toenails of my right foot." In her statement, Sultan Aygün expressed that she had been tied to the pipes of a heating radiator and then beaten by the police officer. "Since I was Alewi, they continuously insulted me. In addition, they threatened me saying 'We will bring your daughter and rape her'," she said. Garip Aygün and Sultan Aygün received medical reports from the Forensic Medicine Institute, certifying the traces of torture on their bodies, and they applied to the Public Prosecution Office.

Mehmet Arslan, who was detained along with his fiancée by the police in the Bodrum District of Muğla on 24 January, disclosed that he had been tortured in detention. Mehmet Arslan, stating that he had been taken to the Gümbet Police Station after being detained, said, "I was kept in detention for 12 hours. During this time I was tortured by a superintendent named Levent Erkan and a police officer named Ünal. They beat me with a truncheon and kicked me for half an hour. They were continually insulting me during the beating." He applied to the Bodrum Health Center and the Bodrum State Hospital and received 2 separate medical reports, each certifying his inability to work for 7 days, and he lodged an official complaint with the prosecution office.

Salih Güler, the Diyarbakır Representative of the Özgür Ülke newspaper, was detained during a police raid against the Diyarbakır Office of the newspaper on 4 January, and released on 30 January. Salih Güler stated that he had been tortured in custody and forced to give testimony against the staff of the Özgür Ülke newspaper. He said the following: "During the period in detention, I was forced to sit in the corridor while being handcuffed and blindfolded. They untied my handcuffs and blindfold only when I was going to the toilet. Sometimes, they did not let me sleep. In the first week, they squirted pressurized water at me, suspended me on a hanger and gave electric shocks many times." Meanwhile, of the reporters who were detained during the raid against the Diyarbakır Office of the Özgür Ülke on 30 January, Zekine Türkeri, Vedat Perçin, Adil Denk and Mehmet Emin Alagöz disclosed that they had been tortured in detention.

Driver Güner Karataş, who was detained on the night of 21 January because of a quarrel he was involved in Nevşehir, stated that he had been tortured at the Central Police Station where he had been taken. Güner Karataş stated that he had been taken to the central heating room by police officers at the police station and beaten there. He said: "Subsequently, they applied falanga. They hospitalized me when my situation deteriorated. They beat me again while waiting for a doctor in the hospital. They dragged me on the ground and kicked me. When the doctor was late, they took me to the police station again. I was kept in custody until the morning." Güner Karataş was taken to the prosecution office on 22 January. There, he stated that he had been tortured and requested to be sent to hospital. He was sent to hospital upon his request, and received a medical report showing his inability to work for 7 days. An investigation was launched when Güner Karataş informed the State Ministry responsible for human rights about the torture inflicted on him.

The İHD Ankara Branch stated that the police or gendarmerie had detained a total of 112 people, 33 of whom during operations against newspaper and journal offices, in Ankara in January. According to the report prepared after the applications to the İHD Ankara Branch were evaluated, 55 of the detainees, (10 of whom are female and 5 are children) were reportedly tortured or subjected to ill-treatment. The report read, "In detention cases, security officers who are involved in the detentions, act in contravention of the laws, do not comply with procedural provisions. Neither the oppressed nor her/his relatives are informed about the reasons for the detentions. Most of the detainees are released without any legal procedures. Most of the detentions are arbitrary. Periods under custody usually exceed the limits indicated in international human rights documents, and the detainees are kept under unhealthy conditions."

Bülent Erdönmez, who was wounded during a clash which broke out between left and right-wing students in front of the İstanbul Vefa Poyraz High School on 15 February and then delivered to the police, said that he had been tortured in the Küçükköy Police Station where he had been taken to. Stating that he had been kept in police custody for 48 hours, Bülent Erdönmez said that he had been beaten, given electric shocks, suspended on a hanger and subjected to sexual harassment during that period. Before being released Bülent Erdönmez was taken to the Haseki Hospital and there he was given a medical report certifying his inability to work for 7 days and stating that he could recover in 15 days.

Ergin Erdoğan (17), who was taken to police station on 15 March as a witness of an injury incident in the Edremit District of Balıkesir, stated that he had been tortured in the police station. Ergin Erdoğan said, “In the police station I was accused of deceiving the police. Then, they handcuffed me from behind and started to beat me after laying me down. They kicked me and beat me with truncheons continuously. The beating lasted for hours. Police officers often said ‘there are no human rights in the country and here.’ They attempted to pin a theft in the district on me. They set me free late in the night. The next day, I filed an official complaint with the prosecution office.” Ergin Erdoğan was sent to the Edremit State Hospital upon his official complaint, and received a medical report certifying his inability to work for 10 days.

Lawyer Atilla Tanman, who was taken by police officers to the Beyoğlu Security Directorate after he had disputed with 2 people in the İstanbul Taksim Square, said that he had been beaten and insulted by Beyoğlu Security Chief Cabbar Sakarya. Atilla Tanman filed an official complaint with the Public Prosecution Office after being released. He was given a medical report by the Forensic Medicine Institute documenting the signs of blows to his body and showing his inability to work for 5 days. As a result of the incident, Beyoğlu Security Chief Cabbar Sakarya was removed from duty.

A person named Mustafa Gölhan (34), who was detained after a police raid against his house in Ankara on the night of 15 March, stated that he had been tortured in custody. Expressing that he had been taken to the Ankara Political Police Center after being detained, Mustafa Gölhan said that he had been exposed to pressurized water, continuously beaten and insulted during 3 days there. He stated that they had stopped torturing him after those 3 days, and he had been released by the Ankara SSC Prosecution Office on 24 March. He also stated that university student Şükrü Keser (arrested on 24 March) who had been kept in detention along with him, had been subjected to heavy torture, too, for 8 days. Mustafa Gölhan said that cigarettes had been put out on the arms of Şükrü Keser, he had been suspended on a hanger and frequently given electric shocks.

A child named Halil Doğan (14), who was detained by the police during a demonstration held without permission in the Tuzluçayır Quarter of Ankara in mid-March, disclosed that he had been tortured in detention. Halil Doğan stated that he had been interrogated for about 60 hours at the Ankara Security Directorate where he had been taken to, and said that he had been stripped naked, soaked under pressurized water, and his testicles had been squeezed during this period. Halil Doğan, who was detained once more by the police on 10 April while he was wandering in the Gençlik Park, said the following after being released: “After being detained, I was beaten and taken to the Security Directorate. They kept me waiting alone in a cell. They released me on 11 April, without any formal proceeding.”

Hüseyin Tiniç (19), who was detained on 14 April by the police raiding his house in Tarsus, disclosed that he had been tortured in the Tarsus Security Directorate where he had been interrogated. Stating that he had been kept in detention for 24 hours, Hüseyin Tiniç said, “They blindfolded me and put me in a room at the Security Directorate. For a long time, they squirted pressurized water on me. This continued till morning. All my body was numb. In the morning I

was taken for interrogation, completely naked. I was accused of aiding the PKK. While releasing me, the police officers seized my money amounting to TL 320,000.”

Atilla Geridönmez, a German citizen of Turkish origin, who held a press conference in the İHD İstanbul Branch on 21 April, disclosed that he had been tortured in İzmir. Atilla Geri-dönmez said that he was taken into a car and abducted by 4 people in the Hatay Quarter of İzmir on 4 April, that these people had threatened him saying “We are members of counter-guerrilla. We will kill you.” He stated, “The place they took me was neither a police station nor the security directorate building. Most probably it was a place where the counter-guerrilla executions were conducted. There was neither the voice of police radios nor that of a typewriter. They did not take my finger prints, nor my pictures. I was continuously tortured for 4 days there.” Atilla Geridönmez stated that he had been released at 10.00 p.m. on 7 April in the Belkahve region on the Ma-nisa road. He called attention to his being a German citizen: “Had I not been a German citizen, I might have been added to the list of disappearances or killed.”

A HADEP member named Muzaffer Kızılgedik, who was detained by the police in the Esenyurt Quarter of İstanbul on 17 April, reported that he had been tortured at the Büyükçekmece Police Station where he was interrogated. Muzaffer Kızılgedik, stating that he had been kept in detention for 8 days, said, “I was detained based on a false tip-off. While being interrogated at the police station, I was suspended on a hanger. They gave me electric shocks and squeezed my sexual organ while I was on the hanger. They squirted pressurized water and continually insulted me. They were threatening me, saying ‘We will kill all of you and throw your corpses around the roads’.” Muzaffer Kızılgedik, who lodged an official complaint with the Public Prosecution Office after being released, received a medical report from the Çapa Medical Faculty Hospital, certifying the torture inflicted on him.

Tahir Han, one of the founding members of HADEP, who was detained by police officers coming to his office in Ankara on 29 April, stated that he had been tortured in police custody. Tahir Han, who was released on 5 May, indicated that he had been severely tortured during the first 3 days in custody: “I was stripped naked and subjected to pressurized water at the Ankara Political Police Center where I was taken. Then, I was tied to a table they called the ‘operation desk.’ They poured on me something liquid which they called ‘acid’ and then gave electric shocks to the tips of my toes and sexual organs. Later, I was suspended on a hanger. They continued giving electric shocks while I was on the hanger.” He stated that he had been put in a room which was covered with carpet after 3 days of torture. He said, “I was treated there. They continuously massaged me by rubbing ointment. When torture traces on my body disappeared I was first taken to a physician and then to the prosecution office, and released.”

A pregnant woman named Saniye Özkaya, who was detained during operations carried out by the police in Adana in early May, stated that she had been tortured at the Adana Security Directorate where she had been interrogated. Saniye Özkaya said that she had been beaten by the police officers there, although she had told them that she was pregnant. She added that she had been continuously threatened with rape. She also added that she had witnessed torture inflicted on Ahmet Taşgır and Yalçın Keskin and on an 11-year old child (R.Ü.) while she was in custody. R.Ü. held a press conference later on, and said that the police had stripped her naked, given electric shocks and put out cigarettes on her face and body. The statement by the girl was denied by Ramazan Er, the then-Adana Security Director. R.Ü. was detained again on 17 May, along with her father Mehmet Ünal. Mehmet Ünal said, after being released, that he and his daughter had been forced to sign a document stating “they were not tortured.”

Recep Çoban who was detained by the police in the Örnek Quarter of İstanbul Üsküdar in early May on charges of theft, disclosed that he had been tortured in police custody. Stating that he

was detained upon a baseless tip-off and taken to the Üsküdar District Security Directorate, Recep Çoban said: “They neither checked my finger print, nor searched my house. They promptly started to torture. In order to escape from torture, I accepted the accusation. By saying ‘I will show you the place of those stolen,’ I convinced police officers. They took me to my house. At that time, I found an opportunity and escaped.” In order to surrender, Recep Çoban asked for guarantee that he would not be tortured and his testimony would be received by a prosecutor.

A person named Süleyman Çiftçi, who was detained by police officers raiding his house in the Gülbahçesi Quarter of Adana on the night of 14 June, stated that he had been tortured in detention. Süleyman Çiftçi said that he had been detained together with two of his friends, who came to his house for watching the MED TV. He said that they had been beaten and brought to the Adana Security Directorate after being detained. Süleyman Çiftçi, who stated that they had been insulted and continuously beaten at the Security Directorate, showed the signs of blows on his body and face to journalists. He added that he was not able to go to hospital in order to obtain a medical report because of the fear of being detained once more.

Rıfat Onurcan (25) and a child named Tayfun Kırs (13), who were detained by the police in the Maltepe Quarter of Ankara on 9 July on charges of theft, stated that they had been exposed to torture in detention. After being released Rıfat Onurcan said the following: “After we were detained, they took us to the Çankaya Police Station and beat us for a while. We spent the night in the police station. On 10 July, we were brought to the prosecution office and released. However, the police officers took us to the Ankara Security Directorate. As soon as we entered the Security Directorate, they started to beat me. Later, they stripped me naked and gave electric shocks, hit my hands and feet with truncheons and squirted pressurized water on me. We were released on 11 July. They continued to inflict torture until we were released.” Tayfun Kırs told that he had not been exposed to any ill-treatment, except several slaps on his face, at the police station where they were taken after being detained, and added: “At the Security Directorate they hit my feet and back with truncheons. They gave electric shocks.”

A woman named Leman Çelikaşlan (24), who was detained by the police officers raiding the house where she stayed as a guest in Ankara on 21 July, said that she had been tortured and raped in police custody. The incident became public when Leman Çelikaşlan applied to HADEP Headquarters and informed her mother, İsmet Çelikaşlan, in Mersin about the incident. Leman Çelikaşlan said the following in her application to HADEP: “As soon as I was detained, I was subjected to inhuman treatment. They kept me at the Anti-Terror Branch for a period and then took me to a woodland. There, I was stripped naked and tied to a tree, and they abused me sexually. Later, they took me back to the Anti-Terror Branch and put me into a room. There, 3 people assaulted and raped me. I fainted. When I came round, I was stained with blood. The bleeding lasted for days. Those who raped me were the police officers incumbent at the teams against the PKK. I can recognize them if I am confronted with them.” Upon this statement, an investigation was launched in connection with the incident. Nazmi Şarvan, the then-Ankara Public Prosecutor, made a statement on 22 August, and said that Leman Çelikaşlan’s virginity had been re-vealed after the test and no symptom of rape had been found. Nazmi Şarvan denoted that Leman Çelikaşlan, in her testimony on 21 August, had said “I was sexually abused but not raped,” and added: “They are writing scenarios, making accusations. Then they are changing their statements.” A decision of non-prosecution was delivered at the end of the investigation.

A student named Zeynep Aşkara (19), who was detained together with her friend Kenan Koç on 1 August around Çorlu while they were going from İstanbul to Edirne, stated that she had been tortured in police custody. Zeynep Aşkara, who was released by the İstanbul SSC on 14 August and who held a press conference at the İHD İstanbul Branch on 15 May, said that they had been taken to Edirne after being detained and interrogated there for 5 days by soldiers. Stating that

she had been tortured and sexually abused during the interrogation in Edirne, Zeynep Aşkara said, “Subsequently, we were taken to İstanbul. Torture continued in İstanbul, too. Because of torture my arm was dislocated and therefore I was hospitalized. They accused us of having burnt forests. They put in our hands a drum of gasoline and brought us before journalists. I told the journalists that I was innocent. However, the press introduced us as PKK militants who had burnt forests.” Zeynep Aşkara added that she had not been given a medical report by the physician in the Forensic Medicine Institute where she had been taken, although her arm was dislocated and there were traces of torture on her body. In the meantime, Kenan Koç, who was detained together with Zeynep Aşkara, was arrested by the İstanbul SSC.

Of 8 people who were detained on claims of “being members of an illegal organization” during an operation held in the Çayeli District of Rize on 17 August, Cem Yormaz, Şenol Yormaz and Erdem Ermiş were released on 19 August. Making a statement following their release, they said that police had squirted water on and beat Cenk Yormaz, Tanju Yazıcı and Murat Küçük. Of the people who remained in detention for a while, Cenk Yormaz was arrested, whereas Havva Yormaz, Murat Küçük, Tanju Yazıcı and Hamza Sarı were released. Tanju Yazıcı and Hamza Sarı stated after their release that they had been tortured in detention. Havva Korkmaz stated that she had been beaten and kicked in the abdomen in detention although she had told them she was pregnant. Concurrently, it was reported that Cenk Yormaz had also been tortured and signs of torture on his body had been certified with a medical report. Police authorities alleged that Cenk Yormaz had tried to jump down from the second floor of the Security Directorate and hence he had been injured.

A mentally handicapped person named Hikmet Ercişli, who got on a bus to go from the Kağızman District of Kars to Ankara on 24 August, was detained since he did not have an ID card on him, during the road control conducted by soldiers, and tortured in detention. The case of torture was revealed when the relatives of Hikmet Ercişli appealed to the Ministry of State responsible for human rights. His relatives stated in their application that Hikmet Ercişli had been kept 2 days in a mobile gendarmerie station in the Demirkapı region around the Kağızman District, and said, “Soldiers had detained him although the bus driver and passengers told them that he was mentally handicapped. They had blindfolded him and stripped him naked. They had beaten him and given electric shocks. Torture had continued till morning. On the next day, the soldiers had wanted to leave Hikmet Ercişli at the Kağızman Security Chief Office, for his situation had worsened due to torture. However, the police officers had refused to take over him, saying ‘His situation is serious. If he dies, we will get into trouble.’ Then he had been taken back to the mobile station, and torture had resumed.” They also stated that Hikmet Ercişli had gone to hospital together with his sister, Rahime Ercişli, and had been given a medical report alleging that he was healthy, without any examination. They added that the official complaint they filed with the Kağızman Public Prosecution Office and the Kağızman Mechanized Brigade Commandership had not been accepted.

Yusuf Atalay, who runs a shop in the Okmeydanı Quarter of İstanbul, disclosed that he had been beaten and detained on the night of 24 August in connection with some political scripts written on the wall of his shop. Yusuf Atalay lodged an official complaint with the Beyoğlu Public Prosecution Office after his release. He was given a medical report by the Forensic Medicine Institution, certifying his inability to work for 10 days.

The trial launched against 3 women named Ayşe Utanç, Ümmügülsüm Özyılmaz and Hatice Yavuz, who were arrested in July on claims of “being members of the radical pro-Islamic İBDA-C organization, and burning the Meram (Konya) District Organization Office of the MHP,” started on 22 September. The defendants, who were cross-examined at the Konya SSC,

pleaded not-guilty, and said “We were tortured in detention for 11 days. We were given electric shocks to our sexual organs. We had to sign certain documents, even without a perusal.”

A young girl named Aynur Demir, who was detained by the police raiding her house in İstanbul on the night of 26 September, said that she had been tortured, sexually abused and insulted. Making a statement at the İHD İstanbul Branch after her release, Aynur Demir reported that her fiancée Hasan Hüseyin Şenlik, and friends named Alim Kaya Efe and Cafer İreñci all had been tortured along with her. In the meantime, students named Gülcan Öztürk and Nurgül Doğan, who were detained while hanging posters in the Beyazıt Quarter of İstanbul on 28 Sep-tember, disclosed that they were tortured in detention at the Beyazıt Police Station and the Politi-cal Police Center for 24 hours.

The police, carrying out a road control in the Reisdere Quarter of Çeşme District of İzmir on 14 October, beat Mehmet Ünlü who was in a tractor. Mehmet Ünlü, who was injured due to the beating, was abandoned on the spot. His elder brother Mazhar Ünlü, who went to the region when a witness informed him, took his brother first to the Çeşme State Hospital and then to the İzmir 9 Eylül University Hospital. Mehmet Ünlü, who was taken under treatment at the Univer-sity Hospital, was brought to the Çeşme Ilıca Police Station by police officers who went to the hospital on 15 October. In the police station, he was forced to sign a document stating “he does not have a complaint related to the incident,” and then taken to the İzmir Yeşilyurt State Hos-pital. Mehmet Ünlü’s ribs were found to be broken.

Lawyer Oya Ersoy, an Executive Board Member of the İHD Ankara Branch, held a press conference on 25 November, and stated that there was an increase in the number of those who were abducted and forced to be police informers. She said that the number of the applicants to the İHD had reached 15, and 5 of these people were under 18. She emphasized that forcing one to become a police informer was a violation of both human rights and the laws, and introduced two of the aforesaid people, Özgür Menteşe and Irmak Yamaç, to the journalists. Özgür Menteşe stated that he had been abducted on his way home on 22 November by 3 people who had introduced themselves as policemen, and taken by a car to a deserted area near the lake Mogan (Göl-başı). Özgür Menteşe, stating that he had faced threats such as he would be killed if he did not accept to be an informer, added that he had been released on the same day, but he had been followed by policemen from then on.

A child named Halil İbrahim Okkalı (12), who was detained in the İzmir Industrial Site on 27 November on the allegations of “having stolen money,” disclosed that he had been tor-tured in detention. Halil İbrahim Okkalı stated that he had been accused of stealing when he had lost TL 15,000,000 belonging to the owner of the workplace where he was working, and had been taken to the Çınarlı Police Station, and added, “At the station a superintendent wearing glasses got me inside the toilet and beat me there. First he hit my hands 10 times with a trun-cheon. Then he laid me down on the floor and continued beating. While I was lying on the floor, he put his shoe inside my mouth. They set me free upon the arrival of my father and uncle at the station. I started vomiting when I came home. So they took me to the hospital.” Halil İbrahim Okkalı, whose arm was broken because of the beating, received a 3-day treatment at the hospital. His father Yaşar Okkalı, who filed an official complaint with the prosecution office after the incident, said, “The commissioner, who beat my son, previously said to me, ‘I hit him once or twice. So what?’ Following my application with the prosecution office, he wanted to put the blame on me by saying, ‘I did not beat the child. His father did it’.” A trial was launched at the İzmir Heavy Penal Court No.2 against security officers İrfan Demirel and Mustafa Yılmaz, who were involved in the incident. In the trial, which ended on 30 October 1996, the 2 security offi-cers were each sentenced to 2 months 15 days in prison and suspended from office for 3 months. The prison sentences were commuted into to a fine of TL 750,000.

A young girl named Hatice Gül, who was detained by the police raiding her house in the Osmaniye District of Adana on the night of 6 December, stated that she had been tortured in detention. Hatice Gül, who was released on 9 December, stated that she had been detained due to a groundless tip-off citing that she had written on the walls. She said, "The police officers, who raided the house, seized some of the newspapers and journals belonging to me. They inflicted every kind of torture on me, alleging that these publications were illegal. They said that if I continued to go to HADEP, they would take me to the Zorkun Plateau and kill me."

Ersel Dağ, Elazığ correspondent for the Evrensel newspaper, who was detained in the police raid against the election office of Ali Günsili, independent deputy candidate for Elazığ, on the night of 7 December, disclosed that he had been tortured in detention, insulted and forced to be a police informer. Ersel Dağ and his friend Vahit Tekin were detained again by the police on 22 December. After being released, Ersel Dağ, who was tortured again in detention, stated that they were taken to the Elazığ Political Police Center after having been detained, and said: "They stripped us naked and hanged us on a wood hanger on the wall. They continuously poured cold water over our bodies. They hit us on our stomachs and waists. In the meantime, they were threatening to kill us. Then, they threw us naked into a cold cell. We were released in the evening. At the hospital where we were taken before being released, they forced a doctor to issue medical reports stating that we were healthy."

Nevzat Onur and Gülçin Kenan, who were detained by the gendarmerie in the Gökçesu Town of the Mengen District of Bolu on 18 December, stated that they had been tortured at the gendarmerie station they had been taken to. Nevzat Onur, one of the two people who was released at a remote area in the vicinity of the Gökçesu town at about 04.00 a.m. on 21 December, disclosed that his lip was lacerated, his knee-cap was injured and he had hematuria. Gülçin Kenan stated that her hair had been forcibly cut at the gendarmerie station, she had been subjected to falanga, and a cigarette had been stubbed out on her body. After being released, Nevzat Onur and Gülçin Kenan were taken into treatment for a while at the Mengen Health Center.

The 1995 report of the İHD İstanbul Branch Torture Watch Committee was published in February 1996. According to the report, a total of 362 people, who stated that they had been tortured in detention, applied to the İHD İstanbul Branch in 1995. Out of the applicants, 132 certified the torture with medical reports, and 74 lodged official complaints with the Public Prosecution Office. Out of the 362 people (266 male, 60 female, 36 children), 74 had been detained for ordinary crimes and 288 for political crimes. Six (2 male) of the applicants to the İHD stated that "they had been raped in detention." A total of 77 people had applied to the İHD İstanbul Branch in 1993, and 145 in 1994, stating that they had been tortured in detention.

Treatment Centers report

In 1995, 713 people applied to the HRFT centers in Ankara, İstanbul, İzmir and Adana. In the "Treatment and Rehabilitation Centers Report 1995," which was prepared upon the information provided by 645 of these people (205 of whom are women), beating down of the people during house raids or demonstrations was also evaluated in terms of the methods of torture inflicted by the security officers, as well as the torture inflicted at the security directorates, police and gendarmerie stations and in prisons. The methods of torture inflicted by security officers were cited in the report as follows: "Beating, blindfolding, threatening, insulting, sexual harassment, applying electric shocks, suspension on a hanger, pressurized water, restriction of food and water, cell isolation, preventing urination and defecation, falanga, death threats, exposure to cold or wet floor, squeezing testicles, pulling out hairs, beards, etc., threats of torturing relatives, restriction of air, mock execution, rape, and other."

The report pointed out that blindfolding, beating and threatening in detention were not regarded as torture by many people, and added, “These methods are known to be used to weaken and wear out the individual psychologically, as they leave no physical traces. Blindfolding, degrading and threatening are among the most frequently used torture methods. Apart from those torture methods such as death threats, threats towards relatives, mock executions are frequently used, and this emphasizes the importance of performing a mental examination during the forensic medical examination, and of recording the results in forensic medical reports for detecting and preventing torture.”

Of the people who had applied to the HRFT in 1995, 276 had only physical complaints, 46 had only psychological complaints, and 223 had both physical and psychological complaints. The report pointed out that the psychological disorder called “Vietnam Syndrome,” which is frequently diagnosed among the soldiers and police officers in charge at the State of Emergency Region, was also diagnosed for the torture survivors, and that Post Traumatic Stress Disorder (PTSD) was diagnosed for 99 people, 18.1 % of the applicants of the HRFT. The report stated that this ratio was doubled when compared to the figure obtained in 1994, and that the increase in the number of the diagnoses of PTSD was due to the fact that health workers had become increasingly familiar with the symptoms of PTSD as compared to previous years, and due to the increase in the number of applicants from the State of Emergency Region.

According to the report, which includes detailed statistical data about the application of torture, 79 % of the survivors of torture were aged between 16 and 40. 513 people, which constituted 94.1 % of the applicants to the HRFT, had stated that they had been tortured for political reasons, 28 people had stated that they had been tortured for ordinary reasons and 4 for no reason. The report recorded that 71 people, who constituted 13 % of the applicants, had been released without being taken before a public prosecutor, 275 people, who constituted 50.5 % of the applicants, had been released by the prosecution office. It also pointed out that 199 people, who constituted 36.4 % of the applicants, had been arrested, but no trial was launched against 234 people, who constituted 42.8 % of the applicants. In the report, the following was noted regarding the application of torture: “The applicants who reported that they were in detentions for more than 3 days, stated that physical torture was intensely performed only during the first few days, and the rest of the time psychological torture and physical torture methods leaving no traces were applied. This period was also used for resolution of previous signs of torture.”

In the conclusion of the HRFT “Treatment and Rehabilitation Centers Report 1995,” following stated regarding the implementation of torture:

- In 1995 systematic use of violence by security forces in demonstrations and marches exceeding limits of checking and dispersing, an increase in unofficial kidnappings and detentions and referral of these victims to the Treatment and Rehabilitation Centers have compelled us to evaluate these cases under a special heading of “individuals tortured or mistreated without official detention.” 100 of the 645 applicants were evaluated as part this category.
- There were 104 applicants from the State of Emergency Region, and this number is surpassing the numbers of applicants from provinces like Ankara, Adana, İzmir, which we have treatment and rehabilitation centers. This must be considered significant, since we do not have a center in this region and this complicates access to our centers.
- One out of every two applicant claims that at least one method of psychological torture had been used. This raises the issue of great responsibility forensic physicians have in preparing medical certificates to evaluate psychological torture and its effects, and necessitates special attention.

- In 16.5 % of our applicants torture sequel (permanent and visible incapacity or sign) was found. The rate of applicants who could document torture with medical certification was 13.7 %. As can be seen, if medical certification was performed for all the cases with sequel, at least 16.5 % of the applicants should have obtained medical certificates.

e)- Disappearances (*)

In addition to deaths due to torture in custody or prisons, disappearances also were not eliminated in 1995. Throughout the year, 43 people, who according to eye witnesses or serious evidence had been detained or abducted by security forces, disappeared. (The list of the people who disappeared in the period between the 12 September 1980 military coup and the end of 1994 is on pages 294-296.)

Claims about disappearances were neither investigated nor taken seriously. No satisfactory answer was given to the families who applied to the authorities saying “their relatives had disappeared after being detained.” Authorities continued to reply to any application regarding disappearances by saying, “The aforesaid person was not detained.” or “We want him/her, too.”

The fate of the people who disappeared could not be cleared up. For example, no result came out at the end of the investigation launched in connection with 13 people (***) who had disappeared during the military operation that started in Tunceli and its districts on 17 September 1994. Hozat Public Prosecutor Okan Kılıç, who conducted the investigation, said the following in a statement he made in mid-1995: “We could not receive concrete information about the disappeared people, yet. The investigation is under way. We evaluate all the clues, but the evidence is insufficient. There are 2 witnesses only for Nazım Gülmez, one of the disappeared people. As these 2 witnesses are not living in Hozat, we wrote to them and asked for information. Other than this, we do not have any clue. Our efforts are continuing.” Upon this, Nazım Gülmez’s wife made the following statement: “Soldiers took my husband from the house. While taking him away, they said, ‘We will bring him back to you later.’ However, although it has been a long time since then, he did not come back. The military authorities to whom I applied said, ‘We have released your husband. We don’t know what happened.’ If he had been released, he would absolutely come back home.”

A “denial” policy was continuously followed in the statements made relating to the disappearances. For example; Mehmet Açar, the then-Security General Director, during the briefing he delivered in March to the ambassadors and embassy officials of European Union countries and of the United States in Ankara, maintained that the claims of disappearances under detention had contained “manipulations by illegal organizations.” Mehmet Açar asserted that the detentions had been carried out through open communication which could be directly followed up by press organizations, the detainees were taken under medical examination, their relatives were informed

(*) This section includes the missing people about whom information has been received from numerous other people stating that they had disappeared and those whose fates have been brought to the attention of the public by their relatives. Apart from those stated in this section, there are hundreds of missing cases, mostly in the State of Emergency Region. However, as the claims in this respect were impossible to prove, or were further supported by additional information, these people were not included in the list. Additionally, those who were missing but then found dead or alive were also excluded from the list.

(**) During the operation, 17 people, Hıdır Işık, Hatun Işık, Elif Işık, Yeter Işık, Düzali Serin, Gülizar Serin, Dilek Serin, Nazım Gülmez, Mehmet Ağgün, Ahmet Akbaş, İbrahim Gencer, Adnan Şeker, Müslüm Ay-dın, Müslüm Kavut, Aslan Yıldız, Ali Işık and Hasan Çiçek, who were living in the villages of Hozat and Ovacık, were disappeared. Of these people, Müslüm Kavut, Aslan Yıldız, Ali Işık and Hasan Çiçek were found dead later on. The fate of 13 people could not be cleared up.

about the situation, and that the detainees were allowed to meet with their law-yers, and said, “How can a person disappear after numerous registrations and such official pro-cedures? It is not possible to understand these claims.”

Initiatives by the relatives of the disappeared people, or protest demonstrations by them were in general forcibly prevented by the police. For example, leaders of the İHD, (*) who wanted to stage a sit-in protest in front of the Ministry of Interior Affairs for the revelation of the fate of those who disappeared after being detained, were prevented by the police. About 60 people consisting of the leaders of the İHD Headquarters and of its branches, gathered in the İHD Headquarters. Subsequently, they set out for the Ministry of Interior Affairs building on the morning of 24 June. However, the group was blocked by the police in front of the İHD Headquarters. When the İHD leaders continued marching, they were stopped by police barricade 200 meters away. The İHD leaders who passed the police barricade after discussions, were not allowed to go further than Güven Park. İHD Chairperson Akın Birdal, who made a statement at Güven Park, condemned the prevention of the march and said that in Turkey it was not possible to have any democratic protests.

Adana İHD Branch Chairperson Metin Çelik, Executive Board members Ferit Kilis and Ayfer Güneşer, and İHD members Aziz Savaş Erdoğan, Ergün Ortak, Cem Kazan, Onur Boğa and Ayhan Yerden were detained by the police in Adana while hanging posters that read “An end to disappearances, responsible people should be prosecuted,” which were prepared by the İHD. The detainees were released on 14 June by the Adana Penal Court of Peace No.3 in order to be prosecuted without arrest.

The relatives of the disappeared people and people supporting them, who wanted to hold a demonstration in front of the İstanbul Governorate, were beaten with truncheons and clubs by plainclothes and uniformed police officers, and dispersed. Most of the demonstrators were detained. A trial was launched against 30 of the detained people with a request of sentences from 18 months to 5 years in prison. The trial started at the İstanbul Penal Court of First Instance on 9 June. The hearing started in a tense atmosphere as people who came to watch the hearing were not let in the court hall. After discussion between the defense lawyers and the court board, about 10 spectators were permitted to watch the hearing. Then, 19 defendants who attended the hearing were heard. The defendants stated that they had been ruthlessly beaten by the police in front of the İstanbul Governorate where they had gone to learn about the fates of the disappeared people, numerous people had been wounded due to the beating, and that the accusations in the indictment were baseless, and said, “Those who attacked us are in fact the real criminals.”

(*) The İHD launched a campaign for the revelation of the fates of those who went missing after being detained. İHD Chairperson Akın Birdal held a press conference on 1 June in connection with the campaign, and stated that disappearances in detention had become systematic after 1990. Akın Birdal noted that the campaign would continue for 3 months. The distribution of the posters that read “The disappearances should be found, responsible people should be prosecuted,” prepared by the İHD in connection with the “Campaign on Disappearances” was banned by the Ankara Governorate and an investigation was launched. In the meantime, Akın Birdal was prosecuted because of the aforesaid poster hung on the Human Rights Monument on the Ankara Yüksel Street while he was delivering a speech in front of the monument. In the indictment heard during the hearing at the Ankara Penal Court of First Instance No.3 on 3 November, Akın Birdal, who was accused of “hanging a poster without permission,” was requested to be sentenced up to 4 months in prison under Articles 44 and 82 of the Law on Associations. Akın Birdal, who was cross-examined in the hearing, said that hanging a poster without permission during his speech had been out of question, and added, “It is misleading to look for an intentionally committed crime in the incident. I request my acquittal.” Akın Birdal was sentenced to 3 months in prison in the trial that ended on 21 December. The sentence passed on Akın Birdal was commuted to a fine of TL450,000.

Of the people who attended the religious ceremony held on 30 June at the grave of Hasan Ocak, who disappeared after being detained and then was found dead (Detailed information is on pages 283-285.), in İstanbul Gazi, 42 were detained. They were released on 3 July. Of those released, Fatma Bektaş, Ömer Berber and Güzel Servin were detained again and taken to the Security Directorate. Those who were released said that they had been beaten, dragged on the ground and insulted at the Küçükköy Security Directorate where they had been kept in custody.

The crowd formed of the families of the missing people, artists and members of the İHD who attempted to march from İstanbul to Ankara with the aim of securing the revelation of the fates of those who had disappeared after being detained, was forcibly prevented by the police. Police officers who surrounded the crowd, which gathered on İstanbul İstiklal Street at noon on 8 July, detained 33 people beating or dragging them on the ground. The detainees were released on the evening of 8 July, but a trial was launched against 30 of them on accusations of “acting in contravention of the Law on Meetings and Demonstrations.” The trial started at the Beyoğlu Penal Court of First Instance No.3 on 25 October. The defendants who attended the hearing (12 people) said in their testimonies that they had gathered in order to inform the public about the disappearances and to draw public attention to these cases, and criticized their prosecution.

Relatives of the disappeared people attempted to hold a candle light demonstration in the Altıyol Quarter of İstanbul Kadıköy on the evening of 16 August. However, the demonstration was prevented by the police and 12 people were detained. The police also intervened in the candle light demonstration at the same place on 6 September. The police, who beat and dispersed the demonstrators, detained 28 people. The 28 people, most of whom were wounded due to the police beating, were released on 8 September. The released people, who held a press conference at the İHD İstanbul Branch on 9 September, protested the attack, and said, “The state, afraid of our candles and determination, first broke our candles and then attacked us. The state is trying to prevent our determined struggle which has been continuing for 6 months, thus it is pointing out the address of the murderers.”

In the meantime, the Turkish Medical Association publicized a report, which aimed to prevent extra-judicial executions and disappearances, internationally, on 10 December, the Human Rights Day. The following are some of the proposals in the report, which stated that the authorities were insensitive to the extra-judicial executions and disappearances:

- The top authority of every country should disclose that s/he is against extra-judicial executions and disappearances. It should be told to the security officers that extra-judicial executions would never be tolerated.
- Those who gave orders for extra-judicial execution or disappearing people, and those who obey this order should be prosecuted.
- States should secure the use of violence only for cases for which there are no other remedies, and at a minimum level.
- The counter-guerrilla organization should be prohibited, the members of this organization, which were involved in murders, should be prosecuted. The state should effectively protect those who are under the threat of murder by unknown assailants, extra-judicial execution or disappear.
- The records of the arrested people should be open. No one should be detained secretly. All of the detainees should immediately be brought before a judge. Relatives, doctors and lawyers of the arrested people should be able to visit them in short intervals and regularly. The security officials should be given the information that they have the right and responsibility of rejecting orders of involving such cases.

- The extra-judicial execution and disappearance claims should be investigated by the states independently, and the results should be disclosed.
- Compensation should be given to the relatives of the victims of extra-judicial executions and those who were missed.
- The states should ensure that the education, the equipment of the security officers would not be used for the extra-judicial executions.

Disappeared people who had escaped or had been rescued

Some of the disappeared people managed to escape alive from those who abducted them. For example, a businessman named Abdullah Aydın who was abducted after a raid by unknown people against his house in the Bağlar Quarter of Diyarbakır on 1 September 1994, was found alive on 15 September 1994. State of Emergency Regional Governor Ünal Erkan disclosed that Abdullah Aydın had been abducted by Hezbollah militants and found in the basement of a house raided by the police, with his hands tied and about to be killed. Abdullah Aydın who was utterly exhausted due to hunger and torture, was treated at the hospital for a long period.

Ayhan Uzala (36), who was abducted by unknown people in front of his house in Kadıköy, İstanbul, on 29 November 1994, was released on 19 December 1994. In a statement, Ayhan Uzala said that he had been abducted by people he deemed counter-guerrilla or MIT (National Intelligence Organization) members, had been psychologically tortured and threatened with death during 20 days: "I was to be the latest victim of the chain of murders by unknown people. My being a Dutch citizen contributed to my being able to stay alive." İHD İstanbul Branch Chairperson Ercan Kanar said the following in his statement: "We know what Ayhan Uzala experienced during 20 days. The killing of Ayhan Uzala was prevented as he is a Dutch citizen and, probably, because the incident coincided with the European Union talks. Authorities were caught red-handed. This incident has proven that high-level authorities are also informed of the disappearances."

İrfan Dilmen, abducted by people who had gotten in his taxi as customers on 19 December 1994, was rescued by security officers on 22 March 1995, after spending 94 days in a 1.5 meters high shelter 5 meters under the ground, his hands and feet in chains. It came out that he had been abducted by Hezbollah militants "to put pressure on his family." He had been deprived of food during the last 20 days he spent in the shelter, and he was treated for a long time.

President of the Belediye-İş Trade Union Batman Branch, Osman Küntaş, and Selahattin Yasak (teacher), Arif Gezici (doctor), Halit Aydın (dental technician), Ahmet Günbatı (village headman), Şakir Tanrıku, Ekrem Şaşmaz, Hikmet Çiftçi, Burhan Alkaş and Halit Teymur, who had been abducted in Batman by unknown people in January and February 1995, were released in the first half of January 1996. It was reported that the 10 people had been abducted by Hezbollah militants and kept at the specially-prepared shelters in the basement of some houses in Batman. The 10 people were released upon the intensification of the operations against the Hezbollah in Batman. As a result of the aforesaid operations, 33 people were detained on allegations of "being members of the Hezbollah and having committed numerous murders."

Those found dead

However, not all those who disappeared people were as lucky as those described above. Numerous people were found dead a short or long after they disappeared. For example, People's Labor Party (HEP) Diyarbakır Provincial Chairperson Vedat Aydın, abducted by people who came to his house in Diyarbakır on the night of 5 July 1991 and introduced themselves as "police officers," was found on the Diyarbakır-Maden Highway on 7 July 1991; İsmail Hakkı Kocakaya, abducted in the Esenler Quarter of Diyarbakır on 23 November 1991 by people alleged to be

“police officers,” was found in the Karacadağ region around Siverek on 27 November 1991; journalist Bülent Ülkü, who had gone missing in Bursa at the beginning of 1992, was found in Bursa Uludağ on 1 April 1992; Freedom and Democracy Party (ÖZDEP) Erzincan Provincial Chairperson Cemal Akar, who had gone missing on 25 January 1993, was found on 25 February 1993 around the Pülümür District of Tunceli; journalist Ferhat Tepe, abducted on 28 July 1993 in Bitlis by people with radios in hand was found on the shore of Lake Hazar around the Sivrice District of Elazığ on 3 August 1993; retired major Cem Ersever (had quit the army at the beginning of 1993 and made important statements about the activities of the counter-guerrilla), who had gone missing in November 1993, and his 2 friends named Mustafa Deniz and Neval Boz (members of the intelligence department) were found on 5 November 1993 -all dead.

The İHD Elazığ Branch Chairperson lawyer Metin Can and doctor Hasan Kaya, who had gone missing on 21 February 1993, were found dead on 26 February 1993 in a place 12 kilometers from Tunceli. All of the efforts to find Metin Can and Hasan Kaya alive, proved futile. It was determined that the İHD Branch Chairperson and his friend had been tortured and each had been shot dead with one bullet to the head. As a result of the autopsy it was established that one tooth of Hasan Kaya had been broken and there was a cord trace around his neck, and that ribs of Metin Can had been broken.

A tradesman named Mehmet Şerif Avşar who was abducted by armed people who came to his shop in the Yenişehir Quarter of Diyarbakır on 22 April 1994, was found dead around the Tepebaşı Village of Silvan on the morning of 7 May 1994. Mehmet Şerif Avşar was revealed to have been shot dead by 2 bullets to the head. As a result of the investigation, village guards Yaşar Günbattı, Aziz Erbay, Ömer Güngör, Fevzi Gökçek and Nevzat (Sayel) Akçil, and repentant Mesut Mehmetoğlu, who abducted and killed Mehmet Şerif Avşar, were apprehended. (Detailed information is on pages 154-155.) The trial launched in connection with this incident has not been concluded yet.

HADEP Elbistan District Chairperson Hüseyin Koku, who was abducted on 20 October 1994 by people who introduced themselves as “policemen,” was found dead on 27 April. The dead body of Hüseyin Koku was found in the vicinity of the Pötürge District of Malatya, and it was disclosed that his head had been cut off and the corpse had decayed to an extent that it was not possible to recognize him. Hüseyin Koku was identified by his wife Fadime Koku thanks to the clothes he had been wearing and some papers in his pocket. Ali Gökot, the HADEP Maraş District Chairperson, who made a statement after the abduction of Hüseyin Koku, pointed out that Hüseyin Koku had been abducted on the Malatya Street which was the most crowded street of Elbistan, by people carrying radios right in front of a crowd, and said, “Hüseyin Koku disclosed that houses of patriots and revolutionaries were recorded and he was abducted by the police the day after this disclosure. Immediately after the incident, Elbistan District Governor Şükrü Görücü stated that Hüseyin Koku was not in custody. Who, in the midst of Elbistan, dares to introduce themselves as police officers? The District Governor should expose the people wandering in the midst of Elbistan with radios in their hands. Otherwise, the District Governor will be responsible for the disappearance of Hüseyin Koku.” Ali Gökot, who pointed out that Hüseyin Koku had been abducted right after jeweler Salman Dal, Bakış Village former headman Seyit Çiçek and Hüseyin Soysüren were killed by PKK militants, stressed that the relatives of Salman Dal, shortly before the abduction, had given announcements to the local radio stations and newspapers, saying “Whoever finds the murderers of Salman will be awarded TL 600 million. This money has been delivered to District Governor Şükrü Görücü.”

People killed in 1994 after being abducted by unknown/known people, were not limited to Mehmet Şerif Avşar and Hüseyin Koku. Kurdish businessman Behçet Cantürk (44) and his driver

Recep Kuzucu, who were found dead in the vicinity of the Sapanca District of Sakarya on 15 January; an *imam* named Kerem Gencer (42), who was found dead in the vicinity of the Kırkbudak Village of Tatvan on 17 January; Şeyhmuz Yavuz (41), who was found dead on the Diyarbakır-Silvan Highway on the night of 11 March; Yusuf Ekinci (52), a lawyer of the Ankara Bar who was found dead around the Gölbaşı District of Ankara on the morning of 25 February; a Kurdish businessman named Savaş Buldan (30) and his friends Adnan Yıldırım (37) and Hacı Koray, who were found dead in the vicinity of the Karakuş Village of the Yığılca District in Bolu on 4 June; a trade unionist named İkrâm Mihyas, who was found dead in the vicinity of the Yaka Village of the Bornova District of İzmir on 6 July; a village headman named Naif Ummaz, who was found dead in the vicinity of Hilvan on 16 August; two people named Sıddık Etyemez and Ahmet Ceylan, who were found dead on the Diyarbakır-Ergani Highway on 30 September; and lawyer Faik Candan, who was found dead in a deserted area in the Salih Bey region 15 kilo-meters from the Bala District of Ankara on the morning of 14 December, were a few of the examples of people who disappeared and were killed.

Similar incidents also took place in 1995. For example, Süleyman Abak and Abdullah Abak, abducted from their house in the Kızıltepe District of Mardin at early 1994, were found dead in January in the vicinity of Viranşehir; tradesman Mehmet Saydam, abducted on 9 February by people that came to his shop in Diyarbakır Urfakapı, was found dead on 21 February in the Devegeçiti Region around Ergani; Hamza Haran (uncle of İhsan Haran who had gone missing in December 1994), who had gone missing on 23 February in the Hüseyinika Village of Lice was found dead on 24 October in the vicinity of the same village; Atilla Barış, abducted in Muş by unknown people at the beginning of March, was found dead on 13 April in the vicinity of the Ağaçlı Village of Muş; Ferhan Eşer, the Director of the Registry of Birth in the Lice District of Diyarbakır, abducted on 13 April in the Şehitlik Quarter of Diyarbakır, was found dead in the vicinity of the Pirinçlik Town of Diyarbakır on 27 April; farmer Hadi Baran, abducted by unknown people on 14 May from the Kahveci Village of Kozluk, was found dead on 7 June in the vicinity of the Kurtalan District of Siirt; a civil servant named Süleyman Kaplan, abducted by being forced into a car by 4 people on 26 May in the Midyat District of Mardin, was found dead on the morning of 27 May in the vicinity of Kayapınar, 20 kilometers from Midyat; Ramazan Ayhan, Fehmi Akyürek and Baki Işık, abducted in Diyarbakır in the last week of October, were found dead on 9 November.

Pharmacologist Ayşenur Şimşek (one of the founders and administrators of Sağlık Sen), who had gone missing in 24 January, was found dead on 29 January in the vicinity of the Yağsıhan District of Kırkkale. Her family was informed after 3 months. Following the killing of Ayşenur Şimşek, her elder sister Fatma Şimşek said; “We were able to learn that my sister had gone missing one month later. She was living apart from us for about a year. Her friends told us that we should not publicize the incident, for they were expecting to hear from somebody soon. However, no information came from there. Gendarmes had kept the corpse waiting for 15 days and then buried it in the cemetery for homeless people. Then came the news. We went and looked at the pictures taken, and identified her.”

Selahattin Akbulut, who had gone missing in the Eriktepe (Mahmeşervan) Village of the Bismil District of Diyarbakır on 20 June, was found dead in the vicinity of the Goma Village of Bismil on 25 February 1996. It was revealed that Selahattin Akbulut had been killed by 2 bullets in September, and the body had decayed as it remained in an open field for a long period. Ayda Özalp, the daughter of Selahattin Akbulut, stated that her father had been detained by police officers, and said, “My father had been detained 3 times previously. He had been continuously threatened by soldiers.” Denoting that she had applied to the Bismil Public Prosecution Office 2 days after her father’s disappearance, Ayda Özalp stated that the prosecutor had said to her,

“Terrorists might have taken him away as well. How do you know that the police officers had taken him?” Ayda Özalp stated that, upon this response, she had said to the prosecutor that people who had taken her father had previously come to the village along with soldiers and she had given the name of one of these people to the prosecutor, and that the prosecutor, upon this answer, had said, “I will ask the gendarmerie. Come later on,” and sent her back.

Ayda Özalp stated that she had to go to the prosecutor after waiting for one week, and she had been told, “Don’t worry about Selahattin. They will release him soon,” but this never happened. She added that no results could be obtained from the applications to the Diyarbakır SSC, State of Emergency Regional Governorate, Diyarbakır Security Directorate and Bismil Gendarmerie Commandership. She said the following: “After taking my father, they had kept him at the Kağıtlı Gendarmerie Station for 3 days. Then he had been taken to the Diyarbakır Regiment Commandership. He had been kept there for 35 days, and then brought to Bismil. A person named Musa Ayhan had seen my father in a military vehicle while he was being brought to Bismil. Additionally, a village guard named Mahmut, in charge at the Aslanoğlu village, said to us that he had seen my father in the battalion in Bismil.”

Hasan Ocak - Rıdvan Karakoç

Rıdvan Karakoç, who was declared to have “gone missing after being detained by the police in İstanbul on 15 February” and Hasan Ocak, who had gone missing after being driven by people reported to be “police officers” in İstanbul Gedikpaşa on 21 March, were found tortured to death in the vicinity of the Buzhane Village of Beykoz. The fate of Rıdvan Karakoç and Hasan Ocak, (*) whose bodies were kept at the Forensic Medicine Institute Morgue after being found and whose families were not informed, could only be learned by their families in May. The fact that the bodies of Rıdvan Karakoç and Hasan Ocak were found one after another in regions close to each other, caused widespread discussions and invoked protests.

It was determined that the corpse of Hasan Ocak, who had disappeared after being driven by some people reported to be police officers on 21 March in İstanbul Gedikpaşa, was found in the vicinity of the Buzhane Village of Beykoz on 26 March 1995, and kept in the Forensic Medicine Morgue until 28 April and buried afterwards. It was revealed that Hasan Ocak was killed by being throttled with a wire, and that there were traces of blows and burns (electricity) on his head and certain parts of his body, and cuts on his face, and he had been buried in the Küçükçekmece Altınşehir Cemetery. The fate of Hasan Ocak came out as follows: Hasan Ocak’s elder brother Hüseyin Ocak, who evaluated the information he received on 15 May, went to the Forensic Medicine Institute Morgue on the morning of 16 May and examined pictures of unclaimed corpses. He realized that one of the people, pictures of whom he examined there, resembled Hasan Ocak. Then he went to the Public Prosecution Office in Beykoz where the corpse of the person in question was found. There, Hüseyin Ocak examined other pictures taken after the corpse had been found, and determined that the body belonged to his brother. Additionally, he saw that the blood group of the corpse matched his brother’s. Pointing out that he recognized the body of his brother via the mole on the left cheek and the scar on his eyebrow, Hüseyin Ocak said that the pictures and documents he examined brought to light that his brother had been tortured to death.

(*) Emine Ocak, the mother of Hasan Ocak, and Gülşen Birsen Gülünay, the wife of Hasan Gülünay (disappeared after being detained in İstanbul on 20 July 1992), were each sentenced to one month in prison by the Ankara SSC. Upon the verdict, Emine Ocak and Gülşen Birsen Gülünay were arrested on the morning of 17 April and sent to the Ankara Central Closed Prison. Emine Ocak and Gülşen Birsen Gülünay, who were convicted since they shouted at the court board, “We want those missing. I want my son. Find our children,” after a hearing held at the Ankara SSC on 11 April, served in prison for 12 days. The verdict in question was delivered on the grounds that Emine Ocak and Gülşen Birsen Gülünay had broken the order of the hearing.

The grave of Hasan Ocak was found with great difficulty. The grave could not be found on 17 May, despite all the efforts by his family and friends. The grave, which was found on 18 May, was disinterred on 19 May. The body of Hasan Ocak was taken to the Gaziosmanpaşa Gazi quarter, and buried in the cemetery here after a funeral. About 8 thousand people attended the funeral of Hasan Ocak. It was striking that no police officers were around during the funeral, which ended without any incidents.

Numerous comments, witness accounts and evidence came out stating that “Hasan Ocak was detained by the police” during the period while Hasan Ocak was missing. In addition, many attempts and protests were launched by his family and friends in order that his fate be brought to light. Making a statement on 6 April, his father Erdoğan Ocak said, “Certain people in the Sağmalcılar Prison testified that they had seen my son during the period they had been kept in detention. One of these people says that he had seen my son while he was being taken for interrogation at the basement of the İstanbul Security Directorate on the Vatan Street, and Hasan had been tortured. Another one states that he saw the name of Hasan in the fingerprints list at the Anti-Terror Branch. The clothes described by the witnesses matches the clothes that Hasan wore on the day he disappeared. Despite all these, we are told that such a person was not detained.”

On those days, a witness stating that she had seen Hasan Ocak at the İstanbul Security Directorate, came out. This person named Suna Yaşar said the following: “I was detained on 25 March. I can’t remember the exact date; it could be 26 or 27 March. They had taken all my belongings, including my watch, and I had lost my sense of time as I was blindfolded. But it was approximately 2 days after my detention. I was brought back from an interrogation, and being kept standing in a room. I felt the presence of someone beside me in the room. I wanted water, but nobody answered. Upon this, I took off the blindfold. I saw a blindfolded person in the room, exhausted. I went to the İHD after being released. There were people on hunger strike there. They were holding the picture of the person I saw at the Security Directorate. Then I realized that the person I saw was Hasan Ocak.”

The applications lodged by the Ocak Family with many institutions including the National Assembly Presidency, Prime Ministry, Ministry of Interior Affairs, İstanbul SSC and İstanbul Security Directorate drew attention to the following points which verify that Hasan Ocak had been detained:

- Baki Düzgün, detained on 23 March, said that he had been taken to the İstanbul Security Directorate on the Vatan Street, and that on the same night, his blindfold had broken free as he fell down and right at that moment, he had seen Hasan Ocak taken for interrogation. Stating that Hasan Ocak wore a pale-colored sweater and gray pants and that he was taken to the cells on the 5th floor after the interrogation, Baki Düzgün said in his application to the İHD that Hasan Ocak might have gone missing in detention.
- Veysel Ceylan, who had been detained on 26 March, reported to have seen Hasan Ocak’s name on the detainees list at the İstanbul Security Directorate.
- Bilgi Camekan, detained on 26 March, said that she had seen Hasan Ocak’s name on the fingerprints list.
- It came out that some people in charge at the İstanbul Security Directorate had asked for an accounts enumeration from the Yapı Kredi Bank Avcılar Branch where Hasan Ocak had an account.
- Hasan Ocak’s sister Maside Ocak disclosed that on 4 March, while she was being kept in detention at the Eminönü Security Directorate, a police officer “of medium height, slightly bald, with light brown hair and a mustache” had said that he himself had writ-ten down the record about her brother. She called attention to the point that this officer had told her that her brother had TL 70 million on him, so he might have escaped with this

money, and she said the following: “I do not know from where this police officer got the information. However, I believe that he had seen Hasan and this proves the fact that he had been detained.”

- Asiye Baş, kept in detention along with Maside Ocak, stated to have heard this conversation between Maside Ocak and the plainclothes police officer.

A youth named Hasan Polat, who was in detention during the period when the fate of Hasan Ocak was not known and whose name was mentioned among the missing people for a while, made interesting statements after he was arrested. The news story on the statements by Hasan Polat, “*JITEM Finger in the Disappearance Cases*” by Hülya Topçu, which was published in the 29 April 1995 issue of the newspaper Cumhuriyet, is as follows:

It was claimed that Hasan Polat, introduced to the public as “Gazi provocateur” on the televisions just 3 hours after the Human Rights Ministry authorities’ statement that “he was not in detention,” had been abducted by the JITEM, and tortured at an unknown place for 2 days. It was not accepted that he had been detained, and even the Human Rights Ministry authorities were misinformed about him, but Hasan Polat had been introduced to the public as the “provo-causeur of the Gazi incidents” on 3 April 1995. In a letter he sent from the prison, Polat maintained that he had been abducted while he was walking on a street, and forcibly taken in a car. Hasan Polat, defending that he knew the people who had abducted him, narrated what he had gone through as follows:

“I was taken in a car by my arms and legs. My eyes were closed with the jacket I was wearing. I was being searched, then one of the persons from the death squad started to tell the ‘end of the road’ story:

‘Look, son, we are not political police. We are the JITEM, the counter-guerrilla. You managed to escape from us previously. But now you won’t, we will make you disappear. No one saw us while taking you.’

I knew that voice. It was the voice of one of those who had tried to abduct me in 1992. I learnt about him later on. He was no one else but Bayram Kartal, murderer of tens of revolutionists, one of the chief torturers. Fascist marches were playing on the tape recorder in the car. A railed door was opened. This was the entrance of a building. I was immediately taken in a room, and my clothes and belongings were taken. While taking off my watch, I realized that we had reached there in 45 minutes. They repeated that the place was not a police center, and I was not registered. A pair of pajamas were given instead of my clothes. I was told, ‘This is not a police center, a totally different place. You will speak to us.’ In fact, they definitely knew my answers. I was openly and determinedly answering the questions:

‘I will use my right to keep silent, I won’t testify. I am on hunger strike.’

I was being interrogated with my eyes open, to my great surprise. I was trying to figure out the situation. ‘We told you that here is a special and different place, we know about the attitude of the police. You will not be subjected to any degrading treatment here, nor will you be tortured as in the police. Because, you will be the last Hasan of the disappearances.’ Yet, everything was clear. For that reason they were interrogating me with my eyes open. A person, who started to speak saying, ‘You have 2 days here. If you don’t change your attitude within this period, you will be executed at about 03.00 in the morning of the third day, and join the other missings,’ narrated the state’s policy related to missings in details.”

Hasan Polat, maintaining that he had been given electric shocks, said that he had been put in a cell later on. Hasan Polat, noting that there were no revolutionary slogans nor the names of the organizations written on the walls of the cell, says the following in his letter:

“I knew that I was going to be killed. I was trying to scrape every detail on my mind. The interrogator said, ‘Sonny, isn’t it quixotic to be revolutionists today? You are few in the world. Why are you playing the hero?’ I replied, ‘If quixotism means to struggle until the end, even if there is only few of us, against the established fascist regime and against exploitation, yes, each of us is a Don Quixote.’ He only said, ‘You have a strong character, believing in your course.’ I was blindfolded on the second day. After expressing that 7 or 8 hours were left until my execution, they told the grounds of the execution in details. The chief executioner said, ‘You can choose one of the execution methods. Additionally, do you want an imam? Even if you don’t want, we will fulfill the religious procedures.’ I was taken to the cell again. Hours went by, and the expected moment came. I was taken out of the cell and taken in a room. They gave my clothes back there. Then, I was out in a car along with three executioners. After going for 15 minutes, one of them put a bullet in my hand, and said, ‘Here, this is the bullet that will take your life. You will die without even noticing. How does it feel to speak to your executioner?’ The executioner put a bullet in his gun, and draw it to my head. The other one stopped him, saying it was early yet. After a while, we stopped somewhere. He said, ‘We will give you some additional time. We brought you here for this reason.’ I was taken out of the car, and taken to another place. I hear the sound of police radios, voices of police officers. That certain place, the torture center, the Anti-Terror Branch. The executioners who brought me disappeared in such a rush. Police officers registered me, and then said, ‘We know you. Will you testify to us?’ I said, ‘I am on hunger strike. I will use my right to keep silent. I won’t testify.’ They mostly concentrated on psychological torture.”

Rıdvan Karakoç, who had disappeared after being detained by the police, was found dead. It was revealed that his dead body had been found in the vicinity of the Buzhane Village of Beykoz (the region where the body of Hasan Ocak had been found) on 2 March and then buried at the İstanbul Altınşehir Homeless Cemetery on 26 March, after being kept at the Forensic Medicine Morgue for a while. The autopsy revealed that Rıdvan Karakoç had been killed by being throttled with a wire on 1 March, there were traces of blows and burns (electricity) to his head and certain parts of his body, and his teeth were broken. The incident was brought to light as the Beykoz Public Prosecution Office that determined the identity of Rıdvan Karakoç through his fingerprints informed his relatives in Ağrı. Upon this, brothers of Rıdvan Karakoç went to the Prosecution Office and examined the pictures taken at the Forensic Medicine Morgue. As a result of the examination, it became definite that the body belonged to Rıdvan Karakoç. Rıdvan Karakoç’s brother Hasan Karakoç made a statement and said the following:

“My brother did not come home since he was wanted by the police. However, he used to call us regularly. In the same period, police officers came to our house frequently and threatened us saying ‘Find Rıdvan. Otherwise, we will jail you.’ The phone calls from my brother ceased as of 20 February. We did not receive any news from him since then. As of that date, the threats by the police subsided, too. Consequently, we started searching for my brother and found him buried in the homeless cemetery. Although his identity was determined via his finger print and the police knew our address, they did not notify us but our relatives in Ağrı. We think that the police behaved so, because they did not want the incident to be revealed.”

İHD İstanbul Branch Chairperson Ercan Kanar, who made a statement when it was revealed that Rıdvan Karakoç had been killed, said that Turkey overtook Latin American countries such as Argentina and Chile concerning the cases of missing and of death due to torture, and added, “It came out that Rıdvan Karakoç was killed by the state after being detained and tortured. As can be understood from this incident, about 350 people who had disappeared in the last 5 years, were detained by security forces and eliminated. There are too many cases of missing in Turkey and those cases are not witnessed even during a war. I ask the President who says ‘I am indisputably a democrat’ whether he does not feel ashamed of the detained people’s being tortured

and killed.” In a statement about the incident, lawyer Eren Keskin reported that Rıdvan Karakoç had been wanted by the police, and said, “Rıdvan had sent us a proxy through the notary in Bursa. He kept on saying that his life was in danger. The last time he called us, it was the beginning of February. We learnt that unknown people who called his family several times after March said, ‘We have something belonging to you. Come and get it.’ I absolutely believe that he had been killed in detention.” The grave of Rıdvan Karakoç in the Altınşehir Cemetery was disinterred on 2 June, and the body was buried on 3 June.

Saturday mothers

The increase in the number of the people gone missing after being detained, and of those found dead after having disappeared, incited public anger towards such cases. A group of people consisting of the relatives of the missings, executives of democratic mass organizations and artists held a sit-in in front of the Galatasaray High on the İstiklal Street in İstanbul on Saturday, 27 May. Then this action turned into a tradition, and was repeated at 12.00 p.m. every Saturday. (*) In the statement made in connection with the starting of the action, it was said, “Turkey does not fall short of Argentina. We are afraid that Turkey will face a similar situation. We have a call for all writers, poets and intellectuals. Let’s attend to these press statements. This is a cry. Our task is to eliminate this scandal.”

The sit-in act secured world-wide support within a short period of time. The activists, known shortly as “Saturday mothers,” presented the story of a disappeared person each week to the public attention. The Saturday mothers occasionally faced intervention by the police. The police officers, who did not intervene in the first few actions, then tried to decrease the number of the participants or shorten the duration of the action. Starting from July, the police changed its attitude. It was witnessed that the activists were attacked or detained by the police in this period. The police intervention was halted upon the determined resistance of the Saturday mothers. The sit-in acts continued until summer 1996 without an important incident or attack.

The Saturday mothers were attacked by numerous plainclothes and uniformed police officers on 8 June 1996. The police stopped the groups on their way to the Galatasaray High, and detained about 100 people whether by beating them or dragging them on the ground. Some people felt faint during the police intervention and Hasena Türkoğlu (a relative of one of the disappeared) was hospitalized. Meanwhile, journalists covering the incident were also attacked by the police. In the attacks that also continued on 15, 22 and 29 June 1995 and on 6 July 1996, hundreds of people were beaten, hospitalized, and detained. The attacks caused a public outcry and the number of the people participating in the action increased every week, in a way that forced the police to change their attitude. No intervention in the action has been witnessed as of 13 July 1996. The action in front of the Galatasaray High still goes on.

Those who disappeared in 1995

The following is the information compiled by the HRFT about the people who disappeared in 1995 and the fates of whom could not be discovered:

(*) Some similar acts were also staged in other places. The İHD Ankara Branch staged an act of burning candles on the 17th of every month, starting from 17 June, in front of the Human Rights Monument on the Ankara’s Yüksel Street. Certain periodic actions related to the disappearances were also staged at İzmir’s Konak Square and İstanbul Altıyol. The action in Ankara usually ended uneventfully, whereas the ones in İstanbul and İzmir were frequently disturbed by the police.

01)- M. Şirin Mutlu (25)

M. Şirin Mutlu, who was abducted by unknown people coming to his house in the Zıdya Village of the Kozluk District of Batman in January, disappeared. The residents of the Zıdya village stated that the village had been raided by soldiers right after the abduction, that there had been a person whose head was in a sack near the soldiers, and they supposed that the person had been Şirin Mutlu. No result could be obtained from his relatives' applications to the public prosecution offices in Batman and Kozluk.

02)- Bedri Algan

Bedri Algan disappeared after being detained along with Ali Günbey, Seyfettin Günbey, Ferit Akça, Garip Akça, Mansur Bozkurt and Tarık Oduncu by plainclothes police officers at Diyarbakır Yoğurtçular Pazarı on 5 January. Of the people who were detained along with Bedri Algan, 4 were released, whereas Mansur Bozkurt and Tarık Oduncu were arrested. Her mother Seyra Algan disclosed that she had repeatedly applied to the Diyarbakır Security Directorate and the Diyarbakır SSC, but she could receive no information about her son. Seyra Algan, pointing out to the fact that 6 more people had been detained along with her son, said, "Those 6 people say that they had been kept at the Diyarbakır Anti-Riot Directorate until 27 June along with my son. They are ready to be witnesses. Despite these 6 witnesses, my son's detention has been denied."

03)- Nihat Aslan

Nihat Aslan disappeared after being taken away by special team members and village guards raiding his house in the Doğançayır Village of the Midyat District of Mardin in February. It was asserted that Nihat Aslan had been kept at the Midyat Gendarmerie Station for 3 days, and then taken to Mardin. His relatives who made various applications in order to learn about his fate were given verbal answers such as "This person had been detained and then released. He must have gone to the mountains and become a guerrilla."

04)- Muhittin Olmaz (35)

Muhittin Olmaz, who was abducted by people who were reportedly "police officers" in the Bismil District of Diyarbakır in mid-February, disappeared. Nuriye Olmaz, the mother of Muhittin Olmaz, stated that her son had been detained 20 days before his disappearance, and said, "He was tortured in detention. After being released, he told us that the police had given him a 20-day time to give some names. It has been 20 days, my son got out of the house and never came back. On the evening of the day my son disappeared, police officers came to the house and asked for him. We said that he was not at home. Upon this, they insulted us. Additionally, they kept my daughter-in-law Ayşe and her daughter Arzu in detention for one day. Two days after Muhittin disappeared, my granddaughter Mülkiye Aksoy had seen her uncle in a police vehicle in Diyarbakır. Upon this, we applied to the Diyarbakır Security Directorate and the Diyarbakır Garrison Commandership, but the only answer was, 'There is no such person here'."

05)- Tarık Ümit

Tarık Ümit disappeared after being taken away by 2 people while he was dining at a restaurant in Bağdat Street in the Kadıköy Quarter of İstanbul on 2 March. It was revealed that Tarık Ümit, the fate of whom could not be learnt for a long period, had undertaken important tasks within the MİT (National Intelligence Organization). It was disclosed in the last months of 1996, within the context of the information that came out after the traffic accident in Susurluk, that Tarık Ümit had been abducted by special team members because of "a dispute within the counter-guerrilla," and he had been killed despite all initiatives by high-rank MİT officials.

06)- Kemal Birlik (26)

08)- Zübeyir Birlik (30)

07)- A. Baki Birlik (55)

09)- Zeki Alabalık

Kemal Birlik, who was released from the prison in the Kızıltepe District of Mardin on 29 March, after serving the 3 years 9 months imprisonment passed on him on accusations of “aiding the PKK and harboring its members,” his father Baki Birlik and brother Zübeyir Birlik, who went to the prison in order to meet him, and a person named Zeki Alabalık, who was re-leased from the prison on the same day, all went missing. The fates of 4 people, who were reportedly taken away by soldiers, could not be discovered.

10)- Ali İhsan Dağlı

The fate of Ali İhsan Dağlı, who disappeared after being detained along with 8 people by security officers raiding the Eşme Village of the Silvan District of Diyarbakır on 14 April, remained unsolved. Of the people who were detained along with him, Mehmet Şirin Kılıç, the headman of the Eşme Village, was released on 15 April, whereas the remaining people were arrested. Of the 7 arrested people, Mustafa Selçuk, Maşallah Tanır and Şevket Tamer made a statement from the prison, saying that Ali İhsan Dağlı had been among them at the Silvan Gendarmerie Commandership, and he had been tortured. The same people made similar statements during their trial at the Diyarbakır SSC. No result was obtained from the applications made by his father Mehmet Dağlı to the official authorities, and it was repeatedly said that “Ali İhsan Dağlı had not been detained.” In the 11 October 1995 issue of the newspaper Evrensel, a picture of Ali İhsan Dağlı, which had been reportedly “taken after his apprehension while wounded,” was published. The news story, stating that his cousin Faysal Dağlı had confirmed that the person in the picture was Ali İhsan Dağlı, read, “The answer ‘Such a person was not detained,’ given to the applications made to the official bodies, has been refuted with this picture.”

11)- Nezir Tekçi (27)

Nezir Tekçi disappeared after being detained along with 9 people named Fehim Dara, Nazım Dara, Mehdiye Dara, Kadir Altekin, Ecevit Sefalı, Yusuf Kırmızıtaş, Hamit Cindar, Habip Bala and Hurşit Cemil by soldiers raiding the Yukarı Ölçek Village of the Yüksekova District of Hakkari on 28 April. Nezir Tekçi and the other 9 people were taken to the Mobile Gendarmerie Battalion around the village. No information was heard from Nezir Tekçi, who was kept in detention in a stable for 3 days and then taken somewhere else by a captain on the evening of 1 May. The 9 people, who were sent to Yüksekova on 2 May, were released on 4 May. Halit Tekçi, the father of Nezir Tekçi, stated that his son had been detained while he had been staying at the house of a person named Fehim Dara as a guest, and added that he had applied to the Yüksekova Public Prosecution Office, Yüksekova District Governorate and Hakkari Governorate in connection with the incident. Halit Tekçi said that his applications had met with the response “We will investigate and inform you later,” and added that he had demanded help from Algan Hacaloğlu, the then-State Minister responsible for human rights, with the intermediary of the then-Hakkari Deputy Esat Canan, but no result had been obtained from the initiatives by Algan Hacaloğlu. Halit Tekçi said the following: “I gave a petition to the prosecution office, demanding that the 9 people detained along with my son and kept at the same place be heard as witnesses. However, the captain who had taken away my son had threatened the witnesses by saying, ‘You will be dead if you speak’.” Halit Tekçi added that he received information indicating that “his son had been killed by the captain in charge at the Mobile Gendarmerie Station and then the body had been torn to pieces by a mine.”

12)- M. Sait Zengin

A tradesman named Sait Zengin was taken away in a car without license plates by armed people, who were reportedly “police officers,” coming to his shop in the Midyat District of Mardin at noon on 6 May, and no information has been received about him since then. The relatives of Sait Zengin said, “All the tradesman around his shop had seen him being taken away. Later, we applied to the security directorates in Midyat and Mardin, but could not receive any

information. They did not accept that he had been detained. Sait had previously been detained 3 times.”

13)- Ahmet Cingöz

14)- Edip Aksoy

Youths named Ahmet Cingöz and Edip Aksoy disappeared after being taken away by 3 people, who were carrying rifles and had introduced themselves as “police officers,” from a tea garden in the Dağkapı Quarter of Diyarbakır on 7 June. No result came from the applications made by the relatives of the missing youths to the numerous official bodies, including the State Ministry responsible for human rights, Ministry of Interior Affairs, Diyarbakır Security Directorate and the Diyarbakır SSC Prosecution Office. The applications were not answered at all, or responses saying “such people were not detained” were given. Meanwhile, a press conference relating to the incident was held at the İstanbul İHD Branch on 24 July. In the press conference, it was stated that Ahmet Cingöz and Edip Aksoy had disappeared after having been detained by the police and the state had been responsible for the incident, and the state’s insensitivity to the incident was criticized.

15)- Ahmet Pehlivan (30)

A worker named Ahmet Pehlivan disappeared after leaving his house in the Kadıköy Quarter of İstanbul on 4 July. His wife, Nurten Pehlivan, stated that her husband had previously been detained twice. She said, “I am very anxious about the life of my husband. Unknown people have been calling our home after the disappearance of my husband. They make us listen to police radios and some signals. On the phone, the same people say ‘Don’t ever search, you can’t find him even if you search.’ I am very scared.”

16)- Servet Bayram (28)

A baker named Servet Bayram was abducted by village guards from a house he was staying as a guest on 8 July in the Hazro District of Diyarbakır, and no information could be received about him since then. Hasibe Bayram, the mother of Servet Bayram, expressed that she had repeatedly applied to the Diyarbakır SSC and the Diyarbakır Security Directorate, and said, “I don’t know the names of the village guards who took my son away. I don’t believe that the village guards would do such a thing on their own, without the consent of the state. The developments have proved this. The village guards there had stated that they had sent my son to the Diyarbakır Security Directorate. I applied everywhere. I received the response ‘There is no such person.’ to all my applications.”

17)- Selim Acar

Selim Acar disappeared after being taken away by village guards raiding the Çalpmar Village of the Midyat District of Mardin on 21 July. In a statement about the incident, his brother Osman Acar said that his brother had been wanted by the village guards under the command of Cengiz Kaçmaz for some time, and added, “He had managed to escape a few times. The last time they came, they took him from his house. All the villagers had seen the incident. They know the people who took away my brother.” He expressed that most of the people living in village had migrated due to pressure, and said, “Cengiz Kaçmaz had been holding my brother Selim responsible for the villagers’ refusal to become village guards. They abducted him for this reason.”

18)- Mehmet Yıldız

Mehmet Yıldız was reportedly “detained by the police” after leaving his house in the Balıkcılarbaşı Quarter of Diyarbakır on 22 July, and no information was heard about him since then. His sister Elmas Yıldız said the following: “After leaving the house, my brother did not come back. Plainclothes police officers raided the house early in the morning the next day. At first, the police officers introduced themselves as the friends of my brother. Then they searched

the house. My brother had been detained in 1985 and released 3 months later. We are anxious about his life. The Diyarbakır Security Directorate is the institution responsible for the incident.”

19)- Ahmet Özdemir

20)- Ahmet Özer

21)- Bahri Esenboğa

22)- Fikri Şen

23)- İlhan İbak

Five people named Ahmet Özdemir, Ahmet Özer, Bahri Esenboğa, Fikri Şen and İlhan İbak disappeared after being taken away by security officers carrying out an operation in the Fındık Town of the Güçlükonak District of Şırnak on 13 August. The 5 people had reportedly refused to become village guards and for this reason they had been kept in detention for a while.

24)- Reşit Yıldız (54)

Reşit Yıldız, the headman of the Çilesiz Village of the Nusaybin District of Mardin, disappeared on 27 August. It was reported that Reşit Yıldız had been taken away from his house by 2 people who come to the village in a gray car, the license of which could not be determined. The fate of Reşit Yıldız could not be learnt, and no result came from the applications to the official bodies. For this reason, the relatives of Reşit Yıldız applied to the İHD Diyarbakır Branch, stating that they were anxious about his life, and they demanded assistance and the taking of certain initiatives to learn about his fate.

25)- Hamza Güneri

A peddler named Hamza Güneri disappeared after being detained by special team members raiding his house in Ağrı on 11 September and taken to the Ağrı Security Directorate. The authorities of the Ağrı Security Directorate, in their statement about the incident, alleged that “Hamza Güneri has escaped on 15 September from the Security Directorate where he was kept in detention.” This statement provoked protests from the relatives of Hamza Güneri and the İHD executives. İHD İstanbul Branch Chairperson Ercan Kanar stated that the official statements were not convincing, and said, “They are lying. How can a person escape from the building of the security directorate which is under strict control? We think that he has gone missing during detention.” Meanwhile, the mother of Hamza Güneri, who went to the Ağrı Security Directorate protesting the statement, was kept in detention for 24 hours.

26)- Cemil Çelik (62)

Cemil Çelik disappeared after being detained by soldiers during an operation in the Ömerli District of Mardin on 26 September. In a statement about the incident, Kalo Çelik, the son of Cemil Çelik, said, “I applied to the Ömerli Public Prosecution Office when my father disappeared. The prosecution office informed me that my father had been detained, and he had been released the same day after giving his testimony. If my father had been released, he would not go anywhere else but home. Two other people had been detained along with him. These people were released and they are now in Ömerli, they did not disappear. If my father had been released, he would have been in Ömerli by now. The authorities should stop deceiving us.”

27)- Mehmet Emin Yılmaz (78)

28)- Haydar Yılmaz (42)

29)- Beşir Sayın (33)

30)- Yusuf Ertaş (67)

Four people named Mehmet Emin Yılmaz, Haydar Yılmaz, Beşir Sayın and Yusuf Ertaş disappeared after they left the Aydemir Village of the Başkale District of Van on 15 October to find their stolen sheep. Salih Sayın, the brother of Beşir Sayın, said the following: “About 1,700 sheep were stolen from the village on 12 October. Upon this, permission was received from the gendarmerie station to search for the sheep. Mehmet Emin Yılmaz, Haydar Yılmaz, Beşir Sayın and Yusuf Aktaş went to the Yeşilyüzü Plateau between the Beytüşşebap District of Şırnak and Hakkari on 17 October on their horses. There was an operation in that region on the same day. They were detained by the soldiers participating in the operation, and taken to the Geçitli Gen-

darmerie Station by helicopter. When we heard this, we went to the station. The officials of the station stated that the 4 people were not there. But their horses were in front of the station. Upon this, we wanted to get the horses. They told that we could get them the next day. When we went there the next day, we saw that the horses were not there. Later we found the horses shot dead.” Salih Sayın, making a statement at the İHD İstanbul Branch on 18 January 1996, said that they had applied to the Van Governorate, Van Gendarmerie Brigade Commandership, Hakkari Mountain Commando Brigade Commandership, Ministry of Interior Affairs and Ministry of State responsible for human rights, but they could not obtain any result.

31)- Kerevan İzmez

Kerevan İzmez disappeared after being detained during an operation carried out by po-lice officers and special team members in the Silopi District of Şırnak on the night of 15 October. Witnesses stated that Kerevan İzmez, whose house was raided, had been detained in his paja-mas, even without being allowed to get dressed, and taken to the military unit in the Besti Vil-lage. Applications by the relatives of Kerevan İzmez to the official authorities were met with the response “He was not detained.”

32)- Fehmi Tosun (38)

Fehmi Tosun was abducted by 3 people, who were “supposed to be police officers,” in front of his house in İstanbul on 17 October, and no information has been received about him since then. Upon the disappearance of Fehmi Tosun, his wife Hanım Tosun and children Besna and Masum Tosun held a press conference at the İHD İstanbul Branch on 29 November. In the press conference, Besna Tosun stated that her father had been abducted by being forcibly driven away in a car licensed 34 UD 597, and said, “Two of the 3 people had held my father by the arm. The other one was in the car. The men were carrying radios. My father shouted, ‘They are going to kill me.’ He was resisting their efforts to get him into the car. We wrote down the license num-ber of the car. The men took my father, and drove away at top speed without closing the doors of the car.” Hanım Tosun stated that some people she thought to be “police officers” had come to the quarter a few days after the abduction and tried to determine who had noted the license num-ber of the car. Hanım Tosun added that Fehmi Tosun had been kept in detention and tortured for 30 days in 1989 on accusations of “aiding the PKK and harboring its members,” and that he had served 45 months in prison because of the sentence passed on him.

33)- Düzgün Tekin (21)

A textile worker named Düzgün Tekin disappeared after leaving the house of one of his relatives in the Güneşli Evren Quarter of Bayrampaşa, İstanbul, on 21 October in order to go to work. Düzgün Tekin went missing 3 days after telling his relatives that he had been “followed.” An unknown person who called the house of Düzgün Tekin on 27 October, said that Düzgün Tekin was in detention, and some clothes and money should be taken to him. Upon this, Düzgün Tekin’s father Veli Tekin applied to the İstanbul Security Directorate, but he was told, “There is no such person in custody.” Making a statement at the İHD İstanbul Branch on 30 November, Düzgün Tekin’s brother Gazi Tekin said that someone wanted to silence his brother as he was a socialist and he actively participated in the trade union struggle. Gazi Tekin noted that they had spoken to İstanbul Security Director Orhan Taşanlar a few times, but Orhan Taşanlar had stalled them each time by saying that they would investigate the case.

34)- Mehmet Emin Aslan (19)

36)- Seyhan Doğan

38)- Nedim Akyön

40)- Abdurrahman Coşkun (14)

35)- Süleyman Seyhan (50)

37)- Davut Altunkaynak

39)- Abdurrahman Olcay (19)

In the Dargeçit District of Mardin, 19 people were detained during the operations carried out after the killing of teachers Gürkan Arıtürk and Ökkeş Korkmaz on 29 October by PKK

militants. Twelve of the detainees were released shortly afterwards, but Mehmet Emin Aslan, Süleyman Seyhan, Seyhan Doğan, Nedim Akyön, Davut Altunkaynak, Abdurrahman Olcay and Abdurrahman Coşkun disappeared. Stating that they could not learn about the fates of the missing people, their relatives said that the prosecution office and military officials had responded to their applications within the first week by saying “their interrogation is continuing,” but then they had stated that “those people have been released.” Meanwhile, Asiye Doğan, the mother of the missing Seyhan Doğan, was detained during the raid launched against her house by village guards and soldiers on the evening of 24 December.

41)- Şemsettin Yurtseven (73)

42)- Mikdat Özekan (20)

43)- Münir Samtaş (15)

Three people named Şemsettin Yurtseven, Mikdat Özekan and Münir Samtaş disappeared after being detained by soldiers raiding the Ağaçalı Village of the Yüksekova District of Hakkari on 27 November. Şemsettin Yurtseven’s son Fevzi Yurtseven stated that they had lodged an official complaint with the Yüksekova Public Prosecution Office after the incident, and said, “Prosecutor Ayhan Kocabaş called the battalion commander, and asked about the condition of my father and the other 2 people. The battalion commander said that the 3 people were there, and they would be released within 2 days. The prosecutor called the battalion again 2 days later. This time, he was given the response, ‘Don’t rake up this incident, these people are not here.’ Prosecutor Ayhan Kocabaş had learnt from a PKK member prisoner in the Yüksekova Prison that he had been tortured at the same time as my father. Additionally, the prisoner had stated that he had been kept along with Mikdat Özekan and Münir Samtaş for 25 days.” Con-temporary Jurists Association Chairperson Şenal Sarihan, who undertook the advocacy of the missing people, disclosed that they would appeal to the European Human Rights Commission. In the meantime, Prosecutor Ayhan Kocabaş, who dealt with the case of the missing people, was appointed to somewhere else outside Yüksekova.

People disappeared until the end of 1994

The disappearance incidents, which was brought to public attention with the 12 September Military Coup and which began to increase in 1992, reached their highest levels in 1994 and 1995. As a result of the studies carried out by the HRFT, it came out that a total of **104** people mysteriously disappeared, 10 during the period between 12 September 1980 and the end of 1990, 3 in 1991, 8 in 1992, 27 in 1993 and 56 in 1994,. This reached **147**, when the 43 people who disappeared in 1995 were added. Below is the list prepared by the HRFT regarding the people who disappeared between 12 September 1980 and the end of 1994:

001)- Gazal	1980	Mardin	Political
002)- Hüseyin Morsümbül	18 September 1980	Bingöl	Political
003)- Cemil Kırbayır	09 October 1980	Kars Göle	Political
004)- Mahmut Kaya	25 December 1980	Kars	Political
005)- Gürkan Mungan	December 1983	Ankara	Political
006)- Nurettin Öztürk	04 April 1984	Ankara	Political
007)- Ömer Savun	06 May 1989	Siirt	Political
008)- Hüseyin Demirtaş	26 May 1989	Siirt	Political
009)- Adnan Bağca (32)	11 June 1990	Siverek	Political
010)- Abdullah Kurt	September 1990	Yüksekova	Political
011)- Yusuf Erişti	March 1991	İstanbul	Political
012)- İbrahim Gündem (46)	25 September 1991	Hazro Sarıerik village	Political
013)- Hüseyin Toraman (25)	27 October 1991	İstanbul	Political
014)- Mehmet Demir (32)	10 January 1992	Siirt	Political
015)- Durmuş Çaylak (27)	09 February 1992	Fethiye	Ordinary

016)- Hüseyin Yaman (22)	04 May 1992	İstanbul	Political
017)- Soner Gül (22)	04 May 1992	İstanbul	Political
018)- Hasan Gülünay (32)	20 July 1992	İstanbul	Political
019)- Mehmet Ertak	22 August 1992	Şırnak	Political
020)- Ayhan Efeoğlu (25)	06 October 1992	İstanbul	Political
021)- Namık Erkek (30)	19 December 1992	Mersin	Political
022)- Ali Kırılgaç	07 March 1993	İstanbul	Political
023)- İbrahim Akıl	14 June 1993	Şırnak Görümlü village	Political
024)- Hikmet Şimşek	14 June 1993	Şırnak Görümlü village	Political
025)- Salih Demirhan	14 June 1993	Şırnak Görümlü village	Political
026)- Hamdi Şimşek	14 June 1993	Şırnak Görümlü village	Political
027)- Halit Özdemir	14 June 1993	Şırnak Görümlü village	Political
028)- Şemdin Culaz	14 June 1993	Şırnak Görümlü village	Political
029)- İhsan Uygur	06 July 1993	İstanbul	....
030)- Yüksel Alptekin	06 July 1993	İstanbul	....
031)- Aysel Malkaç (22)	07 August 1993	İstanbul	Political
032)- Erdoğan Şakar (32)	13 August 1993	İstanbul	Political
033)- Abdülvahap Timurtaş (32)	14 August 1993	Silopi Yeniköy village	Political
034)- Serhan Dehmen (23)	08 September 1993	İstanbul	Political
035)- M. Şah Atala (24)	09 October 1993	Kulp Alaca village	Political
036)- Bahri Şimşek	09 October 1993	Kulp Alaca village	Political
037)- Hasan Avar (41)	09 October 1993	Kulp Alaca village	Political
038)- Şerif Avar (24)	09 October 1993	Kulp Alaca village	Political
039)- Nusrettin Yerlikaya	09 October 1993	Kulp Alaca village	Political
040)- Turan Demir (27)	09 October 1993	Kulp Alaca village	Political
041)- Behçet Tutuş (40)	09 October 1993	Kulp Alaca village	Political
042)- Abdi Yamuk	09 October 1993	Kulp Alaca village	Political
043)- Salih Akdeniz (65)	09 October 1993	Kulp Alaca village	Political
044)- Celil Aydoğdu	09 October 1993	Kulp Alaca village	Political
045)- Ümit Taş	09 October 1993	Kulp Alaca village	Political
046)- Yılmaz Gümüş	21 October 1993	Batman	Political
047)- Bahri Kağanaslan	10 November 1993	Diyarbakır Baroğlu vil.	Political
048)- Ahmet Çakıcı	28 November 1993	Hazro Çitlibahçe village	Political
049)- Ali Efeoğlu	05 January 1994	İstanbul	Political
050)- Fethi Yıldırım (32)	05 January 1994	Urfa Viranşehir	Political
051)- Yusuf Tunç	09 February 1994	Kızıltepe Kengerli village	Political
052)- Cüneyt Aydınlar	20 February 1994	İstanbul	Political
053)- Nazım Babaoğlu	12 March 1994	Urfa	Political
054)- Zeynel Kürsad	23 March 1994	Batman	Political
055)- Piro Ay	16 April 1994	Derik Çay village	Political
056)- Muharrem Tanrıverdi (20)	08 May 1994	Lice Dibek village	Political
057)- Mehmet Tanrıverdi (25)	08 May 1994	Lice Dibek village	Political
058)- November Alpsoy	18 May 1994	Adana	Political
059)- Fahri Bulut	18 May 1994	Lice Törelî (Esenli) vil.	Political
060)- Mustafa Bulut (25)	18 May 1994	Lice Törelî (Esenli) vil.	Political
061)- İkrâm İpek (21)	18 May 1994	Lice Duralî village	Political
062)- Servet İpek (16)	18 May 1994	Lice Duralî village	Political
063)- Seyithan Yolur	18 May 1994	Lice Duralî village	Political
064)- Ali İhsan Çiçek (19)	18 May 1994	Lice Dernek village	Political
065)- Tahsin Çiçek (47)	18 May 1994	Lice Dernek village	Political
066)- Çayan Çiçek (15)	18 May 1994	Lice Dernek village	Political
067)- Zeki Ercan Diril	19 May 1994	Beytüşşebap Kovankaya	Political
068)- İlyas Edip Diril	19 May 1994	Beytüşşebap Kovankaya	Political
069)- Hasan Orhan	24 May 1994	Lice Yorulmaz village	Political

070)- Mehmet Selim Orhan	24 May 1994	Lice Yorulmaz village	Political
071)- Cezayir Orhan	24 May 1994	Lice Yorulmaz village	Political
072)- Mehmet Can Aysin (45)	24 May 1994	Lice Yorulmaz village	Political
073)- Sinan Fidan	06 June 1994	Diyarbakır Kadiye village	Political
074)- Recai Aydın (32)	02 July 1994	Diyarbakır Çınar	Political
075)- Abdülğani Dağ	23 July 1994	Nusaybin Akarsu village	Political
076) Mahmut Demirel	August 1994	Batman	Political
077)- Resul Saçan	09 August 1994	Batman	Political
078)- Safura Yıldırım	31 August 1994	Nusaybin Çağlı village	Political
079)- Lütfiye Kaçar	05 September 1994	İstanbul	Political
080)- Fidan Güngör	11 September 1994	İstanbul	Political
081)- Sabahattin Talayhan	11 September 1994	İstanbul	Political
082)- Kenan Bilgin	12 September 1994	Ankara	Political
083)- Rıdvan Temiz	October 1994	Mardin Derik	Political
084)- Turgut Yenişoy	04 October 1994	Diyarbakır Bismil	Political
085)- Hıdır Işık (59)	Sept. - Oct. 1994	Tunceli	Political
086)- Hatun Işık (25)	Sept. - Oct. 1994	Tunceli	Political
087)- Elif Işık (22)	Sept. - Oct. 1994	Tunceli	Political
088)- Düzali Serin (31)	Sept. - Oct. 1994	Tunceli	Political
089)- Yeter Işık (15)	Sept. - Oct. 1994	Tunceli	Political
090)- Gülizar Serin (28)	Sept. - Oct. 1994	Tunceli	Political
091)- Dilek Serin (3)	Sept. - Oct. 1994	Tunceli	Political
092)- Adnan Şeker	Sept. - Oct. 1994	Tunceli	Political
093)- İbrahim Gencer (55)	Sept. - Oct. 1994	Tunceli	Political
094)- Nazım Gülmez (61)	Sept. - Oct. 1994	Tunceli Hozat	Political
095)- Mehmet Ağgün (90)	Sept. - Oct. 1994	Tunceli Hozat	Political
096)- Ahmet Akbaş	Sept. - Oct. 1994	Tunceli Hozat	Political
097)- Müslüm Aydın (56)	Sept. - Oct. 1994	Tunceli Hozat	Political
098)- Ahmet Yetişen	14 November 1994	Batman	Political
099)- Ali Tekdağ	26 November 1994	Diyarbakır	Political
100)- Ender Toğcu	29 November 1994	Diyarbakır	Political
101)- İsmail Ağaya	December 1994	Batman	Political
102)- Abdullah Efeli (50)	15 December 1994	Şırnak Cizre	Political
103)- İhsan Haran (25)	24 December 1994	Diyarbakır	Political
104)- İsmail Bahçeci	24 December 1994	İstanbul	Political

f)- Prisons

1995 was a year in which the problems in prisons did not end, pressure and attacks increased. Beating of prisoners one by one or collectively, inhuman treatment, bans and operations occurred continuously in prisons. Sometimes the operations turned into a massacre, as in the İzmir Buca Prison. Suicides, murders by prisoners and attacks with guns, knives or skewers in prisons went on. Intensifying pressure and violence and the taking away again of obtained rights caused the prisoners to resort to short or long-term hunger strikes. Hunger strikes worsened the health of prisoners and led them to develop permanent illnesses. Rights obtained after hunger strikes were taken away again within a short time. Inhuman treatment, torture and hunger strikes in prisons created a series of problems for the relatives of prisoners.

For the first time in many years, Turkey witnessed deaths in hunger strikes. Prisoners who were jailed in connection with PKK trials staged an indefinite/alternate hunger strike starting from 14 July. Nearly 5,000 prisoners serving in more than 20 prisons participated in the hunger strike staged with political demands. During the hunger strike which ended on 19 August, Fesih Beyazçiçek and Remzi Altıntaş died. (Detailed information is on pages 141-144.)

The prisons, especially those in which arrested or convicted political prisoners are kept, became the target of the authorities. Provocative information was spread against these prisons, restrictions and prohibitions were attempted to be put, and false reports were prepared. For example, a report entitled "Prison Activities," prepared by the Ministry of Interior Affairs in September, claimed that arrested members of organizations were getting "ideological training," they became more proficient when they were released from the prisons, the prisons were turned into "drilling camps" because of their current structure, and that the prisons were a step in the advancement of the militants. The report pointed out that prison officials had lost control on the prisoners because of political, social and economic reasons, and accused the lawyers of "carry-ing documents, messages or certain criminal tools used in the activities of organizations."

The number of the arrested and convicted prisoners, especially that of political prisoners increased extensively in comparison with the number last year. The number of arrested or convicted prisoners which decreased to approximately 20,000 in 1991, increased to 32,000 by the end of 1993, to 40,000 by the end of 1994, and to 50,000 in 1995. The increase in the number of prisoners arrested for political reasons was much more striking. The number of the political prisoners in November 1991, when the DYP-SHP coalition government came to power, was 900. This number rose to 4,248 in 1993, and reached 6,379 in the middle of 1994. It was disclosed that 49,566 people (29,763 arrested and 19,803 convicted) were in prison as of January 1996. Of the total numbers of prisoners, 40,942 (24,183 arrested, 16,759 convicted) were ordinary prisoners and 8,624 (5,580 arrested and 3,044 convicted) were political prisoners, according to the figures provided by the Ministry of Justice. (Of the 8,624 arrested or convicted political prisoners, 338 were right-wing and 8,286 left-wing.) The names of the prisons in which arrested or convicted political prisoners are kept, and the number of political prisoners serving in these prisons (as of early 1996) are as follows:

"Adana E Type (22), Adiyaman E Type (96), Ağrı Closed (25), Amasya E Type (218), Ankara Central (148), Aydın E Type (43), Bandırma Closed (43), Bartın E Type (212), Batman E Type (209), Bingöl Closed (132), Bismil Closed (25), Bursa Special Type (342), Çanakkale E Type (179), Ceyhan Special Type (237), Çankırı E Type (218), Diyarbakır E Type (949), Diyarbakır Closed (20), Elazığ E Type (133), Elbistan E Type (142), Erzurum E Type (427), Gaziantep E Type (2), Gaziantep Special Type (297), Gebze Special Type (90), Gümüşhane E Type (56), İskenderun E Type (173), İstanbul Bayrampaşa (931), İstanbul Metris (35), İstanbul Special Type (41), İstanbul Ümraniye (127), İzmir Buca (338), Maraş E Type (61), Kayseri Closed (45), Kırklareli E Type (28), Kırşehir E Type (28), Konya E Type (452), Malatya E Type (160), Mardin E Type (246), Muş E Type (152), Nazilli E Type (12), Nevşehir E Type (55), Sakarya E Type (58), Urfa E Type (32), Silifke Closed (26), Sivas E Type (81), Siirt Closed (115), Yozgat E Type (227), other prisons (725)."

In late 1995, attacks which were carried out under the name of "operations" started in prisons and then turned into massacres. The first of such incidents took place in the İzmir Buca Prison on 21 September, and 3 prisoners were killed. Then a similar incident took place in the İstanbul Ümraniye Prison on 13 December. This time nobody was killed but 36 arrested or convicted prisoners were seriously wounded. The attacks also continued in 1996. An operation carried out in the Ümraniye Prison on 4 January 1996 resulted in the killing of 4 arrested prisoners. A similar incident took place in the Diyarbakır Prison on 24 September 1996, and 10 prisoners were brutally beaten to death.

Buca Prison

The İzmir Buca Prison became a scene for various incidents, tension and hunger strikes before the massacre on 21 September. The hunger strike staged in the prison on 20 December

1994 by some 300 political prisoners demanding “improvements in living conditions and an end to pressure,” ended on 4 February. It was stated that the hunger strike ended when the executives of the İzmir Bar, representatives of the prisoners and the officials of the prison came to an agreement during the negotiations, and all the demands, except one, had been accepted. It was stated that condition of about 70 prisoners who took part in the hunger strike had deteriorated. The names of those prisoners whose health was seriously damaged during the hunger strikes are as follows: “Kazım Ateş, Hayri Tekin, Remzi Kıran, Veysi Tüzel, Hayal Sarıkaya, Kadri Kaya, Kadir Eraslan, Vefa Kartal, Mürüvvet Küçük, Kadri Isı, Mehmet Ermiş, Neslihan Göktepe, Nuray Özçelik, Hülya Turunç, Davut Kaya, Şükrü Topkan, Esat Turan and İrfan Kalan.”

While the hunger strikes were going on, the relatives of the prisoners staged certain protest demonstrations. On 13 January, on the 25th day of the hunger strike, a group of relatives of prisoners started a hunger strike in the HADEP Konak District Organization Office. In addition, a group of 100 people including relatives of the prisoners staging a hunger strike held a demonstration in front of the Buca Prison on 17 January. The demonstrators, who stressed that “the prisoners on strike in the prison are coming close to death,” were dispersed by the police using truncheons, and 30 people were detained. The detainees were released after a short time. Families of the prisoners went the SHP İzmir Provincial Organization Office on 1 February and refused to leave the building in order to give support to their relatives staging a hunger strike in the Buca Prison and to draw the attention of the public. On 3 February, these people were forcibly removed from the office by the police, and 93 people (including 55 women) were detained. The detainees were taken to the İzmir Political Police Center for interrogation. The 93 people were released on 4 February by the Public Prosecution Office.

The section where female political prisoners are kept in the İzmir Buca Prison was raided by guardians and gendarmes on 1 March on the pretext that certain arrested prisoners had not gone to court. During the raid, the arrested women in the section were beaten with clubs and truncheons. Lawyers who met the prisoners after the incident, stated that they had never witnessed such violence against women in prisons.

Four defendants in a DHKP-C trial, Ali Rıza Kurt, (*) Tevfik Durdemir, Celalettin Ali Güler and Bülent Pak, who were under arrest in the Buca Prison, escaped on 15 July. Gendarmes and guardians wanted to conduct a search of the prison on 17 July after the escape was discovered. When the political prisoners in the 4th and 5th wings opposed the search by gendarmes and guardians, an operation was carried out in these wings. Since the gendarmes and guardians entered the wings forcibly, 5 prisoners named Osman Kaan (hospitalized, his arm needing 20 stitches), İbrahim Şahin, Mustafa Selvi, Yedigâr Kuyu and Süleyman Sürücü were wounded. Additionally, meetings between the prisoners and their families, and between the prisoners and lawyers were restricted because of the escape.

Twenty-two prisoners were ruthlessly beaten by gendarmes on 19 July, while they were being taken from the Buca Prison to the İzmir SSC for their hearing. Signs of blows and wounds on the faces and bodies of the prisoners, who attended the hearing held at the İzmir SSC, were identified by the court board and recorded in the minutes. The Court Board decided to lodge an official complaint with the İzmir Public Prosecution Office and postponed the trial, taking into account the poor health of the defendants. In addition, a group of lawyers filed an official complaint with the İzmir Public Prosecution Office, concerning the incident. The names of the beaten prisoners are as follows: “Ahmet Güven (head wound), Ramazan Akdağ (face wound),

(*) Ali Rıza Kurt was shot dead by the police raiding a house in the Bozyaka Quarter of İzmir on the night of 26 July. (Detailed information is on page 192.)

Abdülkadir Eraslan, Kadri Sönmez, Murat Satık (severely wounded), Neslihan Göktepe, Mehmet Ermiş, Ali Kemal Yıldız, Terzan Adıbelli (broken ribs), Yaşar Yağcı, Kadir Satık, Fesih Yılmaz (broken teeth), Songül Diribaş, Rıdvan Karatay, Ali Haydar Özdemir, Esmahan Karatay, Kadri Isı, Mehmet Kışanak (broken nose), İzzettin Koç (head wound and broken chin), Metin Göktepe, Yaşar Avcı (ruptured liver) and Saime Sefer.”

In the meantime, guardians raided at noon on 20 July the wings of the female prisoners who were under arrest for political reasons in the Buca Prison, and beat them. In the incident 7 women were wounded.

The police forcibly prevented a demonstration held in front of the Buca Prison in the morning on 25 July by the relatives of the prisoners in protest of the restrictions on the visits and the poor living conditions. The police officers, using sticks and truncheons, dispersed the relatives of the prisoners staging a sit-in on the street in front of the prison and detained 19 people, including some reporters for various journals. Numerous relatives of the prisoners, including old women, were wounded in the incident, Aliye Yüksel (60) and Mehmet Emin Yılmaz were hospitalized. Among the wounded, Ahmet Subaşı, Gürcan Yıldız and Serhat Karaduman, reporters for various journals, were arrested whereas the remaining detainees were released by the court.

In the Buca Prison, a clash broke out between guardians and gendarmes, and the prisoners on 28 July. When the prison officials conducting a search in the 4th and 5th wings, in which the DHKP-C defendants were kept, attempted to tear down the posters on the walls, a clash started and soon turned into a revolt. The prisoners, who occupied parts of the prison, took some gendarmes and guardians hostage and shouted slogans. The revolt, which lasted for approximately 3 hours, was ended by an operation by gendarmes, and the prisoners, who participated in the revolt were beaten and taken out of the wings to the prison yard. During the incidents, 4 guardians, 7 gendarmes and 20 arrested prisoners were wounded. Of the prisoners who were wounded, Halil Bozkurt, Yusuf Sarp, Serdar Karabulut and Erdal Arıkan were hospitalized.

In the Buca Closed Prison an action preventing the roll-call was staged on 19 September by the political prisoners in protest of the practices in the prison. The action was crushed with a bloody operation on the afternoon of 21 September. Many soldiers who were brought to the prison at noon tried to enter the 1st, 3rd, 4th, 6th and 7th wings where the roll-call had been prevented. When the prisoners in these wings resisted this attempt and erected barricades, gas grenades were thrown into the wings. At that time, fire started in some sections of the prison. The fire was put out by fire brigade. The soldiers who were not able to cross the barricades for a long time despite all the efforts, finally entered the 6th Wing. The operation during which guns, clubs, iron sticks and chains were used, lasted for approximately 4 hours. Most of the soldiers who participated in the operation left the prison at about 04.00 p.m., shouting slogans such as “Turkey is the greatest,” “Everything for the motherland.” Then, the wounded were taken to hospital. First, 15 soldiers and 4 guardians who were slightly injured or poisoned because of the gas grenades were taken out of the prison. At about 05.00 p.m., some 60 arrested prisoners, most of whom were severely injured, were taken to the hospitals in İzmir.

During the incidents 3 prisoners, named Yusuf Bağ, Uğur Sarıslan and Turan Kılınç, died and 58 prisoners were injured, 25 of whom were severely. (*) Forty of the wounded prisoners

(*) All of the deaths and most of the injuries took place in the 6th Wing where the DHKP-C defendants were kept. The act continued in the 1st, 3rd, 4th and 7th wings where the soldiers had failed to enter. The acts in the 1st and 4th wings ended on 24 September, and barricades were removed. Consequently, a roll call and search was conducted in those two wings. Upon the agreement reached by the authorities of the Ministry of Justice and the prisoners, the “roll call prevention act” completely ended as of 24 September. According to the

were taken to the Yeşilyurt State Hospital. The names of the hospitalized prisoners are as follows: “Mehmet Kurnaz (went into a coma), Mesut Avcı, Ali Gedik, Devrim Demir, Barış Kaya, Serdar Karabulut, Erdal Enver Güç, Ahmet Kurban, Doğan Ünal, Bernur Tatar, Barış Yıldırım, Ali Bozkurt, Ali Doğulu, Ediz Araslı, İbrahim Sertel, Erdal Arıkan, Esin Kur, Hasan Toraman, İhsan Çoban, İsmet Avcı, Kaan Toksoy, Mehmet Gözekli, Metin Bozoğlu, Murat Becerikli, Mehmet Büyükimdat, Metin Özatıl, Mesut Öz, Murat Candar, Murat Kuş, Mustafa Tokur, Rıza Doğru, Murat Karayılan, Nevzat Kalaycı, Savaş Kocabaş, Şahin Yılmaz, Sinan Güler, Yasin Kılıç, Ümit Kanlı, Yusuf Karataş and Yusuf Sarp.”

In the autopsies conducted on Uğur Sarıaslan, Yusuf Bağ and Turan Kılınç, who were killed in the operation, it was found that the 3 arrested prisoners had died as a result of intra-cranial and internal bleeding. The physicians who performed the autopsies stated that the traces on the corpses and the breaks in the bones of the dead had proved the prisoners had been beaten ruthlessly, and noted “suspicious death” on the autopsy reports. In the official minutes written after the incident, the reason for deaths of the prisoners was claimed as follows: “The terrorists who were standing on their beds fell and were wounded as a result of hitting the concrete floor. Then they were hospitalized and died in hospital.” The minute, which claimed that the incident broke out when the prisoners attempted to revolt, stated that 24 smoke grenades, 26 noise grenades and 35 tear gas grenades had been thrown, and defended the action saying that “the members of the terrorist organization were rendered ineffective without using any guns.”

Two separate investigations were launched by the İzmir Public Prosecution Office and the Ministry of Justice into the incident. Under the scope of investigation by the Ministry of Justice, 30 guardians and 5 executives in charge of the prison were, at first, assigned to other places. Prisoners arrested or convicted for political reasons in the Ankara Central Closed, İstanbul Sağlıkçılar, Çankırı, Yozgat, Erzurum, Malatya, Kayseri, Konya and Çanakkale prisons staged a hunger strike starting from 23 September morning in protest of the incidents in the Buca Prison and with demands for improvements in living conditions. The hunger strike staged by some 800 political prisoners ended on 7 November.

The operation in the Buca Prison caused public indignation and demonstrations. The police intervened in some demonstrations. A group of people including the relatives of prisoners and representatives of the İzmir Democracy Platform who held a press conference in front of the prison on 22 September in protest of the operation and then started to march towards the Forensic Medicine Institute to take the dead bodies, were beaten and dispersed by the police, who used truncheons and clubs. During the dispersion of the group, 15 people were injured and 51 people, 12 of whom were lawyers, were detained. Among the wounded were Derviş Altun, the Secretary of the İHD İzmir Branch (head wound) and Lawyer İrfan Güler (broken arm and fingers, injured neck, had 8 stitches in the head). The names of the detained lawyers are as follows: “İrfan Güler, İbrahim Ergül, Betül Duran, Suat Çetinkaya, Fehmi Çam, Çetin Bingölbali, Sema Pektaş, Ercan Demir, Gül Kireçkaya, Şengül Gültekin and Türkan Arslan.” The detained lawyers were released by the court that night and the others on 23 September. In the meantime, the police attempted to

agreement reached by the mediation of a group of lawyers, it was decided that roll calls would be done once a day and soldiers would not be present during roll calls for two months, the visiting period for the families would be prolonged and more people would be permitted to visit, the 6th Wing that was destroyed during the operation would be repaired, nobody would be sent to other prisons as it had been decided before, prisoners would not be chained while going to or returning from court. Meanwhile, a fight broke out on 25 September between guardians and a group of political prisoners in the 7th Wing. The fight during which 2 arrested prisoners, Murat Özdemir and İlker Kartal, and 4 guardians were slightly injured, ended before it spread, as a result of the attempts by the prison officials and other prisoners.

disperse the people who had gathered in front of the Court House in order to watch the hearing. Şefik Özdalga, Hayri Mete and Orhan Yüce were wounded as a result of this attack.

A group of 100 people who tried to hold a demonstration in front of the İstanbul Court House on 25 September to protest the incidents in the Buca Prison, was blocked by police. The demonstrators were harassed and dispersed, and 28 people were detained. While 23 detainees were released on 26 September, Asiye Baş, Münevver İltumur, Emine Baş, Goncagül Telek and Meral Çavundur were arrested. The trial launched against the arrested people started at the İstanbul Penal Court of First Instance No.7 on 31 October. In the hearing, the 5 defendants were released. Meanwhile, a meeting planned to be held in İzmir to protest against the operation in the Buca Prison was not permitted by the İzmir Governorate, which did not give any reason for the measure. About 400 people gathered at the İzmir Konak Square on the morning of 1 October and protested against the decision of the İzmir Governorate.

Official complaint

Numerous people lodged official complaints with the Ministry of Justice against public servants who were the agents of the operation in the Buca Prison and incidents in front of the prison. A detailed account of the incidents was given in the text of the official complaint, and the legal status of the accused officials was evaluated. Below are some parts of the text:

To the İzmir Public Prosecution Office, to be sent to the Ministry of Justice

Defendants:

- *Melih TARI - İzmir Public Chief Prosecutor*
- *Yücel TEZEL - İzmir Public Prosecutor*
- *Hüseyin YILDIZ - İzmir Public Prosecutor*
- *Yaşar ARSLAN - Buca Prison Prosecutor*
- *Tevfik KAÇAR - Colonel, İzmir Gendarmerie Regiment Commander*
- *Vedat ENGİN - Director of the Buca Prison*
- *Yusuf TANRIVERDİ - Deputy Director of the Buca Prison*
- *Hasan ÖZDAĞ - Deputy Director of the Buca Prison*
- *Serhat ÜNAL - Deputy Director of the Buca Prison*
- *Kemal YAZICIOĞLU - İzmir Security Director*
- *Zeki ÇATALKAYA - İzmir Anti-Terror Branch Director*
- *Nejdet SARGIN - Chief of the Anti-Riot Forces, İzmir Security Directorate*
- *Kahraman KOÇAK - Director of the Security Branch, İzmir Security Directorate*
- *Ali KILIÇ - Chief of the Buca Police Station*
- *All the gendarmerie forces brought to the Buca Prison*
- *The guardians of the Buca Prison who were involved in the crime*
- *The police officers of the Anti-Terror Branch, Anti-Riot Forces and of the Buca Police Station who were in charge in and around the Buca Prison and in the prison yard, and who were involved in the crime*

Crimes:

- *Intentional murder; Article 450/4 of the Turkish Penal Code (TPC)*
- *Attempted to murder; Article 450/4 and 61 of the TPC*
- *Encouraging murder; Article 450/4 and 65 of the TPC*
- *Torture, inhuman and degrading treatment; Article 243 of the TPC*
- *Assault and battery; Article 456 of the TPC*
- *Insult and attack against the incumbent lawyers on duty; Article 266/3 of the TPC in line with Article 57 of the Law on the Lawyers No. 1136*

- *Conducting arbitrary proceedings by detaining lawyers unlawfully despite the decrees of the Ministry of Justice; Article 228 of the TPC*
- *Misconduct of duty by preventing the giving of information to relatives and lawyers of prisoners, to democratic mass organizations, in brief, the public, about the health of those who were attacked; Article 240 of the TPC*
- *Encouraging the committing of crimes, in connection with the behavior of gendarmes and guardians who were cheering the police and encouraging them to attack the families and lawyers waiting in front of the prison to hear about their relatives or clients; Article 311 of the TPC*

The Date of the Crime: *During the period between 19.9.1995 and 25.9.1995*

Incidents: *The people who are under arrest in the Buca Prison on charges of political offense, have a problem of “being beaten by gendarmes” and being chained to each other with a “double handcuff” (a similar device to the “transfer chain”) during transfers, which has systematically continued for two years. These people have been severely beaten by the incumbent gendarme whenever they are taken to or brought back from the courts or hospitals. The beating is sometimes continued by guardians in the prison, and some methods of torture have been used, and the wounding of prisoners to the extent of incapacitating them has occurred.*

(...) Many incidents of beating have occurred in the last 2 years. There are at least 10 court verdicts proposing that the problem should be referred to the Ministry of Interior Affairs via the Ministry of Justice, and some measures should be taken, as it is written in on the Izmir SSC hearing minutes, and in the minutes of the case file of 1994/85 on 20.7.1994. Nevertheless no measures have yet been taken. The “personal security” of these people, whose freedom was restricted by the court verdicts, has always been violated by the security forces of the state, and these practices have been turned into a systematic policy. Upon the escape of 4 political prisoners from the Buca Prison in July, the suppression and violence towards the prisoners have increased, and the visits of the lawyers and their families have been restricted.

(...) The incidents which broke out between 19.9.1995 and 25.9.1995 in the Buca Prison are part of a planned process. The first step was to make efforts in order to create a vicious public support for this attack by means of false reports disseminated through the verbal and written mass media. The media has carried out a hideous campaign for months and showed especially the Buca and Sağmalcılar prisons as targets.

An arrested prisoner from the 6th Wing, who was taken to court on 13.9.1995 was beaten and brought back to the prison severely wounded. The prisoners protested against this brutality. The prisoners staying in the 1st, 3rd, 4th, 5th, 6th and 7th wings met with the prison prosecutor and decided to prevent roll calls unless he gave a promise to prevent the violations of their rights, and then put this decision into effect starting from Monday 18.9.1995. Preventing roll-calls is a passive act to be conducted only by not coming to a line for the roll call. On the morning of 19.9.1995, a search was carried out in the wings, in the presence of the prison prosecutor, prison director and gendarme lieutenant colonel. What happened was heard by the lawyers when everything was over, and the prisoners told them the search had been an exploration, in effect, to enable the gendarmes to identify the representatives of each wing and the leading names among the defendants of the political trials in each wing. The prison prosecutor, who went to the wings for the search, did not give a response to the prisoners’ demand to meet him.

On Tuesday, the door of the under-passage (malta) of the New Section and the doors opening to the refectory were locked. The doors by which the prisoners accessed their lawyers, families and refectory were also locked and thus the prisoners were isolated. On 19.9.1995, the request of Lawyer Akın Zeybek who went to the prison in the afternoon to meet his arrested clients

was denied. Upon this Akın Zeybek went to the prison prosecutor. However, "As they did not come to roll calls, I gave an order for the doors to be kept closed, I am not permitting them to go out," was the response of the prosecutor. Thus he ended the conversation in a decisive manner. Akın Zeybek petitioned the Executive Board of the İzmir Bar, which was to hold a meeting on the same day. Also on Wednesday the request of arrested prisoners to meet with the prison prosecutor was rejected and the act in the form of prevention of roll call and refusal to follow the roll call order continued. The lawyers who went to the prison were told "the arrested prisoners have erected barricades, they did not cross the barricades and come to meet their lawyers of their own free will." Three members of the Executive Board of the Bar, Cafer Özkan, Eyüp Karaçoban and Hüseyin Özgür, also went to the prison to meet the prisoners, to sort out the problem and to overcome the prevention of meetings between lawyers and prisoners. They listed the names of those whom they wanted to meet. Nevertheless the guardian returned after a while, saying that "the prisoners did not want to cross the barricades to come to meet you." The executives of the Bar left the prison upon this statement.

(...) On Thursday, 21.9.1995, lawyers Akın Zeybek and Zeynep Sedef Özdoğan went to the prison early in the morning. They saw that two fire engines, three ambulances and two military vehicles full of gendarmes were waiting in the yard. They were again not able to meet their clients on the grounds that the prisoners had erected barricades. The lawyers met with the prison prosecutor and Deputy Chief Prosecutor Yücel Tezel, who was present at the prison for the operation. The lawyers made their requests, expressing the following: "We became anxious, seeing the measures outside. If gendarmes enter the wings, there will be bloodshed. Nobody wants such a result. There isn't a single problem which can't be solved. The ways to mutual meetings have to be opened up. We are doubtful even whether the prisoners have been informed of our arrival. We want to go up to the door behind which the prisoners are claimed to have erected a barricade. If we find an opportunity to meet with them, the unrest can end without any further incidents and the opportunity should not be missed." The prison prosecutor Yaşar Arslan said, "Even if the Minister came here, he would not allowed to enter the wings," and Public Prosecutor Yücel Tezel said, "We are also responsible for the lives of lawyers, we cannot protect you there if you go to the barricades."

At about 12.00 p.m. two vehicles full of gendarmes wearing helmets, carrying shields and with special protection had come to reinforce the gendarmes waiting in the prison yard. Lawyers Çetin Bingölbali, Tuncer Fırat, Betül Duran, Sezin Sümer Atmaca, Akın Zeybek and Zeynep Sedef Özdoğan who came together at about 12.15 p.m., before the gendarmerie intervention had started, wanted to get into the prison to meet with the prison prosecutor in order to open a way to mutual talks. However, they received a warning by the officials waiting at the entrance, stating they would not be allowed get into the prison unless a second order arrived. By 01.00 p.m. the gendarmes waiting in the prison yard had received orders to enter inside.

(...) The gendarmes, who entered the wings, were seen leaving around 05.00 p.m., shouting slogans and swinging their truncheons and clubs. At this time plainclothes officers of the Anti-Terror Branch of the Security Directorate, who were wandering around the lawyers waiting in the prison, applauded and shouted to the gendarmes making a show of force. They incited them. It was also observed that the ambulances waiting had been booked for the gendarmes who were experiencing difficulty in breathing due to the smoke and tear gas grenades, whereas the injured in the 6th Wing were kept waiting. A plainclothes guardian in charge of the prison, avoiding the glances of the Prison Administration approached the lawyers and said "They forcibly got into the 6th Wing. Deaths may occur. They already made them worse than dead. Please, go and do something outside, don't let them enter the other wings in the same way."

(...) Although it has been clearly stated in the decrees of the Ministry of Justice that lawyers shall not be taken into custody, their testimonies shall not be received by security officials, they shall not be searched by security forces and all kinds of interrogatory proceedings shall be implemented by prosecutors if they face an accusation of a crime in connection with their duty or of an ordinary one, lawyers İrfan Güler, İbrahim Ergül, Betül Duran, Suat Çetinkaya, Çetin Bingölbali, Fehmi Çam, Sema Pektaş, Ercan Demir, Gül Kireçkaya and Türkan Arslan, who went to the prison in order to see their clients and to get information about their situation, were harassed, beaten and detained. In addition to the assault and battery, the officials who detained the lawyers carried out arbitrary proceedings and violated Article 228 of the TPC.

(...) The lawyers who found an opportunity to meet face to face with their clients in the prison for a while on 25.9.1995 and held thorough meetings with them starting from 26.9.1995 heard and identified the following facts:

The prisoners wanted to talk to the prison prosecutor when a new incident of beating on 13.9.1995 had occurred in addition to the two years' ongoing cruelty and to the prison administration's ongoing restrictions on the visits by their families and lawyers since July, on the pretext of the escape, and to its imposition of constraints on the required medicine for the ill prisoners. When their requests to talk to the prisoner prosecutor remained unanswered, they decided to hold an act preventing the roll call by refusing the order on 18.9.1995, simply in order to find the opportunity to meet face to face with him. In the morning on 19.9.1995 the gendarmes carried out a search in the wings.

After they had finished the search, the door of the under-passage was locked and thus the way by which the prisoners got into the canteen and refectory was closed. The prisoners, who did not have any reserve food because they did not expect such an action were faced with starvation, and they had to survive on a few tins of biscuits. On Tuesday, the prisoners had also lost the opportunity to meet their families and lawyers, and they had also been deprived of the simplest device of a heater to cook their meals. Finally, the electricity was switched off at noon on 21.9.1995, and the prisoners felt an attack would come, so they erected a barricade by putting their bunk beds in front of the door.

(...) On Thursday, beginning at 01.00 p.m., the gendarmes entered the passage. The gendarmes, at first, went towards the 5th Wing, and hit the walls for almost half an hour in order to make a breach in them. Then they ceased this action, and threw explosive devices through the roof of the 6th Wing and the loop-hole. Three breaches were opened on the walls of the 6th Wing due to explosions. Gas and noise grenades were thrown through these breaches. Iron doors and bars were cut open with oxyacetylene torches and the gendarmes crossed the barricades. After they removed the barricade all the prisoners were taken out one by one into the passage, and beaten to death with sticks and chains. They tried to deliberately kill the prisoners while screaming "This one has not died yet! Let's kill this!" and they were intentionally killed. The wounded were kept waiting in the passage over an hour, and they were sent to hospital later.

(...) The State has violated, through its officials, the "right to life," which it undertakes to guarantee under Article 2 of the European Human Rights Convention, "prevention of torture," which it undertakes under Article 3 of the same, "personal freedom and security," which it guarantees under Article 5, and "right to fair trial," which it guarantees under Article 6. Our petition of official complaint entirely shows that the responsibility for pre-meditated murders does not solely belong to any one public official, but to the entire State mechanism.

The report concerning the operation in the prison, prepared by the State Ministry responsible for human rights was made public on 29 November. In the report, it was stated that the inhuman actions of the gendarmes had caused the incidents in the prison: "The prisoners were

invariably subjected to ill-treatment by the gendarmes when they were taking them to the courts or hospitals. Their ill-treatment led them to prevent roll-call. Upon this act, the gendarmes forcibly broke into the 6th Wing, and severely wounded everybody in the wing. What brought about the incidents in the prison was that gendarmes were not educated about law and human rights and were hostile towards the political prisoners. Beatings in prisons have long gone beyond being mere claims, and have become facts ascertained by hearing minutes and court verdicts.” In the report, it was also stated that a prosecutor willing to calm down the ongoing incidents, had also been beaten by the gendarmes.

The Ümraniye Prison

The İstanbul Ümraniye E Type Prison was the second prison that occupied the agenda of Turkey, after the Buca Prison. The Ümraniye Prison was opened in July. Some organizations like the İHD and the İstanbul Medical Chamber criticized the construction of the prison near a large garbage area and its unhealthy conditions. It was not long after the opening of the prison that reports of human rights violations and pressures were heard. Lawyer Nadide Metin, member of the Prison Commission of the İHD İstanbul Branch, said the following in her statement on 3 August after she had visited her clients:

“When we went to see our clients, we were subjected to a meticulous search outside. They painstakingly looked at our files one by one. Though they were using a technical device for searching, they wanted to search us again and again on the grounds of security measures, and disregarded our objections. Their scrupulous inspection even of the files hints at the pressure upon the right to defense. Particularly newly arrested prisoners are taken to this prison. Hot water has not been provided since the opening of the prison. The prisoners are taking baths with cold water. The meals are disgusting. Since there is not any provision to make tea in the wings, this need is met from the canteen. Nevertheless tea is very expensive there. The prisoners have no chance to visit other wings. For this reason the prisoners I met in the prison don’t know how many prisoners stay in the prison. The visits are restricted to half an hour once a week. There are also restrictions on newspapers and books taken in. The newspapers are taken into the prison with one-day delays, notably the newspaper Yeni Politika. Sometimes the newspaper Yeni Poli-tika is not given at all, or given 3 days later with a note on it ‘not censored’.”

The unhealthy conditions of the Ümraniye Prison were stressed in a report prepared in October by a delegation of executives from the Contemporary Jurists Association, İHD and TTB. In the report it was suggested that the prison should be evacuated without delay and its conditions should be reconsidered. It was stated that the prison had been built on a hard and thick concrete base, the building had been opened without being dried effectively and without an adequate heating system, and for this reason the prisoners easily got sick due to the cold and damp air. It was also stressed that some implementations with respect to the rights took place, which were different from those in other prisons: “This situation, naturally, provokes protests. There are many complaints indicating that prisoners were harassed by the gendarmes during transfers to the courts and during searches, and that this ill-treatment was occasionally inflicted on the lawyers and families of the prisoners.”

Fifteen of the relatives of the arrested or convicted prisoners in the Ümraniye Prison were beaten by gendarmes on 16 August, when they went to the prison to visit their relatives. Some visitors were injured as a consequence of ill-treatment by gendarmes. Upon this incident, visits were canceled on that day. The relatives of the prisoners made a statement, and called for “the public to be sensitive towards the predicaments which prisoners have endured and will likely endure in the Ümraniye Prison.”

A clash broke out when gendarmes tried to prevent the resistance staged at noon on 13 December by the prisoners in the Ümraniye Prison demanding improvements in living condi-

tions. After the clash which lasted approximately half an hour, some parts of the prison were occupied by the arrested and convicted prisoners at 05.30 p.m. Following this development, an operation was started by some 200 police officers and gendarmes who entered the prison at about 08.30 p.m., and about 50 gas grenades were thrown, at the first step, into the parts under occupation. Then they forcibly broke into the parts in which the resistance was taking place. As a result of the operation which had lasted until 04.30 a.m. on 14 December, the authorities regained control of some parts. The prisoners in these parts were removed under beating. However, the operation against the wings near the prison refectory resulted in failure. The resistance of some 80 prisoners in this part continued. The furniture in the parts where the operation took place, was completely destroyed in the attack, causing a loss of TL 5 billion.

During the incidents 14 gendarmes, 12 police officers, 2 guardians and 36 prisoners were wounded (3 of whom severely) or poisoned by the gas grenades. The names of some of the wounded prisoners are as follows: "Nafiz Eraslan (severely), Kemal Yılan (severely), Erol Ergin (severely), Erdal Ergin (severely), Selahattin Bağır, Ali Kanat, Nazif Gürbüz Erkin, Yasin İpek, Yılmaz Eskal, Mehmet Bahri Kurt, Zeynel Koç, Celal Odabaş, Burhan Değer, İsmail Ölmez, Abdullah Talay, Hikmet Eren, Erol Çelikten, Mahmut Karakaya, Mahmut Türk, Şakir Dinç (both arms were broken), Mehmet Şerif Güner, Nuri Fidan, Abdullah Kanat (bullet wound), İsmail Yılmaz, Celal Aykut, Devrim Kıyık, Fevzi Bor, Mehmet Demir, Hasan Gönderici, Ahmet Akkurt, Latif Doğan, Medeni Adıyaman, Resul Aslan, Ümit Kaydu, Soner Önder, Cengiz Hasanoğlu and Yüksel Yakışır."

The incidents in the prison ended at about 04.00 p.m. on 15 December when the 80 prisoners, who were occupying some parts of the prison, and authorities from the Ministry of Justice reached an agreement. The barricades erected by the prisoners were removed after the agreement. But the officials of the prison were not given permission to enter the wings and to call the roll. Lawyer Düzgün Yüksel who acted as a mediator in the talks between the prisoners and the authorities from the Ministry of Justice stated that the problems in the prison had not been solved, nor had a definite promise been given for the solution of the problems. The officials of the prison did not make any efforts after the incidents to solve the problems in the prison. All applications made on this subject were left unanswered. This situation aroused tension in the prison. The prisoners were often threatened by some soldiers and guardians saying, "We will show you, you will see what happens to you after the elections. This is now a blood feud."

The tension in the Ümraniye Prison brought about bloody incidents on 4 January 1996. During the incidents which broke out when the gendarmes carried out an operation against 2 wings in the prison in the morning and at noon, 3 arrested prisoners named Abdülmeccit Seçkin, Orhan Özen and Rıza Boybaş (*) were beaten to death while 36 arrested or convicted prisoners, 21 gendarmes and 10 guardians were wounded. Thirty-five of the wounded (28 prisoners, 6 gendarmes and 1 guardian) were hospitalized. The result of the autopsies on the bodies of Abdülmeccit Seçkin, Orhan Özen and Rıza Boybaş showed that "intracranial bleeding, fractures and caving

(*) The newspaper Evrensel reporter Metin Göktepe (27) was ruthlessly beaten to death by police officers during the funeral of Rıza Boybaş and Orhan Özen who had been killed in the Ümraniye Prison. The body of Metin Göktepe was left in a park near the Eyüp Closed Sports Hall, and for some time attempts were made to hide from the public that he had been killed by police officers. It was alleged that Metin Göktepe had fallen from a chair or wall. However, the attempts of those who wanted to hide the murderers failed as there were many eyewitnesses and considerable public pressure. As a result of the autopsy performed on Metin Göktepe, it was determined that the internal bleeding in the brain and tissues which occurred as a result of the blows to the head and body had caused death. The killing of Metin Göktepe caused a public outcry and protests which are still continuing. The official authorities, who had to accept the fact that he had been killed by police officers, began creating obstacles for the prosecution and punishment of the assailants.

of the skull due to a blow to the head with a hard object” had caused the deaths. It was disclosed that the faces of the deceased were battered in a manner that it make it difficult to identify them. A wounded prisoner, Gültekin Beyhan, died in hospital during medical treatment, and consequently the death toll rose to 4. The incidents aroused revolts in many other prisons.

The Erzurum Prison

One of the disputable prisons which arose a mass of complaints was the Erzurum E Type Prison. The unpleasant living conditions and pressure in this prison were ascertained by the then-CHP Kars Deputy Atilla Hun and İzmir Deputy Halil Çulhaoğlu who made an inspection in the prison under the supervision of the then-Minister of Justice Mehmet Moğoltay. The following were stated in the report prepared by the deputies: “When the prisoners want to go to the toilet they are handcuffed together and thus taken into one toilet; all prisoners, from the first day of their arrival, are tortured for the next 15 days; the wounded are not given medical treatment; the period of visits, which should last for half an hour under the regulations, is reduced to 15 minutes.” The report also noted that the prison administration did not accept the complaints regarding the prison.

The hunger strike staged in the Erzurum Prison in March because of the inhuman practices and the inadequate living conditions, ended on 2 June as a result of the attempts by a delegation including authorities from the Ministry of Justice and Ministry of State responsible for human rights, from the İHD and ÇHD. During the negotiations for settling the hunger strike, the following points were accepted: All publications shall be delivered to the prisoners unless they are banned; the military style roll call shall be lifted; those who share the same political opinions shall be put into the same wing; the block representatives of the prison shall be able to meet with the director of the prison every week in order to talk about the problems in the prison; the representatives will be elected by the prisoners.

The prisoners in the Erzurum E Type Prison were beaten by the security officers breaking into the wing on 15 November. During the incident 11 prisoners were wounded. Upon this, 108 prisoners of the PKK case started to stage an indefinite hunger strike on 16 November. The prisoners on hunger strike made a statement and demanded “the lives of the prisoners must be protected, an investigation must be initiated into the incident in which the prisoners were beaten, and the wounded prisoners should be given medical treatment.” The hunger strike ended on 22 December when the prison administration accepted the majority of the prisoners’ demands. Sixteen of the prisoners whose health had deteriorated because of the hunger strike were taken into hospital.

Other prisons

Information compiled by the HRFT about certain incidents, inhuman practices and attacks against prisoners in 1995 is as follows:

The hunger strike staged on 9 January in the Elbistan Prison on the demands that “living conditions must be improved and pressure must end,” ended on 3 March. Prior to the end of the hunger strike, a delegation headed by Şenal Sarihan, Chairperson of the Contemporary Jurists Association, carried out an examination of the prison. The following was written in the report prepared after the examination: “The political prisoners usually were not examined when they became ill. Those who are examined by a doctor cannot obtain the medicine prescribed to them. The heating system is not being used, the prisoners cannot obtain a sufficient amount of hot water to take a bath. Lack of budget allocation is shown as a ground for not using the heating system and not giving the required medicine to the prisoners. The price of the food sold in the canteen is very high. Female prisoners are searched by male guardians. The meetings of the prisoners with their lawyers are restricted, and held under the observation of guardians. The prison administration and

the prison prosecutor regard the lawyers as collaborating with the prisoners, and as being couriers of illegal organizations.”

Latife Ereren (35), a defendant in a DHKP-C case, was found dead on 5 March in the section of the İstanbul Bayrampaşa Prison where female prisoners are kept. She was reportedly throttled with a rope. It has been disclosed that Latife Ereren was killed by DHKP-C militants on the grounds that she had collaborated with the police and thus caused some of the organization’s members to be apprehended. It was discovered that Latife Ereren was one of the leading names in the DHKP-C.

Cihangir Demir (20) who was arrested on 9 February on claims of “being a PKK member and disseminating propaganda on behalf of the organization,” and put into the Van Closed Prison, committed suicide on the night of 21 March by hanging himself on the window bars of the bathroom in the wing where he was confined.

A group of political prisoners in the Yozgat E Type Prison staged a hunger strike on 21 March. The health of some of the prisoners deteriorated due to the hunger strike which lasted 45 days. Relatives of the prisoners also staged a hunger strike on 23 April in the İHD Headquarters in order to support the action in the prisons and to attract public attention. Meanwhile, relatives of the prisoners who went to the CHP Headquarters on May 1 and did not leave the building, were removed from the building on the night of 2 May by police officers, who harassed them. The relatives of the prisoners were first taken to hospital and subsequently to the Ankara Political Police Center. They were kept in detention for a while, and released at 03.00 a.m. on 3 May. The hunger strike ended on 4 May when the large majority of the demands of the prisoners were accepted. Upon this, the hunger strike staged by the relatives of the prisoners in the İHD Headquarters also ended. Of the prisoners who staged the hunger strike, Ali Şahin, Eyüp Kendir and Hasan Hayri Alp were treated in hospital for a while.

The hunger strike staged at the Konya E Type Prison by 258 political prisoners demanding “improvements in living conditions and an end to pressure” lasted 42 days, ending on 31 March when a great majority of the demands were accepted. When the hunger strike was over, the prisoners whose health had deteriorated were started to be taken under medical treatment. The names of the prisoners whose health deteriorated due to the hunger strike are as follows: “Abdullah Demir, Turan Kaya, Hasan Çoban, Celal Tuken, Mehmet Yaş, Vedat Ateş, Cemil Uysal, Ayşe Cabadak and Eylem Zanay Adıbelli.”

About 500 arrested and convicted children at the Ankara Keçiören Reformatory, re-volted on the night of 12 April against the ill-treatment by the guardians. The revolt was put down by the police who entered the reformatory. During the putting down of the revolt, some were wounded and the building was damaged. The children who spoke to the journalists afterwards, stated that their problems were intentionally left unsolved, and said, “The guardians abuse us sexually. We are continuously beaten and humiliated.”

During the operation carried out by the guardians and gendarmes against the wings of those arrested or convicted for political reasons in the Elbistan E Type Prison on 3 May, 10 prisoners were wounded. The names of the wounded prisoners are as follows: “Müslüm Güçlü, Bozan Güçlü, Yusuf Ataman, Kamil Demir, Halil Kaplan, Salih Bilgiç, Abdülkadir Birbilen, Ali Aydeniz, Cemal Ezgin and Yahya Ezgin.” In protest of the incident, 85 prisoners staged an alternate hunger strike as of 3 May. The hunger strike ended on the evening of 9 June. The hunger strike staged in the same prison on 20 November for “improvements in living conditions” ended on 29 December when İHD and ÇHD representatives mediated. The hunger strike reportedly ended when the majority of the demands consisting of 37 items were accepted by the prison administration, and the condition of the 70 prisoners who participated in the hunger strike was not

serious. Twenty of the prisoners were sent to the Malatya Prison while the hunger strike was under way.

The hunger strike which was staged in the Batman E Type Prison on 5 April with the demand for improvements in living conditions and an end to pressure, ended on 19 May. It was revealed that the hunger strike ended as a result of the negotiations held between the prison administration and arrested and convicted prisoners upon initiatives by the Batman Bar. Most of the demands of the prisoners were accepted by the prison administration during the negotiations. 230 arrested or convicted prisoners participated in the hunger strike.

The prosecution of İHD members Ayşegül Şentürk, Mukaddes Alataş, Kerime Gökdemir and Ali Kaplan because of a press statement they made in front of the Bayrampaşa Prison, started on 15 June. In the hearing held at the İstanbul Eyüp Penal Court of First Instance No.2, sentences of 1 to 3 years in prison were requested for the defendants on charges of holding an unauthorized meeting. The defendants who were cross-examined in the hearing stated that they had held the press meeting to secure improvements in living conditions in the prison, and pointed out that there was no obligation to receive permission before making a press statement.

Hilal Füsün Ünlü (24), an arrested prisoner in the Ankara Central Closed Prison staying in the wing used by female prisoners prosecuted in DHKP-C trials, was found dead on the morning of 28 June. Hilal Füsün Ünlü was reportedly killed by DHKP-C militants on allegations that she had betrayed the organization. After the incident was revealed, a search was conducted in the prison and visits by relatives were suspended. The relatives of the arrested inmates protested the suspension of the visits, and they were beaten and removed from the prison by gendarmes.

The 4th Wing of the Ankara Central Prison where DHKP-C defendants stayed, was raided on 1 July when the prisoners in the wing did not let the prison officials conduct a search of the wing. In a clash which broke out during the raid, Metin Özçelik, the 2nd Director of the Prison, 6 gendarmes, 4 guardians and 29 arrested prisoners were wounded. The names of some of the wounded prisoners are as follows: “Bülent Han, Eyüp Baş (severely), İrfan Ortakçı, Polat Han, Erdoğan Çınar, Taylan Özgür Elçi (severely), İbrahim Doğan, Hasan Dönmez, Atilla Erol, Lütfü Topal, Burhan Kardeş, Ahmet Gedik, Cemal Karasaç, Yalçın Abatay, Nihat Sönmez, Aşkın Kaya, Bayram İşlek, Ünal Odabaşı and Ünal Erdem.” Lawyer Zeki Rüzgar who made a statement about the incident, said: “The attack was planned. The prisoners were forcibly taken for fresh air and then beaten by about 150 soldiers.”

The hunger strike staged in the Selendi (Manisa) Closed Prison on 26 June, ended on 4 July. Most of the demands of the convicted prisoners were accepted by the Selendi Public Prosecution Office. The hunger strike had been staged by 5 prisoners, Şahabettin Ceylan, Ali Bakır, Gıyasettin Güneş, Melik Altun and Velat Özer, who were convicted because of a PKK trial and transferred to the Selendi Closed Prison because their imprisonment terms were about to expire.

Abdullah Kara, a prisoner in the İstanbul Bayrampaşa Prison who had been arrested on charges of “selling drugs,” shot dead Turgut Gürman, who was under arrest on the same charges, on 16 July. Abdullah Kara was captured with his gun after he had committed the murder for “money.” Another prisoner named Hacı Ahmet Fiğen, whose name was involved in the incident, was shot dead in July by a prisoner named Kazım Aslan, who was captured with his gun after the incident. Kazım Aslan was claimed to be an assassin hired by the relatives of Turgut Gürman.

Nine relatives of prisoners who went to Ankara Central Closed Prison on the morning of 28 August to visit their relatives, were beaten and removed from the prison by gendarmes. The relatives of the prisoners, 2 of whom were below 18, were later detained on charges of resisting security officers and damaging state property. It was reported that the incident occurred because the relatives of the prisoners had objected to the shortened periods for visits.

Tahsin Kaban, who was arrested on 5 September and put in the Bayrampaşa Prison on accusations of “raping and killing two children named Gönül Yalçın (15) and Döndü Yalçın (8),” was found dead in his cell on 7 September. It was disclosed that “Tahsin Kaban had committed suicide by hanging himself from the iron bars on the cell door by making a rope out of his jacket.” The investigation launched into his death ended with a decision of non-prosecution. Tahsin Kaban had said the following to Judge Rahmi Mollaalioglu when he was taken to the Fatih Penal Court of Peace No.2 on 5 September: “They will kill me in prison, they will break my arms and legs. They will rape me. Don’t leave me in the hands of guardians and prisoners.”

Political prisoners in the Elazığ E Type Prison were beaten by gendarmes and guardians on 8 September, and 50 prisoners were wounded. Upon the incident, a hunger strike was staged in the prison. The condition of prisoners named Felemez Albay, Yavuz Güzel, Haydar Duman, Faruk Alkalkan, Muhterem Ayato, Abdülrapik Yüksekbağ, Abdülmecit Yüksekbağ, Siracettin Yüksekbağ and Yavuz İkinci deteriorated due to the hunger strike which ended in November.

The hunger strike staged on 23 August by 4 political prisoners named Selahattin Aydın, Metin Uğur Kaşoğlu, Mehmet Şirindağ and Mansur Gül, serving in Kırşehir E Type Prison, in protest of the pressure and demanding improvements in living conditions, ended on 21 September. Bünyamin Gök, the Chairperson of the İHD Kırşehir Branch, disclosed that the hunger strike ended when the demands of the prisoners were accepted by the prison administration.

In the Kocaeli Closed Prison, 41 ordinary prisoners revolted on the morning of 15 September on the grounds that “discrimination was made in the prison.” The revolt which lasted throughout the day was prevented upon the initiatives of the authorities from the Public Prosecution Office. Three prisoners named Cabbar Atak, Metin Altuntaş and Faik Seydik, who admitted that they had led the revolt, were put in cells. On 19 September, Cabbar Atak was found dead in the cell he had been put in. According to the official statement, Cabbar Atak, who was under prosecution with a request for the death penalty on charges of killing 4 Bulgarians, “had committed suicide by hanging himself from the water pipe using the bedding.”

A group of political arrested or convicted prisoners in the Ceyhan Special Type Prison started a hunger strike on 30 September with the demand for improvements in living conditions and an end to pressure. In the statement made by the prisoners, it was said that their belongings were damaged during searches, visits by lawyers were restricted, food brought to the prison was seized and difficulties were encountered for the entrance of some publications as newspapers, books and periodicals to the prison.

A group of arrested and convicted prisoners in the İskenderun E Type Prison started a hunger strike on the morning of 23 October demanding improvements in living conditions. The hunger strike continued until the 13-item demand list by the prisoners were accepted.

Of the relatives of prisoners who came to Ankara at the end of October to seek solutions to the problems in prisons, 37 were detained by the police. The names of the prisoners’ relatives who were detained after gathering in front of Parliament on the morning of 5 November in order to visit the deputies, are as follows: “Didar Poyraz, Huriye Özdemir, Zuriye Er, Cemile Özcan, Müşerref Pekkan, Gülistan Vural, Gülşah Tağaç, Fadime Toprak, Saray Geçkin, Zeliha Dağ, Türkan Coşkun, Gönül Yıldırım, Fatma Şahingöz, Emine Sönmez, Fatma Hanbayat, Nuriye Aksaç, Havva Karaca, Selvi İnan, Hatay Canpolat, Gülistan Demirkaya, Sırma Sönmez, Fatma Alcan, Niyazi Han, Naciye Ceylan, Sevim Demir, Hediye Fidan, Fatma Önder, Şerife Önder, Cemile Atmaca, Hayriye Tepeli, Fatma Ördekçi, Filiz Ördekçi, Semahat Atlı, Cennet Demirel, Azize Topuz, Güllü Uzundiz and Asaf Harman.” The detainees were released in the evening by the prosecution office.

The İstanbul Beyoğlu District Center of the CHP was occupied at noon on 7 November by a group of 7 artists who wanted to give support for the ongoing hunger strikes in prisons. The act by the members of music bands “Munzur,” “Kutup Yıldızı,” “Özgürlük Türküsü” and “Genç Ekin” ended 3 hours later when police officers entered the building after throwing many tear gas grenades. The 7 people named Murat Tokdemir, Bülent Şimşek, İpek Rençber, Havva Neslihan Tokur, İbrahim Yıldız, Berrin Tekdemir and Sibel Deniz Karakaya were beaten and removed by the police, and detained. A group of MHP supporters gathered outside the building while the occupation was going on, and demonstrated against the occupants. The police did not intervene in the demonstration. The 7 people were arrested by the İstanbul SSC on 14 November on accusations of “being members of an illegal organization, depriving individuals of their freedom and causing material damage.”

İsmail Karadere (30), who was arrested in June on claims of “raping and killing a 7-year old male child (H.Ö.) in the Sakarya Quarter of the Fatsa District of Ordu,” was found dead, with his throat cut, on the morning of 22 December in the Ünye E Type Prison. Mustafa Sağıroğlu, the Ordu Public Prosecutor, said that the killing of İsmail Karadere was discovered during the morning controls, and that an investigation was launched into the incident. In the same prison, a youth named Erol Midilli (18), who was known as the “Çaybaşı Monster” in the region and was accused of “murdering numerous people,” had been found dead one day before this incident in the cell in which he was being confined. It was disclosed that Erol Midilli had committed suicide by hanging himself.

The hunger strike staged in the Adıyaman Closed Prison with the demands for improvements in living conditions, ended on 27 December upon the initiatives by Hamit Toprak, the Chairperson of the İHD Adıyaman Branch. The hunger strike reportedly ended when all of the demands of the inmates except one (the satellite dish demand) were accepted by the prison administration. Sixty-five prisoners had participated in the hunger strike.

Health problems

Another crucial problem in prisons in 1995 was health problems and the lack of medical treatment for the ill prisoners. There was an increase in the number of deaths due to negligence and lack of medical care. Additionally, there were prisoners who were incapacitated, or who developed permanent illnesses. Ata Soyer, the Secretary General of the TTB, said in his statement made in June that there were numerous sick prisoners who were waiting for urgent treatment, and added: “These prisoners will probably die unless they are given medical treatment urgently.” He said that the health problems of the prisoners had long been overlooked, and called the competent authorities to being “sensitive.” According to Ata Soyer, stomach, intestine, eye, muscle and joint, rheumatism, renal, urogenital and cardiac problems were common in the prisons, as well as numerous cases of thyroid, cancer, liver schirrosis and heart weakness.

Salih Işık, who was under arrest in the İzmir Buca Prison on claims of “being a member of the PKK,” died on 28 April due to a heart attack. The İHD İzmir Branch disclosed that Salih Işık was left to die as a result of the negligence of the prison officials who did not provide him the necessary medical treatment, and lodged an official complaint against the negligent officials.

Hakan Anterli, who was under arrest in the Diyarbakır E Type Prison on claims of “being a member of the PKK” and suffered from renal problems, died on 15 June because he was deprived of the necessary treatment. Defending that his death had in fact been murder, his relatives said, “The officials stipulated that he had to be a repentant in order to receive medical treatment. He was not given treatment because he rejected this proposal. The state is responsible for his death.” Hakan Anterli, who had joined the PKK in early 1994, had been sent to Van in May 1994 by his friends because of his renal problems, but he had been captured and arrested there.

In the Batman E Type Prison, an ordinary prisoner named Kerem Kalbişen died due to a heart attack on 30 June. Kerem Kalbişen who had formerly had two heart attacks and therefore had a medical report prescribing him to “be under a doctor’s close watch,” was reportedly taken to hospital 2 hours after he had had a heart attack, and died on the way to hospital. His relatives stated that the prison administration was responsible for his death, and added, “Kerem applied many times to the prison administration and told them he should be under doctors’ supervision. Despite this, the prison administration remained indifferent.”

Ümit Doğan Gönül (21), who was under arrest in the Aydın E Type Prison on claims of “being a member of the DHKP-C,” was found dead on 24 November. It was stated that he had died because of a failure of the heart and respiratory system. Aydın Public Prosecutor İhsan Taşkın said, “According to the information I received, Ümit Doğan Gönül had felt sick at about 09.30 after dinner. He had been taken to the infirmary of the prison by his friends and officials. He died when he was about to be taken to hospital after the first examination. As a result of the autopsy, it is understood that the reason for his death was due to the stomach water that entered the respiratory pipe and lung.” However, the following was said in the statement made by the prisoners in the Aydın E Type: “Ümit Doğan Gönül fell weak due to the hunger strike which ended two weeks before he died. The prison administration remained indifferent when he felt sick. The authorities have been making efforts in panic just from the outset, to find evidence to show that his death was a natural one. They are trying to absolve themselves.”

Bedirhan Önen (24), who was under arrest in the İzmir Buca Prison on claims of “being a member of the PKK,” died at the Yeşilyurt State Hospital at the beginning of December. His father Mehmet Önen said that his son had had an operation, and he died because of negligence and carelessness after this operation.

FREEDOM OF THOUGHT, PRESS AND BELIEF

1995 was not a positive year regarding the freedom of the press, thought and belief. Pressure, physical attacks caused by anti-democratic laws and illegal practices continued at an increasing pace compared to previous years. A number of laws, especially the “Law to Fight Terrorism,” constituted grounds for practices which eliminated the freedoms of thought and of the press. Freedom of thought and expression, and cultural life were seriously affected. Journalists were killed or they disappeared. Bombings and armed attacks were carried out against journalists and the press. Journalists, writers, parliamentarians, trade unionists, leaders of democratic mass organizations and political parties were prosecuted, convicted and imprisoned because of their speeches or writings.

Ideological attacks were an important dimension of the attacks against the press and journalists. “Enemy” newspapers and periodicals, and “enemy” journalists were created, as in previous years. In particular, the publications adopting approaches contrary to the official ideology and discourse on the subjects considered to be taboos such as the Kurdish problem, compulsory military service, the army and religion, and the ones who expressed their opinions on these problems, were subjected to heavy pressure and attacks. Different approaches concerning the issues deemed as taboo were not tolerated. The persisting one-sided publication and broadcasting approach of the popular newspapers and television channels, which only serve to distort the facts and mislead public opinion, was another negative dimension of the mass media, affecting freedom of thought and the press.

Pressure against the press concentrated mostly on journals and newspapers like Özgür Ülke, Yeni Politika, Evrensel, Aydınlık, Kurtuluş, Denge Azadi, Newroz, Atılım, Ronahi, Alın-teri. Pressure also brought heavy sanctions on some of the radical pro-Islamic publications (such as Taraf, Akıncı Yolu, Selam, Akit). Various meetings were held and various decisions were made in order to silence or render ineffective the dissident publications, which were regarded as “enemies of the regime or the state.” These decisions were put into practice immediately.

For example, the case of the dissident publications came on the agenda during the Security Coordination Meeting held on 4 January and presided over by the then-Prime Minister Tan-su Çiller. In the meeting, methods to prevent the publication especially of the newspaper Özgür Ülke were discussed. At the end of the meeting, it was decided that the distribution of the newspaper would be prevented as much as possible in order to render its publication “ineffective,” taking into

consideration that to close the newspaper completely would invoke protests at the international level. This decision was implemented immediately. (Detailed information is on pages 322-324.) In addition, it was accepted that the same measure would be taken against all dissident publications accused of “publishing in a dangerous and harmful manner.”(*)

In the National Security Council meeting held on 26 July, it was decided, upon the demand of the generals, that certain measures should be taken against dissident publications. It was decided that the printing houses where radical pro-Islamic publications were printed would be controlled and censorship similar to that on the newspaper *Özgür Ülke* would be applied to such kinds of publications. The same policy would also be applied regarding some socialist-leaning newspapers and journals. Thus, the dissident publications could be seized in printing houses before their distribution. Along with SSCs, other judiciary units would frequently operate in order to keep these publications under control. After these decisions were published by the newspapers, a statement was made by the Presidential Office, and it was claimed that the information concerning the meeting of the National Security Council, did not reflect the facts.

In the meantime, the Press Advertisement Establishment made a decision on 3 November, and decided to cease the official advertisements and announcements given to the newspaper *Akit* for 20 days on the grounds that the newspaper had published in a manner in contravention of the basic principles of the Turkish Republic and identified the people who defend these principles as targets. The newspaper *Akit* had written about Gümüşhane Bar Chairperson Ali Günday prior to his killing in an armed attack, and these articles were shown as the ground for the decision made by the Press Advertisement Establishment. (Detailed information on Ali Günday is on pages 370-371.) The decision cast a financial loss of TL 200,000,000 (2.500 US \$) for *Akit*. The Press Advertisement Establishment, which specifies the publications in which the official advertisements and announcements be published and the amounts of these advertisements, made such a decision for the first time since its inauguration in 1961.

The “Law to Fight Terrorism” and the cases of arrested or convicted journalists, writers, artists, and leaders of democratic mass organizations and political parties were the focus of the discussions about freedom of thought in 1995. The increase in the number of people who were imprisoned or prosecuted and convicted because of their thoughts, articles or speeches, drew criticisms on the national and international platforms. On numerous international platforms, Turkey was criticized and condemned because of its attitude disregarding freedom of expression, and disobeying international human rights documents on this issue.

Democratic mass organizations carried out activities to condemn the pressure and attacks against the freedom of press. Campaigns, demonstrations and meetings were organized. Protests, campaigns and activities, in Turkey and abroad, forced the DYP-SHP/CHP coalition governments to make some attempts. However, the attempts did not go beyond promises and preparing draft laws or preliminary legal works. “Democratization” packages were “opened” one

(*) Publication of the newspaper *Denge Azadi* was stopped upon a decision made by the İstanbul Court of First Instance. The decision was made in accordance with the additional Article 2/2 of the “Press Law,” on the grounds that “*Denge Azadi* was the successor of the newspaper *Azadi*,” which had halted its publication when ratified closure decisions against it had been put into practice. All of the 42 issues of the newspaper *Denge Azadi*, which had started publication on 20 May 1994, were confiscated and numerous trials were launched against the people responsible for the newspaper. The weekly newspaper *Newroz* ceased publishing at the end of April, upon intensified pressure against it. A statement made by the newspaper executives pointed out that the newspaper had often been seized in the printing house: “Since the fee for each issue has been paid one day before, a financial problem has arisen. Thus, we have paid for newspapers which could not be distributed. This case causes a significant economic breakdown.”

by one, promises followed other promises, but these packages and promises did not bring any results. The government was contended to amend a few articles of the Constitution (Detailed information is on page 22.) and a small retouch on Article 8 of the “Law to Fight Terrorism.”

The “Law to Fight Terrorism” (*)

The draft bill regarding certain amendments to Article 8 of the “Law to Fight Terrorism” was passed in Parliament with the votes of deputies from the DYP and CHP following the discussions on 27 October. The amendments were approved by President Süleyman Demirel and came into force upon promulgation in the Official Gazette on 30 October 1995. According to the bill, the text “regardless of the method, aim and idea” was omitted from the former law. The lower and upper limits of prison sentences that might be given under Article 8 were reduced from 2 years to 1 year and from 5 to 3 years, respectively. However, the amount of fines were increased extensively. Suspension of the sentences or commutation of them to fines were left to the jurisdiction of courts unless the same crime is committed more than once.

The bill did not give amnesty to those convicted or tried under Article 8. The case files of those convicted under Article 8 and whose sentences were upheld by the Supreme Court (486 convicted people, 41 of whom were in prisons) were reviewed by courts within the context of the amendments within the first months after the amendments came into force. Verdicts of either annulment, shortening, reprieve or commutation to a fine of sentences were delivered. The people, sentences of whom were not upheld, were prosecuted again, and the situation of those who were under arrest was reviewed. The ongoing trials continued.

The amendments did not go beyond being a gesture towards the governments of the United States and the EC-member countries. Journalists, writers, artists, trade unionists, leaders of democratic mass organizations and political parties continued to be prosecuted, convicted and imprisoned, publications were continued to be confiscated. (**) The majority of the people who were convicted prior to the amendments, were convicted again. However, these sentences were less when compared to the previous sentences, or they were commuted to fines. The amendments caused some of the prisoners of thought to be released, thus providing a temporary relief for the coalition government. Some of the released people were imprisoned later on.

Despite the amendments, some of the prisoners of thought, the sentences against whom had been upheld (for example, İsmail Beşikçi, İbrahim Aksoy, Işık Yurtçu, Recep Maraşlı, Erdal Dalkılıç and Naile Tuncer) were not released as their sentences were quite heavy, and Fevzi Gerçek, Mustafa İslamoğlu and Mahmut Kaçar were not released as they had been sentenced under another article. In addition, lawyer Eşber Yağmurdereli was detained and arrested on 8 November upon the ratification of the sentence of 20 months in prison passed on him in connection with a

(*) Freedom of thought and press was mostly curbed by Articles 140, 141, 142 and 163 of the Turkish Penal Code before 1991. These articles were abolished when the “Law to Fight Terrorism” was put into force on 12 April 1991. However, this modification was proved to be of no use in practice. In the regulation made in 1991, Article 142/3 of the Turkish Penal Code, which was mostly applied for the publication confiscation or imprisonment decisions for “separatist propaganda,” was preserved in the text of Article 8 of the “Law to Fight Terrorism.”

(**) The 155th issue of the newspaper Evrensel, dated 8 November 1995, was confiscated by the İstanbul SSC under Article 8 of the “Law to Fight Terrorism.” The confiscation was ordered on the grounds that “separatist propaganda was spread” in the news story entitled “Mine, Bullet, Exile for Those Who Refuse to be Village Guards.” With the verdict in question, the amended Article 8 of the “Law to Fight Terrorism” was given as grounds for a confiscation order for the first time.

speech he delivered at a meeting organized by the İHD in December 1992. The sentence passed on Eşber Yağmurdereli was commuted to 10 months on 15 December, and he was released.

The Ministry of Foreign Affairs disclosed on 6 December that the courts had decided to release 130 of the prisoners of thought, who had been convicted or arrested under Article 8 of the “Law to Fight Terrorism,” in accordance with the amendment to this article. (*) The announcement did not state how the aforesaid people benefited from the amendments and how many of these people were actually released. The names of some of the people released after the amendments are as follows: “Hava İş Trade Union Chairperson Atılay Ayçin, İHD İstanbul Branch former Secretary Lawyer Eren Keskin, Diyarbakır former Mayor Mehdi Zana, Chief Editor of the newspaper Atılım Eylem Semint, Publisher Ünsal Öztürk (imprisoned in 1996), Publisher Mustafa Pala, İHD former Deputy Chairperson Lawyer Sedat Aslantaş, Publisher Aydın Doğan, Writer Numan Baktaş, Sakine Fidan, Güzel Ak, Hüseyin Ebem, Hacı Güzel Bostan, Zülküf Karakoç, Hanifi Yıldırım, Nevaf Akbaş, Şahin Günaydın, Vedat Günaydın, Süleyman Kültür, Hamdiye Küçük Kurt, Abdürrahim Ak, Selahattin Yıldırım, Ali Özer, Pervin Saruhanlıoğlu, Seniye Çelik, Ziya Aslan, Haşim Dölek, Mehmet Sürer, Mehmet Aksöyek, Ekrem Kadioğlu, Ahmet Erin, Mehmet Turan, Faraç Öndeş, Rıdvan Demircan and Nesih Ateş.”

İHD İstanbul Branch Chairperson Lawyer Ercan Kanar, in his article entitled “**Article 8, Constitution and Initial Implementations**” and published in the 13 November 1995 issue of the Yeni Yüzyıl newspaper, evaluated the amendments as follows:

Our history of thought did not take a free breath with the well-known Articles 141 and 142 of the Turkish Penal Code (TPC), which was imported from the Italian Penal Code in 1936, and now it has actually turned into the history of ordeal of thought. If it is remembered that the number of the people who had become defendants under these articles only after the 12 September 1980 military coup was 70,000, one can easily understand the fate of “free thought.” These articles which regard the thought as an offense, along with Article 163 of the TPC which also produces thought offenses, were apparently “lifted” in April 1991, after a struggle lasting 55 years.

Nevertheless, the new amendments worsened the situation. Articles 6, 7/2 and 8 of the Law to Fight Terrorism (TMY) regarded the expression of thought as equivalent to “terror,” and the thought went far beyond being an offense, it was regarded as a “terrorist crime.” The sentences passed on people under these articles would not be suspended and commuted to fines, and the execution of the sentences would not be carried out under normal execution provisions but under the execution provisions relating to terrorist crimes.

In a short period of time, about 8,000 trials were launched under these articles. Even the SHP, which applied to the Constitutional Court twice for the annulment of certain provisions of the TMY, did not request the annulment of the regulations which regarded thought as a crime. It swallowed the content of articles 6, 7 and 8, which were obviously against the principles of supranational law and even certain provisions of the Constitution. What a pity that none of the SSC judges remembered that s/he is a jurist, and referred these articles to the Constitutional Court for annulment because of their content.

The recent amendments to Article 8 of the TMY came on the agenda due to the public opposition which gained only a limited progress for free thought, but especially due to the concerns for the customs union and the European Community. Thought was not excluded from being

(*) Detailed information on the people who were released after the amendments to the “Law to Fight Terrorism,” or people who were not released despite the amendments is in the section entitled “Prisoners of Thought.”

an offense with the amendments. Moreover, in certain aspects, thought offenses were preserved as “terrorist crimes.” For example:

a) The limits of the fines, which were 50 and 100 million Turkish liras previously, were increased to 100 to 300 million with the recent amendment.

b) The former provision did not seek imprisonment for the owners of non-periodical legal publications or the mass media, but the recent amendment foresees imprisonment terms ranging from 6 months to 2 years for these people. With this recent form of the law, Turkey has returned to the 1930s with respect to freedom of thought. According to the Publications Law of the 1930s, owners of non-periodical publications faced imprisonment terms, even if the writers of the books subjected to prosecution were known, thus forcing the owners to censor books. The Publications Law, which was enacted with the influence of the fascist trends of the period, was widely used in Turkey for years. In fact the SSCs, in contravention of the law and by violating the analogy principle of the penal law, have been sentencing the owners of the publishing houses using the method of analogy. This illegal implementation has thus become legal.

c) With the recent law, the thought offenses and the jurisdiction area of the SSCs have been broadened. According to the recent law, the SSCs are entitled to close radio and television stations for 1 to 15 days under Article 8.

d) An a positive point, the phrase “regardless of the method, aim and idea,” which was in fact a freak according to the principles of law, was omitted from the text of the law. However, this amendment should not be exaggerated. Because, Article 142/3 of the TPC, which was lifted in 1991, did not contain such an illegal phrase. That is to say, the amendment is just a step back to the understanding of Article 142 of the TPC before 1991. Another amendment is that , the phrase “heavy imprisonment” was changed to “imprisonment” in the text of the new law.

The provision of the recent law about the re-handling of the case files of those convicted under the former Article 8, is a clear violation of Articles 2 and 38 of the Constitution. This provision is also in contravention of Article 2 of the TPC. Because a new definition of the offense has come out with the recent law. With the omission of the phrase “regardless of the method, aim and idea,” a new definition of the offense has been made regarding the elements of the crime, i.e. legal value, contradiction of the law, typicality, spiritual elements. The omitted text has the nature of putting all the elements of the offense under discussion again. A new offense has been created. For this reason, this article of the law is a clear violation of Article 38^(*) of the Constitution. A new definition of the elements of the offense has been made in the new law. Punishing people under this definition for the offenses committed before this definition is in contravention of the principle of “there can be no offense or punishment without a law.”

The content of Article 8, which is more severe than of Articles 6 and 7, was changed with the recent amendments, thus a way was opened for commutation of sentences into fines and suspension of these sentences. However, the provisions of Articles 6 and 7, which consist of the phrases “cannot be commuted into fines” and “cannot be suspended”, are still existent, though these articles are less serious according to the logic and systematics of the TMY. This form of the law is seriously in contravention of the equality principle of the Constitution, which is regulated in Article 10. For all these reasons, we think that the recent form of the law is in contravention of Article 38 of the Constitution, its content of the principles of supranational law and of the equality principle of the Constitution.

(*) Article 38 of the Constitution: “No one shall be punished for an act which is not regarded as an offense by the law in force when it is committed.”

Some decisions

Teslim Töre, Secretary General of the “Türkiye Komünist Emek Partisi (TKEP)” (Communist Labor Party of Turkey), was acquitted in the trial in which he was prosecuted under Article 8 of the “Law to Fight Terrorism” in connection with his article published in the journal *Toplumsal Dayanışma*. In connection with the aforesaid article, Teslim Töre had been sentenced to 20 months in prison and fined TL 333,333,000 in 1994. In the trial which ended at the İstanbul SSC on 3 November, the acquittal decision was issued on the grounds that “the article subjected to trial is no longer a crime after the amendment to Article 8 of the ‘Law to Fight Terrorism.’” Teslim Töre who has been prosecuted at the İstanbul SSC with a demand for the death penalty in the TKEP trial, has been under arrest since April 1993 in connection with this trial.

The sentence of 2 years in prison passed on journalist-writer Yalçın Küçük in connection with his book “Kürt Bahçesinde Sözleşti” was commuted to 1 year taking account of the amendment to Article 8 of the “Law to Fight Terrorism.” According to the verdict issued by the Ankara SSC on 17 November, the fine of TL 250,000,000 given to Yalçın Küçük was also commuted to TL 100,000,000. The sentence passed on Yalçın Küçük was neither commuted to a fine nor suspended. The Court Board decided Yalçın Küçük, who has been living in France for a while, was to be arrested in absentia. In the trial, Hikmet Koçak, the owner of the Başak Publishing House which published the book in question, was also sentenced to 6 months in prison and fined TL 50,000,000. The sentence passed on Hikmet Koçak was commuted to a fine and suspended.

The sentence of 2 years in prison passed on writer Mehmet Bayrak in connection with his book “Kürt Halk Türküleri” (Kurdish Folk Songs) and which was upheld by the Supreme Court, was commuted to 1 year taking account of the amendment to Article 8 of the “Law to Fight Terrorism.” According to the verdict issued by the Ankara SSC on 20 November, the fine of Mehmet Bayrak was determined as TL 100,000,000. The imprisonment term was neither commuted to fine nor suspended. In another trial held at the Ankara SSC on 20 November, the sentence of 6 months in prison passed previously on Mehmet Bayrak in connection with the book “Çağdaş Kürt Destanları” (Contemporary Kurdish Legends), published by the Öz-Ge Publishing House for which he undertook responsibility, was commuted to a fine of TL 900,000 and suspended.

The sentence of 2 years in prison and the fine of TL 250,000,000 given to journalist Oral Çalışlar under Article 8 of the “Law to Fight Terrorism” because of his book entitled “Öcalan ve Burkay’la Kürt Sorunu” (Kurdish Problem with Öcalan and Burkay), were overturned by the Supreme Court. Upon the verdict of the Supreme Court on 22 November, the sentence of 6 months in prison and the fine of TL 50,000,000 given to Muzaffer Erdoğan, the owner of the Yar Publishing House which published the book in question, were also overturned. The decision was issued taking into account the amendment to Article 8 of the “Law to Fight Terrorism.” Oral Çalışlar and Muzaffer Erdoğan had been prosecuted at the İstanbul SSC because of the interview in the book with PKK leader Abdullah Öcalan, and convicted on 27 October 1994.

Medeni Ayhan, the general publication director of the journal *Özgür Bilim*, was sentenced to 2 years in prison and fined TL 550,000,000 after being prosecuted under Article 8 of the “Law to Fight Terrorism” because of his article published in the journal. Sait Çakar, the Chief Editor of the aforesaid journal, was also sentenced to 6 months in prison and fined TL 50,000,000, in the trial which ended at the Ankara SSC on 4 December. Doğu Perinçek, the Chairperson of the Workers’ Party, and Cengiz Yaşar, who were prosecuted in the same trial in connection with their articles published in the journal, were acquitted on the grounds that there were no elements of a crime in their articles.

Two political prisoners named İbrahim Halit Elçi and Kemal Altıntaş, who were prosecuted under Article 8 of the “Law to Fight Terrorism” in connection with their articles in a special

issue of the journal Pir Sultan Abdal published in August 1993, were each sentenced to 1 year in prison and fined TL 100,000,000. In the trial that ended at the Ankara SSC on 5 December, Metin Kuzugüdenlioğlu, the Chief Editor of the journal, was sentenced to 6 months in prison and fined TL 50,000,000 while Murtaza Demir, the owner of the journal, was fined TL 100,000,000. Publisher Burhan Günel, the owner of the publishing house where the journal in question was published, was acquitted. The prison sentences were commuted to fines, and suspended. The defendants had previously been prosecuted at the Ankara SSC. In the trial which ended on 23 June 1993, İbrahim Halit Elçi and Kemal Altıntaş had each been sentenced to 2 years in prison and fined TL 250 million, Metin Kuzugüdenlioğlu to 6 months in prison and fined TL 2 billion while Murtaza Demir and Burhan Günel each to 6 months in prison and fined TL 5 billion. However, those sentences had been overturned by the Supreme Court.

Ayşe Nur Zarakolu, the person responsible for the Belge Publishing House, was sentenced to 6 months in prison and fined TL 50,000,000 under Article 8 of the “Law to Fight Terrorism” in the trial in which she was prosecuted in connection with the book “Gündem Yazıları” (Agenda Articles) by Yaşar Kaya. In the trial that ended at the İstanbul SSC on 22 December, the prison sentence passed on her was commuted to a fine of TL 900,000, but not suspended on the grounds that “the defendant has an inclination to commit crime.” She had previously been prosecuted in connection with the book in question, and sentenced to 6 months in prison. This sentence had been upheld by the Supreme Court in October. She was also sentenced to 6 months in prison and a fine of TL 82,000,000 in the trial in connection with the book “Karakış Grubu” by Sadrettin Aydınlik. However, this sentence was suspended after the amendments.

Actions by the PKK

Also the PKK was occasionally involved in actions that put pressure on, banned or restricted the press and journalists. For example, PKK militants who blockaded the road between Cizre and Nusaybin in the Turgutlu region on the evening of 31 March, abducted Fatih Sarıbaş and Kadri Gürsel, reporters for Reuters and the Agence France Press, respectively, who were in the region in order to follow the military operation in Northern Iraq. The abduction of the journalists provoked protests. In a statement on 3 April, Mustafa Ekmekçi, the Chairperson of the Progressive Journalists Association, said, “The task of the journalists is to inform the public in an accurate and impartial way. Everyone should assist them. We protest the abduction of the journalists on duty, and demand that they should be released immediately.” In a statement on 9 April, İHD Secretary General Hüsnü Öndül asked for the release of the abducted journalists. He said, “Not a single journalist should be detained, arrested, be treated as a prisoner or hostage because of their journalistic activities.” Kadri Gürsel and Fatih Sarıbaş were released around noon on 26 April. The two journalists who were released around the Kumçatı Village between Şırnak and Cizre, were taken to the İkizdere Gendarmerie Station. After spending the night in the gendarmerie station, Kadri Gürsel and Fatih Sarıbaş were sent to İstanbul on 27 April.

Ferit Demir, reporter for the newspapers Cumhuriyet and Milliyet, was abducted by PKK militants who stopped the minibus he got on in order to go from Tunceli to Pertek for a news story on 30 April. Ferit Demir, who was released on 7 May, disclosed that, during the period he was held by the PKK, he was introduced to Şemdin Sakık, the responsible person of the PKK in the region. Ferit Demir had also been abducted by PKK militants in October 1993 and then released after being interrogated for a period.

It is Difficult to be a Journalist in Tunceli (14 December 1995-Cumhuriyet)

It is an ordeal to be a journalist in the regions experiencing an extra-ordinary situation. Ferit Demir is the only local reporter in Tunceli. For this reason, he hosts all journalists coming to the region.

He was also an host for our reporter Miyase İlknur, who went to Tunceli in connection with the election tours. He entertained her very well. During the ID checks at the entrance of Tunceli, our friend showed her license instead of her press card. As her birth place was also Tunceli, no one doubted that she was a journalist. She did so in order to walk around in Tunceli and speak to the people freely. She was invited to the house of Ferit Demir for dinner the next evening. They had just sat at the table when the door was knocked. Looking down from the window, Demir said, "Plainclothes police officers are here. They will probably ask about you," and went downstairs. For this stranger who walked around the city all day had attracted the attention of the police, and they had frequently asked Demir "Who is she?" When the talk of the plainclothes officers with Demir had lasted a bit longer, she also went downstairs and asked the police officers what they wanted.

"Nothing, we were getting some information about you. That's all."

"If you ask the questions about me to me directly, you will get more accurate answers. Whatever you will ask, ask to me.."

"Yet we have not heard that you have come to the city.."

"Why do you ask? Would you welcome me with a band? Does it really matter how I entered the city?"

"They wanted us to ask, for your security. How did you come and where will you go?"

"The Governor and the Regiment Commander know why I came and where I will go. You'd better ask them."

After the police officers went away, Miyase İlknur, witnessing the working conditions of the local reporters, could not help telling her friend, "You are the real journalists. The press awards should be given to the journalists in this region."

a)- Those who were killed or disappeared

In 1995 1 journalist was killed in Turkey, which drew attention due to attacks against the press in 1992 and 1993 and was attributed as the country where the most journalists were killed, and which witnessed similar incidents in 1994. Safyettin Tepe, the reporter for the newspaper Yeni Politika in Batman, who was detained by police on 22 August in Batman, died on 29 August at the Bitlis Security Directorate where he was being interrogated. Police authorities claimed, "Safyettin Tepe committed suicide by hanging himself from the iron bar of the door embrasure in his cell." Lawyer Talat Tepe, the uncle of Safyettin Tepe, said that his nephew had been hanged after having been killed under torture, and the police had attempted to pass off the incident as suicide. (Detailed information is on pages 263-264.) In 1995, contrary to the previous years, no newspaper vendors or distributors were killed or attacked.

There were no serious efforts in 1995 to find the assailants of the 24^(*) journalists killed in the last 4 or 5 years. Efforts made by officials regarding those murders were always half-hearted.

(*) Çetin Emeç (Hürriyet, İstanbul-7 March 1990), Turan Dursun (2000'e Doğru, İstanbul-4 September 1990), Halit Güngen (2000'e Doğru, Diyarbakır-18 February 1992), Cengiz Altun (Yeni Ülke, Batman-24 February 1992), İzzet Kezer (Sabah, Cizre-23 March 1992), Bülent Ülkü (Körfez'e Bakış, Bursa-1 April 1992), Mecit Akgün (Yeni Ülke, Nusaybin-2 June 1992), Hafız Akdemir (Özgür Gündem, Diyarbakır-8 June 1992), Çetin Ababay (Özgür Halk, Batman-29 July 1992), Yahya Orhan (Özgür Gündem, Gercüş-31 July 1992), Hüseyin Deniz (Özgür Gündem, Ceylanpınar-9 August 1992), Musa Anter (Özgür Gündem, Diyarbakır-20 September 1992), Kemal Aktay (Türkiye, Hani-9 November 1992), Hatip Kapçak (Gerçek, Mazıdağlı-18 November 1992), Namık Tarancı (Gerçek, Diyarbakır-20 November 1992), Uğur Mumcu

Related information obtained during interrogations of militants captured accidentally, or as a result of examining the guns seized with them, could not be evaluated properly. Although the police announced that assailants of some of the murdered journalists had been apprehended (concerning the cases of Çetin Emeç, Turan Dursun, Halit Güngen and Namık Tarancı) and trials had been launched in their cases, no concrete results were obtained.

The incidents witnessed following the killing of Uğur Mumcu are the most interesting examples of the half-hearted efforts in the cases of murdered journalists and other murders by unknown assailants. Although 3 years have passed since the killing of Uğur Mumcu on 24 January 1993, the murderers have not been apprehended yet. In addition, no progress was made in the investigation. In addition, the Parliamentary Commission to Investigate Murders by Unknown Assailants, which was formed within the Parliament after the killing of Uğur Mumcu, did not obtain any results. (Detailed information is on pages 149-154.) The Commission Chair-person Sadık Avundukoğlu stated that they had had great difficulty in collecting information about the murder of Uğur Mumcu and faced many obstacles. Uğur Mumcu was commemorated with various activities on 24 January, on the 2nd anniversary of his death. In all of the activities, people criticized and protested the incident being a unsolved murder by unknown assailants, and the failure to reach any results during the investigations. After the killing of Uğur Mumcu, many authorities, particularly the then-Prime Minister Süleyman Demirel had promised that murderers would be found as soon as possible, and with this aim a special investigation team had been formed.

b)- Attacks against the press and journalists

In 1995, press institutions, press organizations, journalists and writers were frequently subjected to attacks by various circles. Most of those attacks were carried out by security or public officers. According to the figures determined by the HRFT, 56 journalists were insulted or beaten by public or security officers in 31 different incidents (52 journalists were attacked in 24 incidents in 1991, 56 journalists in 26 incidents in 1992, 52 journalists in 33 incidents in 1993, and 76 journalists in 34 incidents in 1994). Many journalists were detained and arrested. Bomb-ings and armed attacks were carried out against journalists and press institutions. The attacks and pressure on the press intensified against the journals or newspapers which are dissident, having an editorial policy contrary to the official ideology and taboos, and defending radical ideas, and on those working for the above mentioned publications.

Özgür Ülke-Yeni Politika: In 1995, the attacks and pressure intensified on newspaper Özgür Ülke, which focused on the Kurdish problem and on newspaper Yeni Politika which started publication upon the closure of Özgür Ülke. The first issue of the newspaper Özgür Ülke was published on 28 April 1994, following the newspaper Özgür Gündem, which was published between 30 May 1992 and its closure on 20 April 1994. (*)

(Cumhuriyet, Ankara-24 January 1993), Kemal Kılıç (Özgür Gündem, Urfa-18 February 1993), İhsan Karakuş (Silvan, Silvan-13 March 1993), Ercan Gürel (Hürriyet News Agency, Bergama-20 May 1993), Rıza Güneşer (Halkın Gücü, İstanbul-14 July 1993), Ferhat Tepe (Özgür Gündem, Bitlis-28 July 1993), Muzaffer Akkuş (Milliyet, Bingöl-20 September 1993), Erol Akgün (Devrimci Çözüm, Gebze-8 September 1994) and Ersin Yıldız (Özgür Ülke, İstanbul-3 December 1994).

(*) Özgür Gündem was subjected to incredible pressure and attacks until its publication was stopped. Six staff members (Hafız Akdemir, Yahya Orhan, Hüseyin Deniz, Musa Anter, Kemal Kılıç and Ferhat Tepe) and 12 distributors (Halil Adanır, Kemal Ekinci, Lokman Gündüz, Orhan Karaağar, Haşim Yaşa, Zülküf Akkaya, Yalçın Kaya, Adil Başkan, Adnan İşik, Mehmet Sencer, Zuhat Tepe and Hıdır Çelik) were killed, one worker (Burhan Karadeniz) was wounded and paralyzed, 2 staff members (Aysel Malkaç and Nazım Babaoğlu) disappeared and 250 staff members were detained or arrested. About 500 out of 580 issues of the newspaper

The most serious attack against the newspaper Özgür Ülke was carried out in December. The center of the newspaper Özgür Ülke in Kadırga, İstanbul and its offices in Cağaloğlu and in Ankara were bombed by allegedly unknown people early in the morning on 3 December 1994. Nobody claimed responsibility for the attacks in which one person died and 21 people were wounded. (**) Many officials, including President Süleyman Demirel, the then-Minister of Interior Affairs Nahit Menteşe, İstanbul Governor Hayri Kozakçıoğlu and İstanbul Security Director Necdet Menzir, claimed that those responsible for the attacks would be found. Özgür Ülke continued its publication despite the bombings.

220 of the 247 issues of the newspaper published in 1994 and all of the 35 issues published in 1995 were confiscated. The confiscation decisions were generally delivered on charges of disseminating separatist propaganda, trying to alienate people from military service, publishing leaflets and statements of illegal organizations in the articles and news stories, or inciting people to enmity. Additionally, numerous trials were launched against executives and personnel of the newspaper. Because of the trials, 8 chief editors of the newspaper (Kemal Akkaya, Süha Soysal Demirci, Halil Dalkılıç, Hasan Şahin, Mehmet Evran, Yusuf Şit, Murat Saraç and Mensure Yüksel) were arrested. Safyettin Tepe, the Batman reporter for the newspaper, was killed at the Bitlis Security Directorate where he was being interrogated on 29 August.

Pressure on the newspaper Özgür Ülke intensified in early 1995. The newspaper came on the agenda during the Security Coordination Meeting held on 4 January and presided over by the then-Prime Minister Tansu Çiller. At the end of the meeting, it was decided that the distribution of the newspaper would be prevented as much as possible to render its publication “ineffective,” taking into consideration that to close the newspaper completely would invoke protests at the international level. This decision was implemented immediately. The 7 January 1995 issue of the newspaper Özgür Ülke was confiscated by the İstanbul SSC on the night of 6 January, utilizing the authority given by the Press Law. Police officers went to the printing house in line with the

were confiscated. As a result of the trials, 10 of the people who undertook the chief editorial position of the newspaper were kept under arrest for periods ranging from 2 to 6 months. The first chief editor Işık Yurtçu was imprisoned when the Supreme Court upheld the sentences passed on him. The offices of the newspaper were frequently raided, the furniture were destroyed, its staff and executives were detained, arrested and convicted.

(**) It drew attention that the bombings against the newspaper Özgür Ülke were carried out after the circular issued on 30 November 1994 by Prime Minister Tansu Çiller asking for effective measures against the dissident press. The circular which was issued with a “secret” note was as follows: “Activities of certain publications, particularly of Özgür Ülke, which publish in a manner supporting separatist and undermining organizations, have changed into clear attacks against the permanence and spiritual values of the state. It has been thought that the boundless tolerance of Turkey, which is a democratic and secular law state, towards the independent press has been exploited to a great extent by the publications in question. Laws have been disregarded and those publications have tried to act as if they are legal institutions of terrorist organization. This situation has reached a dimension which has disturbed our patriotic citizens, who have common sense, and public opinion. With the aim of eliminating such an important threat against the indivisible integrity of the home-land and nation, I ask the Ministry of Justice to determine and follow the organs that have such publications; to determine why any legally effective processes were not started despite the numerous official complaints; to take necessary measures; to carry out an immediate study to develop methods for an effective struggle against such publications which clearly disseminate separatist propaganda to damage the permanence of the state and support terror organizations, and to put the methods determined as a result of this study into force within a short period.” The circular was sent to the Ministry of Justice for the implementation. It was also sent, for information, to the Ministry of Interior Affairs, Ministry of Foreign Affairs, General Secretary of the National Security Council, Military Consultation Office of the Prime Ministry and General Directorate of Press, Publications and Information.

confiscation order, and seized 13,570 copies of the newspaper. The objection raised by the lawyers of the newspaper for abolition of the confiscation decision, was rejected by the İstanbul SSC on 7 January. Baki Karadeniz, an executive of the newspaper, said that the state had started a new operation to render the dissident press ineffective. He said: “They thought that they would put an end to the publication of the newspaper Özgür Ülke by bombing. However, when they were not successful, they put into force certain anti-democratic provisions in the laws.”

The issues of the newspaper Özgür Ülke dated 8, 9, 10 and 11 January 1995 were also confiscated by the İstanbul SSC or the İstanbul Public Prosecution Office the day before they were released, on the grounds that “separatist propaganda was disseminated in certain articles and news stories in the newspaper.” Most of the confiscated newspapers were seized by the police at the printing houses or distribution company. This implementation continued on the following days. Every evening, confiscation orders were issued against Özgür Ülke while the newspaper was being printed, and the printed newspapers were seized. After the copies of the newspaper were confiscated, the newspaper Özgür Ülke was printed again, excluding the sections which had become the grounds for the confiscation. “Censored” was written in the excluded sections, and it was noted that the article or the news story could not be published as it had been grounds for the confiscation order. However, as a result of this situation, the newspaper was sent to the certain regions late, or could not be sent at all. This continued until 2 February.

Publication of Özgür Ülke was stopped with a confiscation decision delivered by the İstanbul Penal Court of Peace No.1 on 2 February. The decision was made on the grounds that Özgür Ülke was a successor of the newspaper Özgür Gündem, which halted its publication when confiscation decisions against it had become definite and had been put into practice as of 14 April 1994. In the decision delivered in accordance with additional Article 2/2 of the Law on Press, it was asserted that addresses and telephone numbers of the center and offices, writers, page designs and publication policies of the newspaper Özgür Gündem and Özgür Ülke were the same. With the confiscation decision, Özgür Ülke was accepted as an illegal publication. Upon the decision, the newspaper Özgür Ülke had to stop its publication as of 4 February.

After the closing down of the newspaper Özgür Ülke, studies were carried out in order to establish a newspaper named Yeni Politika, which was started publication on 13 April. The owner of the newspaper was Necati Tanıyan, its general publications director was Leyla Peköz and Chief Editor was Badiyel Kıran, and it was published in İstanbul and Adana. The newspaper Yeni Politika was subjected to the same pressure inflicted on Özgür Ülke. Out of the 126 issues of the newspaper, 117 were confiscated or censored, and numerous trials were launched against the newspaper’s executives. The pressure started even prior to the publication of the newspaper. The center of the newspaper in the Yenikapı Quarter of İstanbul was raided and searched by the police at about 03.30 p.m. on 7 April. During the raid, the IDs of the newspaper personnel were checked, and people named Davut Uçar, Nurcihan Öztürk, Sabahat Çelik, Şenol Torlak, Özgür Taşçı and Mehmet Akar were detained. Of the detainees, Özgür Taşçı was arrested, whereas others were released.

The first 2 issues of the newspaper Yeni Politika dated 13 and 14 April were confiscated upon an order by the İstanbul SSC Prosecution Office on the grounds that separatist propaganda was disseminated in certain news and articles in the newspaper. Because of the decision of seizure, the newspaper had to be printed again and distributed in many settlements, firstly in İstanbul after being censored. The 4th issue of the newspaper Yeni Politika dated 16 April, could not be distributed in Ankara and Diyarbakır, because its copies had been seized by the police. These kind of implementations were repeated almost every day.

The confiscation decisions against Yeni Politika were given under Articles 6 and 8 of the “Law to Fight Terrorism” and Article 312 of the Turkish Penal Code. The confiscation orders were given in connection with 316 news stories, 88 articles, 20 interviews, 13 editorial letters, 13 advertisements, 2 biographies, 1 one memoir, 1 cartoon, one message and a report prepared by the İHD, which were published in the newspaper. In the notifications sent to the newspaper in connection with the confiscation orders, photocopied texts were used, after filling the empty spaces with handwriting. The newspaper Yeni Politika was published again after the notification of the confiscation orders, after excluding the sections subjected to confiscation. Of the executives of the newspaper, Çelebi Yavuz narrated the publication story of the newspaper as follows: “The police officers continuously wait at the printing house where the newspaper is published, and take away the first edition of the newspaper. The confiscation order comes in 1 hour. Then we exclude from the newspaper the sections that has caused the confiscation. We write ‘censored’ in the excluded sections, and note that the article or the news story could not be published as it was grounds for confiscation. The second edition ends at about 10.00 p.m. The police officers come to the newspaper again. Sometimes, they censor the second edition, saying, ‘We did not see these ones.’ There are times we make 5 editions for this reason. Therefore, we are always late for the distribution. The newspaper cannot be sent to many regions.”

The publication of the newspaper Yeni Politika was halted with a decision issued by the İstanbul Penal Court of Peace No.5 on 16 August, upon the official complaint made by the İstanbul SSC on 17 July. The decision was issued on the grounds that Yeni Politika was the successor of the previously closed down newspapers Özgür Gündem and Özgür Ülke. The executives of the newspaper said that the publication of the newspaper had been stopped in accordance with the decision issued by the National Security Council concerning dissident publications: “Enemies of democracy could not bear the facts. The decision was issued on the eve of the important developments in Turkey and in the Middle East concerning the Kurdish problem.”

In the final issue of the newspaper Yeni Politika on 17 August, a discussion between the prosecutor, who requested the halting of the publication, the judge, who gave the decision, and the lawyer of the newspaper, was published. The discussion, which indisputably reveals the political aspect and the illegality of the decision, is as follows:

Lawyer: *The evidence is insufficient, and the action based on this evidence is against the law.*

Prosecutor: *The state does not want this newspaper. The result will not change even if you raise an objection. The decision is a confiscation order, but it is actually closure.*

Lawyer: *How can this evidence constitute the sole ground for confiscation?*

Prosecutor: *Then publish in the same manner as the other newspapers do.*

Lawyer: *Shall we publish pictures of naked women? Shall we give saucepan or frying pan? Shall not we carry out journalism?*

Prosecutor: *You can release a newspaper like Cumhuriyet. (...)*

Judge: *In my opinion, the implementation you face is wrong. I never approved. Moreover, I rejected the confiscation requests while I was on duty. There is nothing I can do. I know that I will certainly be expelled if I don't give this verdict. Even if you raise an objection, the Penal Court of First Instance will reject it. There is no independent judiciary and guarantees for judges in Turkey. The opposite behavior is a reason to be expelled. I've been living the life of an exile since I objected to such kind of violations of rights throughout my 11-year career. Even though I am a judge of 1st degree, I've been in İstanbul just for the last 6 months.*

Lawyer: *We will object.*

Prosecutor: *The decision will not change. Release the newspaper not in İstanbul but in Ankara.*

Lawyer: *And there is Nusret Demiral in Ankara.*

Prosecutor: *Yet your biggest enemy is there.*

The first issue of the journal *Özgür Yaşam*, (*) preliminary work for which was started upon the closure of the newspaper *Yeni Politika*, was released on 7 October. The owner of the new journal was Veli Mükren, its chief editor was Ali Zeren, and Aslan Yıldız, Hüseyin Aykol, Sanlı Ekin, Çelebi Yavuz and Ragıp Zarakolu were in its editorial board. The 3rd issue of the journal dated 21 October 1995 and 11th issue dated 16 December 1995 were confiscated under the “Law to Fight Terrorism.” The company that released the journal *Özgür Yaşam*, began to publish a newspaper entitled “Demokrasi” as of 12 December. The owner of the newspaper *De-mokrasi* was Veli Mükren, while its general publications director and Chief Editor were Mehmet Oğuz and Ecevit Keleş, respectively. Fikret Başkaya, Akın Birdal, Münir Ceylan, Ragıp Duran, Varlık Özmenek and Şanar Yurdatapan took place in the editorial board of the newspaper.

Below is some additional information on attacks, pressure and bans the newspapers *Özgür Gündem*, *Özgür Ülke* and *Yeni Politika* encountered, and attacks on and persecution of their staff members:

Salih Güler, the Diyarbakır reporter for the newspaper *Özgür Ülke*, was detained by 3 plainclothes officers coming to the Diyarbakır Office of the newspaper on 4 January. The police authorities stated that Salih Güler had been detained upon a request by the gendarmerie. Salih Güler, who was released on 30 January, stated that he had been tortured in detention and forced to testify against the executives of the newspaper *Özgür Ülke*. The Diyarbakır Office of *Özgür Ülke* was raided on 30 January. During the raid, Zekine Türkeri, Vedat Perçin, Adil Denk, Mehmet Emin Özmen and Cengiz Kırık, reporters who were in the office, were detained. Zekine Türkeri, Vedat Perçin, Adil Denk and Mehmet Emin Özmen, who were released on 2 February, disclosed that they had been tortured in detention. Cengiz Kırık was released later. The office was raided again on the morning of 14 February, and 3 people were detained. The 3 people were released on the same day.

In the Çiftkapı Quarter of Diyarbakır, police officers opened fire against a child (N.Y.), who was distributing the newspaper *Özgür Ülke* to subscribers at noon on 5 January. The child, who escaped the incident unhurt, said, “5 police officers called me while I was walking in the street. I thought that they would seize the newspapers, and began to escape. They fired into the air once. When I heard the gun shot, I threw away the newspapers and started to run more quickly. Then they started to shoot at me. I entered a back street and escaped from being shot.”

Three unknown people attempted to abduct Bayram Balcı, the Mardin Representative of the newspaper *Özgür Ülke*, at about 07.00 p.m. on 5 January. He said the following about the incident: “When I got off the minibus and came in front of the office, 3 people waiting ahead attracted my attention. While I was trying to open the door of the office, they came close and suddenly attacked me. I escaped from them, and began to run away. They chased after me for about 200 meters, then gave up.” Bayram Balcı applied to the Mardin Governorate for protection.

Hüsnü Akgül and Hidayet Pehlivan, Mardin reporters for the newspaper *Özgür Ülke*, were detained without any grounds on the morning of 16 January. The Mardin Office of the

(*) The journal *Özgür Yaşam* halted its publication on 20 January 1996.

newspaper were raided and searched by the police at noon on the same day. Hüsni Akgül and Hidayet Pehlivan were released on 18 January.

The Van Office of the newspaper Özgür Ülke was raided by plainclothes police officers entering by breaking down the door at about 06.30 p.m. on 24 January. During the raid, Doğan Denizhan, one of the reporters in the office, was detained, and news story texts and certain documents were seized. Doğan Denizhan was beaten as he was being removed from the office.

Mehmet Ali Yaşa, one of the Diyarbakır reporters for the newspaper Özgür Ülke, was detained by the police on the morning of 24 January in front of the Diyarbakır Financial Department in the Yenişehir Quarter. He was released at about 07.00 p.m. on the same day.

The Ağrı Office of the newspaper Özgür Ülke was raided by the police on 9 February, on the pretext that “the plate of Özgür Ülke hung above the door of the office had not been taken down, although the newspaper had been closed.” Two people, one of whom is a child, who were in the office during the raid, were kept in detention for 24 hours. Aydın Çay, one of the detainees, stated that they had been exposed to torture and insults in detention.

Aslan Saraç, one of the Adana reporters for the newspaper Özgür Ülke, was detained by the police while he was on his way to the Newroz meeting organized by the HADEP on 22 March. Aslan Saraç, who was kept at the Adana Security Directorate for 2 days, said after being released that he had been beaten and insulted in custody.

Nezahat Özen, one of the reporters for the newspaper Özgür Ülke, who had been de-tained following the police raid against the Diyarbakır Office of the newspaper on 20 September 1994 and then arrested, and against whom a trial had been launched on accusations of “aiding the PKK,” was released in the hearing held at the Diyarbakır SSC on 13 April. Nezahat Özen was sentenced to 45 months in prison on 29 June.

Emin Aslanoğlu and Mevlüt Bozkur, Diyarbakır reporters for the newspaper Yeni Politika, and 2 foreign journalists, Heidi Lankesch (German) and Gunnar Hybertsen, were detained by soldiers around the Kağıtlı Gendarmerie Station at the exit of Diyarbakır on 2 April, while they were going from Diyarbakır to Batman. Heidi Lankesch and Gunnar Hybertsen were re-leased and then deported on 4 April, whereas Emin Aslanoğlu and Mevlüt Bozkur were taken to Bismil on the night of 4 April. Emin Aslanoğlu and Mevlüt Bozkur were arrested by the Diyarbakır SSC on 18 April.

Bülent Çiftçi, (*) Van Representative of the newspaper Özgür Ülke, who had been detained on 1 August 1994 and arrested on 26 August 1994, was released by the Diyarbakır SSC on 18 April. He was released from the Muş Closed Prison on the same day, but handed over to the Muş Recruitment Office on the grounds that he was a draft evader.

Sabri İnan (23) and Salih Bilmece, who undertook the distribution of the newspaper Yeni Politika in Adana, were detained on 13 April. Sabri İnan, who was released on 15 April, stated that

(*) Bülent Çiftçi was detained at the entrance of the Tatvan District of Bitlis by police, who took him off the bus he got on to go İstanbul on the morning of 1 August 1994. He was sent to Hakkari for interrogation, and arrested on 26 August 1994. When he was detained, he had been carrying a circular, which had been sent by the Ministry of Interior Affairs to all authorities in the State of Emergency Region in 1992. The circular was later published in the newspaper. It requested prevention of the functioning of the new party (meaning the DEP), disguising of the number of killed soldiers or showing it lower than it was, and prevention of the work of Özgür Gündem. Baki Karadeniz, an executive of the newspaper, asked the Van Governorate the reason for the detention of Bülent Çiftçi. In the answer sent by Van Deputy Governor Mehmet Çetin on 5 August 1994, the Van Governorate accepted that Bülent Çiftçi had been detained because of the circular.

he had been tortured and threatened with death at the Denizli Police Station and Adana Political Police Center where he had been kept in detention.

The Elazığ Office of the newspaper Yeni Politika was raided and searched by the police at noon on 12 May. After the search that lasted for an hour, Songül Zengin and Nurcan Turgut, Elazığ reporters for the newspaper, and students named Bülent Kaya and Ali Öz, who were guests at the office, were detained. The detainees were released in the evening.

Vehbiye Tüzün, one of the Urfa reporters for the newspaper Yeni Politika, was detained along with a person named Mehmet Çelik at about 11.00 a.m. on 19 May, after leaving the Batman Office of the newspaper. The house of Vehbiye Tüzün in Urfa was raided at about 11.00 p.m. on the same day. Vehbiye Tüzün and Mehmet Çelik were released from the Batman Security Directorate at about 10.00 p.m. on 22 May, without even being taken to the prosecution office. Vehbiye Tüzün disclosed that they had been beaten in custody.

Mustafa Sav, the Diyarbakır Representative of the newspaper Yeni Politika, reporters named Adil Denk, Bahattin Yıldız and Metin Dağ, and Nezahat Özen (reporter for the newspaper Özgür Gündem), were detained by the police on 2 June. They were released on 3 June.

Mehmet Sanlı Ekin, the News Director of the newspaper Yeni Politika, was detained by police officers raiding the house he was in, on the night of 2 June. The detention of Sanlı Ekin was not acknowledged officially, and he was released on 5 June. Sanlı Ekin was reportedly kept at the İstanbul Security Directorate in Aksaray.

Zülküf Kışanak, the Director of the Yöntem Press and Publications Inc. which published the newspaper Özgür Gündem, was detained at the İstanbul Eminönü Security Directorate where he went with his lawyer on 8 June in order to testify. He was later taken to the Political Police Center and interrogated for 8 days. He was released on 15 June by the İstanbul SSC to be prosecuted without arrest. He disclosed that psychological pressure had been put on him in detention, and added, "I was interrogated because of certain testimonies against me. The prosecutor referred me to the court requesting my arrest."

Ziya Köseoğlu, Malatya reporter for the newspaper Yeni Politika, was detained by gendarmes raiding his house in the Yazihan District of Malatya at about 03.00 a.m. on 15 July. Süleyman Köse, one of the executives of the HADEP Yazihan District Organization, was detained together with Ziya Köseoğlu. Süleyman Köse who was released at about 11.00 p.m. on 15 July, said, "I do not know where we were taken, because I was blindfolded. I think that they took us to an intelligence office located around the Malatya E Type Prison." Ziya Köseoğlu, who was arrested on 19 July, was released on 25 July upon the objection raised by his lawyer.

The Adana Office of the newspaper Yeni Politika was raided by police officers at about 07.00 p.m. on 3 September. During the raid, which was carried out without any search warrants, some publications and copies of some former issues of the newspaper Yeni Politika (90 issues) were seized. The police officers stayed in the office for about 2 hours. Subsequently, they detained Mahmut Doğan, the Adana Representative of the newspaper and left the office. Mahmut Doğan, who was released on the evening of 4 September, disclosed that he had been tortured in police custody, and forced to sign a statement which alleged that the newspaper Yeni Politika was a publication of the PKK. He added that he was unable to use his arms and his health had deteriorated because of torture.

Emin Günay, the Administrative Chief of the Adana Office of the newspaper Yeni Politika, was abducted by unknown people at the entrance of the İzmir Fair on 8 September. Emin Günay, who was released on the same day, stated that those who had abducted him were police officers, and said: "I was threatened with death. They continuously told me, 'We will kill you as

we did Sayfettin Tepe.’ This case proves who killed Sayfettin Tepe. If something happens to me, the police in İzmir will be responsible.”

Evrensel: The second publication that went through intense pressure and attacks, but not so much as the newspaper Özgür Ülke and Yeni Politika, was newspaper Evrensel. The first issue of Evrensel was released on 7 June. Its owner was Vedat Korkmaz, publications director was İhsan Çaralan and chief editors were Fatma Bayar, Ali Erol and Bülent Kutlutürk. The newspaper Evrensel halted its publication on 31 October 1996. 33 of the issues of the Evrensel released until the end of August 1996 were confiscated. A total of 65 trials were launched in connection with news stories, articles, advertisements and cartoons published in the newspaper. 17 of these trials resulted in acquittal, and 9 in conviction. In the trials that resulted in conviction, Ali Erol, one of the chief editors, was sentenced to 7 years in prison and fined TL 970,000,000, Fatma Bayar, another chief editor, was fined TL 3,525,000, its owner Vedat Korkmaz was fined TL 944,000,000, and columnist Haluk Genger was sentenced to 20 months in prison. The newspaper was closed for a total of 125 days. Evrensel reporter Metin Göktepe, who was detained during a funeral held in İstanbul on 8 January 1996, was beaten to death by police officers.

Nedim Köroğlu and Ali Gündoğdu, columnist and reporter for the newspaper Evrensel, respectively, were attacked by plainclothes police officers at about 03.00 p.m. on 1 August in Şişhane, İstanbul. The police officers stopped them while they were walking from Şişhane to Taksim. They threatened them with a gun, and tried to make them lay down on the ground. However, the journalists refused to do so. Therefore, the police officers only searched their bags and clothes. Subsequently, they insulted the journalists and threatened them. The police officers who also took the addresses of the journalists, said “We will meet again!” and left the scene. Stating that he knew the police officers who had attacked them, Nedim Köroğlu drew attention to the latest decision by the National Security Council concerning dissident publications. He said, “This incident should be deemed as a part of the attacks against journalists and writers.”

Kemal Doğan, one of the people who undertook the distribution of the newspaper Evrensel in Adana, was detained by the police at the Çukurova Street in the Levent Quarter of Adana on the morning of 26 August. Kemal Doğan, who was reportedly detained “for looking suspicious,” was taken to the Köprübaşı Police Station and released in the evening.

Ahmet Birgül, the Osmaniye reporter for the newspaper Evrensel, was beaten by officers of the Osmaniye (Adana) Municipality while he was trying to take pictures of a peddler who attempted to commit suicide in front of the municipality building. He received injuries to the face and various parts of his body during the incident that took place at noon on 18 September. He stated that the names of the assailants were Kadir Kara, Savaş Çapar and Uğur Aslankurt. He said, “When I was attacked, police officers around did not intervene. Those who attacked me are friends of the MHP-member mayor.”

Youths named Ergül Acar, Barış Erbektaş, Nihan Çakmak and Bahadır Özgür, who were putting up the authorized posters of the newspaper Evrensel in Ankara Kızılay on 12 October, were detained by the police upon the complaint of officials (zabıta) of the Metropolitan Municipality. The detained 4 youths were released on 13 October, after paying the fine of TL 9,990,000 given by the zabıta. In the meantime, Nesrin Hatipoğlu, the lawyer of the newspaper, who went to the Çankaya Central Police Station in order to see the detainees, was kept in detention for about 2 hours.

Ali Bayaslan, one of the Ankara reporters for the newspaper Evrensel, was detained when a house in the Emek Quarter of Ankara where he went to visit his friends on the evening of 30 October was raided by the police. Ankara Political Police Director Ülkü Mert stated that Ali Bayaslan had been coincidentally detained and had no connection with any illegal organization. Despite this statement by Ülkü Mert, Ali Bayaslan was kept in detention for 2 days.

Armed people who introduced themselves as “police officers” tried to abduct Haşim Demir, a reporter for the newspaper Evrensel, in a car licensed “34 URJ 8978.” The attempt failed when Haşim Demir resisted and shouted.

Nebahat Alkan, a reporter for the newspaper Evrensel, was detained by police in Tuzla, İstanbul, at about 07.00 p.m. on 5 December. She was reportedly detained while going back to the newspaper office after interviewing the workers who started to resist when they were dismissed 4 months ago from their jobs at the British transportation company Inchcape Retrans, located in the vicinity of the Şekerpınar Village of Gebze. The grounds for her detention was not disclosed. She was kept at the Tuzla Security Directorate for a while and then taken to the İstanbul Public Order Branch Directorate.

Ersel Dağ, the Elazığ reporter for the newspaper Evrensel, was detained on the night of 7 December, during the raid against the election office of Ali Günsili, independent deputy candidate for Elazığ. He was released on the morning of 8 December. Ersel Dağ disclosed that he had been tortured in detention, insulted and forced to be a police agent. He was detained once again, along with his friend named Vahit Tekin, on 22 December, and again tortured in detention.

Çetin Özcan, Savaş Erbektaş and Can Ertürk, reporters for the newspaper Evrensel and journals Gençliğin Sesi and Odak, respectively, were detained on 20 December while they were covering the press statement made by students in front of the Ankara Tuzluçayır High School in protest of the “paid education.” Çetin Özcan and Can Ertürk were released on 22 December, whereas Savaş Erbektaş was sent to the prison in connection with an arrest warrant in absentia.

Atılım: Another publication which faced intense pressure was the weekly newspaper Atılım, the first issue of which was released on 18 October 1994. Out of the 64 issues of the newspaper published until the end of 1995, 63 (50 of which in 1995) were confiscated by the İstanbul SSC or the İstanbul Penal Court of Peace No.3. The confiscations were ordered on grounds such as “disseminating separatist propaganda, inciting people against each other by making discriminations of race and class, praising illegal organizations, insulting the security forces, the army and other state institutions.”(*) A total of 153 trials were launched at the İstanbul SSC, İstanbul Heavy Penal Court No.2, and İstanbul Penal Court of First Instance No.2 against the executives, writers and staff of the newspaper in connection with the articles published in the newspaper. The prison sentences requested in these trials reached 83 years, and the total of fines TL 15 billion. Of the chief editors who were arrested in connection with the trials, İsmail Akkın was kept in prison for 5 months 15 days, Aslı Yücesan and Eylem Semint each for 2 months. Two of the trials launched at the İstanbul SSC resulted in acquittal, whereas chief editor İsmail Akkın was sentenced to a total of 30 months in prison and fined TL 409,810,000 in 4 trials.

The center of the newspaper in İstanbul and its offices in Eskişehir, Kartal and İzmir were raided by the police once, the Ankara, Malatya and Mersin offices were raided twice, the Bursa and İskenderun offices were raided 4 times and the Adana Office 45 times. More than 100 people were detained during the raids. Seven of the detainees were arrested, and trials were launched against some of them on accusations of “being members of an illegal organization” or “aiding or harboring the members of an illegal organization.”

The Adana Office of the newspaper Atılım was raided by the police on 21 March, and staff of the office Şengül Yıldırım, Cem Kazan, Songül Çapartaş, Ramazan Başçı and Hatice

(*) Only and only the 59th issue of the newspaper was not confiscated. This situation was stated in a news story in the 60th issue, entitled, “Amazingly, We Were not Confiscated Last Week.” However, a trial was launched later in connection with certain articles in the 59th issue.

Güden, and 3 other people were detained. During the raid, telephone book, pictures and the archive in the office were seized. The detainees were released on 22 March.

Veysel Ceylan, one of the İstanbul reporters for the newspaper, was arrested on 28 March. He had been detained when he had taken pictures of police officers detaining 2 women after a workers' meeting held in İstanbul Bostancı. A trial was launched against him at the Kadı-köy Penal Court of First Instance on accusations of "resisting the police."

Aslıhan Yücesan, the chief editor of the newspaper Atılım, was arrested by the İstanbul SSC on 6 June in connection with an investigation launched into the articles and news stories published in the 33rd issue of the newspaper Atılım dated 27 May 1995. In a statement made by the newspaper Atılım, it was said that the arrest warrant against Aslıhan Yücesan had been issued since the political power had been disturbed because of the pictures published in the newspaper displaying the brutality of the clashes in the State of Emergency Region.

The Mersin Office of the Atılım was raided on 15 June, and Bülent Öner, the Mersin Representative of the newspaper, reporters Hasan Abalı and Fatma Harman, and people in the office Hatice Toprak, Ergün Bozkurt, Ali Varol and Ayşe Abalı were detained. The putting up of posters demanding that the murderers of Hasan Ocak be found had caused the raid. In operations carried out after the raid, Zeki Eldeş, Mesut Bozkurt (İskenderun Representative of the Atılım), Şahsile Abalı and Erdal Ulaş were detained. The detainees were introduced to the public by the Mersin Security Directorate as the "members of the MLKP (Marxist Leninist Communist Party)." Seven of the detainees were released later, whereas Bülent Öner, Hasan Abalı, Fatma Harman and Mesut Bozkurt were arrested. Bülent Öner, Hasan Abalı and Fatma Harman disclosed that they had been subjected to intense torture in detention.

The Ankara Office of the newspaper Atılım was raided at about 04.00 p.m. on 7 July. During the raid, publications, documents and books in the office were seized, and reporters named Vahit Çolak, Meryem Akpınar and Figen Karadağ were kept in detention for a while. The office was raided again by the police on 20 October, and certain publications, documents and equipment in the office were seized, office equipment were destroyed. In addition, Ankara Representative Ali Toprak, reporters Figen Karadağ and Necibe Savaşkan were detained along with a guest in the office, Doğan Harput. Ali Toprak was arrested later.

In İstanbul, personnel of the newspaper Atılım, Sultan Seçik, Aslıhan Yücesan, Bayram Namaz, Feramuz Lüle, Metin Yeşil, Sevil Yeşil and Ramazan Başçı (*) were detained by the police raiding their houses on the night of 7 October. It came out that the raids were carried out upon the testimony given by a repentant named Hüseyin Erkan. Of the detainees, Bayram Namaz, Metin Yeşil and Sevil Yeşil were arrested by the İstanbul SSC on 19 October, and others were released. The prosecution of the 7 people started at the İstanbul SSC on 27 December. Bayram Namaz, who was cross-examined during the hearing, said that the detentions and arrests were the outcome of a police plot, and that the indictment was completely based on the police documents, and added, "This is an attack against the revolutionary-socialist press. The police officers who tortured us should be prosecuted here instead of us." At the end of the hearing, Metin Yeşil and Sevil Yeşil were released.

During the operations carried out by the police in İzmir in the third week of November, 15 people were detained on accusations of being members of the MLKP. Among the detainees were Rıza Çetin, an independent deputy candidate for the İzmir 2nd Region, and Hayrettin Özkurt, the

(*) Ramazan Başçı, who had been detained by the police in front of his house in Adana on 22 July and released on 23 July, disclosed that he had been subjected to psychological torture and harassed in detention.

İzmir Representative of the newspaper Atılım. Meanwhile, the İzmir Office of the newspaper Atılım was raided by the police and certain newspapers and documents were seized. Rıza Çetin and Hayrettin Özkurt were released by the İzmir SSC. Hayrettin Özkurt, who made a statement at the İHD İzmir Branch with his friend Ahmet Tunceren, who had been detained along with him, stated that he had been tortured in detention, and that his detention and the torture inflicted on him was a part of the attacks directed at the socialist press. He noted that Atılım reporter named Mithat Yıldız, who had been detained with him, had been released and then detained again, and that this person had been taken to İstanbul and tortured at the Aksaray Political Police Center.

Eylem Semint, Yusuf Güzel and Zahide Honca, staff of the newspaper Atılım, who went to the İstanbul Bayrampaşa Prison to visit their friends, were detained by the police after they left the prison. The detainees were released on the evening of 23 December. Ali İhsan Topçu, the chief editor of the newspaper Atılım, stated that the 3 people, who had been detained with base-less accusations, had been tortured in detention and forced to sign false documents. In the mean-time, Yusuf Güzel, who made a press statement at the İHD İstanbul Branch, showed the traces of torture on his body to the journalists.

Kurtuluş: The journal Kurtuluş, which was released after the journal Mücadele had to stop publishing when closure orders against it had been upheld one after the other, (***) was one of the publications facing heavy pressure in 1995. The first issue of Kurtuluş released on 28 January was confiscated by the İstanbul SSC and the İstanbul Penal Court of Peace No.1 sepa-rately. The confiscation orders against the journal continued later, and all of its issues were con-fiscated. Most of the confiscations were ordered under the “Law to Fight Terrorism,” especially under Article 6 of this law. In the trials launched in connection with the articles in the journal, chief editors Muharrem Gündüz and Bülent Sönmez were arrested. The center and the offices of the journal were frequently raided, numerous people were detained and arrested.

The Elazığ Office of the journal Kurtuluş was raided on 13 January, archive of the jour-nal was seized, staff of the journal, Osman Kılıç and Haydar Gündüz, and a youth named Güneş Barış were detained. The number of the detainees reached 13 as the operation continued. Six of the detainees were arrested, whereas 7 were released.

As a result of the raid carried out by the police against the Adana Office of the journal Kurtuluş on 15 February, Murat Kırsay, the Adana Representative of the journal, and 2 guests in the office were detained. The 2 detainees were released on the same day, whereas Murat Kırsay (*) was arrested on 17 February. The Adana Office of the journal was raided on 24 May and 26 June, too. In the raid on 24 May, a reporter named Necat Akbaba was detained, and on 26 June Ecevit Özdemir was detained. The office was raided 6 times in August. In addition, the office was kept closed for a while on the pretext of “certain legal deficiencies.”

The center of the journal Kurtuluş in Sultanahmet, İstanbul, was raided by the police on 11 July. Police officers who raided the office upon directives by the İstanbul SSC Prosecution Office detained 16 people who were in the office. The names of the detainees were as follows: “Yazgül Güder, Ahmet İbili, Osman Yeşil, Kadir Dora, Handan Ekicibil, Necati Önder, Nesli-han Uslu, Kamber İnan, Sonay Kahraman, Tarık Tolunay, Esra Yıldırım, Erdal Gökoğlu, Bülent Bağcı,

(**) The journal Mücadele, published as of 1992, was unable to publish at all when 7 separate closure orders for a total of 5 months and 5 days were put into practice one after the other as of 17 October 1994.

(*) Murat Kırsay was released later, but he was arrested again on 25 October. He was beaten by guardians at the Adana E Type Prison as he objected to having his hair cut, and kept in solitary confinement. He staged a hunger strike because of the pressure. He was later sent to the Kadırlı Prison, and there he was attacked by 2 guardians as he did not cut his beard.

Türkan Balaban, Fatma Kesili and Gülay Yücel.” Of the 16 people who were kept in detention for 10 days, 13 were released, Yazgül Güder and Necati Önder were arrested, and Er-dal Gökoğlu was sent to the Ankara Political Police Center for interrogation. The publication of the journal was halted for 15 days after the raid, on the pretext that “the chief editor of the journal was under arrest.” The center of the journal was raided for the second time on 26 July.

Eleven executives and personnel of the journal Kurtuluş who went to the printing house to take the printed copies of the 29 October 1995 issue of the journal, were detained by the police waiting at the printing house. All the printed copies (8,000) were seized. The names of the detainees were as follows: “Bülent Bağcı, Gülay Yücel, Neslihan Uslu, Nilüfer Güneş, Sonay Kahraman, İlker Alcan, Fikri Hıdırlar, Tarık Tolunay, Hüseyin Kılıç, Halil Aksu and Yaşar Aslan.” When duress on the journal and its staff increased, the personnel staged a hunger strike at the center of the periodical in İstanbul on 30 October.

Alnteri: Out of the 59 issues of the bi-weekly journal Alnteri published between October 1993 and 31 October 1995, 39 were confiscated. A total of 54 trials were launched in connection with the articles, news stories and pictures published in the newspaper. Two of these trials ended in acquittal, whereas 5 resulted in conviction. The total prison sentences given in the concluded trials reached 5 years 10 months, and the total fines reached TL 333,500,000. The sentence of 1 year in prison and the fine of TL 8,000,000 was upheld by the Supreme Court. The total of the closure orders against the newspaper was 4 months 27 days. The closure decisions for 2 months 7 days were upheld in 1995 and put into force. During the period the newspaper was kept closed, a new newspaper entitled “Emekçinin Alnteri” was published. In 1995, the Adana Office of the newspaper was raided 19 times, Antakya Office 6 times, Bursa Office 3 times, İstanbul Kiremithane and Ankara offices twice, and Ceyhan, Mersin, Kartal and Gaziantep offices once. During the raids, a total of 981 newspapers were confiscated, 13 people were detained. Six reporters of the newspaper, 2 in Malatya, and the others in Mersin, Antalya, Ankara and Adana, were arrested. Five supporters of the newspaper were arrested for hanging posters of the newspaper. Saliha Yaptaterek, the chief editor of the newspaper, was kept under arrest for 3 months. The reporters of the newspaper were detained by the police 27 times while they were on assignments.

Other attacks

Talat Oruç, the Antakya reporter of the local newspaper Uyanış which is published in the Antakya region, was detained by the police at about 10.00 a.m. on 4 January in front of the Antakya Municipality where he went for a news story. Talat Oruç, who was detained without any grounds, was interrogated at the Antakya Political Police Center.

Ali Avcı and Ömer Genç, reporters for the local television station Elbistan TV broadcast in the Elbistan District of Maraş, were detained by the police raiding their houses on 5 January. The reporters were arrested on 12 January.

Unknown people threw a bomb at the center of the newspaper Hürriyet in Güneşli, İstanbul, at about 04.00 p.m. on 6 January. As a result of the explosion of the bomb near the building, nobody was killed or wounded. The unknown people who threw the bomb, which did not damage the building either, escaped when security officers protecting the building launched fire. No one claimed responsibility for the attack.

Sixteen students who occupied the DYP Fatih District Organization building on 6 January, were beaten and removed at noon by the police. A cameraman named Ali Öksüz, who wanted to shoot the incident, was wounded by the police officers hitting his head against a car.

The Diyarbakır Office of the newspaper Denge Azadi was raided by the police at about 02.00 p.m. on 8 January. The police officers, who carried out a search in the office for about 3 hours, seized the archive and certain documents, destroyed the furniture and detained reporter Ahmet Kılıl and office worker Çağatay Işık. In addition, names and addresses of 11 people who were guests in the office were taken, and these people were threatened. Ahmet Kılıl and Çağatay Işık were released by the court they were referred to 4 days later.

Ankara offices of certain newspapers and journals were raided by the police on 9 January, and 33 people were detained. Most of the detainees were released in a short period, whereas 8 people were interrogated at the Ankara Political Police Center till 19 January. Of the 8 people, Abdullah Güler (the journal Medya Güneşi), Ali Toprak (the newspaper Atılım), Gülseren Duman (the journal Direniş) and Yeter Yalçıntaş (the journal Kızıl Bayrak) were arrested on accusations that “they had disseminated separatist propaganda by distributing the special issue prepared collectively by certain journals,” whereas Vahit Demir, Niyazi Durmaz, Engin Mahmut and Yasemin Yakut were released. The arrested 4 people, who were prosecuted at the İstanbul SSC as the Ankara SSC had issued a decision of non-jurisdiction, were released on 12 April.

The center of the journal Özgür Gelecek in Sultanahmet, İstanbul, was raided and searched by the police at about 03.00 a.m. on 16 January. As a result of the raid, 7 people were detained including the News Editor Kenan Taşkın, and reporters Ali Bozlu, Naime Bozlu, Bektaş Toptaş and Murat Yıldız. The 7 people, who were taken to the Beyoğlu Police Teams Directorate, were tortured, and released without even being taken to the prosecution office. In the meantime, Erhan Doğru, the reporter for the journal Özgür Gelecek, who distributed a special issue prepared collectively by certain journals, was arrested.

As a result of the house raids carried out by the police in Trabzon on 16 January, 14 people, including Kemal Evciman, the chief editor of the local newspaper Özgür Karadeniz, and Esra Yıldırım, one of the Trabzon reporters for the journal Mücadele/Kurtuluş, were detained. Kemal Evciman was arrested on accusations of “being a member of the DHKP-C,” whereas Esra Yıldırım was released. Mehmet Kuyumcu, the owner of the newspaper Özgür Karadeniz, was detained by the police on 7 October in Adana. Mehmet Kuyumcu, who was detained while getting on the bus in order to take the newspapers he had published in Adana to Trabzon, was released 1 day later, but 2,000 copies of the newspaper were seized.

A bomb left by unknown people in front of the door of the house of Yaşar Kaplan, a columnist for the pro-Islamic newspaper Beklenen Vakit, in Küçükköy İstanbul, exploded at about 08.30 p.m. on 28 January. In the explosion nobody died or was wounded, but the house was damaged. An unknown person who called newspapers after the incident claimed that “the attack had been carried out by the radical Islamic İBDA-C organization.”

German journalist Corinna Guttstadt, Turkey correspondent for the newspaper “Junge Welt” published in Germany, was deported on allegations that she had engaged in “inappropriate activities.” Corinna Guttstadt was detained by the police on the morning of 8 February in İzmir, where she went in order to carry out a research for a news story, and taken to İstanbul on the same day. After she spent the night in custody, she was sent to Frankfurt by plane on the morning of 9 February. In the statement she made at the Frankfurt Airport, Corinna Guttstadt said that after being detained she had been strip-searched by female police officers and kept in a cell. She also stated that she had not been allowed to call the German Embassy, and her request for a lawyer had been refused. The two small children of Corinna Guttstadt, who have been in Turkey for one year and living in Mersin, remained in Turkey for a long time after her deportation. Ercan Kanar, the İHD İstanbul Branch Chairperson, protested her deportation.

The Adana Office of the newspaper *Denge Azadi* was raided 7 times by the police in January and February. In the raid carried out on 21 February, Arif Sevinç, the Adana Representative of the newspaper, reporter Beşir Günden, and Hasan Ceyhan, Mecit Baran and Mehmet Karataş, who were guests in the office, were detained. The detainees were released on 22 February. The office was frequently raided later.

Fifteen of the students who gathered in front of the National Education Directorate building in Bursa on 23 February and held a demonstration in protest of the pressure on high schools, were detained. In the meantime, Bünyamin Toprak, a reporter for the Anatolia News Agency, who was following the incident was harassed by the police and kept in custody for a while.

Yiannis Kokinidis, a correspondent for the newspaper “*Adesmeftos Typos*” published in Greece, and his translator Mihail Girmis, were detained on the evening of 27 February in Diyarbakır. The Greek journalist and his translator, who were detained by the police coming to their hotel, were taken to the Diyarbakır Security Directorate. The Greek journalist had met the executives of the HADEP and İHD prior to his detention. They were taken from Diyarbakır to Ankara on 3 March, and deported on the same day.

Journalists who were covering the incidents in the Gazi Quarter of İstanbul between 12 and 15 March (Detailed information is on pages 202-203.), were attacked by the police. Hasan Yıldırım and İhsan Aykın, reporters for the newspaper *Meydan*, were injured as the police beat them with truncheons and kicked them on 13 March. On the same day, cameramen for the television stations ATV, Kanal D and İnterstar (Bayram Ali Yalçın) and Hacer Yıldırım, a reporter for the journal *Söz*, were beaten by the police.

Journalist-writer Dursun Akçam was detained by the police at the Ankara Esenboğa Airport after he returned from Germany by plane on the night of 20 March. Dursun Akçam, who was detained upon an “apprehension order” given by the Ardahan Security Directorate, was released on 21 March. Dursun Akçam had started to live as a political refugee in Germany following the 12 September military coup, and had not been allowed to return to Turkey until 1991.

İlkezi Book Store located on the Cem Sultan Street in Konya was destroyed with stones and clubs by unknown people on the night of 2 April. In the damaged book store, writer Aziz Nesin was to sign his books on 7 and 8 April. Upon the attack, the owners of the bookstore canceled the signing days.

Two Finnish journalists named Leana Reikko and Iletom Kankonen, who were in Diyarbakır to watch the military operation by Turkey in Northern Iraq, were detained on 4 April. All of documents and film rolls on the two journalists were seized. The journalists were sent to İstanbul by plane on 5 April.

Film rolls of journalists were forcibly seized when they attempted to take pictures of National Intelligence Organization (MİT) Undersecretary Sönmez Köksal during the funeral of the MİT officials named Orhan Bulut, Yaşar Mutlu and Mithat Okan, who had been killed in Northern Iraq, at the Ankara Kocatepe Mosque on 7 April.

Nurettin Kurt, reporter for the newspaper *Hürriyet*, was beaten by a police officer when he took pictures of the judges who came to Ankara in connection with the individual applications to the European Human Rights Commission. Nurettin Kurt, after the incident that took place in the Ankara Court House on 12 April, did not file a complaint when the police officer apologized.

Ramazan Akın, a photographer for the newspaper *Yeni Asır*, was harassed by police officers when he was watching an operation carried out by the political police in İzmir. The camera of Ramazan Akın was broken and the rolls of film in his camera were seized. Addition-

ally, he was made to wait for a period while being handcuffed. An investigation was launched against the police officers who harassed Ramazan Akın.

Fakir Yılmaz, the owner of the local newspaper “Yeni Doğu Anadolu” published in Ardahan, was threatened and harassed by Hanak District Governor Levent Tunçsiper and his body-guard who raided his office on 22 April. Levent Tunçsiper also seized some of the pictures on the table of Fakir Yılmaz. After the incident, Fakir Yılmaz applied to the Ardahan Governorate and asked for protection of his life. In February 1993, when he was the District Governor of the Hırsarcık District (Çanakkale), Levent Tunçsiper had ordered the police to bring a journalist named Celalettin Abdülkerimoğlu to his office by force for writing something sarcastic about him. There, he had harassed and had a newspaper forced into the mouth of the journalist. Celalettin Abdülkerimoğlu had said the following about the incident: “The District Governor assaulted me by saying ‘How dare you write about me! I will make you eat this newspaper,’ at his office. Then he tried to put the newspaper in his hand into my mouth. I resisted, and I pushed him. We struggled for a while.”

The Adana Office of the journal Özgür Halk was raided by the police on 21 May. During the raid, Dilber Aydemir, the Adana Representative of the journal, and 6 people were detained, certain documents were seized. The detainees were released on 22 May. The office was also raided and searched on 22 July. In the raid against the center of the journal in İstanbul on 5 August, Emin Çelikten, the owner of the journal, was kept in custody for a while in connection with his articles published in the newspaper Özgür Ülke.

Journalists who took pictures during the beating and dispersion of the students holding a demonstration in front of the İzmir Dokuz Eylül University Rectorate on 30 May for their “life security,” were harassed by the police.

Three unknown people coming on 6 June to the center of the local newspaper “Önder” published in the Ereğli District of Zonguldak, beat a reporter named Koray Kayalı and injured him by hitting his head with the butt of a rifle. The 3 people, who broke the windows of the center, then ran away. The attack was reportedly carried out in connection with the news stories published in the newspaper. Unknown people had fired at the center of the newspaper in January, when there had been no one in the office.

The trial launched against 19 security officers in connection with the police raid against a house in the Çiftelavuzlar Quarter of İstanbul on 17 April 1992 (Detailed information is on pages 185-186), which had resulted in the killing of 3 people, started at the İstanbul Kadıköy Heavy Penal Court No.2 on 15 June. In the hearing a publication ban was put by the Court Board upon request by the lawyers of the accused security officers. In addition, certain lawyers of the victims and some journalists were harassed by police officers in the court hall.

During the demonstrations held on the occasion of the 2nd anniversary of the incidents which resulted in the murder of 37 people in Sivas on 2 July 1993, Kanal D television reporter Eyüp Karasakal and Günaydın newspaper reporter Hüzün Yücel were wounded.

Special team member Mehmet Çatal, who was killed by PKK militants in the vicinity of Tunceli, was buried in the Osmaniye District of Adana on 4 July. During the funeral where MHP adherents made a show of strength, rolls of film of Ali Tıraş, the Osmaniye Representative of the newspaper Express, was seized and he was threatened with a gun. Ali Tıraş, who raised an official complaint about the incident, stated that a thin person with short hair and pale face shouted “Nobody will take pictures,” and then the same person had put a gun to his back and taken his rolls of film. Ali Tıraş stated that he had applied to the police officers and the police chiefs in control, but nobody had paid attention to the subject.

Mustafa Göktaş, the chief editor of the weekly newspaper “Havadis” published in Mersin, was detained on 8 July in connection with his article published in the newspaper which criticized the Mersin Public Prosecution Office. Mustafa Göktaş, who was detained upon the complaint by the prosecutor, was released by the court on the same day. In his defense at the court, Mustafa Göktaş said, “I reject the accusations against me. I did not plan my article against anybody. I don’t have a personal problem with the plaintiff.”

Baran Bookstore in the Rönesans Passage in the Alanya District of Antalya was burned down by unknown people using gasoline at about 03.00 a.m. on 12 July. In the fire the bookstore was extensively damaged. After the incident, an unknown person who called a local newspaper released in Alanya, stated that the attack had been carried out by Hezbollah followers. The bookstore and a cultural center in the passage where the bookstore is located had been receiving threats from unknown people for a long period of time.

Özcan Aladağ, the owner of the weekly newspaper Adalet published in the Kozan District of Adana, was beaten and injured on 13 July by relatives of DYP Adana Deputy Halit Dağlı, in connection with his article criticizing the DYP. Özcan Aladağ, who received treatment at the hospital for a while, disclosed that he had begun to receive threatening calls from the DYP Kozan District Organization starting from 7 July, the date the article appeared on the newspaper, and he had sustained an attack by 5 people, 4 of whom were carrying clubs, when he left the office of the newspaper on the day of the incident. Özcan Aladağ lodged an official complaint with the prosecution office against Oğuzhan Dağlı and Nuri Dağlı. Oğuzhan Dağlı and Nuri Dağlı, who were detained upon the complaint and then released to be prosecuted without arrest.

Nevzat Bingöl, the owner of the local television station, “Can TV,” broadcasting in Diyarbakır, was injured in an attack by a group of people at the Diyarbakır Metropolitan Municipality, including some municipality officials, on 19 July. Nevzat Bingöl, who received treatment at the Diyarbakır State Hospital for a while, disclosed that his television’s broadcast regarding malpractice and negligence in the Diyarbakır Metropolitan Municipality had caused the attack. Nevzat Bingöl, short before the attack, had disclosed that Diyarbakır Metropolitan Municipality Mayor Ahmet Bilgin had offered him a bribe to avoid any broadcasts against the municipality.

Hasan Hüseyin İnan and Evrim Alataş, reporters for the newspaper Yeni Politika, Metin İlgün, reporter for the newspaper Evrensel, İzzet Tokur, reporter for the journal Devrimci Emek, and Devrim Yurtsever, reporter for the journal Özgür Gelecek, were detained when they were following the funeral held in İstanbul on 28 July for Tarık Ziya Yıldırım, who had been apprehended wounded in a clash he had had with the police in Bakırköy, İstanbul, and who had been taken dead to the hospital shortly afterwards. The detainees were released after being kept at the police station for 3 hours.

Unknown people opened fire at about 09.00 p.m. on 28 July at the house of Hacı Boğatekin, the owner of local newspaper “Fırat” published bi-weekly in the Gerger District of Adıyaman. In the attack, Hacı Boğatekin received slight injuries to his arm, and the house was damaged. Hacı Boğatekin, who is also the Gerger reporter for the newspaper Hürriyet, stated that a security chief named Nusret Balkız, who had been assigned to the district in September 1994, had continuously threatened him in connection with his articles against Gerger District Governor Adnan Gürsoy. Hacı Boğatekin stated that he had applied to many authorized bodies including the Prime Ministry and the Ministry of Interior Affairs for his life security upon their complaints, and added that his applications had not been answered.

Serhat Baran, a reporter for the newspaper Ronahi, was harassed and detained by the police in front of the İstanbul Sirkeci Post Office where he went to follow the press statement made by a group of women on 23 August. Serhat Baran was interrogated at the Eminönü Police Station

and at the Political Police Center. He was beaten and sworn at, and warned not to work at the newspaper Ronahi. Rolls of film of Serhat Baran were also seized. He was released by the prosecution office on 24 August.

A time-bomb left by unknown people in front of the İstanbul Çağaloğlu office of the newspaper Sabah was defused just before it was to explode on the night of 25 August. An unknown person who called the newspaper Sabah after the incident said that the bomb had been left by İBDA-C militants.

Muammer Orhan, the MHP-member Mayor of the Seydişehir District of Konya, beat two journalists, Hamdi Çelikbaş (a reporter for Konya TV) and Göksel Öker (a reporter for the newspaper Merhaba), who went to his office on 30 August to carry out a research on the malpractice claims about him. The journalists applied to the Public Prosecution Office after the incident and lodged an official complaint against Muammer Orhan. Göksel Öker, who received slight injuries to his face, was given a medical report showing his inability to work for 3 days, from the Forensic Medicine Institute. Mayor Muammer Orhan said the following about the incident: “They started filming without permission. Then, I tried to take their camera. At that time, there was certainly some physical contact.”

Some of the journalists who were watching the incidents during the demonstration held on 6 September in front of the İstanbul National Education Directorate to protest the collection of money under the name of “contribution to education” at primary and secondary schools, were attacked by police officers. During the attack, Metin Yeşil, a reporter for the newspaper Atılım, received head injuries and was hospitalized. Ahmet Şık, a reporter for the newspaper Yeni Yüzyıl, and Sefa Özkaya, a reporter for the Anatolia News Agency, were beaten by the police officers. Some of the journalists were harassed and insulted, and the photographs that they had taken were seized.

In Çağaloğlu, İstanbul, a bomb placed in a building, in which offices of the newspapers Milliyet and Meydan are located, exploded at about 11.30 p.m. on 9 September. In the explosion nobody was killed or wounded, but the building was damaged.

Ali Öksüz, a cameraman of İnterstar television, was ruthlessly beaten by policemen when he wanted to shoot the incidents which broke out when the workers coming from other provinces to attend the rally organized by Türk İş in Ankara on 15 October were stopped 20 kilo-meters outside Ankara. Ali Öksüz, who was injured after the beating, was hospitalized. During the incident, his camera was broken by the policemen. In the meantime, a reporter for the newspaper Atılım was kept in custody for a while and beaten.

Sedat Hayta, the chief editor of the journal Devrimci Emek who was detained by the police during a demonstration held in Çağaloğlu, İstanbul, on 24 October, reported that he had been tortured in detention. Sedat Hayta, who made a statement after being released, said that he had first been taken to the Sultanahmet Tourism Police Station and then to the Eminönü Security Chief Office, and added, “I was released 24 hours later and I was even not brought before a prosecutor.” Sedat Hayta, who filed an official complaint with the Public Prosecution Office after being released, received a medical report proving “his inability to work for 3 days” from the Forensic Medicine Institute he was sent to.

The Adana Office of the journal Kızıl Bayrak was raided and searched by the police on 1 November. Certain publications and documents in the office were seized during the raid, and a member of staff, Mahir Kayır, was detained.

Unknown people bombed the office of the newspaper Türkiye in the Bağcılar Quarter of İstanbul at about 11.15 p.m. on 10 November. Nobody was killed or wounded in the explosion, but the building was damaged. No one claimed responsibility for the attack.

Ali Köse, reporter for the local newspaper “Önder” who was watching a football match in the Ereğli District of Zonguldak on 12 November, was beaten by a policeman named Bünyamin Düz. Ali Köse whose nasal bone was broken due to the beating, was hospitalized and operated on. An administrative and a judicial investigation were filed against Bünyamin Düz, and he was suspended from duty after the incident.

Mazhar Kara, one of the writers for the newspaper Ronahi, and Selahattin Aslan, distributor of the newspaper, were detained on 1 December in Diyarbakır. The detention of Mazhar Kara and Selahattin Aslan was not officially accepted for a while, and they were released on 13 December by the Diyarbakır SSC. Mazhar Kara and Selahattin Aslan disclosed that they had been tortured in detention.

Meanwhile, Ali Tekin and Talip Özçelik, the chief editor and the Ankara Representative of the pro-Islamic weekly newspaper Selam, respectively, were arrested on 2 November in the Daghestan region within the Russian Federation. The International Press Institution (IPI) in Vienna sent a letter to Russian President Boris Yeltsin, and protested the arrest of Ali Tekin and Talip Özçelik. The letter read that the journalists, who had been detained on 2 November in Daghestan on their way to Chechenia, had been kept in Derbent until 17 November and then taken to Mohachkale. The letter asserted that the free distribution of the information and thought as guaranteed under the International Human Rights Declaration had been violated, and de-manded that Ali Tekin and Talip Özçelik be released immediately and without any condition.

c)- Prisoners of Thought

Throughout 1995, the number of people who were imprisoned because of the books or articles they had written, the speeches they had made or because of their political activities never fell below 100. According to the determinations by the HRFT, the number of people who were imprisoned in 1995 as arrested or convicted because of their thoughts reached **149**. Following is the list about the people imprisoned for their thoughts:

Those imprisoned after their sentences were upheld	46
Arrested journalists, writers or publishers	83
Arrested parliamentarians (former)	7 (*)
Arrested political party executives (Detailed information is on pages 395-396.)	13
TOTAL	149

The incidents during the year showed that the political powers did not intend to lift the concept of “crime of thought.” The pressure, attacks and threats that prisoners of conscience sometimes experienced caused additional problems. For example, İsmail Beşikçi and Ünsal Öztürk, kept in the Ankara Central Prison, were harassed by gendarmes while they were being taken to the court on 15 October. Insulting İsmail Beşikçi and Ünsal Öztürk, the gendarmes also tore up the documents they were taking to the court.

Convicted people

The number of prisoners of thought, who were imprisoned in 1995 when prison sentences or fines passed on them in connection with their articles or speeches were upheld, was **14**. (This figure was 3 in 1992, 18 in 1993, and 45 in 1994.) When we add this number to the **32** con-victed

(*) Hatip Dicle, Leyla Zana, Orhan Doğan, Selim Sadak, Ahmet Türk (released on 26 October), Sedat Yurtdaş (released on 26 October) and İbrahim Aksoy. (Detailed information is on pages 396-399.)

people who were imprisoned in 1993 or 1994 and who served in prison for sometime in or throughout 1995, the number of the prisoners of thought reached **46**, most of whom are journalists and writers. The information about the people convicted because of their thoughts and imprisoned (**) since the sentences passed on them were upheld is as follows:

01)- Edip Polat (1993)

Sentence of 2 years in prison and the fine of TL 50,000,000 given to writer Edip Polat because of his book “Newrozladık Şafakları” was upheld by the Supreme Court on 10 June 1993. Because of the book in question, Edip Polat had been prosecuted at the Ankara SSC in 1992 and convicted on charges of disseminating separatist propaganda. He was detained at the Ankara Esenboğa Airport while he was trying to escape abroad on 16 July 1993, and then arrested. He was first sent to the Ankara Central Prison and then to the Bursa E Type Prison. He served 18 months in prison and released on 20 January. Edip Polat, after being released, was not able to acquire a passport because of the sanction by the Ministry of Interior Affairs. For this reason, he was not able to attend a meeting on the “imprisoned poets and writers,” organized by PEN in England. There are certain other trials against Edip Polat.

02)- Remzi Küçükertan (1993)

Remzi Küçükertan, who was sentenced to a total of 17 years in prison (on charges of insulting the rulers of the 12 September period, particularly Kenan Evren, and of certain state institutions) in connection with his defense during his prosecution in the TİKB (Revolutionists Communists Union of Turkey) trial after the 12 September coup, was arrested on 10 June 1993. Remzi Küçükertan, who was kept in the Haymana Closed Prison, was released on 15 October, benefiting from the conditional release system. After the 12 September coup he had also served 11 years in prison.

03)- Naile Tuncer (1993)

A total of 11 months imprisonment term and fine of TL 92,000,000 given to Naile Tuncer, the chief editor of the journal Devrimci Proleterya, in trials launched in connection with certain articles in the 1st and 2nd issues of the periodical released in 1991, were upheld in 1993. Naile Tuncer, who was convicted by the İstanbul SSC under the “Law to Fight Terrorism,” was arrested in 1993 when the sentences were upheld, and sent to the Çanakkale E Type Prison. The total ratified sentences given to Naile Tuncer exceeded 8 years in prison after this period. Thus, Naile Tuncer was not released and kept at the Çanakkale E Type Prison despite the amendments to Article 8 of the “Law to Fight Terrorism.”

04)- Tuncay Atmaca (1993)

The Supreme Court upheld the sentence of 30 months in prison and the fine of TL 83,000,000 passed by the İstanbul SSC in February 1993 on Tuncay Atmaca, the chief editor of the journal Emek. When the sentence was upheld, Tuncay Atmaca was arrested in İzmir in August 1993 and sent to the Buca Prison. In another press trial which ended at the İstanbul SSC on 30

(**) The prisoners of conscience who were convicted under the “Law to Fight Terrorism” serve longer in prison than other convicts. According to the system implemented in Turkey, three quarters of the prison terms given under the “Law to Fight Terrorism” are served in prison, on the other hand, two fifths of the prison terms given under the Turkish Penal Code, etc., (excluding the “Law to Fight Terrorism”) are served in prison. For example, a person who is sentenced to 20 months in prison because of ordinary crimes is released after 8 months in prison, while a person who is sentenced to 20 months in prison under the “Law to Fight Terrorism” because of a book s/he wrote, has to serve 15 months in prison. In addition, fines given under the “Law to Fight Terrorism” are much heavier than fines passed under other laws. Thus, fines passed on the journalists and writers are an additional burden and usually cannot be paid. When fines are not paid, the prison terms are increased. (Unpaid fines are commuted into up to 3 years’ imprisonment)

September 1993, he was sentenced to 6 months in prison and fined TL 50,000,000, and the verdict was upheld by the Supreme Court on 14 April. He was released in November.

05)- Mustafa Kaplan (1993)

The one-year imprisonment passed on Mustafa Kaplan, one of the writers for the newspapers Yeni Asya and Beklenen Vakit, in connection with a speech he had made during a meeting organized in Uşak in 1989, was upheld by the Supreme Court in 1993. In the trial which ended at the Uşak Penal Court of First Instance in 1992, he had been sentenced to one year in prison on the grounds that he had insulted Atatürk, the founder of the Turkish Republic. Two other prison sentences passed on him because of his various articles in 1992 were upheld in 1993. Thus, the total prison sentences given to him and then upheld reached 4 years. He was detained at his house in Güngören, İstanbul, on 24 September 1993. He was arrested on 27 September and later sent to the Bayrampaşa Prison. He was transferred to the Gölçük Prison after serving there for a certain period. He served about 16 months in prison and was set free on 2 February.

06)- Günay Aslan (1993)

The Supreme Court upheld the sentence of 20 months in prison and the fine of TL 42,000,000 given to journalist-writer Günay Aslan because of his book “33 Kurşun” (33 Gunshots), in September 1993. He was detained on 6 October 1993 and sent to the Dalaman Prison in 1994, and was released in January, after serving 15 months in prison. Günay Aslan left Turkey later.

07)- İsmail Beşikçi (1993)

Writer İsmail Beşikçi was imprisoned on 13 November 1993, when the one-year prison sentence given to him on 23 December 1991 because of his article entitled “Kürt Kadınının Gerillaya Katılması” (Participation of Kurdish Women in Guerrilla Forces), published in the 1st issue of the newspaper Yeni Ülke, was upheld by the Supreme Court. He had been sentenced by the İstanbul Penal Court of First Instance No.2. Sentences given to him later increased extensively. As of September 1995, the total of sentences passed on him exceeded 80 years, he was fined over TL 6,750,000,000, and 37 years and TL 3,234,000,000 of these sentences and fines were upheld. Some of the trials in which İsmail Beşikçi was convicted were re-held upon the amendments to Article 8 of the “Law to Fight Terrorism.” However, this situation was not in favor of İsmail Beşikçi, except for a reduction in the sentences and fines given to him. İsmail Beşikçi continued to be kept in prison (currently in the Bursa Prison) as he was convicted again under Article 8 of the “Law to Fight Terrorism” or in connection with other sentences passed on him under other laws. (*)

For example; a total ratified sentence of 12 years in prison passed on sociologist-writer İsmail Beşikçi in 6 trials because of his 5 books (Kürt Toplumuna Üzerine [On the Kurdish Society]; Bir Aydın, Bir Örgüt ve Kürt Sorunu [An Intellectual, An Organization and the Kurdish Problem]; Bilimsel Yöntem ve Üniversite Özerkliği Yönünden İsmail Beşikçi Davası [The İsmail Beşikçi Case with Respect to Scientific Method and University Autonomy]; Bilincin Yükselişi [Rise of the Consciousness]; İsmail Beşikçi Davası-4/Yargıtay’a Başvuru [The İsmail Beşikçi Trial-4/Appeal to the Supreme Court]) and a speech he gave in a meeting in Ankara, was commuted into 6 years after the amendment to Article 8 of the “Law to Fight Terrorism.” According to the verdict issued by the Ankara SSC on 24 November, the total fines of TL 1,500,000,000 of İsmail Beşikçi were commuted into TL 600,000,000. The court board decided

(*) In addition to Article 8 of the “Law to Fight Terrorism” (Most of the trials against him were launched under this article.), İsmail Beşikçi was prosecuted or sentenced under Article 7 of the same law, Articles 159, 264, 311 and 312 of the Turkish Penal Code, or Article 6 of the Law to Protect Atatürk.

to release İsmail Beşikçi in this trial, but he was not released because of the other arrest warrants issued against him. The prison sentences passed on İsmail Beşikçi were not commuted into fines on the grounds that “when the character of the defendant, the way he committed crimes, the problems he created in the country and his insistence on committing crimes are considered, it cannot be concluded that he would not commit a crime again.” In addition, İsmail Beşikçi was sentenced to 4 years 4 months in prison and fined TL 433,000,000 in the trial he was prosecuted in connection with his 15 books. In the trial that ended at the Ankara SSC on 27 December, the prison sentences passed on İsmail Beşikçi were neither commuted into fine nor suspended. In connection with the aforesaid 15 books, İsmail Beşikçi had previously been prosecuted at the Ankara SSC and sentenced to 4 years 8 months in prison on 1 July 1993. However, those sentences had been deemed “insufficient” by the Supreme Court, and overturned. Upon this, he had been re-prosecuted, and as a result, he had been sentenced to 10 years 4 months in prison and a fine of TL 416,000,000 on 30 June 1994. This sentence had also been overturned by the Supreme Court upon the amendment to Article 8 of the “Law to Fight Terrorism.” In another trial that ended at the Ankara SSC on the same day, İsmail Beşikçi was sentenced to 1 year in prison and fined TL 100,000,000 in connection with a message he had sent to a meeting. This trial had been launched under Article 8 of the “Law to Fight Terrorism.”

08)- Ömer Ağın (1993)

09)- Ahmet Zeki Okçuoğlu (1994)

Sentences of 20 months in prison and the fine of TL 42,000,000 given to writer Ömer Ağın and lawyer Ahmet Zeki Okçuoğlu in connection with an interview published in the 12th issue of the journal Demokrat (which stopped its publication voluntarily) in May 1991, were upheld in 1993 by the Supreme Court. Thereupon, Ömer Ağın and Ahmet Zeki Okçuoğlu were arrested and sent to the Bayrampaşa Prison in December 1993 and on 13 January 1994, respectively. Ömer Ağın and Ahmet Zeki Okçuoğlu who were kept in the Bayrampaşa Prison for a while were later transferred to the Gemlik Prison. Ahmet Zeki Okçuoğlu was released on 21 February after serving 13 months 10 days in prison, and Ömer Ağın was released in March 1995 after serving 15 months in prison.

10)- Hikmet Çetin (1993)

The sentence of 20 months in prison and the fine of TL 42,000,000 given to Hikmet Çetin, the owner of the newspaper Azadi and journal Deng because of his speech in a meeting held in İzmir on 10 January 1992, were upheld by the Supreme Court in 1993. Hikmet Çetin was prosecuted by the İzmir SSC under Article 8 of the “Law to Fight Terrorism” and convicted in December 1992. After the sentence was upheld, he was arrested in İstanbul on 30 December 1993 and first sent to the Bayrampaşa Prison and then to the Gemlik Closed Prison. He was released in March after serving 15 months in prison.

11)- Hayrettin Soykan (1994)

The sentence of 20 months in prison and the fine of TL 42,000,000 given to Hayrettin Soykan, one of the chief editors of the periodical Ak-Zuhur, in connection with an article entitled, “İç Savaşın Eşiğinde Ne Yapmalı” (What is to be Done on the Threshold of Civil War?) published in the periodical, was upheld in 1993. Convicted by the İstanbul SSC on charges of disseminating separatist propaganda, Hayrettin Soykan was arrested and imprisoned on 13 January 1994. While he was in prison, another fine of TL 50,000,000 given to him because of an article published in the periodical on 1 October 1992, was upheld. After being kept in the İstanbul Metris Prison, he was transferred to the Gemlik Closed Prison. He served 15 months in prison and was released on 10 April.

12)- Kemal Sahir Gürel (1994)

Kemal Sahir Gürel, who was sentenced to 20 months in prison because of the songs he sang during a concert by the music band “Grup Yorum” on 15 March 1992 in Denizli, was arrested on 14 January 1994 when this sentence was upheld by the Supreme Court. After serving 15 months in the Çorlu Prison, he was set free on 12 April.

13)- Cemile Yürümez (1994)

The Supreme Court upheld at the end of 1993 the sentence of 20 months in prison and the fine of TL 208,000,000 given to Cemile Yürümez, the chief editor of “Emekçi Kadınlar Bülteni” (Women Workers’ Bulletin), in 1993 on the grounds that she had made separatist propaganda in one of her articles. Upon the ratification of the sentence, Cemile Yürümez was detained on 24 February 1994 and arrested on 2 March 1994. She was released at the beginning of June, after serving 15 months in prison.

14)- Fikret Başkaya (1994)

The sentence of 20 months in prison and the fine of TL 41,000,000 given to Assoc. Prof. Fikret Başkaya by the İstanbul SSC under Article 8 of the “Law to Fight Terrorism” in connection with his book entitled “Paradigmanın İflası” (Bankruptcy of the Paradigm) was upheld by the Supreme Court on 16 December 1993. Fikret Başkaya was detained by police officers coming to his house at about 02.00 a.m. on 18 March 1994 and arrested on the same day. Fikret Başkaya, who was sent to the Ankara Central Closed Prison, and transferred to the Haymana Prison within a short time, served 15 months in prison and was set free on 14 June. Fikret Başkaya said the following when he was released from prison: “Political parties are the guards of the 12 September regime. They are guarding the prison built by generals. Democratization in Turkey is not easy.” The case file of Fikret Başkaya was reviewed upon the amendment to Article 8 of the “Law to Fight Terrorism,” and this time he was sentenced to 1 year 1 month 10 days in prison and fined TL 111,000,000.

15)- Mehdi Zana (1994)

Diyarbakır former Mayor Mehdi Zana was sentenced to 4 years in prison and fined TL 200,000,000 in a trial launched at the Ankara SSC in connection with the press conference he had held at the European Parliament on 28 October 1992 and the speech he had delivered there on 3 December 1992. With the disclosure of the verdict on 12 May 1994, Mehdi Zana was arrested and sent to the Ankara Central Closed Prison the next day. The Supreme Court upheld on 21 September 1994 the sentence passed on him. He had served more than 11 years in prison following the 12 September coup. The sentence of 4 years in prison passed on him was commuted into 2 years after the amendment to Article 8 of the “Law to Fight Terrorism.” In the trial held at the Ankara SSC on 10 November, the Court Board decided to release him considering the period he had served in prison. However, he was not released because of another arrest warrant issued against him. The arrest warrant against him was lifted on 21 December by the İstanbul SSC. However, he was only able to get out of the prison with a 4-day delay as the release decision was not transmitted to the Ankara Central Prison on time.

16)- Münir Ceylan (1994)

A sentence of 20 months in prison given to Münir Ceylan, the Chairperson of Petrol İş (Trade Union of Petroleum, Petrochemical and Rubber Industry Workers), in connection with his article published in the 21 July 1991 issue of the newspaper Yeni Ülke, was upheld by the Supreme Court in December 1993. Münir Ceylan had criticized the “Law to Fight Terrorism” in his article. Accused of inciting people to commit crimes, he was sentenced under Article 312 of the Turkish Penal Code. Münir Ceylan’s objection to the decision of the Supreme Court was not

accepted. He was arrested on 1 June 1994 and sent to the Saray (Tekirdağ) Prison. After serving 8 months in prison, he was set free on 30 January.

17)- Haluk Gerger (1994)

A sentence of 20 months in prison and a fine of TL 208,000,000 given to journalist-writer Haluk Gerger for a message he had sent to a meeting held in Ankara on 22 May 1993, was upheld by the Supreme Court on 27 April 1994. He had been tried and convicted at the Ankara SSC under Article 8 of the "Law to Fight Terrorism." Haluk Gerger, who surrendered to the Ankara Public Prosecution Office on 27 June 1994, was first sent to the Ankara Central Closed Prison and then to the Haymana Prison. He completed on 23 September the part of his sentence (15 months) that he had to serve in prison, but was not released since he did not pay the fine of TL 208,000,000. In the statement he made on 23 September, Haluk Gerger said, "I do not pay the fine as a matter of solidarity with those who are pawned in prison as they could not pay the fines to the state, and to expose the ugly face of our life to the world public opinion. When my protest attains its aim, I will cash TL 208,000,000 together with its interest to the Turkish Republic and thus buy my freedom in a way consistent with the system." He paid the fine on 25 October, and was released next morning. (*) Haluk Gerger, who showed the document proving the payment of TL 208,000,000 at the exit of the prison to the journalists, said, "Once, slaves had been given a document of freedom. This is the document of freedom by the Turkish Republic in return for TL 208,000,000." Haluk Gerger added he had not paid TL 329,000 of the fine since he had served in prison for an extra 5 weeks. The case file of Haluk Gerger was reviewed upon the amendment to Article 8 of the "Law to Fight Terrorism," and this time he was sentenced to 10 months in prison and fined TL 84,000,000. According to the verdict issued by the Ankara SSC on 17 November, the sentence passed on Haluk Gerger was suspended. Commenting on the verdict, Haluk Gerger said, "Something really strange has happened. Why I, then, passed my 16 months in prison and paid a fine of TL 208,000,000?"

18)- Recep Maraşlı (1994)

A sentence of 2 years in prison passed by the İstanbul SSC on publisher-writer Recep Maraşlı for his book "Diyarbakir Rızgari Davasında Savunma" (Defense in the Diyarbakir Rızgari Trial), was upheld in early 1994. Recep Maraşlı, wanted by police in connection with this sentence, was detained after a police raid on his house in the Şirinevler Quarter of İstanbul on the night of 9 July 1994, and arrested on 21 July 1994. In addition, the sentence of 2 years in prison given to him because of his speech during a meeting organized by the İHD İstanbul Branch in December 1992, was upheld. He was also sentenced to 1 year 4 months in prison and fined TL 133,000,000 in the trial he was prosecuted because of his article published in the newspaper Jiyana Nû. The trial that ended at the İstanbul SSC on 28 November had been launched under Article 8 of the "Law to Fight Terrorism." The Court Board decided to release Recep Maraşlı, but he was not released due to the other arrest warrants issued against him.

19)- Medeni Ayhan (1994)

Medeni Ayhan, one of the chief editors of the journal Özgür Bilim, was sentenced to 4 years in prison and fined TL 500,000,000 in connection with speeches he delivered in two meetings organized in Ankara on 29 April and 1 May 1993. In the trial that ended at the Ankara SSC on

(*) Haluk Gerger was acquitted in the trial he was prosecuted in connection with his article entitled "Kurdi" published in the newspaper Evrensel. The trial, which ended at the İstanbul SSC on 20 November, had been launched under Article 312 of the Turkish Penal Code on accusations of inciting people against each other by making racial discrimination. In another trial that ended at the İstanbul SSC on 28 December, he was sentenced to 10 months in prison and fined TL 208,000,000 under Article 7 of the "Law to Fight Terrorism" in connection with one of his articles published in the newspaper Özgür Gündem.

29 July 1994, the court board, without waiting for an examination by the Supreme Court, issued an arrest warrant against him. Then, he was taken from the court hall to the Ankara Closed Prison. He was released upon the amendment to Article 8 of the “Law to Fight Terrorism.” Meanwhile, he was sentenced to 2 years in prison and fined TL 550,000,000 in the trial he was prosecuted under Article 8 of the “Law to Fight Terrorism” because of his article published in the journal Özgür Bilim. Sait Çakar, the chief editor of the journal, was also sentenced to 6 months in prison and fined TL 50,000,000 in the trial that ended at the Ankara SSC on 4 December.

20)- Kemal Okutan (1994)

Kemal Okutan, one of the executives of the HEP and DEP, which had been closed by the Constitutional Court, was detained by police officers in his house in the Esenyurt District of İstanbul on the night of 8 September 1994, when prison sentences given to him for his speeches were upheld. He was arrested by the İstanbul SSC, which he was brought before on 14 September 1994, and sent to the Bayrampaşa Prison. In addition to the total sentence of 8 years in prison and fine of TL 350,000,000 for his speeches, he was also sentenced to 6 months in prison and fined TL 50,000,000 because of a press bulletin released by the HEP. The case files of Kemal Okutan were re-held upon the amendment to Article 8 of the “Law to Fight Terrorism,” and one of his sentences (6 years in prison and a fine of TL 250,000,000) was overturned by the Supreme Court. He was released at the end of 1995.

21)- Numan Baktaş (1994)

The sentence of 20 months in prison and a fine of TL 208,000,000 given to writer Numan Baktaş because of his play “Direnme ve Yenilenme Kanunu” (The Law of Resistance and Renovation), was upheld on 27 April 1994. He had been prosecuted at the Ankara SSC because of the play which had not been performed but published in book form, and convicted under Article 8 of the “Law to Fight Terrorism.” In the work in question, Numan Baktaş had mentioned the incidents which had occurred in the Diyarbakır Military Prison in 1982. He was detained by police officers coming to his office on 4 October 1994 and arrested on 5 October 1994. He was first taken to the Ankara Central Prison and then transferred to the Haymana Prison. He was released after the amendment to Article 8 of the “Law to Fight Terrorism.”

22)- Mahmut Akkurt (1994)

A one year prison term and a fine of TL 100,000 given to lawyer Mahmut Akkurt, the former Chairperson of the İHD Balıkesir Branch, because of his speech in a meeting held by a trade union in Balıkesir on 18 October 1992, were upheld by the Supreme Court. Subsequently, he was arrested on 31 October 1994 and put in the Kepsut Prison. He had been convicted on 13 February 1994 by the İstanbul SSC under Article 312/2 of the Turkish Penal Code on allegations of inciting people to commit crimes. He served 4 months and 15 days of his sentence, and was released in mid-March.

23)- İmam Canpolat (1994)

İmam Canpolat, the HADEP Ankara Provincial Organization Chairperson, was convicted to 4 years in prison and fined TL 500,000,000 because of his speech in a meeting in Ankara on 21 March 1993. After the disclosure of the verdict in the trial that ended at the Ankara SSC on 3 November 1994, the court board arrested and sent him to prison, without waiting for examination by the Supreme Court. The trial against him had been launched under Article 8 of the “Law to Fight Terrorism.” İmam Canpolat, who was prosecuted at the Ankara SSC while he was in prison, under Article 8 of the “Law to Fight Terrorism” in connection with the speech he gave during the HADEP Keçiören District Organization Congress in 1994, was acquitted on 14 June. He spent the year 1995 in prison, and he was sentenced to 1 year in prison and fined TL 100,000,000 in a trial that ended at the Ankara SSC in December.

24)- Mahmut Kaçar (1994)

The sentence of 4 years 6 months in prison passed on Mahmut Kaçar for demonstrating during the official ceremony held in the "Anıt Kabir" (Mausoleum) on 10 November 1994 on the occasion of the 56th anniversary of the death of Mustafa Kemal Atatürk, the founder of the Turkish Republic, was upheld by the Supreme Court. Waving the Koran, Mahmut Kaçar had approached President Süleyman Demirel at a distance of 3 meters during the moment of silence at about 09.05 a.m., the time when Atatürk died, and had shouted: "What you are doing is worshipping idols. Do not prostrate yourself to stones and bones. The stones do not save you. I invite you to the Koran." He had been immediately detained, and arrested on 22 November 1994. Mahmut Kaçar, in the trial that ended at the Ankara Penal Court of First Instance No.19 on 15 February, was convicted to 4 years 6 months in prison, the heaviest sentence that can be given under the "Law to Protect Atatürk No.5186." Protesting the verdict, İhsan Arslan, the Chairperson of the Mazlum Der (Association of Human Rights and Solidarity With the Oppressed), said that although Mahmut Kaçar had neither spoke nor acted in a manner to insult Atatürk, he had been sentenced for insulting Atatürk. Claiming that the course of the trial gave way to question the system's respect for the law, İhsan Arslan expressed that since the beginning everyone had intervened in the trial in a manner to influence the prosecution. Mahmut Kaçar, the verdict against whom was upheld in a short time, was released on 29 August 1996.

25)- Ünsal Öztürk (1994)

A sentence of 2 years in prison and fine of TL 100,000,000 given to Ünsal Öztürk, the responsible person for the Yurt Publishing House, in connection with the book "12 Eylül Faşizmi ve PKK Direnişi" (12 September Fascism and the PKK Resistance) written by Abdullah Öcalan, were upheld by the Supreme Court in November 1994. The decision was immediately put into practice and he was detained by police officers at his office on the evening of 22 November 1994. He was arrested on the morning of 23 November 1994 and sent to the Ankara Central Closed Prison. He had been prosecuted at the Ankara SSC and convicted under Article 7 of the "Law to Fight Terrorism" on 24 June 1994. While he was serving in prison, the sentences given to him in connection with the books (all by İsmail Beşikçi) he had published started to be upheld. The total ratified prison sentences and fines of Ünsal Öztürk as of September 1995 reached 7 years 6 months and TL 559,000,000. Out of these ratified sentences, the sentence of 5 years 6 months in prison given under Article 8 of the "Law to Fight Terrorism," were commuted into 4 years after the amendment to this article. According to the verdict issued by the Ankara SSC on 24 November, 3 years of the sentences passed on him was commuted into a fine of TL 5,400,000, and all of the arrest warrants issued against him were lifted. Upon this, he was released on 25 November. However, this was a temporary situation for him. In a trial that ended at the Ankara SSC on 27 December, he was sentenced to 2 years 2 months in prison and fined TL 253,000,000 in connection with 15 books written by İsmail Beşikçi. Ünsal Öztürk had been sentenced to 2 years 7 months in prison and fined TL 516,000,000 under the former Article 8 in connection with the aforesaid books. He was imprisoned again on 27 September 1996.

26)- Sedat Aslantaş (1994)

Lawyer Sedat Aslantaş, the İHD former Deputy Chairperson, was sentenced to 3 years in prison and a fine of TL 150,000,000 in connection with his speech during the congress held by the association on 24 October 1992. In the trial which ended at the Ankara SSC on 1 December 1994, the court board issued an arrest warrant in absentia against him, without waiting for an examination by the Supreme Court. He was detained by the police in accordance with the arrest warrant and sent to the Ankara Central Closed Prison, when he went to the Ankara Court House for another reason on 5 December 1994. The sentence of Sedat Aslantaş was upheld by the Supreme Court in May, and the case file was reviewed upon the amendment to Article 8 of the "Law to Fight Terrorism." According to the verdict issued by the Ankara SSC in November, the sen-

tence passed on him was reduced to 1 year 6 months in prison and commuted into a fine. He was released upon this verdict.

27)- Yılmaz Odabaşı (1994)

A sentence of 10 months in prison passed on journalist-writer Yılmaz Odabaşı by the İstanbul SSC on 14 August 1992 in connection with his poetry book “Şeyh Said İsyanı” (Sheik Said Rebellion) published in 1991, was upheld by the Supreme Court. Upon the ratification of the sentence, which was passed under Article 312 of the Turkish Penal Code, he was detained by police officers at his house on the night of 8 December 1994, and was arrested on 9 December 1994. He was first sent to the Ankara Central Closed Prison and then transferred to the Haymana Closed Prison. He was set free on 7 April after serving 4 months in prison.

28)- Erdal Şahin (1994)

Erdal Şahin, the chief editor of the journal Görüş which stopped publishing in 1991, was imprisoned on 13 December when the Supreme Court upheld the sentence of 1 years 4 months in prison given to him because of an article “Cehenneme Kadar Yolun Var” (You can Go to Hell for all I Care) published in the journal in 1989. He had been tried on allegations that he had insulted then-President Kenan Evren, and convicted under Article 158 of the Turkish Penal Code. Benefiting from the conditional release policy, he served 3 months 6 days in prison.

29)- Işık Yurtçu (1994)

Işık Yurtçu, the first chief editor of the newspaper Özgür Gündem, was detained by police officers at his house in Ortaköy İstanbul on 28 December 1994, when some of the sentences he received were upheld. He was kept in custody for 2 days, and was arrested on 30 December 1994. More than 100 trials were launched against him under Articles 6, 7 and 8 of the “Law to Fight Terrorism” and under Articles 159 and 312 of the Turkish Penal Code for being chief editor. In mid-1995, total of his ratified prison terms and fines reached 14 years 10 months and TL 1,509,000,000. Some of the case files against him were reviewed upon the amendment to Article 8 of the “Law to Fight Terrorism.” However, this was not in his favor, except for a reduction in the sentences and fines given to him. Işık Yurtçu, who worked in leftist and socialist publications almost throughout his career, continued to be kept in prison (currently in the Sakarya Prison) in connection with the sentences he received under other laws. (*)

30)- Güven Özata (1994)

Güven Özata, the Chairperson of the Antalya Provincial Organization of the HEP which had been closed by the Constitutional Court, was imprisoned when the Supreme Court upheld the sentence of 20 months in prison passed on him under Article 8 of the “Law to Fight Ter-rorism.” He was released in 1995.

31)- Özkan Kılıç (1994)

Özkan Kılıç, one of the chief editors of the weekly newspaper Yeni Ülke, which stopped publishing voluntarily at the beginning of 1993, was imprisoned in 1994 when the sentences passed on him under Article 8 of the “Law to Fight Terrorism” in connection with certain news stories in the newspaper in 1991, were upheld. He was released after the amendment to Article 8 of the “Law to Fight Terrorism.”

32)- Suna Tan (1994)

(*) Işık Yurtçu was fined TL 750,000,000 under Article 6 of the “Law to Fight Terrorism,” sentenced to 3 years 10 months in prison and fined TL 384,000,000 under Article 7 of the “Law to Fight Terrorism,” and sentenced to 2 years in prison under Article 312 of the Turkish Penal Code.

Suna Tan, the chief editor of the journal Alternatif, was imprisoned on 7 October 1994, when the Supreme Court upheld the sentence passed on her under Article 8 of the “Law to Fight Terrorism.” She was released after the amendment to Article 8 of the “Law to Fight Terrorism.”

33)- Erdal Dalkılıç

The prison sentences given to Erdal Dalkılıç, the chief editor of the journal Toplumsal Dayanışma, were upheld in 1994. Some sentences given to Erdal Dalkılıç, who is in prison, were commuted into fines after the amendment to Article 8 of the “Law to Fight Terrorism,” but he was not released because of other prison sentences and arrest warrants.

34)- Hacı Güzel Bostan

Hacı Güzel Bostan, an executive of the Eğitim Sen (Education and Science Laborers Trade Union), who was sentenced to 20 months in prison under Article 8 of the “Law to Fight Terrorism” in connection with his speech during a meeting in İzmir in 1994, was imprisoned in 1995 when the sentence was upheld. Hacı Güzel Bostan, who was put in the Urla (İzmir) Prison, was released after the amendment to Article 8 of the “Law to Fight Terrorism.”

35)- Semra Çaralan

The sentence of 5 months in prison and the fine of TL 42,000,000 given to Semra Çaralan, the person responsible for the Evrensel Publishing House, in connection with a book entitled “Konferans Belgeleri” (Conference Documents) were upheld by the Supreme Court in 1994. Upon the ratification of the sentence, she was arrested on 17 March and sent to the Bayrampaşa Prison. She had been prosecuted at the İstanbul SSC under Article 8 of the “Law to Fight Terrorism” and convicted in 1992. She was released after serving 3 months 22 days in prison.

36)- Ertan Aydın

The sentence of 10 months in prison passed on cartoonist Ertan Aydın in connection with his cartoon published in the 15 December 1992 issue of the closed-down newspaper Özgür Gündem, was upheld by the Supreme Court. Upon the ratification of the sentence, he was detained by the police in the Salihli District of Manisa on 15 May, then arrested and sent to the Salihli Closed Prison. He had been convicted under Article 159 of the Turkish Penal Code by the İstanbul Heavy Penal Court No.2. He was released after serving 4 months of the prison sentence. He was imprisoned again on 15 April 1996, when the sentence of 10 months in prison in connection with another cartoon published in the newspaper Özgür Gündem was upheld, and served 4 months in prison.

37)- Atılay Ayçin

The sentence of 20 months in prison and the fine of TL 42,000,000 passed on Atılay Ayçin, the Chairperson of the Hava-İş Trade Union, in connection with the speech he delivered during a meeting organized by the İHD in İstanbul in December 1992, were upheld by the Supreme Court in the beginning of May. Atılay Ayçin was detained by the police on the evening of 15 May, while he was having a chat with airport workers on strike. He was arrested on the morning of 16 May, and first taken to the Bayrampaşa Prison and then to the Saray Prison. He later applied to the European Human Rights Commission. He had been prosecuted at the İstanbul SSC under Article 8 of the “Law to Fight Terrorism,” and convicted on 26 April 1994. This sentence had been overturned by the Supreme Court on 8 February 1995. The General Penal Board of the Supreme Court, which examined the case upon the objection raised by the Chief Prosecution Office of the Supreme Court to the decision to overturn, upheld the sentence. He was released on 3 November, after the amendment to Article 8 of the “Law to Fight Terrorism.” He was retried because of the amendment, and this time sentenced to 10 months in prison and fined TL 83,000,000 on 15 December. The sentence was commuted into a fine and suspended.

38)- Mehmet Özdemir

The sentence of 20 months in prison and a fine of TL 208,000,000 given to Mehmet Özdemir, the Chairperson of the Bandırma (Balıkesir) Halkevi, in connection with his article entitled “Solingen’i Kınayanlar, Kürdistan’da Aynıını Yapıyorlar” (Those who Criticize Solingen do the Same Thing in Kurdistan), published in an issue of the newspaper Özgür Gündem in June 1993, was ratified by the Supreme Court. Upon the ratification of the sentence at the end of May, He was arrested and sent first to the Bandırma Prison and then to the Gönen Prison. He was released on 22 December.

39)- Eren Keskin

Eren Keskin, the former Secretary of the İHD İstanbul Branch, was detained by the po-lice coming to her office on the evening of 1 June when the sentence of 2 years in prison and the fine of TL 250,000,000 given in connection with her article entitled “Dünyanın Kürt Halkına Borcu Var” (The World is in Debt to the Kurdish People) which had been published in the 14 June 1993 issue of the newspaper Özgür Gündem, was ratified. She was arrested on 2 June and put in the Bayrampaşa Prison. In the meantime, the sentence of 6 months in prison passed on her in connection with the book “Uluslararası Kürt Konferansı” (International Kurdish Conference) published by the Doz Publishing House she took the responsibility for, was ratified later. She was released on 9 November in line with the amendment to Article 8 of the “Law to Fight Terror-ism,” and acquitted in her re-prosecution in connection with the book mentioned above.

40)- Aydın Doğan

41)- Mustafa Pala

The Supreme Court upheld the sentence of 2 years in prison passed on Mustafa Pala, who prepared the book entitled “Yanıtlarıyla Söyleşiler” (Interviews With Replies) published to commemorate of Musa Anter who had been a victim of an unsolved murder in 1992, and the sentence of 6 months in prison passed on Aydın Doğan, the owner of the Yaba Publishing House that published the book. Mustafa Pala and Aydın Doğan had been prosecuted at the Ankara SSC under Article 8 of the “Law to Fight Terrorism” and convicted on 23 June 1994. Although Mustafa Pala had just carried out the technical preliminary work for the publication of the book, he had been considered the “writer of the book” during the prosecution and sentenced. When the verdict was upheld, Aydın Doğan was arrested on 28 June and first sent to the Ankara Central Prison and then to the Haymana Prison. He served 4 months 15 days in prison. Mustafa Pala, who was on the run for a while, was detained by the police on the evening of 25 September, arrested on the morning of 26 September and sent to the Haymana Prison. He was released in the second week of November after the amendment to Article 8 of the “Law to Fight Terrorism.” In addition, the sentence was reduced from 2 years to 1 year, commuted into fine and suspended.

42)- Mustafa İslamoğlu

Writer Mustafa İslamoğlu, who was sentenced to 12 months in prison in connection with his speech during a meeting in Ankara in 1993, was arrested on 13 October when this sentence was upheld, and sent to the Gölçük Prison. The sentence of 18 months in prison passed on pro-Islamic writer Mustafa İslamoğlu under the “Law to Protect Atatürk” in connection with his article published in the weekly newspaper Selam, was also upheld by the Supreme Court while he was in prison.

43)- İbrahim Aksoy

The sentence of 20 months in prison and the fine of TL 41,000,000 given by the Konya SSC to İbrahim Aksoy, the Chairperson of the Democracy and Change Party (DDP) that was closed by the Constitutional Court, was upheld in May. Upon the ratification of the sentence, İbrahim Aksoy, who was abroad then, was arrested in absentia. He had been prosecuted under Article 8 of the “Law to Fight Terrorism” in connection with his speech during the HEP congress

held in Konya on 21 May 1991. In addition, the sentence of 4 years in prison passed on him in connection with his articles published in the journal Azadi were also upheld. İbrahim Aksoy, with a total of 5 years 8 months of ratified imprisonment sentence, returned to Turkey on 14 October. He was detained immediately at the Ankara Esenboğa Airport after he got off the plane, and arrested and put in the Ankara Central Closed Prison. The sentences passed on him were reduced by half upon the amendment to Article 8 of the “Law to Fight Terrorism,” but he continued to be kept in prison (currently in the Ankara Central Closed Prison).

44)- Fevzi Gerçek

Fevzi Gerçek, the Chairperson of the Tüm Sağlık Sen, was imprisoned when the sentence of 2 years in prison passed on him in connection with his article “Eline Bir Ekmek, Başına Bin Tokmak” (A Bread to the Hand, a Thousand Mallets to the Head) published in the September 1993 issue of the journal Direniş, was upheld by the Supreme Court. Fevzi Gerçek, who delivered himself to the İstanbul SSC Prosecution Office at noon on 23 October, was arrested and sent to the Bayrampaşa Prison. He had been convicted under Article 312 of the Turkish Penal Code on charges of “inciting people to commit crimes,” in the trial that ended at the İstanbul SSC on 16 November 1994.

45)- Eşber Yağmurdereli

Lawyer Eşber Yağmurdereli was arrested on 8 November and put in the Ümraniye Prison upon ratification of the sentence of 20 months in prison passed on him in connection with the speech he had delivered in a meeting organized by the İHD in December 1992. He had been prosecuted, along with Hava İş Trade Union Chairperson Atılay Ayçin, at the İstanbul SSC under Article 8 of the “Law to Fight Terrorism,” and convicted on 26 April 1994. This sentence had been overturned by the Supreme Court on 8 February 1995. The General Penal Board of the Supreme Court had examined the case file upon the objection raised by the Chief Prosecution Office of the Supreme Court to the decision of overturning the verdict, and had decided to up-hold the sentence in May. He was retried upon the amendment to Article 8 of the “Law to Fight Terrorism,” and sentenced this time to 10 months in prison and fined TL 83,000,000. The sentence was not suspended on the grounds that “it cannot be concluded by the Court that the defendant would not commit a crime again.”

46)- Aslı Güneş

Aslı Güneş, one of the former chief editors of the journal Hedef, was imprisoned in 1995 when the sentences and fines given to her in connection with the articles published in the journal were upheld by the Supreme Court.

Arrested people

In 1995, arrest warrants were issued against **83** (16 of whom were arrested in 1993 or 1994, but not released until the end of 1995.) journalists, writers or publishers, other than those who were imprisoned for their ratified sentences. The arrest warrants were mostly issued against chief editors and reporters of newspapers and journals. Below is the list of the journalists, writers, publishers and others (*) who were arrested and some of whom entered 1996 under arrest:

Name & surname	Publication	Place	Date of arrest
001)- Mustafa Yılmaz (CE)	Jiyana Nu	İstanbul	04 January 1995
002)- Mustafa Yaşar (CE)	Tahkim	İstanbul	04 January 1995

(*) CE : Chief Editor C : Correspondent PUB : Publisher
 AO : Administrative Officer R : Representative O : Owner
 W : Writer GPD : General Publishing Director

	Released by the İstanbul SSC on 28 December.		
003)- Yılmaz Ekşi (O)	Devrimci Emek	İstanbul	07 January 1995
004)- Mete Demirkol (CE)	Sterka Rızgari	İstanbul	07 January 1995
005)- Ali Aslan (CE)	Barikat	İstanbul	07 January 1995
	Released by the İstanbul SSC on 10 August.		
006)- Yıldız Özdemir (C)	Direnış	Ankara	07 January 1995
	Released by the İstanbul SSC on 12 April.		
007)- Kezban Mavi (C)	Direnış	Ankara	07 January 1995
	Released by the İstanbul SSC on 12 April.		
008)- Rıza Demirci (C)	Devrim	Ankara	07 January 1995
	Released by the İstanbul SSC on 12 April.		
009)- Sevda Öztekin (C)	Odak	Ankara	07 January 1995
	Released by the İstanbul SSC on 12 April.		
	Sevda Öztekin (C)	Ankara	01 July 1995
010)- Sedat Hayta (CE)	Devrimci Emek	İstanbul	11 January 1995
	Released by the İstanbul SSC.		
011)- Ali Demir (CE)	Jiyana Nû	İstanbul	11 January 1995
012)- Serpil Köksal (PUB)	Kaldıraç	Ankara	11 January 1995
	Released by the Ankara SSC in February.		
013)- Ali Avcı (C)	Elbistan TV	Maraş	12 January 1995
014)- Ömer Genç (C)	Elbistan TV	Maraş	12 January 1995
015)- Mensure Yüksel (CE)	Özgür Ülke	İstanbul	19 January 1995
	Released by the İstanbul SSC on 6 June.		
016)- Abdullah Güler (R)	Medya Güneşi	Ankara	19 January 1995
	Released by the İstanbul SSC on 12 April.		
017)- Ali Toprak (R)	Atılım	Ankara	19 January 1995
	Released by the İstanbul SSC on 12 April.		
	Ali Toprak (R)	Ankara	15 July 1995
018)- Gülseren Duman (R)	Direnış	Ankara	19 January 1995
	Released by the İstanbul SSC on 12 April.		
019)- Yeter Yalçıntaş (R)	Kızıl Bayrak	Ankara	19 January 1995
	Released by the İstanbul SSC on 12 April.		
020)- Kemal Evcimen (CE)	Özgür Karadeniz	Trabzon	21 January 1995
021)- Ali Yeğın (CE)	Çağdaş Zülfikar	İstanbul	22 January 1995
022)- Kemal Küllahçı (R)	Öncü Partizan	İzmir	24 January 1995
023)- Müslüm Çatak (CE)	Newroz	İstanbul	13 February 1995
024)- Saliha Yaptaterek (CE)	Alınteri	İstanbul	13 February 1995
025)- Yemliha Kaya (CE)	Halkın Gücü	İstanbul	15 February 1995
026)- Murat Kırsay (R)	Kurtuluş	Adana	17 February 1995
	Released in April.		
	Murat Kırsay (R)	Adana	25 October 1995
027)- Kazım Albayrak (CE)	Taraf	İstanbul	26 February 1995
028)- Veysel Ceylan (C)	Atılım	İstanbul	28 March 1995
029)- Mehmet Göçekli (R)	Kurtuluş	İzmir	28 March 1995
030)- Burhan Kardaş (R)	Kurtuluş	Ankara	04 April 1995
031)- Özgür Taşcı (AO)	Yeni Politika	İstanbul	13 April 1995
032)- Kadri Teymur (CE)	Kızıl Bayrak	İstanbul	21 April 1995
033)- Mevlüt Bozkur (C)	Yeni Politika	Diyarbakır	18 April 1995
	Released by the Diyarbakır SSC on 20 June.		
034)- Emin Aslanoğlu (C)	Yeni Politika	Diyarbakır	18 April 1995
035)- Necmiye Aslanoğlu (C)	Özgür Halk	Diyarbakır	20 April 1995
	Released by the Diyarbakır SSC in July.		
036)- Kadir Önder İl (W)	Devrimci Emek	İstanbul	08 May 1995
037)- Hatun Yıldırım (CE)	Partizan	İstanbul	17 May 1995
038)- Kadir Satık (CE)	Komal Publications	İzmir	22 May 1995

039)- Nevzat Sağnıç (PUB)	Komal Publications	İzmir	22 May 1995
040)- Mine Sağnıç (R)	Rızgari	İzmir	22 May 1995
041)- Mehmet Gemsiz (CE)	Welate Me	İstanbul	06 June 1995
Released by the İstanbul SSC on 18 July.			
042)- Ashhan Yücesan (CE)	Atılım	İstanbul	06 June 1995
Released by the İstanbul SSC in August.			
043)- Gülnur Aslan (O)	Çağdaş Zülfikar	İstanbul	14 June 1995
044)- Bülent Öner (R)	Atılım	Mersin	19 June 1995
045)- Hasan Abalı (C)	Atılım	Mersin	19 June 1995
046)- Fatma Harman (C)	Atılım	Mersin	19 June 1995
047)- Mesut Bozkurt (C)	Atılım	Mersin	19 June 1995
048)- Muharrem Gündüz (CE)	Kurtuluş	İstanbul	26 June 1995
049)- Gani Nar	Concert	Konya	03 July 1995
050)- Ziya Köseoğlu (C)	Yeni Politika	Malatya	19 July 1995
Released by the İstanbul SSC on 25 July.			
051)- Ahmet Subaşı (C)	Kızıl Bayrak	İzmir	25 July 1995
Released by the İzmir SSC on 17 August.			
052)- Gürcan Yıldız (C)	Sosyalist Alternatif	İzmir	25 July 1995
Released by the İzmir SSC on 17 August.			
053)- Serhat Karaduman (C)	Kurtuluş	İzmir	25 July 1995
Released by the İzmir SSC on 17 August.			
054)- Güray Ülkü (CE)	Kızıl Bayrak	İstanbul	29 August 1995
055)- Mehmet Sefa Fersal	Press statement	Ankara	31 August 1995
056)- Eylem Semint (CE)	Atılım	İstanbul	05 September 1995
Released by the İstanbul SSC in November.			
057)- Şengül Yalçın (CE)	Partizan Sesi	İstanbul	13 September 1995
058)- Murat Arıcak (CE)	Özgür Gelecek	İstanbul	12 October 1995
059)- Bayram Namaz (C)	Atılım	İstanbul	19 October 1995
060)- Metin Yeşil (C)	Atılım	İstanbul	19 October 1995
Released by the İstanbul SSC on 27 December.			
061)- Sevil Yeşil (C)	Atılım	İstanbul	19 October 1995
Released by the İstanbul SSC on 27 December.			
062)- Nuray Tekdağ (R)	Özgür Halk	Diyarbakır	08 November 1995
063)- Hüseyin Alataş (O)	Newroz	İstanbul	11 December 1995
064)- Bülent Özdemir (CE)	Kurtuluş	İstanbul	1995
065)- Salih Bal (CE)	Medya Güneşi	İstanbul	1995
066)- Hüsnüye Akbulut (CE)	Partizan Sesi	İstanbul	1995
067)- Aydın Hambayat (GPD)	Özgür Gelecek	İstanbul	1995

Those who were arrested in 1993 or 1994, but not released in 1995

068)- Kenan Kalyon (GPD)	Top. Dayanışma	İstanbul	20 April 1993
069)- Fethiye Pekşen (O)	Devrimci Çözüm	İstanbul	00 September 1993
070)- Hüseyin Solak (R)	Mücadele	Gaziantep	00 September 1993
071)- Ercan Alan (C)	Özgür Gündem	Adıyaman	04 October 1993
072)- Hasan Özgün (R)	Özgür Gündem	Diyarbakır	20 December 1993
073)- İsmail Güneş (C)	Özgür Gündem	Ağrı	24 December 1993
074)- Sabri Bölek (C)	Özgür Gündem	Iğdır	04 January 1994
075)- Emine Serhat (C)	Özgür Gündem	Iğdır	11 February 1994
076)- F. Hülya Tungan (R)	Mücadele	Samsun	21 February 1994
077)- Serdar Gelir (R)	Mücadele	Ankara	26 April 1994
078)- Özgür Güdenoğlu (R)	Mücadele	Konya	20 May 1994
079)- Rıza Dinç (O)	Sterka Rızgari	Mersin	15 October 1994
080)- Aysel Bölücek (R)	Mücadele	Ankara	17 October 1994
081)- Havva Suiçmez (C)	Devrimci Gençlik	İstanbul	06 December 1994
082)- Mirali Demir (C)	Halkın Gücü	İstanbul	06 December 1994

d)- Sentences given, and those prosecuted

Some of the press-related trials launched particularly at the İstanbul SSC resulted in various prison sentences and fines (*) against journalists, writers, publishers, leaders of democratic mass organizations and politicians in 1995, as in previous years. The total of prison sentences given to journalists and writers reached **107 years 6 months**, while the total of fines reached **TL 7,620,000,000**. The total of imprisonment terms and fines given in the press trials were 25 years 11 months 15 days and TL 5,976,000,000 in 1992, 165 years 3 months 10 days and TL 38.267,000,000 in 1993, and 448 years 6 months 25 days and TL 71,614,000,000 in 1994.

Following is the breakdown prepared by the HRFT about the journalists, writers, publishers, leaders of democratic mass organizations and political party leaders who were sentenced to various imprisonment terms and fined in 1994: (**)

Name & surname	Publication	Imprisonment	Fine (TL)
001)- İsmail Beşikçi (W) (5 trials)	Book	60 months	500,000,000 TL.
İsmail Beşikçi (W) Sentence given by the Ankara SSC in connection with his 15 books.	Book	52 months	433,000,000 TL.
İsmail Beşikçi	Speech	12 months	100,000,000 TL.
İsmail Beşikçi Because of the message he sent to a meeting in Ankara in 1994.	Message	12 months	100,000,000 TL.
İsmail Beşikçi (W)	İHD Bulletin	12 months	100,000,000 TL.
İsmail Beşikçi (W) Because of the introduction he wrote for the book "Bilim Dilinde Kürtler ve Kürdistan."	Book	12 months	100,000,000 TL.
002)- Ünsal Öztürk (PUB) (7 trials)	Book	48 months	400,000,000 TL.
Ünsal Öztürk (PUB) Sentence given in the trial launched in connection with 15 books of İsmail Beşikçi.	Book	26 months	253,000,000 TL.
Ünsal Öztürk (PUB) "İsmail Beşikçi Davası-5" (Yurt Publishing House)	Book	9 months	1,350,000 TL.
003)- Hüsnü Öndül (CE)	İHD Bulletin	6 months	50,900,000 TL.
004)- Ayşe Nur Zarakolu (PUB) "Karakiş Grubu" (Sadrettin Aydınlık-Belge Publishing House)	Book	6 months	82,000,000 TL.
Ayşe Nur Zarakolu (PUB) "Gündem Yazıları" (Yaşar Kaya-Belge Publishing House)	Book	6 months	50,000,000 TL.
005)- İbrahim Aksoy Because of his speech during the HEP Congress held on 21 May 1991 in Konya.	Speech	10 months	83,000,000 TL.
İbrahim Aksoy	Azadi	24 months	200,000,000 TL.
006)- Bilgesu Erenus Because of her speech in Lüleburgaz in 1993.	Speech	2 months	100,000 TL.
007)- Ahmet Altan (W)	Milliyet	20 months	500,000 TL.
008)- Mehdi Zana Because of a press conference he held in the European Parliament.	Press meeting	24 months	200,000,000 TL.

(*) While preparing this chapter, we did not take into consideration the sentences and fines given under Article 8 of the "Law to Fight Terrorism" prior to the amendments to this article on 30 October 1995. For this reason, there is a relative decrease in the imprisonment terms and fines compared to 1993 and 1994.

(**) CE : Chief Editor GPD : General Publishing Director O : Owner
W : Writer TV : Television Program Maker K : Cartoonist
R : Representative C : Correspondent PUB : Publisher

009)- Işık Yurtçu (CE)	Özgür Gündem	---	400,000 TL.
010)- Ahmet Türk	Parliamentarian	14 months	116,000,000 TL.
011)- Sedat Yurtdaş	Parliamentarian	14 months	116,000,000 TL.
012)- Sırrı Sakık	Parliamentarian	14 months	116,000,000 TL.
013)- Mahmut Alnak	Parliamentarian	14 months	116,000,000 TL.
014)- Hatip Dicle	Letter	8 months	66,660,000 TL.
015)- Fikret Başkaya	Book	13 months 10 days	111,000,000 TL.
016)- Haluk Gerger (W)	Özgür Gündem	10 months	208,333,000 TL.
Haluk Gerger	Speech	10 months	84,000,000 TL.
017)- Mehmet Bayrak (W)	Book	12 months	100,000,000 TL.
“Kürt Halk Türküleri,” (Özge Publishing House)			
Mehmet Bayrak (PUB)	Book	6 months	50,000,000 TL.
“Çağdaş Kürt Destanları” (Cemşit Nar-Özge Publishing House)			
018)- Atılay Ayçin	Speech	10 months	83,000,000 TL.
Hava İş Trade Union Chairperson. Because of his speech in a meeting organized by the İHD.			
019)- Eşber Yağmurdereli	Speech	10 months	83,000,000 TL.
Lawyer. Because of his speech in a meeting organized by the İHD.			
020)- Melih Aşık (W)	Milliyet	1 month	161,000 TL.
021)- Eren Güvener (CE)	Milliyet	1 month	161,000 TL.
022)- Recep Maraşlı (W)	Jiyana Nû	15 months	133,000,000 TL.
023)- Sabahat Varol (CE)	Devrimci Gençlik	---	50,000,000 TL.
024)- Serhan Bolluk (CE)	Aydınlık	18 months	375,000,000 TL.
025)- Nezahat Özen (C)	Özgür Ülke	45 months	---
026)- Arif Hikmet İyidoğan	Press statement	6 months	780,000 TL.
027)- Gökhan Demirkıran	Press statement	4 months	520,000 TL.
028)- Mehmet Sefa Fersal	Press statement	2 months	260,000 TL.
029)- Sevda Öztekin (R)	Odak	6 months	480,000 TL.
Because of her speech during a meeting held in Ankara in 1994.			
030)- İsmail Akkın (CE)	Atılım	30 months	409,810,000 TL.
(4 trials)			
031)- Yusuf Ova	Speech	10 months	7,000,000 TL.
Teacher. Under the “Law to Protect Atatürk.”			
032)- Mustafa Pala (W)	Book	12 months	100,000,000 TL.
“Yanıtlarıyla Söyleşiler” (Yaba Publishing House)			
033)- Aydın Doğan (PUB)	Book	6 months	50,000,000 TL.
“Yanıtlarıyla Söyleşiler” (Yaba Publishing House)			
034)- Yalçın Küçük (W)	Book	12 months	100,000,000 TL.
“Kürt Bahçesinde Sözleşti” (Başak Publishing House)			
035)- Hikmet Koçak (PUB)	Book	6 months	50,000,000 TL.
“Kürt Bahçesinde Sözleşti” (Başak Publishing House)			
Hikmet Koçak (PUB)	Book	3 months	78,000 TL.
“Newrozladık Şafakları” (Başak Publishing House)			
036)- Selver Durmaz (CE)	Özgür Gündem	---	44,935,000 TL.
037)- Haydar Demir (CE)	Emeğin Bayrağı	2 months	250,160,000 TL.
(3 trials)			
038)- Nazım Taban (CE)	Emeğin Bayrağı	15 months	---
039)- Remzi Keskin (CE)	Yeniden	---	50,000,000 TL.
040)- Besim Döner (CE)	Özgür Gündem	2 months	160,000 TL.
041)- Medeni Ayhan (GPD)	Özgür Bilim	36 months	650,000,000 TL.
(2 trials)			
042)- Sait Çakar (CE)	Özgür Bilim	6 months	50,000,000 TL.
043)- Munzur Pekküleş (W)	Özgür Bilim	12 months	100,000,000 TL.
044)- İ. Halit Elçi (W)	Pir Sultan	12 months	100,000,000 TL.
045)- Kemal Altıntaş (W)	Pir Sultan	12 months	100,000,000 TL.
046)- Metin Kuzugüden (CE)	Pir Sultan	7 months	50,420,000 TL.

(2 trials)			
047)-	Murtaza Demir (O)	Pir Sultan	1 month 100,420,000 TL.
048)-	Rağıp Duran (W)	Özgür Gündem	10 months 333,333,000 TL.
049)-	Ömer Özdemir (CE)	Özgür Gündem	--- 62,000,000 TL.
050)-	Hasan Dağtekin (PUB)	Book	6 months 100,000,000 TL.
“Xıde Naxırvan-Tevkuştına Dersim” (Rıza Çolpan-Dilan Publishing House)			
051)-	Mustafa İslamoğlu (W)	Selam	18 months ---
	Mustafa İslamoğlu	Speech	12 months ---
Because of his speech during a meeting in Ankara in 1993.			
052)-	İmam Canpolat	Speech	12 months 100,000,000 TL.
Because of his speech during a meeting in Ankara on 20 November 1994.			
053)-	Süleyman Baba	Leaflet	20 months 500,000 TL.
054)-	Murat Salmaner	Leaflet	20 months 500,000 TL.
055)-	Hasan Oğuz (W)	Yeni Politika	32 months 800,000 TL.
056)-	Emel Atıcı (O)	Hedef	--- 50,000,000 TL.
057)-	Hatice Onaran (CE)	Devrimci Çözüm	54 months 150,000,000 TL.
058)-	Ertan Aydın (K)	Özgür Gündem	10 months 1,500,000 TL.
059)-	Erdal Çınar (PUB)	Book	2 months 100,000 TL.
060)-	Anadolu TV	Film	--- 84,000,000 TL.
Because of a film in Arabic, broadcast on a local television in Samandağ.			
061)-	Hasan Küçükoba (O)	Özgür Ülke	12 months ---
062)-	Emin Çölaşan (W)	Hürriyet	48 months 24,000,000 TL.
(2 trials)			
063)-	Doğan Satmış (CE)	Hürriyet	26 months 13,000,000 TL.
064)-	Hasan Kılınç (CE)	Hürriyet	24 months 19,000,000 TL.
065)-	Burhan Kavuncu (GPD)	Yeryüzü	26 months 20 days ---
066)-	Mehmet Ali Birand (TV)	32. Gün	5 months ---
067)-	Deniz Arman (TV)	32. Gün	5 months ---
068)-	Halim Abanoz (TV)	32. Gün	5 months ---
069)-	Erhan Bay (enlisted man)	32. Gün	5 months ---
070)-	İsmet Kantar (enlisted man)	32. Gün	5 months ---
071)-	Mahmut Kaçar	Demonstration	54 months ---
072)-	H. Hüseyin Kıymık	Speech	12 months ---
073)-	Gülseren Duman (C)	Direnış	36 months 1,000,000 TL.
074)-	Güneş Uysal (C)	Direnış	36 months 1,000,000 TL.
075)-	Hasan Bahçivan (C)	Direnış	36 months 1,000,000 TL.

Trials and investigations

In 1995, numerous investigations and trials were launched against journalists and writers, as in previous years. The total prison sentences and fines requested for the defendants reached to a record level. The trials related to the freedom of thought and press constituted an important portion (25 %) of all the trials launched at the SSCs. Most of these trials were launched at the İstanbul SSC. Some of the trials attracted attention of the public in Turkey and abroad. Following are some examples of the investigations and trials:

Yaşar Kemal: The İstanbul SSC Prosecution Office launched an investigation in mid-January against writer Yaşar Kemal in connection with his article entitled “Yalanlar Seferi” (Journey of Lies) published in Der Spiegel. In connection with the investigation, Yaşar Kemal testified at the İstanbul SSC Prosecution Office on 23 January. After his testimony was received, he was sent to court on demand of arrest. However, the court rejected the demand for arrest and released him to be tried without arrest. He said the following in the statement he gave to journalists while leaving the SSC building: “If the trial is launched, it is not definite who will be convicted. It will be either me or the Turkish Republic. In case that I will be convicted, the Republic of Turkey will be convicted much further and will unavoidably be ashamed.” At the end of January,

the İstanbul SSC Prosecution Office launched a trial against Yaşar Kemal under Article 8 of the “Law to Fight Terrorism.” The indictment requested a sentence between 2 and 5 years in prison against him on accusations of “disseminating separatist propaganda through publication.” In the meantime, the 185th issue of the journal *Aktüel* dated 19 January 1995 was confiscated by the İstanbul SSC under Article 8 of the “Law to Fight Terrorism” for publishing the article written by Yaşar Kemal. (*)

The trial against Yaşar Kemal provoked protests and led stupefaction at the international level. The HRFT, İHD, Progressive Journalists Association, Association of Literati, and Contemporary Jurists Association protested the trial. The common statement read out by İHD Chairperson Akın Birdal during the press conference held by representatives of these 5 organizations in Ankara on 21 February, pointed out that the authorities wanted conviction of anyone who opposed to the policies, understanding of law, justice, human rights attitude of the central government. It read as follows: “Bans and restrictions on the thought push Turkey to loneliness on the international platforms and also make it impossible to overcome the existing economic, political and social crises. The existent government, having the paranoia of ‘indivisible unity of the state’ and ‘foreign threats,’ has not taken any serious steps on this subject for the last 3 years, and has been putting the society and the world off with daily policies and discourses. In addition, we agree with the thoughts of those who are on trial or in prisons because of their thoughts, and announce once more that we are in solidarity with them.”

The trial against Yaşar Kemal started at the İstanbul SSC on 5 May. He made his defense in the hearing, and criticized the SSC Prosecutor for not reading the article in question. He said, “The prosecutor did not base his accusations on my article but the summaries and distorted writings which were translated from German into Turkish by the newspapers *Milliyet* and *Hürriyet* and which bear little with my article. My article is a call for our people. First I make a call for the mothers in the West and East, whose children were killed during the war. This war has affected you at most. Esteemed judges, I call you to join those who want to stop the war. This country belongs to all of us and it deserves living long in the history of humanity, living with its pride. Please, remember that pride of people of a country is as sacred as its territory.”

The trial against Yaşar Kemal continued till December. In the meantime, the SSC Prosecutor who took the floor during the hearing held on 27 September, stated that the article of Yaşar Kemal might be evaluated within the context of Article 312/2 of the Turkish Penal Code along with Article 8 of the “Law to Fight Terrorism.” The SSC Prosecutor demanded him to prepare an additional defense for this reason. Yaşar Kemal’s lawyer Enver Nalbant protested this situation. He said, “They do this to guarantee the continuation of the trial in case that Article 8 of the ‘Law to Fight Terrorism’ is lifted, annulled or amended.” Yaşar Kemal was acquitted in the trial that concluded on 1 December. The decision was issued on the grounds that no intention of crime could be found in the article in question when it was examined in accordance with the amendment to Article 8 of the “Law to Fight Terrorism.” In a statement he made after the trial, Yaşar Kemal said, “My acquittal is of no importance. I am only one person. No writer should come here as a criminal of thought. Our struggle is for the abolishment of the thought crimes. Democracy is a right for Turkey. In Turkey, there are many people who want democracy, but few of them struggle to this end. No matter I am acquitted or convicted, I will continue struggling.”

The trials launched against Yaşar Kemal were not limited to his article published in *Der Spiegel*. A book entitled “*Düşünce Özgürlüğü ve Türkiye*” (Freedom of Thought and Turkey),

(*) Another investigation was launched against Yaşar Kemal by the İstanbul Public Prosecution Office in connection with the same article, under Article 159 of the Penal Code. But the Ministry of Justice did not give permission for the opening of a trial against him, who was accused of “insulting the Turkish Republic.”

which was published by the Can Publishing House, was confiscated by the İstanbul SSC at the beginning of February. The confiscation was issued because of the articles entitled “Türkiye’nin Üstündeki Kara Gökyüzü” (Black Sky Over Turkey) and “Zulmün Artsın” (Increase Your Oppression) written by Yaşar Kemal. After the confiscation decision, a trial was launched against Erdal Öz, the editor of the book in question, and Yaşar Kemal under Article 312 of the Turkish Penal Code on charges of “inciting people to enmity against each other by making racial and regional discrimination.” This trial concluded in 1996, and he was convicted to 2 years in prison.

An investigation was launched against Yaşar Kemal in connection with his article en-titled “Halklar Arasında Savaş İstemiyoruz” (We do not Want War between Peoples), published in the newspaper Yeni Politika on 20 May 1995. Because of the investigation launched under Article 8 of the “Law to Fight Terrorism,” he went to the İstanbul SSC Prosecution Office and testified on 14 February. Subsequently, he made the following statement: “To make propaganda of war is a crime everywhere of the world. Those who want peace are rewarded. They brought me before prosecutor since I said ‘I do not want war between the Turkish and Kurdish People.’ The phrase ‘Kurdish people’ is used by half of the population of Turkey.” A decision of non-prosecution was issued at the end of the investigation.

Ahmet Altan: An investigation was launched against journalist-writer Ahmet Altan in connection with his article “Atakürt” published in the 17 April 1995 issue of the newspaper Milliyet. In the investigation launched by the İstanbul SSC under Article 312 Turkish Penal Code, he was accused of inciting people to enmity against each other. Additionally, he was dismissed from his job at the newspaper Milliyet because of the article in question. Meanwhile, the İstanbul SSC confiscated 21 April 1995 issue of the newspaper Yeni Politika and 22 April 1995 issues of the journals Söz and Express for re-publishing Ahmet Altan’s article. Later, a trial was launched against him with a request of a sentence no less than 2 years in prison under Article 312 of the Turkish Penal Code. Ahmet Altan, who was cross-examined in the trial that started on 4 August at the İstanbul SSC, stated that there were no criminal elements in his article. He said, “I made a call for democracy. Not even a single line of the article is in contravention of the sense of justice.” In the trial that ended on 18 October, he was sentenced to 1 year 8 months in prison and fined TL 500,000. The sentence passed on him was suspended. Stating that he would appeal to a higher court, Ahmet Altan said, “These verdicts are not surprising in Turkey. I will continue to write my thoughts. It is a risky task in this country to defend democracy and peace and to wish everybody would live under equal conditions.” The verdict was upheld in 1996.

Fatoş Güney: The book “İnsan, Militan ve Sanatçı Yılmaz Güney” (Human, Militant and Artist Yılmaz Güney), which has been compiled of the memories of actor Yılmaz Güney, was confiscated by the İstanbul SSC in April. The confiscation was ordered under Article 312 of the Turkish Penal Code on the grounds that the book provoked people by making racial and regional discrimination. Later, Fatoş Güney, the wife of Yılmaz Güney, was regarded as the writer of the book, and a trial was launched against her under the same article. Fatoş Güney, who was cross-examined in the trial that started at the İstanbul SSC on 21 September, stated that the book had been prepared by French writer Claude Weise, and said, “The book has documentary characteristics. Articles which caused the trial had been written by my husband. The articles show his opinions. Therefore, it is not me who is under prosecution, but Yılmaz Güney.” She was acquitted in the trial that ended on 19 December. In addition, the confiscation ordered against the book was lifted. Making her final defense prior to the disclosure of the verdict, Fatoş Güney said, “I shouldered the task of compiling what was left from the works of Yılmaz Güney, which had been confiscated and obliterated, and which had been attempted to be erased from the Turkish cinema history, and to transfer these works to the new generations. I have believed that thought can never be restricted, and that free thought constitutes the essence of existing as a human being. I did not

deem it inconvenience to publish this book, as it is far beyond me to censor the works of a person of whom I'm proud of being a wife, and as I think that no body or authority shall have such a right. If I am here today just because of this feeling of responsibility and if I would be convicted for this reason, I will only be honored."

The book "Freedom to Thought": A trial was launched against 99 of 1080 people who undertook the responsibility of publishing the book "Düşünceye Özgürlük" (Freedom to Thought) which is composed of the articles which were once deemed to be unlawful and whose writers were prosecuted or imprisoned because of their thoughts. In the trial launched by the İstanbul SSC Prosecution Office in May, sentences of no less than 4 years in prison were requested under Article 8 of the "Law to Fight Terrorism" and under Articles 162 and 312 of the Turkish Penal Code for the defendants accused of disseminating separatist propaganda and inciting people to commit crimes. The indictment also stated that Article 8 of the "Law to Fight Terrorism" and Article 162 of the Turkish Penal Code were contrary to the Constitution, and demanded an application to the Constitutional Court for annulment of these articles. The trial started at the İstanbul SSC on 24 August. In the hearing, first the identities of 44 people who attended the hearing were determined. Then journalist-writer Ahmet Altan, who took the floor in the name of the defendants, defended that Article 8 of the "Law to Fight Terrorism" and Articles 162 and 312 of the Turkish Penal Code were in contravention of the Constitution. The names of the 99 people (*) prosecuted in the trial are as follows:

"Ahmet Altan, Erdal Öz, Şanar Yurdatan, Saruhan Oluç, A.Rıza Dizdar, Ahmet Şık, Ergun Gümra, Ertuğrul Kürkçü, Uğur Günyüz, Musa Ağacık, Mahir Günşiray, Seyit Soydan, Adnan Bostancıoğlu, Orhan Alkaya, Minu İnkaya, Münir Ceylan, Cezmi Ersöz, Ayşe Günşiray, Vicdan Baykara, Tuğrul Eryılmaz, Aylin Çevik, Hasan Basri Çıplak, Hasan Ömer Erzeren, Uğur Cankoçak, Yurdaer Erkoca, Asaf Gürsel Akseven, İsa Doğan, Esra Koç, Behzat Şahin, Şa-hika Yüksel, Ragıp Duran, Ali Tural, Faruk Farsakoğlu, Yahya Koçoğlu, Julide Kural, Munzur Pekgüleç, Semra Somersan, Beril Eyüboğlu, Serap Aksoy, Vahit Genç, Savaş Tanır, Demirtaş Ceyhun, Tayfun Mater, Halil Ergün, Tül Sualp, Cenk Koray, Tahsin Yeşildere, Gencay Gürsoy, İrfan Erdemoğlu, Deniz Demirkan, İsmail Çınar, Mehmet Demirkaya, Orhan Aydın, Nadire Mater, İlhan İrem, Erhan Kayılı, Cengiz Gündoğdu, Suna Aras, A.Başer Kafaoğlu, İlter Sayın, Nurten Tuç, Şule Necef, Çiğdem Şahin, Ufuk Uras, Mustafa Arı, Metin Özek, Murat Özyüksek, İhsan Lordoğlu, Hamit Öner Bilgin, Sevgi Yöney, Leyla Sanlı, Serdar Yalçın, Ömer Çavuşoğlu, Adalet Ağaçoğlu, Selçuk Akalın, Tekin Akin, Yalçın Pekşen, Fatma Güresin, Can Dünder, Aziz Nesin, Bülent Denli, Zihni Anadol, Arif Damar, Yasemin Esen, Musa Kart, Gülsüm Akyüz, Ataol Behramoğlu, Orhan Pamuk, Burçak Evren, Doğu Perinçek, Nilüfer Akat, A.Savaş Akat, Rıza Şahin, Fatma Oran, Ahmet Soner, Tuncay Konuk, Serap Mutlu, Ülkü Sağır, Emcet Olcay"

Aliza Marcus: A trial was launched against Aliza Marcus, a foreign journalist working at the İstanbul Office of Reuters, because of a news story she had written in 1994. The indictment read out in the trial that started at the İstanbul SSC on 12 October, requested a sentence of no less than 2 years in prison under Article 312 of the Turkish Penal Code for Aliza Marcus, who was accused of "inciting people to enmity against each other through discrimination of classes, races and religious sects." Aliza Marcus, who was cross-examined later, said, "I gather information related to the news but I do not write those. I communicate information to an editor in Ankara or İstanbul. They send the information to London. In London, other information in the hand of the agency is added to those and the textual form of the news is formed. I do not have control over that.

(*) Along with these 99 people, a trial was also launched on the same charges against 88 people who undertook the responsibility of publishing this book. The two trials in which 185 people were prosecuted were not concluded by the end of 1996.

This is valid for the writing in question, too. I gathered information in Diyarbakır and in the surroundings, and communicated it orally.” Her lawyer Çetin Özek stated that the trial was launched belatedly, and demanded the trial to be dropped due to prescription. This demand was not accepted by the court. The trial resulted in acquittal on 9 November. The decision was issued on the grounds that “there were no sufficient evidence proving that the article subjected to trial had been written by Aliza Marcus” and “the defendant did not act with the intention of committing a crime.” Although the trial against her resulted in acquittal, her press card was not renewed and her work permission was not extended. She became a target for unfounded accusations of certain newspapers, and had to leave Turkey in February 1996. Meanwhile, the news story which gave way to the trial against her was translated into Turkish and published in the news-paper Özgür Ülke, and a trial was launched under Article 312 of the Turkish Penal Code against Murat Saraç and Hasan Küçükoba, the chief editor and the owner of the newspaper, respectively.

Other trials

A trial was launched against journalist-writer Abdurrahman Dilipak in connection with his speech during which he criticized “Kemalist ideology.” The indictment prepared by the İstanbul Public Prosecution Office, requested a sentence of 4 years 6 months in prison for him under the “Law to Protect Atatürk No. 5186.” Prosecution of Abdurrahman Dilipak started on 14 February at the İstanbul Fatih Court of First Instance No.2. He was cross-examined in the hearing, and said that there was no criminal element in his speech.

Hikmet Koçak, the person responsible for the Başak Publishing House, was sentenced to 3 months in prison in the trial he was prosecuted for sending to deputies the book “Newrozladık Şafakları,” against which there was a confiscation decision. In the trial which ended at the Ankara Penal Court of Peace No.5 on 15 February, he was also fined TL 78,000. In the trial launched on the grounds that separatist propaganda was disseminated in the book, Edip Polat, the writer of the book, had been sentenced to 2 years in prison and fined TL 50,000,000 and its publisher Hikmet Koçak had been sentenced to 6 months in prison and fined TL 100,000,000. After being sentenced, Hikmet Koçak had sent the book together with a letter about his situation, to the deputies, and asked for an amendment to the “Law to Fight Terrorism.” Afterwards, a trial had been launched against him on charges of distributing banned publications.

Berin Nadi, the owner of the newspaper Cumhuriyet, and İbrahim Yıldız, the chief editor of the same, were acquitted in the trial launched against them on charges of making propaganda in favor of the radical pro-Islamic İBDA-C organization. The acquittal verdict was delivered on the following grounds in the trial that ended at the İstanbul SSC on 1 March: “It is seen that the newspaper Cumhuriyet is against Sheriat, and defends laicism and Atatürk’s principles. Thus, it is out of question that the defendants made propaganda of a secret organization aiming at establishing a Sheriat order.” The trial had been launched under Article 6 of the “Law to Fight Terrorism” in connection with the interviews with leaders of the İBDA-C organization which were published on the 11 September 1994 issue of the newspaper. The related issues of the newspaper had been confiscated by the İstanbul SSC, however the confiscation decision had been lifted upon objection raised by the newspaper.

In March, Güngör Mengi, Okan Müderrisoğlu and Battal Yörükoğlu, a columnist, a reporter and the chief editor of the newspaper Sabah, respectively, were put on trial on accusations that they had insulted Mehmet Gölhan, the Minister of Defense. In the trial launched by the İstanbul Public Prosecution Office in connection with the news stories and articles about the commercial relations of the son of Mehmet Gölhan, sentences of one year in prison were requested for each of the journalists.

In June, the İstanbul SSC Prosecution Office launched a trial against Derya Bengi and Yücel Göktürk, the chief editor and the owner of the journal Express, in connection with a news story about the torture inflicted on Atilla Geridönmez, which was published in the 22 April 1995 issue of the journal. In the trial, fine was sought for Derya Bengi and Yücel Göktürk under Article 6 of the “Law to Fight Terrorism.” Emel Ataktürk, one of the lawyers of the journal Express, pointed out that the trial had been launched arbitrarily, and said that not those who inflicted torture, but those who disclosed the torture inflicted, were requested to be sentenced.

A trial was launched against Nezh Tavlş, the chief editor of the “Agenda Strategy Group News Bulletin,” on the grounds that he had published information which concerned directly the state security and the publicizing of which has been forbidden by official authorities. In the trial which was launched by the Ankara SSC Prosecution Office upon an official complaint by the General Staff Chief Office, sentence of no less than 3 years in prison was sought for Nezh Tavlş. He was cross-examined in the trial that started at the Ankara SSC on 12 September. He said that the news story was about a trial held at a commercial court and had no criminal elements, and demanded his acquittal. The trial resulted in acquittal on 27 December.

The İstanbul SSC Prosecution Office launched a trial against independent financial counselor Ali Rıza Yurtsever in connection with his article, “Sömürge Ekonomisi Çıkmazı” (Bottleneck of Exploiting Economy), which was published in the 2 November 1994 issue of the newspaper Özgür Ülke. The prosecution of Ali Rıza Yurtsever, for whom sentence of 2 to 5 years in prison was requested under Article 8 of the “Law to Fight Terrorism,” started at the İstanbul SSC on 14 September. He was cross-examined in the hearing, and said that there was no criminal element in his article. He added that expression of thoughts should not be deemed a crime.

The trial launched against Çetin Deniztekin for publishing the book entitled “Kürtler” (The Kurds), which is a compilation of the seminar notes prepared for the United Nations by the Institute of Eastern and African Studies, resulted in acquittal. The trial that ended at the İstanbul SSC on 8 November had been launched under Article 8 of the “Law to Fight Terrorism.” The acquittal decision was issued taking into consideration the amendment to Article 8 of the “Law to Fight Terrorism.”

The prosecution of İsmet Berkan, the chief editor of the newspaper Yeni Yüzyıl, and Ali Bayramođlu, one of its columnists, in connection with an article published in the 20 April 1995 issue of the newspaper, started at the İstanbul SSC on 20 November. The indictment requested sentences between 2 and 6 years in prison under Article 312 of the Penal Code for İsmet Berkan and Ali Bayramođlu, who were accused of inciting people to enmity against each other by making class, race, region, religion and sect discrimination. Taking floor in the hearing, their lawyer Engin Cinmen demanded the case file be rejected. This demand was not accepted by the Court Board. The trial resulted in acquittal in 1996.

A trial was launched against Hatip Dicle, the DEP former Chairperson whose parliamentary membership was lifted by the Constitutional Court, in connection with his article published in the 9 August 1995 issue of the newspaper Yeni Politika. In the trial launched by the İstanbul Public Prosecution Office under Article 159/1 of the Turkish Penal Code, it was alleged that Hatip Dicle had insulted the judicial system and courts in his article. A sentence between 1 and 6 years in prison was sought for him at the İstanbul Heavy Penal Court No.2.

Nesrin Hatipođlu, one of the lawyers of the Ankara Bar, was acquitted in the trial which was launched against her in connection with her defense in a case which she had been involved in as a lawyer. The trial, which ended at the Ankara SSC on 27 November, had been launched under Article 6 of the “Law to Fight Terrorism” on accusations that security forces had been demonstrated as targets to the terrorist organizations. In her statement during the hearing, Nesrin

Hatipođlu said that it was against the Law on Advocacy that the trial had been launched without receiving permission from the Ministry of Justice and that the prosecution had been carried out by the SSC instead of the Heavy Penal Court.

In connection with the book entitled “Randevuyu Dađa Verdik” (We Made the Appointment for the Mountain), the Ankara SSC Prosecution Office launched a trial in December against İnonü Alpat, the writer of the book, and its publisher Mustafa Tım (one of the leaders of the İHD Ankara Branch). In the trial that was launched under Article 7 of the “Law to Fight Ter-rorism,” İnonü Alpat was requested to be sentenced between 1 and 5 years in prison, whereas Mustafa Tım between 6 months and 2 years and to be fined no less than TL 100,000,000. The prosecution of İnonü Alpat and Mustafa Tım, who were accused of making propa-ganda sup-porting the Revolutionary Path organization, started at the Ankara SSC on 26 January 1996. The trial resulted in acquittal, but another trial was launched against İnonü Alpat and Mustafa Tım in connection with the same book.

e)- Confiscated and closed publications

Although the authorities often proclaimed in recent years that “the practice of banning publications is no longer carried out,” confiscation of books, journals and the like continued throughout 1995. Confiscation decisions were ordered for **504** issues of various newspapers and journals, and for **28** books in 1995. (The figures were 121 newspapers and journals, and 29 books in 1991; 189 newspapers and journals, and 20 books in 1992; 425 newspapers and jour-nals, and 29 books in 1993; and 961 newspapers and journals, and 37 books in 1994.) Most of these decisions were made under Articles 6 and 8 of the “Law to Fight Terrorism.” Articles 155 and 312 of the Turkish Penal Code constituted other important grounds for these decisions. (*)

The confiscation orders were particularly used against the dissident publications oppos-ing the official ideology. Nearly all issues of such publications were confiscated. For example, confiscations orders were issued against 35 issues of the newspaper Özgür Ülke; 46 issues of the journal Kurtuluş; all of the 23 issues of the newspaper Roj; 117 of the 126 issues of the newspaper Yeni Politika; 50 of the 51 issues of the newspaper Atılım; 17 of the 207 issues of the newspaper Evrensel; and 33 of the 34 issues of the newspaper Ronahi.

Some confiscations were sometimes ordered on very interesting and funny grounds. For example, the İstanbul Penal Court of Peace No.3, with a decision on 20 March, confiscated the 13th special issue of the newspaper Atılım on the grounds of “inciting people to commit crimes and praising activities deemed as a crime by the law.” Upon the decision, the newspaper made a statement: “The decision is a scandal, as the 13th special issue of our newspaper has not been released yet. The last special issue was numbered 12. It seems that the prosecutors requested the confiscation of our newspaper thinking of the possible crimes that would be committed in our issue which has not been released yet. This proves that the confiscation decisions have been ordered without fulfilling any legal requirements, examining the necessary documents, and with completely arbitrary methods.”

The 405th issue of the journal Aydınlık dated 25 March 1995, was confiscated on the grounds that the dates on the pages of the journal were published incorrectly. Protesting the confiscation, Hasan Yalçın, the General Publishing Director of the journal, said that the mistake in question required an insignificant fine, and the confiscation was a constrained decision. The 418th issue of Aydınlık published on 1 July 1995 was confiscated by the İstanbul SSC under

(*) According to the data by the Ministry of Justice, a total of 13,751 periodicals are published in Turkey, 5,952 of which are newspapers, 6,482 journals, and 1,317 bulletins.

Article 8 of the “Law to Fight Terrorism.” The confiscation was ordered on the grounds that “separatist propaganda was disseminated” in a news story which in fact criticized the PKK.

21 December 1995 issues of the newspapers Milliyet, Fanatik and Evrensel, 21 and 22 December issues of the newspaper Posta, and 22 and 23 December 1995 issues of the newspaper Hürriyet were confiscated by the İstanbul Bakırköy Penal Court of Peace No. 1. “The results of the opinion polls in connection with the election to be held on 24 December published in the aforesaid newspapers” were shown as grounds for the confiscations. With an amendment to the Law on Elections, it was banned to publicize the results of the opinion polls conducted in relation to the elections. Trials were launched against the responsible people for the confiscated newspapers on the demand that they should be sentenced between 6 months and 1 year in prison.

Closure orders

Closure orders, which increased after a forgotten stipulation of law (Additional Article 2 that was added to the Press Law on 10 November 1983) was put into force in the press trials handled by the İstanbul SSC in the last three months of 1993, were issued throughout 1995, too, as was the case in 1994. As a result, many publications faced closure orders from 3 days to one month. According to the determinations of the HRFT, closure orders of **67 months 24 days** were issued against **19** publications in 101 press trials that resulted in convictions in 1995. (The total of closure sentences for 13 newspapers and journals in 21 trials was 15 months and 6 days in 1993, and for 24 newspapers and journals in 91 trials was 62 months and 2 days in 1994.)

Some of the closure sentences were upheld by the Supreme Court and put into practice at once. For this reason, numerous publications had to cease publishing for long periods of time or halt publishing entirely. For example, the journal Özgür Halk was closed 3 times, between 19 March and 18 April, 24 May and 23 June, and 11 August and 10 September; the newspaper Alinteri twice, between 15 February 14 March, and 29 March and 28 April; the journal Medya Güneşi twice, between 20 February and 19 March, and 3 May and 2 June; the journal Gençliğin Sesi between 25 December 1994 and 24 January; and the newspaper Selam between 8 January and 23 January. Newspapers and journals such as Özgür Ülke, Yeni Politika, Denge Azadi, Kızıl Bayrak, Realite Press, Newroz, Roj, Mücadele halted their publication completely.

f)- Radios and televisions

The private radio stations and television channels, which appeared in Turkey within the last 3 or 4 years, was subjected to an ever-increasing pressure in 1995, compared to previous years. The Radio and Television Supreme Board (RTÜK) occupied the first place to exert pressure on the radios and televisions. (*) The RTÜK issued decisions of warning for 104 radio and television stations after its establishment till the beginning of 1996 (71 in 1995). During the same period, 14 television stations were ordered to halt broadcast (all in 1995). Nine of these decisions were implemented in 1995, and 2 in January 1996. Three of the decisions were annulled by court verdicts. Two radio stations, one of which broadcasts nationwide and the other locally, were each closed for 1 day with the decision of the RTÜK.

The RTÜK decided to close down radio stations Best FM which broadcasts nationwide and Milas FM which broadcasts in the Milas District of Manisa for one day. The closure decision

(*) The Radio and Television Supreme Board was established in line with the law promulgated on 20 April 1994, which regulates the activities of radios and televisions. The Radio and Television Supreme Board, which is the sole authority to give license to and to control the radio and television establishments, consisted of 9 people elected by the Parliament. This Board is entitled to order the closure of the radios and televisions for definite or indefinite periods.

was made on the grounds that the radio stations in question did not broadcast replies and contradictions in spite of court decisions. The closure decisions were implemented on 9 March.

In March, the RTÜK decided to close a local television namely Sky TV which broadcasts in İzmir, for one day. The decision was made on the grounds that the television station in question did not broadcast replies and contradictions, in spite of the court verdicts. Additionally, the RTÜK passed on decisions of warning to Show TV, ATV and İnterstar televisions and local broadcasting radio stations namely Bursa Yenişehir Yörem and Sinop Gözde FM.

The RTÜK issued decisions of warning for private television channels Kanal D and HBB, and 5 radio stations, 3 of which broadcast in Mersin and 2 in İstanbul, because of their manner of presenting the incidents in the Gazi Quarter of İstanbul. Additionally, the RTÜK verbally warned all television stations on "how to reflect the incidents." Local radio stations Moza-ik, Çağdaş, İmaj, Arkadaş and Çankaya broadcasting in Ankara were exposed to police pressure because of the way they presented the incidents in the Gazi Quarter of İstanbul. Police officers, who went to the centers of radios in question on 14 March, threatened the staff of the radios, ordered them not to broadcast the news without approval by the police, and detained 3 people. (Detailed information is on page 203.)

In July, the RTÜK decided to close television stations Kanal 6, Kanal D and Show TV which broadcast over all Turkey, and ART which broadcast in Uşak, for one day. The decisions were made on the grounds that they broadcast obscene programs in contravention of general moral values and Turkish family structure. The decision issued against Kanal 6, Kanal D and Show TV were lifted by the Ankara Regional Administrative Court. In addition, the RTÜK passed warning decisions on Kral TV and local radios Malatya Kayısı FM, Ankara Keçiören FM, Kırıkkale Mesaj FM and İzmir Aktif Radio.

In November, the RTÜK ordered to stop broadcasting for 3 days and 1 day for the private television channels İnterstar and Kanal 6, respectively. The decisions were made on the grounds that the İnterstar television did not broadcast in time and accurately the responses given to the programs about Prime Minister Tansu Çiller, and Kanal 6 television broadcast a news program in which it had been alleged that there had been homosexual deputies in the Parliament. In line with the decisions, İnterstar could not broadcast on 27, 28 and 29 November, and Kanal 6 on 30 November. In addition, the RTÜK issued warning decisions against privately owned local television channels ETV broadcasting in Trabzon, SRT in Samsun and Gözde FM in the Bafra District of Samsun.

In December, the RTÜK ordered to stop broadcasting for 1 day for television channels Flash TV and HBB. The decision was made on the grounds that "the Flash TV and HBB broadcast in a way that would affect the results of the election." Because of the orders, the Flash TV could not broadcast on 8 January 1996, and the HBB on 9 January 1996. In addition, the RTÜK issued warning decisions against all television stations broadcasting countrywide and certain private radios station in connection with their broadcast on elections.

In the meantime, activities of 5 private television and 16 radio stations broadcasting in Diyarbakır, were stopped in January. The decision was made by the Diyarbakır Governorate upon directives by the Wireless General Directorate on the grounds that broadcasting of these televisions and radios interrupted police and military wirelasses and broadcasting by the TRT. The closure decision was not lifted until filters were set on transmitters. These television and radio stations are as follows: "Kanal 21, Metro Can, Mega and Yıldız TV stations, and Değişim, Ses, Metro, Kent, Show, Bağ, Nur, Mega, Diyar, Can, Malabadi, Genç, Süper, FM, Klas and Star radio stations." Protesting the closure decision, owners of the radio and television channels stated that

their broadcast had been halted although they had used transmitters in line with the required standards, and said, "Double standards are applied to the regions in Turkey."

The information compiled by the HRFT related to pressure on and attacks against the radio and television stations, and certain incidents on this topic are as follows:

The local television station Anadolu Television (ARTV) broadcasting in the Samandağ District of Hatay, was fined TL 84,000,000 in January on the grounds that it broadcast in Arabic. The decision was made upon the broadcast of a comedy film in Arabic named "Yasino." The decision invoked protests of the residents of Samandağ.

Prosecution of actor İlyas Salman and showman Cem Özer in connection with their speeches during a program broadcast by television channel İnterstar in 1992, started at the İstanbul Şişli Penal Court of First Instance No.2 on 7 April. The indictment read out in the first hearing, requested sentences between 1 and 6 years in prison for İlyas Salman and Cem Özer on charges of insulting the judiciary system and the army.

Ardan Zentürk, the Chief Broadcast Coordinator of the television station İnterstar, and Nafiz Akyüz, Bahri Kayaoğlu and Şeyda Açıkkol, producers for the same, were detained on 18 June upon a directive by the Ankara SSC Prosecution Office because of a program on murders by unknown assailants. (*) The detained journalists were interrogated in accordance with the "Law to Fight Terrorism." İHD Secretary General Hüsnü Öndül made a statement after the de-tention of the 4 journalists: "To strip away the freedoms of journalists because of a program they produced, that is to say, because of their activities of journalism, is unthinkable in a democratic society. The testimonies of the journalists could have been received regarding the principles and secrets of the profession, and then the journalists could have been set free." The 4 journalists were released on 19 June. Ardan Zentürk, after his release, was attacked and harassed by a group of Great Unity Party (BBP) adherents waiting in front of the Ankara SSC.

Police officers raided the Demokrat Radyo, a radio station broadcasting in İzmir, on 19 June, and detained radio workers Cengiz Taşdemir and Leyla Yıldız. Cengiz Taşdemir and Leyla Yıldız, who were released on the same day by the İzmir SSC Prosecution Office, disclosed that they had been insulted in detention. It was reported that the 2 radio workers had been detained within the framework of the investigation launched in connection with a program broadcast on 27 March in which HADEP executive Hasan Karadağ participated. In connection with the investigation, Nail Dursun, the director of the radio, testified at the İzmir SSC Prosecution Office.

A trial was launched against Arif Eroğlu, the news director of the radio Arkadaş broadcasting in Ankara, and Mine Kasap, speaker of the same, in connection with an announcement they made on the radio about the Gazi incidents. The trial ended in acquittal in the first hearing held on 10 July.

Çağdaş Radio, broadcasting locally in Ankara, was raided by the police at about 06.30 a.m. on 20 July. In the raid, the program by speaker Tezcan Erdiñ Tan was halted and he was detained. It was reported that he was detained for reading out the press statement made by the İHD Ankara Branch concerning the detentions in Ankara.

The center of the pro-Islamic radio station Mert FM broadcasting in İstanbul was raided by 4 militants of the MLKP (Marxist Leninist Communist Party) on 14 September. The militants who went to the radio at about 05.00, rendered the radio staff ineffective, and started to broadcast a

(*) A person named İsmet Çalışır, who participated in this program broadcast on the night of 14 June, had made certain confessions, but it had been later revealed that his statement was not true.

tape making the propaganda of the organization. The militants hung a banner of the organization on the wall, left a parcel disguised as a bomb, and then left the building.

MED TV

People who watched or were supposed to watch the MED TV were also subjected to pressure. The broadcast of the MED TV, which started in 1995, could not be stopped despite all diplomatic initiatives. Then, various implementations were initiated in the State of Emergency Region and in Adana and Mersin in order to prevent the people from watching the MED TV. These implementations continued in 1996. Raiding houses, shops and coffee houses, destroying satellite dishes, seizing the stuff of the dish sellers or threatening them were some of the attempts to prevent the MED TV. Additionally, numerous people were detained for watching MED TV, and central television transmitters in the districts and towns were taken under control.

The satellite dish put in the garden of the Lice Directorate of Roads by the Lice District Governorate was removed by the gendarmerie on 10 April. The Lice Gendarmerie Commandership did not make a statement about the implementation, but authorities of the municipality said that the dish had been removed in order to prevent the watching of the MED TV. All of the coffee houses and billiard halls in Diyarbakır were raided by the police between 07.00 p.m. and 10.00 p.m. on 12 April, during the live broadcast of the opening ceremony of the Kurdish Parliament in exile on the MED TV. During the raids, those who were watching the MED TV and the shop owners were insulted, some people were detained. After the MED TV's starting to broadcast, the sale of satellite dishes in Batman and in its districts was banned, and the usage of satellite dishes were banned in the Town Gökçebağ of the Eruh District of Siirt. Satellite dishes on the roofs in the Karasu and Küçükoba quarters of Adana were destroyed, and the dish used commonly by the people in the Dağlıoğlu Quarter was seized.

On 20 April, a house in the Şamranaltı Quarter of Van and a coffee house in the Çatak Quarter were raided by the police on the grounds that MED TV was watched in these places. During the raids, people watching the MED TV were warned for not to watch it again, and the cables and receivers of the satellite dishes were removed. On the same day, 10 satellite dishes in the shop of İrfan Soysal in the Kızıltepe District of Mardin were seized. Police officers who raided 3 coffee houses in the Lalebey and Balıkcılarbaşı quarters of Diyarbakır at about 09.00 p.m. on 30 May, detained 58 people who were watching the MED TV. The detainees were released the day after. The raided coffee houses were closed for 15 days on 8 June.

Police officers who raided the house of a farmer named Süleyman Çiftçi in the Gülbahçesi Quarter of Adana on the night of 14 June, detained him, his brother İbrahim Çiftçi and 2 guests in the house for watching the MED TV. Süleyman Çiftçi, who was released 24 hours later, disclosed that himself and the guests had been tortured. A person named Mehmet Şah Soysal, who was detained by the police raiding a coffee house in İskenderun on 1 August on the grounds that there were video tapes of certain programs broadcast on the MED TV, was arrested.

g)- Kurdish language

Despite the fact that there was no legal sanction, those speaking Kurdish or publishing, writing or singing in Kurdish continued to face various pressure throughout 1995 as in the previous years. Furthermore, the wedding and circumcision ceremonies organized in accordance with Kurdish traditions were not tolerated either. Security forces interrupted such ceremonies, people were detained or arrested for participating in these ceremonies. Some people were detained, sometimes arrested and prosecuted for singing in Kurdish. Tape recordings of Kurdish songs became subject to unlawful practices. Some governorates gave orders of confiscation or prohibited to sell or play such tapes.

The trial launched under Articles 6 and 7 of the “Law to Fight Terrorism” against Mehmet Gemsiz, the chief editor of the journal “Welate Me” published in Kurdish, and Aynur Bozkurt, the owner of the weekly in question, in connection with an article in the 4th issue of the weekly, started on 25 April at the İstanbul SSC. In the hearing, replies given in Kurdish by Mehmet Gemsiz and Aynur Bozkurt and their demands to make their statements in Kurdish caused discussions. The court board which did not allow the defendants to speak Kurdish, recorded the following statements in the minutes: “It has been heard that they said something Kurdish,” “It has been understood that they knew Turkish since they could reply,” “Although they knew Turkish, they talked Kurdish on purpose.” Subsequently, the court board assumed the defendants to have made their statements since it was understood that they had not spoken Turkish for a political intentions.

The trial launched against Mehmet Gemsiz and Aynur Bozkurt under Article 8 of the “Law to Fight Terrorism” because of the news stories in the 6th issue of the journal, started on 6 June at the İstanbul SSC. After the indictment was read out in the hearing, the name of the reporter who had written the articles was asked from Mehmet Gemsiz. He replied in Kurdish: “Our lawyers will inform you by whom the news stories had been written.” Reacting against this case, the court board demanded the defendant to speak Turkish. When Mehmet Gemsiz insisted on speaking Kurdish, it was written in the transcripts that “The defendant enjoyed the right to be silent,” in the minutes. Subsequently, Mehmet Gemsiz was decided to be arrested on the grounds that he had not let the court board to know the reporters who had written the news stories.

Making a statement after the hearing, Aynur Bozkurt said, “The news stories in the journal are translated into Turkish and trials are launched against us. These translations are always wrong. We want our statements in Kurdish, but they do not let us. By stating ‘He enjoyed the right to be silent’ they have arrested Mehmet Gemsiz since he talked in Kurdish. This means that the SSC confirms the ban on speaking Kurdish in Turkey.” Mehmet Gemsiz was released in the hearing held on 18 July.

Two 12-year old children (Ş.A. and E.P.) who were distributing the Kurdish journal “Welate Me” to the subscribers in Adana, were detained by the police on 6 May. Of the children who were released after being kept in custody for 3 days, Ş.A. said that they had been first taken to the Hacı Bayram Police Station and then to the Adana Security Directorate after being detained at the detained Bitpazarı Quarter. Stating that they were threatened with death at the police station and beaten at the Security Directorate, Ş.A. added the following: “They were continuously asking who had given us the periodical. We were tortured since we said we did not know who they were.”

In the meantime, the Directorate of Religious Affairs rejected the application made by a publishing house which wanted to publish the Koran in Kurdish. The report prepared by the Religious Affairs Supreme Board, which examined the application and the copy of the Koran in question, alleged that “it was impossible to write and comment on the Koran in Kurdish.” Making a statement about the topic, Mehmet Nuri Yılmaz, the Director of the Religious Affairs, said that the application was rejected in order to protect the unchanged nature of the Koran: “The Koran had been translated with citations from the Lorani, Sorani, Zaza and Kurmanci dialects. There are differences in the meaning and in words. Our experts who know Kurdish did not understand some parts of the translation. How are our Kurdish people, most of whom speak the Kurmanci dialect, supposed to understand it?”

h)- Compulsory military service

In 1995, pressure on conscientious objectors and individuals, groups and organizations objecting to the compulsory military service intensified. Numerous investigations and trials were initiated against people who criticized the military issues. In these investigations and trials,

military courts and military prosecution offices were authorized, in a way violating many law articles and all of the international conventions on this issue.

Sentences of 5 months in prison passed on journalists Mehmet Ali Birand, Deniz Arman and Halim Abanoz in connection with a program they had prepared about the extension of the period for military service, and on enlisted men Erhan Bay and İsmet Kantar were overturned by the Supreme Court on 30 March. Upon this, the 5 people were put on re-trial at the Military Court of the Ankara 4th Arms Corps Command, but each of them were again sentenced to 5 months in prison. Examining the case file, the General Penal Board of the Military Supreme Court delivered a decisive verdict in 1996 for the acquittal of the 5 people. The trial in question had been launched under Article 95 of the Military Penal Code.

The trial launched by the Military Court of General Staff Office against executives of the İHD Bursa Branch in connection with a meeting they held on 10 January 1993, started on 23 May. Sentences of no less than 3 months in prison were sought for the İHD executives, who were accused of making propaganda for provoking the people against military service. The trial ended in acquittal on 27 June. The names of the prosecuted and acquitted İHD executives are as follows: "Muhammed Aydın (the Branch Chairperson), Ayhan Diker, Lütfü Kurtuluş, Hıdır Gül-tepe, Handan Eruçar, Işıl Irmak and Turan Akgün."

In June, a trial was launched against Ayşe Tosuner and Nazmiye Zencir, executives of the War Resisters' Association (İzmir), the activities of which were stopped with a court decision, in connection with a press meeting they held on 16 January 1993. In the trial launched by the Military Prosecution Office of the General Staff Office, sentences of no less than 2 months in prison were requested for Ayşe Tosuner and Nazmiye Zencir under Article 155 of the Turkish Penal Code on the grounds that they had tried to provoke the people against military service.

The prosecution of Osman Murat Ülke, Arif Hikmet İyidoğan, Mehmet Sefa Fersal and Gökhan Demirkıran, members of the War Resisters' Association who were put on trial in 1994 in connection with a press statement they had made, continued in 1995. Osman Murat Ülke, who made his defense in the hearing held at the Military Court of the General Staff Office on 20 June, stated that arraignment of a civil person at a military court was not appropriate and said, "The context of the crime of provoking the people against military service has not been defined. So, the TÜSİAD (Industrialists and Businessmen Association of Turkey) might be considered to have incited people to provoke the people against military service when it criticized the economic burden of military expenditures. As a free human being, I utilized my right to conscientious objection." (*)

In the trial that ended on 29 August, Arif Hikmet İyidoğan was sentenced to 6 months in prison and fined TL 780,000, Gökhan Demirkıran to 4 months in prison and TL 520,000, and Mehmet Sefa Fersal to 2 months in prison and fined TL 260,000, while Osman Murat Ülke was acquitted. In addition, the court board decided to send Mehmet Sefa Fersal and Osman Murat Ülke to the nearest military recruitment office. Mehmet Sefa Fersal escaped from the Court Hall in the break given by the court board and he was not present while the verdict was being disclosed. For this reason, an arrest warrant in absentia was issued against him. He was apprehended

(*) Arif Hikmet İyidoğan was arrested during the first hearing of the trial that started on 12 July 1994, and sent to the Mamak Military Prison. He said in the hearing on 9 August 1994 that he was forced to wear a uniform for military prisoners, and undressed at the court. Stating that he was beaten up in the prison and threatened with death, he said that he would be put into a cell for undressing at the court. He defended that forcing him to wear the military prisoner uniform was in contravention of the law and regulations, and he was forced out of the court for disrupting the court. He was released at the hearing on 27 September 1994.

by the police in Eskişehir on the evening of that day, and sent to the Mamak Military Court. Osman Murat Ülke who did not leave the court hall, was delivered to the military recruitment office. He was released for a period of 2 days due to the efforts by his lawyers. He did not join the army at the end of the 2-day period, but was forcibly recruited to the army in 1996.

Artist Bilgesu Erenus was sentenced to 2 months in prison and fined TL 100,000 in the trial she was prosecuted on accusations of making statements that would provoke the people against military service. The trial that ended at the Military Court of the General Staff Office on 27 June had been launched under Article 155 of the Turkish Penal Code. The sentence given to Bilgesu Erenus, who was prosecuted for her words “Mothers, I implore you, I beg you. Do not send your children to fulfill military service!” during a speech in Lüleburgaz on 26 January 1993, was upheld by the Military Supreme Court. Bilgesu Erenus was imprisoned in 1996.

The trial launched at the İzmir Penal Court of First Instance No.14 against Canan Kılıç, Ayşe Tosuner, Osman Murat Ülke and Serdar Tekin, executives of the İzmir War Resisters’ Association (SKD), ended in acquittal due to lack of sufficient evidences. The trial had been launched on accusations such as “presence of 2 foreign guests, one German and one Greek, during the police raid against the İzmir SKD on 4 September 1994,” “carrying out activities without permission,” “distributing leaflets.”

Sevda Öztekin, the Ankara Representative of the journal Odak, was sentenced to 6 months in prison and fined TL 480,000 in connection with a speech she had given in a meeting in Ankara in 1994. The trial at the Military Court of the General Staff had been launched under Article 155 of the Turkish Penal Code on the grounds that she had made propaganda in manner to alienate people from military service. Sevda Öztekin was kept arrested for a while in 1995 in connection with another trial she was prosecuted on the same charges.

A first lieutenant named İsmail Kitapçı, who sent letters to numerous high-rank civilian and military authorities, including the President, Prime Minister and Head of the General Staff, claiming that “certain generals are in conspiracy to make a coup,” was arrested on 6 September. Later, a trial was launched against İsmail Kitapçı, who reportedly worked at the General Staff Directorate of Intelligence. The indictment accused him of “harming inferior-superior relations, and insulting the commanders in order to destroy their confidence,” and requested a prison sentence between 6 months and 3 years under Article 95/4 of the Military Penal Code. The trial which started at the Military Court of the General Staff on 11 October and continued with a press ban, ended on 25 October with the conviction of İsmail Kitapçı to 6 months in prison. He was released upon the verdict, and later he was dismissed from the army. In his letter, he had alleged that a group of high-rank officers, including the generals such as Vural Bayazıt, Ahmet Çörekçi, Doğan Bayazıt, Doğu Aktulga and Teoman Koman, were in preparation to make a coup.

i)- Freedom of religion and religious pressure

Human rights problems involving the right to the freedom of religion and conscience were frequently the subject of debates, criticism and protests throughout 1995. One main focus of the debate and criticism was again the question of headscarves. The problems that some women students wearing headscarves hitherto faced drew public attention occasionally. Such students were able to enter the classes in most of the institutions of higher education, while they faced various difficulties in a few universities and other academic institutions. The students with headscarves faced disciplinary penalties. Among those academic institutions where such students faced difficulties, schools and faculties educating future physicians, nurses, obstetricians and other health specialists occupied the first rank.

The İstanbul University Cerrahpaşa Faculty of Medicine was one of the schools which implement the headscarf ban strictly. Of the students from the Şişli Health Services Vocational School who went to this school for practice, students wearing headscarves were not accepted for practice. Upon this, the students lodged an official complaint on 15 November with the Fatih Public Prosecution Office against Bülent Berkarda, the İstanbul University Rector. On the same days, 71 students from the İstanbul Florence Nightingale Nursery College were not accepted for practice as they were wearing headscarves.

In the Edirne Trakya University Faculty of Medicine, women students wearing headscarves were not let to take some lectures. In addition, a disciplinary punishment was issued against a male student named Mustafa Yılmaz when he protested this implementation. The Ankara Hacettepe University Faculty of Medicine disclosed that disciplinary provisions would be implemented for students who attend the lectures or clinics wearing headscarves.

Women students graduated the Ankara University Faculty of Linguistic, History and Geography were not given certificates of graduate as they gave pictures with headscarves to the school administration. Protesting this implementation, students said, “We graduated with success. However, we are not able to take certificates of graduate unless we give them pictures with open head. Did we attend the school for 4 years for none?” On the other hand, Tansu Arasil, the Deputy Rector of the Ankara University, disclosed that the implementation was carried out in line with Article 25 of the Regulation, that this regulation stipulates that the pictures to be used in the certificates of graduate should be with open head, and there were no restrictions for the students, who were not given graduates of certificate, to take their diplomas.

Certain incidents were witnessed during the graduate ceremony held at the Sivas Cumhuriyet University Health Services Vocational School on 15 July, when students wearing headscarves were not let to attend the ceremony. Three students wearing headscarves, who entered the hall during the ceremony and wanted to deliver a speech from the dais, were tired to be ousted from the hall by certain female officials. In the meantime, a student shut the mouth of another student wearing headscarf, who went to the dais for a speech, and the headscarf of a students was tried to be taken forcibly. Upon this, the ceremony was halted. The pictures shot during the incident were shown on the televisions, inciting protests. As a result of the protests, Servet Özgür, the Director of the school, was suspended of duty. Servet Özgür left Sivas on 17 July under police surveillance as he was threatened with death by radical pro-Islamic people. Making a statement, Servet Özgür said, “The incidents were not a case of being against the headscarf. I have not intervened the ceremony regulations. This is a legal compulsion. During the ceremony, a person named Abdullah Genç, whom I have learnt later to be the Chairperson of the National Youth Foundation, (*) insulted the director of the ceremony provocatively. The incident was reflected to the public as a discussion of headscarf.”

A similar incident was witnessed in Adana short after. During the diploma ceremony held at the Adana Çukurova University Faculty of Medicine on 26 July, the student who graduated with the most successful degree was not given floor to deliver a speech as she was wearing a headscarf, and this caused tension. A radical pro-Islamic group in the hall demonstrated to protest the incident, whereas academicians and students clapped their hands to react against this demonstration. Gendarmes entered the hall when the group continued to protest by shouting slogans, and detained 8 people including Abdülbaki Öztürk, the Chairperson of the Adana National Youth Foundation. The 8 people, against whom a trial was launched on accusations of “acting in contravention of the Law on Meetings and Demonstrations,” were released to be prosecuted without arrest.

(*) An organization activating in line with the ideology of the Welfare Party.

Similar implementations also caused troubles for the lawyers who want to conduct their profession wearing headscarves. For example, the Ankara Bar launched an investigation against 6 lawyers who wanted to attend the hearings wearing headscarves. In addition, it was decided that these lawyers would not be taken to hearings, and lawyers wearing headscarves were not let to take practice period. This situation provoked protests by radical pro-Islamic groups and the Mazlum Der.

Killed Bar Chairperson

In Gümüşhane, two lawyers wearing headscarves, Güler Yıldız and Derya Nur Şimşek, were not registered in the Bar. This incident provoked protests by the radical pro-Islamic groups, and Bar Chairperson Ali Günday encountered death threats. Making a statement upon the threats, Ali Günday disclosed that the two lawyers had not been registered in line with the provisions of the laws and regulations, and added: “We are not in a position to deal with the beliefs of the people. However, as the Chair of the Bar, I have to implement the laws and regulations. Although this is the case, I have been shown as target for not registering the two lawyers. I am being threatened day and night, and I receive letters of threat.” On those days, certain radical Islamic newspapers had published stories pointing him as a target.

Ali Günday was shot to death by İzzet Kırac at his office in Gümüşhane at about 10.00 a.m. on 25 July. İzzet Kırac, who delivered himself to police after the murder, said that he had killed Ali Günday because “he did not allow female lawyers to wear headscarves while attending court hearings.” He stated that he lived in Adana and had come to Gümüşhane just to kill him. İzzet Kırac was arrested on 1 August. During his interrogation at the Gümüşhane Security Directorate, it was revealed that he had also made attempts to kill İstanbul University Rector Bülent Berkarda, Hacettepe University’s Blood Center Director Tekin Kanra and Sivas Health Services Vocational College Director Servet Özgür because of their attitudes against radical Islamic individuals and groups. İzzet Kırac’s son Muzaffer Kırac and his two friends, named Yusuf Gümüş and Bahattin Sungur, were also arrested.

A trial was launched against İzzet Kırac and the death penalty was sought under Article 450 of the Turkish Penal Code. In the trial launched by the Gümüşhane Public Prosecution Office, İzzet Kırac’s son Muzaffer Kırac and his friends Yusuf Gümüş, Bahattin Sungur, Muharrem Kurt and Ahmet Mengi, who all were accused of aiding and harboring İzzet Kırac, were requested to be sentenced up to 10 years in prison. The trial started at the Gümüşhane Heavy Penal Court on 6 September. Cross-examined during the hearing, İzzet Kırac stated that his testimony had been taken under torture at the security directorate, and rejected his testimony. İzzet Kırac said that he had decided to kill Ali Günday alone, and said, “I am not an enemy of either Mr. Günday or his family. My problem is this system and this way of thinking. I went to his office and talked to him. When he opposed me, I killed him.” Other defendants heard in the hearing stated that they had no connections with the murder. The trial started at the Erzincan SSC as of 23 October. In the trial, İzzet Kırac was sentenced to life imprisonment on 24 October 1996, whereas the other defendants were acquitted.

Those dismissed from the army

The situation of the soldiers who were prosecuted and/or laid off with the decision of the Supreme Military Council on the allegations of carrying out religious activities within the armed forces, drew public attention during 1995. No result was drawn from the attempts made on demand of “recharging of the military officers and non-commissioned officers dismissed from the army because of their religious activities” in the previous years or of “compensation for them.” According to the Article 125 of the Constitution, nobody can raise an appeal against the decisions of the Supreme Military Council.

One officer and six non-commissioned officers were dismissed from the army on the allegations of disseminating anti-secular religious propaganda at the military units they served. The decision was made at a session of the Supreme Military Council in Ankara in July. All of the dismissed officers were from the navy. Meanwhile 8 cadets in the War School, 24 cadets in the school for non-commissioned officers and about 300 professional soldiers were dismissed from the army on the same days on accusations of being in contact with radical pro-Islamic groups. The names of 5 of the dismissed cadets were revealed to be Aydın Altınayar, Turhan Yılıkcı, Yücel Yalçın, Bülent Daskın and Yasin Tombuloğlu. The cadets dismissed from the War School held a press conference at the center of the Association of Human Rights and Solidarity with the Oppressed People (Mazlum-Der), and protested the decision. The students said: “We were dismissed because we were performing *namaz*. An illegal group named ‘Control and Evaluation Group’ issues reports about those performing the religious obligations at the school.”

In the meeting of the Supreme Military Council in Ankara on 11 December, 43 officers (including one major) and non-commissioned officers were dismissed from the army on the allegations of disseminating anti-secular religious propaganda in the military units they served. Most of the dismissed officers were reportedly from the air forces and two of them were military doctors. In the same meeting, 7 officers and non-commissioned officers who had married foreign women or revealed to have relations with leftist groups were dismissed.

In the meantime, Fatma Onay, a journalist wearing headscarf who wanted to cover the medallion ceremony held at the Sakarya Officer’s Club on 24 October for families of the soldiers who died in the State of Emergency Region, was removed from the hall. She was reportedly removed from the hall upon the instruction by a brigadier general named Rauf Aydın. Necdet Güngörsün, the Chairperson of the Sakarya Journalists Association, protested the incident. Fatma Onay said that previously, she was able to watch many meetings in the Security Directorate and Gendarmerie Commandership wearing her headscarf, and that she had never come across such an implementation before.

Interesting incidents

Selahattin Aydar, the RP-member Mayor of Bingöl, and Bedri Baran, the Chairperson of the National Youth Foundation Diyarbakır Branch, were each sentenced to one year in prison in connection with the speeches they delivered in a meeting held in Diyarbakır on 24 June 1994. The sentences passed on Selahattin Aydar and Bedri Baran under Article 312 of the Turkish Penal Code on accusations of inciting people to enmity against each other by emphasizing religious differences, were suspended. The Supreme Court approved the sentence passed on Selahattin Aydar at the end of 1995, thus he was suspended of his duty in the beginning of 1996. In his speech that led his prosecution, Selahattin Aydar had said, “If I had ten heads, I would sacrifice all of them for the sake of Sheriat. The rest of our lives does not belong to us but to our god, to Mohammed and Sheriat. We are the missionaries of Sheriat,” whereas Bedri Baran had said, “The existent system is oppressing the people. It is this system that has created and increased the terror, and brought it up to date. We are not terrorists. We are not supporters of either Kurds or Turks. We are Muslims.”

Cemalettin Kaplan, who set up the “Federal Islamic State of Anatolia” in Germany where he lived as a political refugee and declared himself as the Caliph of the Islam World, died of cancer on 16 May. Cemalettin Kaplan, who was carrying out activities against the secular regime in Turkey and known as “Black Voice” in the public, had been deprived of the Turkish citizenship with the decision issued by the Council of Ministers in 1984, after he had gone abroad. On May 21, his body was brought to Turkey and delivered to his resting place. After his death, his son Metin Kaplan succeeded him as the “world caliph.”

On the night of 4 December, unknown people threw explosives at Istanbul Mufti Office and Fatih (İstanbul) Mufti Office. The attacks caused no casualties but damage on the buildings. The İBDA-C claimed responsibility for the attacks.

Of the 5 people who were prosecuted at the İzmir SSC on charges of being members of the Islamic Movement Organization (İslami Hareket Örgütü) and kidnapping a 10 years old child in İzmir in 1994 for ransom, Abdülislam Durmaz, Mehmet Uyan and Şevket Baytap were sentenced to life imprisonment on 6 December. The defendants, who made their final statement prior to the disclosure of the verdict, confessed that they had kidnapped children to obtain money for the Islamic Movement Organization.

Non-Muslims

Another situation threatening freedom of religion and conscience in 1995, were the intensified attacks against the non-Muslim minorities (e.g. Armenians, Greeks, Syrians). Threats and insults against the Greek and Armenian societies and against prominent people in these societies continued. Syrians living in the Emergency State Region were also subjected to various pressure and attacks. Especially the cemeteries, churches and schools of Greeks and Armenians were attacked by unknown people. Some of these attacks were carried out by militants of the radical pro-Islamic İBDA-C organization. For example, on the night of 15 November, unknown people threw explosives at the French High School in İstanbul Harbiye. The İBDA-C claimed responsibility for the attack.

In the State of Emergency Region, 31 Syrians were killed by unknown assailants in the last 5-6 years. Forced evacuation of the villages and the migration also affected the Syrians in the region. Some villages with Syrian population were evacuated. (Detailed information on is on page 103). Another problem was the kidnapping of the girls. After 1980, especially in Mardin and Diyarbakır, approximately 20 Syrian girls were kidnapped. Because of these incidents and pressure, which has its roots in the past, the Syrian population decreased significantly. According to the investigations, there were 50,000 Syrians in 1980, but now only 9,000 to 10,000 left. Syrians, whose motherland is Mesopotamia, left Mardin, Midyat, İdil and villages of these centers, and migrated abroad.

Certain people, mostly foreigners, were accused of carrying out propaganda of Christianity, and detained by the security officers. For example, 5 people, 4 of whom foreigners, were detained by the police on 16 July on allegations of distributing leaflets to the houses in Akyol District in Muğla for propaganda of Christianity. After being detained, the 5 people named İbrahim Deveci, Hyoun Sit (South Korea), Debra Katryn Coleman (New Zealand), Sharon Margaret (Canada) and Ella Verner (Britain) were taken to the Muğla Security Directorate and interrogated for a while. Their books and video cassettes were confiscated. They were released by the public prosecution office on 17 July. Muğla Public Prosecutor Ethem Türker disclosed that activities of the religions other than Islam did not constitute a crime according to the laws in Turkey, and added: "Yet, we will examine the evidences, and do whatever necessary if we find any criminal element."

Two Swiss tourists named Guiseppe Virgilio and Karin Dino were detained on 10 September in Iğdır on accusations of taking pictures of military units in the vicinity of the Mount Ağrı. According to the official statement, pictures taken with PKK militants, illegal publications and video cassettes of secretly taken pictures of the military units on the Mount Ağrı had been found in the bags of the detained tourists. On the other hand, Guiseppe Virgilio and Karin Dino claimed that they had climbed the Ağrı Mountain in order to find the Noah's Ark, and they rejected the accusations. The tourists were released on 13 September.

Pressure on the Armenian Schools^(*)

The Ministry of National Education has once again begun to apply pressure on the Armenian schools in İstanbul. The Department of Minority Schools, which was established within the Ministry at the beginning of 1994 fall, exposes the Armenian schools to a strict control of inspectors, sometimes unnecessarily. In a meeting held in January with the participation of the Armenian directors of the Armenian schools and their Turkish deputy directors, the following message was given to the Turkish deputy directors: "You have the nationalist insight and so you are obligated to follow everything in these schools and inform us about everything." The events that irritated the Armenian directors took place as follows:

Naci Akay, the İstanbul National Education Director, and Hüsamettin Öztürk, the Director of the Department of Minority Schools, called all directors of the minority schools to a meeting at the Cağaloğlu Anatolian High on 27 January. The invited minority directors were at first pleased, because in the past only the Turkish directors had been invited to such meetings and the Armenian directors had often been overlooked. But they understood the bitter reality as soon as they entered the meeting hall. Naci Akay who opened the meeting, ignored the minority representatives and addressed only the Turkish directors. After him, Hüsamettin Öztürk did the same. In the meeting that lasted for 1.5 hours, the conversations were as follows:

"You (the Turkish deputy directors) represent the Turkish Republic. As you know, the directors in these schools are selected by the minority, not by us, but you are selected by us. For example, the private schools employ foreign teachers, but the ones who direct those schools are our directors; we have appointed them. The ones here are not our directors. You must be careful. All deputy directors must be careful. As you know, you are called 'the Turkish director' by the public. You have a nationalist insight. Thus you are obliged to follow everything and inform us about them. So, you must be always on your duty. If you inform us about everything, we will be grateful to you. Otherwise, we say good-bye."

The minority directors were shocked upon what they heard. It was learned that some members of the Armenian community were preparing themselves for applying to the competent authorities to express their sorrow at this event. According to the Armenian sources, the Armenian schools were exposed frequently and unnecessarily to inspections since the establishment of the Department of Minority Schools within the Ministry on 16 November 1994.

The leading figures of the Armenian community pointed out that the ideas mentioned in the meeting contradict Article 40 of the Lausanne Treaty and Article 10 of the Constitution that reads "Everybody is equal before the law regardless of his or her language, race, skin color, sex, political opinion, philosophical belief, religion, religious sect, etc. No concession shall be made to any person, family, sect or class."

In the meantime, the Fener Greek Patriarchate was kept away in 1995 from the preparations for the International Santa Claus Festival, which is held at the Saint Nicholas (Santa Claus) Church in the Town Demre in the Kale District of Antalya every year. This decision was delivered upon the request of the Ministry of Interior Affairs. The letter sent by Bekir Aksoy, the Undersecretary of the Ministry of Interior Affairs, to the Antalya Governorate stated the following: "The activities have gone far beyond their aims and have been transformed into an ideological demonstration in which the Fener Greek Patriarchate plays a central role, and this has become a problem even abroad." Upon this letter, the Antalya Governorate set up a committee consisting of Coşkun Ertürk, the Deputy Governor, Adnan Köseoğlu, the Director of Cultural Affairs, Kayhan Dörtlük, the Museum Director, and Ali Uslanmaz, the Deputy Mayor, and

^(*)This article by Leyla Tavşanoğlu was published in the newspaper Cumhuriyet on 1 March 1995.

authorized this committee for all the activities. Hrisostomo Kalaycı, the Chief Deacon of the Fener Greek Patriarchate, protested this situation: “Because of this policy, the activities has been put under the control of the state, and restricted. So we have been kept away from the activities. Leave religious affairs to theologians and political affairs to politicians. Please do not confuse both of them. This application contradicts secularism.” Additionally, Mesrob Minas Mutafyan, the Chief of the Spiritual Council and Deputy Patriarch of the Turkish Armenians Patriarchate, evaluated this incident as a tragic situation.

FREEDOM OF ORGANIZATION

1995 also witnessed violations of freedom of association, speaking out for rights, holding meetings or demonstrations, and of union rights. Security forces were more harsh during mass demonstrations compared to the previous years. People holding meetings/demonstrations, or carrying out activities with or without permission were ruthlessly beaten, and fire was opened on them. This situation reached its peak during the incidents witnessed in March in the Gazi and 1 Mayıs quarters of İstanbul. People protesting the armed attacks launched against the coffee houses they frequented were showered with bullets by the police, more than 20 people were killed, hundreds of others were wounded.

Democratic mass organizations and certain political parties continued to face persecution and attacks. Anti-democratic stipulations of the Constitution, the Law on Associations, Law on Political Parties, Law on Meetings and Demonstrations, Law on the Police Duties and Authorities, all of which are products of the 12 September regime's disregard of the rule of law, remained in force. The National Security Council expressed its frustration of the activities of certain political parties and democratic civic organizations in some of its meetings, and adopted certain decisions in this framework, and a psychological war was launched against dissident organizations. Stipulations of the "Law to Fight Terrorism," especially Articles 7 and 8, were frequently applied to legally founded organizations, their leaders and members.

Some lawfully founded and functioning organizations and political parties were dissolved, their leaders were arrested and prosecuted. Fire was opened on demonstrating people, and demonstrators were dispersed forcibly. Closure trials were launched against trade unions of civil servants, and some of these unions were closed down. However, this situation provoked numerous protests, resulting in the withdrawal of important part of these trials. Trials were launched against former deputies, at first the DEP deputies some of whom were arrested in 1994 and convicted to various imprisonment terms. All the initiatives for the release of the imprisoned DEP deputies failed. The sentences passed on 4 deputies were upheld by the Supreme Court. Armed attacks and bombings against the buildings of democratic mass organizations and political parties, and killing of the leaders of political parties and mass organizations by "unknown assailants" continued in the same period. Political clashes, fights or disputes were witnessed, resulting occasionally in deaths or serious injuries.

The approach of the government towards the human rights issues did not change. Obstacles arose before the İHD and the HRFT, pressure on, attacks against and prevention of them continued at an increasing pace. The human rights organizations, in addition to the well known

persecution, faced a campaign launched by the Ministry of Foreign Affairs and based on unfounded claims. There was an increase in the number of investigations and trials launched against the executives of the İHD and the HRFT.

a)- Trials against the HRFT

The HRFT, which was established in 1990 and which faced various investigations and trials starting from late 1994, confronted, starting from 1995, pressure and obstacles to an extent that it had not witnessed before. The trial launched against HRFT President Yavuz Önen and Executive Board Member Fevzi Argun in connection with the book "File of Torture," which was published by the HRFT in September 1994 and confiscated by the Ankara SSC on 18 October 1994, ended in the first days of 1995. In the trial, which was launched by the Ankara SSC Prosecution Office in November 1994, Yavuz Önen and Fevzi Argun were requested to be sentenced between 2 and 5 years in prison and fined up to TL 100 million under Article 8 of the "Law to Fight Terrorism." According to the indictment, Yavuz Önen was charged because of certain sections of his article entitled "12 September 1980-A Step Towards Darkness" while Fevzi Argun was charged in connection with a paragraph about the Kurdish problem on the 10th page of the book in question. The trial against Yavuz Önen and Fevzi Argun started on 19 December 1994.

In addition to the trial against the HRFT executives, the Ankara SSC Prosecution Office launched a trial under Article 8 of the "Law to Fight Terrorism" against certain executives of the İHD in connection with the book "A Cross-Section from the Burnt Down Villages-1993 Regional Report" they have published. In the trial, which started at the Ankara SSC on 17 October 1994, İHD Chairperson Akin Birdal, Secretary General Hüsnü Öndül, İHD Vice Chairperson Sedat Aslantaş and Erol Anar, who was responsible for İHD publications, were prosecuted. This trial and the one against the HRFT executives occupied an important part within the reactive implementations against the human rights advocates. Both trials, held and concluded on the same days, drew much attention and provoked protests against Turkey, both inside and especially outside Turkey.

Verdicts against the İHD and the HRFT executives were disclosed in the hearings held at the Ankara SSC on 11 January 1995. In the first of the hearings, which were observed by a crowded group of spectators, Yavuz Önen and Fevzi Argun, and their lawyers presented their defenses. Yavuz Önen, who demanded his acquittal in his defense, said, "We prepared a publication in line with the aims stated during the establishment of the HRFT. While preparing this publication, we were completely objective. Besides, while writing my article in the book, I acted as a human thinking freely, and tried to be objective." In his defense, Fevzi Argun stated that the HRFT was a well-respected organization both at home and abroad, and its objectivity was appreciated. He said, "It is quite weird that instead of initiating an inquiry accepting the cases told in the book as official complaints and of applying our information as witness in this inquiry, we have been brought before court as defendants." The Court Board, which disclosed the verdict after the reading out of the statements was completed, decided unanimously on acquittal of Yavuz Önen and Fevzi Argun on the grounds that the book contained no legal element of separatist propaganda as ascribed in Article 8 of the "Law to Fight Terrorism," and the confiscation decision ordered for the book was lifted.

Following this trial, the last hearing of the trial against the leaders of the İHD in connection with the book "A Cross-Section from the Burnt Down Villages" started. In the hearing, Akin Birdal, Hüsnü Öndül, Sedat Aslantaş and Erol Anar presented their final defenses. The Court Board which subsequently disclosed the verdict decided on acquittal of Akin Birdal, Hüsnü Öndül, Sedat Aslantaş and Erol Anar. The acquittal decision was taken by the majority of votes with the opposition by one of the judges, namely Abdulkadir Davarcıoğlu. Nevertheless, an

official complaint was filed with the Public Prosecution Office about the defendants under Article 159 of the Turkish Penal Code on allegations that security officers were insulted in certain sections of the book in question.

The Ankara Public Prosecution Office launched an investigation under Article 159 of the Turkish Penal Code against the book “A Present to Emil Galip Sandalci” published in June by the HRFT. In consequence of an examination of the book by the Press Prosecution Office, it was concluded that security officers were insulted in the article entitled “Alçaklar” (Those Ab-ject) written by İHD Chairperson Akın Birdal, and judicial organs were insulted in the article entitled “Anayasa ve Yasa Çirkinlikleri ile İnsan Hakları Koruyoruz!” (We Protect Human Rights with Improper Constitution and Laws!) written by Turgut İnal, former Chairperson of the Balıkesir Bar. Thereupon, it was alleged that Akın Birdal acted in contravention of Article 159/1 of the Turkish Penal Code and Turgut İnal of Article 159/3 of the same law. Then, an application was made with the Ministry of Justice for permission to launch a trial against Akın Birdal. However, the Ministry did not find this demand by the prosecution office appropriate, and did not grant a permission for a trial. (*)

The trial in connection with the article by Turgut İnal was launched in November. In the trial which was launched under Article 159/3 of the Turkish Penal Code, the Executive Board members of the HRFT, Yavuz Önen (President), Okan Akhan (General Secretary), Murat Yetkin (Responsible for financial affairs), Haldun Özen, Mehmet Vural, Veli Lök, Mahmut Tali Öngören, Şükran Akın and Fevzi Argun were regarded as the publishers of the book, and prosecuted along with Turgut İnal. The indictment alleged that “laws of the Turkish Republic and the decisions of the Assembly were humiliated in the article by Turgut İnal,” while the HRFT executives “became the accomplices of the crime by putting the aforesaid article in the book they published,” and requested sentences between 15 days and 6 months in prison for the defendants.

The trial started at the Ankara Penal Court of First Instance No.2 on 18 January 1996. Representatives of Amnesty International, Lawyers Committee for Human Rights, Minnesota Center for Victims of Torture and some foreign diplomats in Ankara watched the first hearing of the trial. During their cross-examinations, Turgut İnal and the HRFT executives stated that there were no elements of a crime in the article that was subjected to prosecution, and demanded their acquittal. HRFT President Yavuz Önen said the following during his cross-examination:

“After the death of Emil Galip Sandalci, one of the founding members of the HRFT and İHD, the Executive Board of the HRFT decided to prepare a book to commemorate of him. Our aim was to thank a friend who had dedicated his life to the establishment and development of fundamental human rights and freedoms and a democratic state of law, which is respectful to human rights, in our country, too. However, while carrying out this responsibility of ours, we took pains that the outcome would be a useful document aiming at the protection and development of human rights. Articles on different topics sent for the book by estimable human rights activists from various professions were deemed appropriate to the aim of the Executive Board, and published. We published the article by Turgut İnal with the same reason. I would like to state that the act of insulting the laws, as expressed by the prosecutor in his indictment, was not among the aims of our Executive Board, and that there is a critical approach towards the laws in the article.”

(*) Journalist-Writer Emil Galip Sandalci, whom the book was dedicated to, died because of an asthma attack on 10 March 1993. Emil Galip Sandalci who was among the founding members of the İHD and HRFT, and who was the İHD İstanbul Branch Chairperson between 1987-1990, had struggled for democracy and human rights throughout his 71-year life. Emil Galip Sandalci had been arrested for 4 times, in 1971 and 1972 during the period of 12 March, and in 1981 and 1983 after the 12 September military coup.

The trial against the HRFT executives and Turgut İnal ended in acquittal on 9 May 1996. The acquittal decision was issued in line with the expert report and upon the demand by the prosecutor.

On 6 July, in the first hearing of the trial launched against the HADEP executives Şahabettin Özarslaner, Hikmet Fidan, Şeyhmus Çağrı and Ferhan Türk at the Ankara SSC on charges of being members of the PKK, people who wanted to watch the hearing were not allowed to enter the court hall. Some of those people protested the decision by applauding, and lawyers of the defendants left the hearing hall. Thereupon, Ankara SSC Chief Prosecutor Nusret Demiral instructed detention of all of those persons, including the lawyers. In line with the instruction, 242 people including HRFT President Yavuz Önen, İHD Secretary General Hüsnü Öndül, and İHD Vice Chairperson Nazmi Gür were detained by the police. Of the detainees, lawyer Hüsnü Öndül was released that evening, while Yavuz Önen and Nazmi Gür on 7 July. In the statement he made after being released, Yavuz Önen indicated that detention of 242 persons was an illegitimate application and said that the conditions in custody were extremely bad and they had had difficulty in finding food. Stating that they were not subjected to any violence in detention at the Ankara Security Directorate where they were taken, Yavuz Önen said "However, two women were slapped by a police officer while being interrogated."

Initiatives by the Ministry of Foreign Affairs

The Ministry of Foreign Affairs, which became a new source of the pressure on, accusations and counter-campaigns against the human rights organizations in Turkey and abroad starting from 1994, targeted at the HRFT in the second half of 1995. In the press releases by the Ministry of Foreign Affairs or in the letters it sent to the embassies in Ankara, the HRFT was accused for "making politics," "preparing exaggerated publications," and "supporting those who carry out separatist activities." For example, the Ministry of Foreign Affairs General Directorate responsible for European Council sent a letter on 2 November 1995 to the embassies in Ankara, criticizing the 1994 Annual Human Rights Report published by the HRFT, and brought certain claims on the agenda. Below is some parts of the letter:

The preliminary study of the 367-page report reveals that some of the claims contained in it are based on impressions which are not supported by hard evidence of the sort required for complaints from non-governmental organizations. It consists of unsupported information supplied to the Foundation's officials by persons and groups whose identity is unclear. The claims, figures, and statistical information contained in the report are nonetheless all being examined one by one. The results will be made known in due course to the Foundation and also to the general public. (Such a statement had not been made by the end of 1996).

However one point needs to be clear at the outset. Non-governmental organizations which operate in the human rights area are not supposed to do so as if they were a political opposition. It is quite apparent that they have to be above politics and completely impartial. At this point it is appropriate to draw attention to the ruling on this issue by the British Courts, regarding Amnesty International. It is also essential that non-governmental organizations take up human rights issues in countries other than their own. Despite this, the picture which emerges from a preliminary study of the report reveals completely the reverse situation.

The HRFT's activities are essentially political. They act as opponents of the Government. Their aim is not to achieve a general improvement in human rights but a solution to what they call the Kurdish problem. They claim that torture is systematic, basing this on a non-existent statement which the Prime Minister has in fact never made. Civilian authority has abdicated its responsibilities in favor of the military authorities.

The campaign launched by the Ministry of Foreign Affairs against the HRFT was not limited to such letters or statements. The Ministry sent a “secret” letter on 29 January 1996, during the period when CHP Chairperson Deniz Baykal was the Minister, to the General Staff Office, Ministry of Justice, Ministry of Health, National Intelligence Agency Undersecretariat, Security General Directorate, Gendarmerie General Command, and National Security Council Secretariat, and brought accusations against the HRFT. Upon this letter, The Ministry of Health and the Ankara, İstanbul, Adana and İzmir Public Prosecution Offices initiated investigations against the HRFT. In addition, the names of the people who applied to the HRFT for treatment and the physicians participating in the treatment work, were requested. Furthermore, the Ministry of Health sent letters to the governorates, hospitals and health centers, and raised certain demands aiming at the prevention of the treatment studies of the HRFT. After these developments, the HRFT offices were controlled by the authorities from the Ministry of Health. Some executives and personnel of the HRFT, including HRFT President Yavuz Önen, were invited to the prosecution offices and their testimonies were received.

Holding a press conference on 11 April 1996, Yavuz Önen explained that the Ministry of Health and the Public Prosecution Offices had set out for action against the HRFT treatment centers upon a secret letter by the Ministry of Foreign Affairs and the activities of these centers were desired to be prevented. He stated that the activities directed against preventing the work of the HRFT served a certain political purpose: “The publications of the HRFT including documentation studies related to human rights, the services for the treatment of victims of torture and the reports on these services, have promoted HRFT inside and outside the country and have proven its reliability. The certification of torture through medical reports has troubled the State.”

Meanwhile, the investigations launched by the İzmir and Ankara Public Prosecution Offices ended with decisions of non-prosecution, whereas the Adana Public Prosecution Office launched a trial against Mustafa Çinkılıç, the HRFT Adana Representative, and Tufan Köse, the physician in charge at the Adana Representation Office. Later, a trial was also launched against HRFT İstanbul Representative Dr. Şükran Akin, but she was acquitted in the first hearing held on 1 November 1996. The trial launched against Mustafa Çinkılıç and Tufan Köse started at the Adana Penal Court of Peace No.4 on 10 May 1996. The indictment sought a sentence between 3 and 6 months in prison for Mustafa Çinkılıç and a fine for Tufan Köse under Articles 526 and 530 of the Turkish Penal Code on charges of “opening an unlicensed health center and not informing the security directorate about the victims of torture treated.” In his defense during the first hearing, Mustafa Çinkılıç called attention to the fact that the trial had been launched not on legal but political grounds, and said the following:

“The HRFT has been providing assistance for victims of torture in Ankara, İstanbul and İzmir since 1990. In 1995, the Adana Representation Office was established and thereby, the activities has begun to be carried out in this city, too. The Adana Representation Office carries out exactly the same activities as in the other 3 cities. It is impossible to explain through legal justifications this investigation and trial launched 5 years after the establishment of the HRFT. Taking into consideration that torture is a special process, one has to acknowledge the fact that a special process should also take place in the treatment of the victims of torture. Therefore, we were obliged to set up a special organization. Because of the fact that there is not a single legal regulation related to the requirement of an authorization for such an organization, I should not have committed the offense of disobeying the official authorities.”

And in his defense, doctor Tufan Köse stated that they have kept the applications secret in relation to the responsibility of secrecy required by the patient-doctor relationship and added, “I remained loyal to the principle of ‘health first.’ And I believe that even if I may be considered as guilty within the framework of laws, I am obliged to behave exactly the same as I have till now.

The universal principles of medicine are of such a nature that they keep us from sharing the personal information we acquire during our contact with the patient with other institutions and third persons, if this obstructs the process of treatment.” The hearing was followed by a crowded group including the HRFT executives, representatives of the democratic mass organizations and international human rights and health institutions.

b)- Pressure on and attacks against the İHD

The Human Rights Association and members of this organization faced various pressure and attacks in 1995, too. However, contrary to the previous years, no attacks were witnessed resulting in the deaths of the İHD executives. (*) Leaders and members of the İHD were detained, arrested, tortured, insulted. Numerous activities of the İHD were not permitted, and some activities were banned. The İHD branches in Malatya (on 25 July, indefinitely) and İskenderun (for 10 days) were closed upon orders by local authorities. In addition, the Mersin Branch was raided by the police on 5 January, Derik Representation Office on 26 January, Elazığ Branch on 23 February, and the İskenderun Branch on 12 and 27 September.

Trials were launched against many İHD leaders and members, particularly against İHD Chairperson Akın Birdal, vice chairpersons Ercan Kanar and Sedat Aslantaş and Secretary General Hüsni Öndül. Various prison terms and fines were given in these trials, and some of the sentences were upheld. In addition to lawyer Mahmut Akkurt, the Balıkesir Branch former Chairperson, and lawyer Sedat Aslantaş, the former Vice Chairperson, who were arrested in 1994 in connection with sentences passed on them and upheld later, Eren Keskin, the former Secretary of the İstanbul Branch, was imprisoned on 2 June. Mahmut Akkurt was released after serving the required term in prison, whereas Sedat Aslantaş and Eren Keskin were released after the amendments to Article 8 of the “Law to Fight Terrorism.” (Detailed information is on pages 345, 346, 349.)

İHD Secretary General Hüsni Öndül was sentenced to 6 months in prison and fined TL 50,900,000 in the trial he was prosecuted because of an article by İsmail Beşikçi that took place in the August 1993 issue of the Human Rights Bulletin, the publication of the Association. The sentence was suspended in accordance with the amendment to Article 8 of the “Law to Fight Terrorism.” In the trial that ended on 27 December at the Ankara SSC, İsmail Beşikçi was also sentenced to 1 year in prison and fined TL 100,000,000, but this sentence was not suspended. Hüsni Öndül and İsmail Beşikçi had previously been prosecuted at the Ankara SSC in connection with the article in question. In the trial that had ended on 5 May 1994, Hüsni Öndül had been sentenced to 6 months in prison and fined TL 53,850,000 while İsmail Beşikçi to 4 years in prison and fined TL 250,200,000. The verdict had been overturned by the Supreme Court on 28 December 1994 on the grounds that the sentences passed on them were too much. As a result of the re-prosecution, Hüsni Öndül had been sentenced to 6 months in prison and fined TL 50,000,000 on 30 March, while İsmail Beşikçi to 2 years in prison and fined TL 250,000,000.

A trial was launched against İHD Chairperson Akın Birdal because of a poster hung on the Human Rights Monument on the Ankara Yüksel Street while he was delivering a speech in front of the monument. In the trial that ended on 21 December, Akın Birdal was sentenced to 3 months

(*) The names of the İHD executives and the founders who have been killed in the previous years are as follows: Didar Şensoy (İHD Founding Member), Vedat Aydın (İHD Diyarbakır Branch Founding Member), Sıddık Tan (İHD Batman Branch Executive Board Member), İdris Özçelik (İHD Urfa Branch Executive Board Member), Kemal Kılıç (İHD Urfa Branch Executive Board Member), Orhan Karaağar (İHD Branch Founding Member), Cemal Akar (İHD Erzincan Branch Founding Member), Şevket Epözdemir (İHD Tatvan Representative), Metin Can (İHD Elazığ Branch Chairperson), Hasan Kaya (İHD Elazığ Branch Member), Muhsin Melik (İHD Urfa Branch former Secretary).

in prison. (Detailed information is on page 278.) A trial was also launched against Akın Birdal in connection with the speech he had delivered in a meeting held in İstanbul on 5 Sep-tember within the framework of the World Peace Day activities. The indictment heard in the trial that started at the İstanbul SSC on 28 December, sought a sentence between 1 and 3 years in pri-son for Akın Birdal, who was accused of “inciting people against enmity by stressing on racial and regional differences.” Akın Birdal, in his cross-examination, said that his original speech in the meeting was distorted. He added, “In the Emergency State Region, 2,644 villages have been burnt down. Over 2 million people had to migrate. In my speech, I touched on these incidents.”

The trial launched at the Ankara SSC against İHD Chairperson Akın Birdal, İHD İzmir Branch former Chairperson Alpaslan Berktaş, İstanbul former Deputy Hüsnü Okçuoğlu, Lawyer Ali Yıldırım and Journalist-Writer Yalçın Küçük in connection with their speeches in the meetings held during the “Human Rights Week,” which was organized by the İHD in December 1992, ended in 1995. The SSC Prosecutor disclosed his opinion on the accusation in the hearing held on 13 December 1994, and claimed that Akın Birdal had tried to provoke hatred through promoting racist discrimination and that Hüsnü Okçuoğlu and Ali Yıldırım had made separatist propaganda. Thus, the SSC Prosecutor requested sentences between 1 and 3 years in prison for Akın Birdal and 2 and 5 years for Hüsnü Okçuoğlu and Ali Yıldırım, whereas acquittal of Alpaslan Berktaş, and the separation of the section of the case file concerning Yalçın Küçük, who was abroad. In the trial that ended on 11 April, Akın Birdal, Hüsnü Okçuoğlu, Ali Yıldırım and Alpaslan Berktaş were acquitted. The verdicts for Hüsnü Okçuoğlu, Ali Yıldırım and Alpaslan Berktaş were delivered unanimously, while that for Akın Birdal by majority of votes.

The book “Olağanüstü Hal Bölge Raporu 1992” (State of Emergency Region Report 1992), published by the İHD Diyarbakır Branch, was confiscated in early December 1994 by the Diyarbakır SSC on the grounds that separatist propaganda was disseminated in the book. Police officers raided the Branch, and confiscated about 400 copies of the book. As a result of the investigation launched into the book, a trial was launched and arrest warrant was ordered against the Executive Board members of the İHD Diyarbakır Branch Halit Temli (Vice Chairperson of the İHD and the İHD Diyarbakır Branch Chairperson), Mahmut Şakar (Lawyer-Secretary of the Diyarbakır Branch), Nimetullah Gündüz (Lawyer), Abdullah Çağır (Lawyer), Melike Alp, Hayri Veznedaroğlu and Hüseyin Yıldız. Upon the warrant, Mahmut Şakar, Nimetullah Gündüz and Abdullah Çağır were arrested on 17 December 1994, and Melike Alp on 30 December 1994. Meanwhile, the Branch was closed on 28 December 1994 for one month on the grounds that banned publications were kept on premises, meaning the book.

The trial against the 7 İHD executives started at the Diyarbakır SSC on 13 February. The indictment heard in the hearing sought sentences of no less than 10 years in prison for the 7 İHD leaders on the grounds that they were members of the PKK and that they had made propaganda against Turkey in the name of the PKK, and demanded closure of the İHD’s Diyarbakır Branch. By using the statements made by the Emergency State Region Governorate, the indictment also tried to refute the human rights abuses reported by the İHD Diyarbakır Branch. After the indictment was read out, the İHD executives were cross-examined. They stated that they were brought before the court as the authorities wanted to conceal the human rights abuses in the region, and added, “The trial is political and was launched upon directives by the National Security Council. The way to refute the report is not to prosecute those who prepared it, but to discuss it before the public. When the State of Emergency Regional Governorate faces a report that it does not like, it must prefer to refute the report through documents.”

Following the cross-examinations of the defendants, witnesses named Soner Güçlü and Murat Kargı whose names were mentioned in the indictment and who had testified against the İHD executives at the Diyarbakır SSC Prosecution Office, were heard. In their statements the

witnesses expressed that they did not know the İHD executives prosecuted in the trial, that they had been forced to sign the testimonies mentioned in the indictment without reading, and those statements were untrue. Lawyer Ercan Kanar took the floor later on, pointed out the importance of human rights organizations and told about the works and working methods of the İHD. Lawyer Sezgin Tanrikulu stated that many subjects in the indictment did not reflect the facts, and submitted a file which included documents confirming this case, to the court board. Release demands by the arrested defendants, Mahmut Şakar, Nimetullah Gündüz, Abdullah Çaçer and Melike Alp, were rejected. Executives of the İHD and HRFT, representatives of international human rights organizations and certain foreign diplomats watched the hearing. Mahmut Şakar, Nimetullah Gündüz, Abdullah Çaçer and Melike Alp were released in the hearing held on 17 April, but the arrest warrants in absentia against other defendants were not withdrawn. The trial at the Diyarbakır SSC is still under way.

Physical and ideological assaults on human rights activists, which were initiated by the political authority in mid-1992 and carried out during 1993 and 1994, intensified in 1995. In this context, a number of secret internal circulars aiming at hindering the work of the İHD were issued, and numerous statements accusing the organization were made. For example, following is the accusations that took place in the detailed verdict of the Ankara SSC about the DEP deputies: "It has been understood from the information in hand that many branches of the İHD are run by the PKK militants. It has been evaluated that the basic activity of these organizations is to exonerate the PKK."

The Ministry of Foreign Affairs disclosed on 27 October that İHD Chairperson Akın Birdal had participated in a meeting –he had not, actually– on "Human Rights in Turkey" held in Austria on 22 October, and accused him of "serving terrorism, preparing a report in cooperation with terrorists, and abusing the human rights evaluations." Whereas Akın Birdal denied that he did not participate in the mentioned meeting, and said, "We confront another implementation by those who wanted to cover up their loss of respect before the Europeans because of the case of the DEP deputies and who failed miserably in the issue of human rights. There is an assault against my personality in the statement, we will appeal to the judicial bodies. No slander or lie has provided an obstacle for the upright work of the İHD or for its expressing the truth."

The Ministry of Foreign Affairs made a statement on 2 November, and tried to refute the information and evaluations that took place in the publications of the İHD during the period between May and September. The following were said in the statement:

It is not clear what significance is to be attached to the figures which appear in each bulletin under the headline "A Monthly Balance Sheet of Human Rights Violations." Events, dates and names are not given for each figure. There is no mention of whether arrests and detentions were legally carried out or not. Nor is there any way for the reader to understand how the alleged murders by unknown persons or summary executions were carried out or who the victims were. This is because it is nowhere stated exactly what is meant by attacks on civilians or who carries them out.

The most obvious feature of the bulletins of the Human Rights Association is that they do not regard the PKK as a terrorist organization and do not directly cover its terrorist activities. This gives the impression that the bulletins are virtually trying to show various pretexts that they are justified. Against this, the bulletins claim that the State has violated the judicial rights of persons accused of terrorism and that there are human rights violations throughout the country. This gives rise to a highly distorted picture of events. The fact that the right to life, the most fundamental of all human rights, is being systematically destroyed by the PKK is thus obscured.

In May-June issue of the bulletin, events in southeast Turkey are examined as if they were an internal conflict and issues of humanitarian law are confused with human rights. If the Association wishes to be active in the field of humanitarian law, then according to Article 3 of the Geneva Convention, the government concerned must endorse this. The Human Rights Association has made no application of this sort and the government has not issued any sort of endorsement. For this reason, the activities and statements of the İHD on humanitarian law is incompatible with law.

The bulletin of the Association seems to be concerned only with events in southeast Turkey. For the İHD to completely omit to mention all the incidents of racism and terrorism encountered by Turkish citizens living in Europe is a failure to carry out its stated mission. It is also an infringement of the ethical rules applicable to non-governmental organizations. The bulletin refers to the possible granting of the right of self-determination to the Kurdish "people." Non-governmental organizations concerned with human rights issues are supposed to engage in the defense of human rights. If non-governmental organizations support separatism by invoking an idea of self-determination which is contrary to law, in other words they openly pursue political goals, then it is obvious that they are not complying with the most basic pre-condition for persons defending human rights, i.e., impartiality. A non-governmental human rights organization which acts in this way cannot be regarded as trustworthy.

The campaigns against the İHD or slanders against it were not limited to the initiatives by the Ministry of Foreign Affairs. In Kütahya, a widespread campaign was launched against the İHD in June, headed by the MHP members and DYP Provincial Organization Chairperson. The campaign has actually come into being after the unlawful raid against the İHD Kütahya Branch by the police on 25 May and confiscation of certain publications in the archive. The assault campaign against the İHD, which started after the statement by the Governorate, continued for days in the news stories and columns of certain newspapers and in the programs of broadcast by the radio named Çağrı FM. The İHD members, firstly Nezihe Ağaçe, were insulted and even threatened. In the meantime, the Kütahya Security Directorate lodged an official complaint with the prosecution office against Branch Chairperson Nezihe Ağaçe and members of the Executive Board on accusations of "keeping illegal books and journals at the association."

In November, the Adana Governorate sent a letter to the National Education Directorate, referred to the İHD as "a destructive and separatist organization," and demanded that "the students and teachers should not go to the office of this association." This letter provoked protests by numerous İHD branches, first by the İHD Adana Branch.

The assaults, which were supported by numerous members of the mass media and some influential journalists, went as far as to label the İHD as a "terrorist organization," and the human rights advocates as "terrorists." Many members of the mass media did not disseminate news about the İHD, but continued to make allegations against the organization. Responses to the allegations by the human rights activists were neglected and not published.

The chief contributor to this campaign of accusing, assaulting and attacking the İHD and human rights activists on the media was Emin Çölaşan, whose articles are published daily on the 5th page in the newspaper Hürriyet. Emin Çölaşan wrote articles praising the İHD and its executives in early 1990s, but made it a habit to direct groundless accusations against the İHD starting from 1993, and continued this attitude in 1995. He always neglected the responses to his allegations. His allegations, accusations and insults against the İHD and human rights activists were not left unanswered; lawsuits were filed with compensations requests and official complaints were lodged against him. In connection with the official complaints, İHD Chairperson Akın Birdal said the following: "Emin Çölaşan has been writing baseless, unfounded accusations aiming to

misinform the public, to harm our prestige at the national and international level. Our association has been shown as a target in these articles and publications. Attacks against the buildings of our branches and to our executives has increased after these articles. He is responsible for these. The person who has shown us as targets will be responsible for the result of his attitude.”

In the bulletin published by the İHD Ankara Branch in December, the following were stated regarding the pressure on the İHD and the Ankara Branch:

Since the establishment of our association, physical attacks and judicial obstacles have been put before it and trials have been launched against its executives. The volunteer human rights defenders who work hard under difficult conditions and despite the financial problems, sometimes receive hate calls and sometimes they are disturbed on the way to the association. During the periods when the agenda is full with human rights issues, the association is surrounded by the police. Not only the Ankara Branch but all other İHD branches, democratic organizations and trade unions are exposed to such pressure. Reporting of the human rights violations in our country, informing the society about them, maintaining a public pressure in order to prevent the recurrence of these violations are among the reasons for the existence of the İHD. Press statements are made to inform people about the violations we have been informed. Even though informing the public about the facts and reproaching these violations are among the most democratic and legitimate rights, our executives who make these statements are frequently asked to testify out of reasons we cannot understand.

Naciye Erkol, the chairperson of our branch, was called to the Associations Desk of the Ankara Security Directorate on 7 September 1995 in connection with the press statement she made concerning the killing of a young man named Erdal Yıldırım in Keçiören by municipality-supported MHP gangs, and interrogated on the grounds that her statement had provoked people, which in fact had been made upon the killing of a defenseless person. On 6 October 1995, she was again called to the Associations Desk, this time for her press conference concerning the students who have been forced to become informers, and testified on a totally illogical basis.

The workers marching to Ankara came across the police violence on 15 October 1995. Numerous people including leaders of trade unions, civil servants, and even blind people, were wounded because of the police violence, and detained at the hospitals where they went for treatment. A trial was launched against our branch secretary Yıldız Temürtürkan for the press release she made concerning the inhuman treatment against the workers on the Ankara streets.

The Democracy and Freedom Festival, which was planned to be held at the Atatürk Sports Hall on 29 April 1995, was prevented arbitrarily. At first, the Associations Desk put a new formality into practice, and asked us to establish an organization committee. Then, the allocation of the Atatürk Sports Hall, which is connected to the General Directorate of Youth and Sports and used for cultural activities by numerous organizations, was delayed via bureaucratic formalities. In the phone calls, it was stated that the hall would not be reserved for us, but our written application dated 23 February 1995, was not replied with a written answer despite our insistence. Thus the festival could not be held since the hall was not booked us for some reasons we could not understand. Our cultural activity to be held on 23 October 1995 was not granted permission on a derisive ground. The activity was prevented on the grounds that the residence declarations of the participant artists were not intelligible.

Following are some other sample cases on pressure, attacks, bans, restrictions and trials against the İHD and its members in 1995:

The İHD Mersin Branch was raided by plainclothes police officers on 4 January. During the raid, 300 copies of a calendar prepared by the İHD Mersin Branch and certain newspapers and

journals in the office were seized. Branch Chairperson Hamza Yılmaz said that the police raid was an act aiming at the closure of the branch.

The trial launched against the Executive Board members of the İHD Adana Branch in 1994, ended in acquittal on 19 January. The names of the acquitted İHD executives are as follows: “Öcal Ata (the Branch Chairperson), Metin Çelik, Mehmet Dağdoğan, Badegül Sevgili, Ayfer Güneşer, Faruk Ulaş and Nurgül Şahin.” In the trial that was held at the Adana Penal Court of First Instance No.2, the İHD executives were requested to be sentenced from 6 months to 2 years in prison on accusations that they had acted in contravention of the Law on Associations, kept illegal publications, organized an aid campaign and made press statements without getting permission. The İHD Adana Branch had been closed on 21 September 1994 in connection with these accusations. As the trial ended in acquittal, the Branch was re-opened on 2 February. Öcal Ata said that the branch, which had unnecessarily been kept closed for more than 4 months, would continue its struggle against human rights abuses.

The İHD Representation Office in the Derik District of Mardin was raided at noon on 26 January, and Derik Representative Mehmet Gökalp was detained. Mehmet Gökalp was released after being interrogated for a while. In the meantime, 15 houses in Derik, including the house belonging to Mehmet Gökalp, were marked with red paint on the night of 27 December. Upon the incident, Mehmet Gökalp applied to the Derik District Governorate and the Security Directorate, and demanded to be protected. (Detailed information is on page 93.)

The İHD Diyarbakır Branch and the Diyarbakır Provincial Center of the HADEP were raided on the evening of 27 February. During the raids, 15 people, including İHD members Lawyer Sinan Tanrıku, Lawyer Fırat Anlı (the HADEP Diyarbakır Provincial Chairperson), Şerif Atmaca, Hanefi Işık and İHD worker Servet Ayhan, were detained. The detainees were taken to the Diyarbakır Security Directorate. Of the detainees, Fırat Anlı, Sinan Tanrıku, Mehmet Hanifi Akboğa, Mehmet Cantekin, Abdullah Çağır, Servet Ayhan, Ömer Ülsen, Hanifi Işık and Şerif Atmaca were arrested on 9 March. The prosecution of the 9 people started at the Diyarbakır SSC on 1 May. The indictment requested various prison sentences for the defendants who were accused of “aiding the PKK and harboring its members.” In their statements in the hearing, the defendants pleaded not guilty, and said that they had been arrested because of a plot by the police. The 9 defendants were released at the end of the hearing.

The houses of Lawyer Ercan Kanar, the İHD İstanbul Branch Chairperson, and Lawyer Mercan Güçlü, an executive of the branch, were searched by unknown persons. Zeynep Baran, the Secretary of the İHD İstanbul Branch stated that they considered the incident as an extension of systematic pressure and bans on the İHD, and said: “It is obvious that the purpose of both incidents, which took place on the same day, is not theft. It is preoccupying that only the documents in the houses were searched. Pressure on the human rights activists are not limited to these incidents. One and a half month ago, a bomb exploded in the building where the office of Ercan Kanar is located. Threats and insults through telephone are another dimension of the pressure. We are made to hear death marches, screams and sounds of pulling trigger on the line.”

Three gun shots were fired by unknown persons at the İHD Kırşehir Branch at midnight on 26 March. The assailants, who attempted to break in the branch, escaped later. A statement made by the İHD Headquarters concerning the attack, read, “The attacks against the human rights advocates and the İHD in Turkey continue unceasingly. Despite very serious attacks, the human rights advocates are bound to promote the struggle for human rights and democracy.”

A trial was launched against Lawyer Sait Kıran, a member of İHD Ankara Branch Executive Board, because of a speech he had delivered during a meeting held in Ankara on 14 October 1994. In the trial launched by the Ankara SSC Prosecution Office, Sait Kıran was

requested to be sentenced between 2 years and 5 years in prison under Article 8 of the “Law to Fight Terrorism.” The trial ended in acquittal on 4 October. In the trial, İmam Canpolat, the former Chairperson of the HADEP Ankara Provincial Organization who was being prosecuted along with Sait Kiran because of his speech delivered in the same meeting, was also acquitted. However, an official complaint was made with the Public Prosecution Office because of his defense in the trial.

Ali Ekber Kaya, the İHD Tunceli Branch Chairperson, was detained by the police in Tunceli on 23 March. Subsequently, his nephew Çiğdem Kaya, sister Sabriye Ural and brother-in-law Kamer Ural were detained on 26 March. The 3 people were released on 27 March. Çiğdem Kaya was detained again on 28 March and taken to the Tunceli Security Directorate, but she was hospitalized as she fell sick. On 1 April, Ali Ekber Kaya’s sister Besi Demir and her husband Kamer Demir were detained. Ali Ekber Kaya had also been detained in October 1994 and tortured. He was kept in detention for 15 days, and then arrested along with Gülbahar Gündüz, Funda Sarioğlu and Veysel Yağan. Later, a trial was launched against him at the Malatya SSC on accusations of being a member of an illegal organization.

A trial was launched against İHD Gaziantep Branch Chairperson İmam Özharat and the Executive Board members in connection with a statement by İmam Özharat, which was published in the 24 March 1995 issue of the local newspaper “Özgür Gaziantep” and which criticized the operation in Northern Iraq. In the trial, İmam Özharat and his friend were requested to be sentenced to no less than 1 year in prison on accusations of “acting in contravention of the Law on Associations.” Kadir Tüzün, Mehmet Akgün, Bayram Bozbeyoğlu and Demet Budak, executives of the branch who participated in the first hearing of the trial started at the Gaziantep Court of First Instance No.5 on 30 June, stated in their cross-examination that the accusations were not true, that İmam Özharat had given a verbal statement to journalists who asked him some questions, and that they agreed with the mentioned statement. Another trial launched against the executives of the İHD Gaziantep Branch, on accusations of “keeping illegal publications and separatist slides at the association building,” started at the Gaziantep Penal Court No.4 on 17 July. In the trial, sentences between 1 and 3 years in prison were sought for the İHD executives under the Law on Associations.

A trial was launched against Günseli Kaya, İHD Central Executive Board Member, and Derviş Altun, the Secretary of the İHD İzmir Branch, in connection with the press meeting they held in the İzmir Cumhuriyet Square on 11 March 1995. In the indictment prepared by the İzmir Public Prosecution Office, sentences of 1 to 3 years in prison were requested for Günseli Kaya and Derviş Altun who were accused of acting in contravention of the Law on Meetings and Demonstrations. The trial that started on 3 July at the İzmir Penal Court of First Instance No.11 ended in acquittal.

The trial launched against İHD İstanbul Branch Chairperson Ercan Kanar, and Executive Board members Şeref Turgut, Selahattin Okçuoğlu, Zeynep Baran, Kamber Erkoçak, Tonuç Aslan and Cevriye Aydın in connection with the “Kurdish Rights” and “Minority Rights” commissions of the Branch, started at the İstanbul Beyoğlu Penal Court of First Instance No.5 on 30 May. In the trial, sentences of 1 year to 3 years in prison were requested for the defendants and closure of the İHD İstanbul Branch indefinitely was recommended on the grounds that the İHD İstanbul Branch executives acted in contravention of the Law on Associations by making racial discrimination and separatism. Ercan Kanar who took the floor in the first hearing, stated that the case file was defective and demanded the documents belonging to the Association to be brought from the İstanbul SSC and the indictment to be prepared again. He said that they would not testify unless the documents were brought. The court board which rejected the demand for re-preparation of the indictment, postponed the trial. The trial ended in acquittal on 5 October.

The İHD Malatya Branch was raided by the police on 15 June, short before a press conference to be held in connection with the disappearances. The police officers, who stayed at the office for about 3 hours, seized all the documents belonging to the Branch and certain publications. The İHD Malatya Branch was closed down by the Malatya Governorate on 26 July on the grounds that illegal publications were found in the branch. Lawyer Aysel Bulut made a statement after the closure, and said: "During the raid, all publications and documents in the archive of the branch had been seized. In the archive, there were single copies from some of confiscated journals. According to the law, it is not a crime to have one copy from a confiscated publication. The branch was closed on a ground which is not appropriate to the law." The İHD Malatya Branch could only be opened again in mid-1996.

The trial launched at the İstanbul SSC because of an article on "1 September World Peace Day" published in the 5th issue of the Human Rights Bulletin prepared by the İHD İstanbul Branch, which was released in September 1993, ended on 20 June. In the trial, İzzet Eray, the chief editor of the journal, was sentenced to 5 months in prison and fined TL 42,000,000 while İHD İstanbul Branch Chairperson Ercan Kanar, who was the owner of the bulletin, was fined TL 83,000,000, and the periodical was decided to be closed for one month. The trial had been launched under Article 8 of the "Law to Fight Terrorism" on the claims of "disseminating separatist propaganda." İzzet Eray and Ercan Kanar had previously been tried and acquitted at the İstanbul SSC because of the same article. However, the verdict had been overturned by the Supreme Court upon an objection raised by the İstanbul SSC Prosecution Office.

Holding a press conference at the end of June, İHD Chairperson Akın Birdal stated that pressure on the İHD and its executives had intensified. Akın Birdal said the following: "Kerim Demirel, the Chairperson of the Hakkari Branch which is the only branch that is able to operate in the Southeast region, was detained without any grounds. Our Branch Chairperson, as other executives of the branches in the region, have long been threatened and forced to leave Hakkari. Ekber Kaya, former Chairperson of the Tunceli Branch, was detained and tortured. Lawyer Yıldız Koluvaçık, one of the executives of the Malatya Branch, has continuously been threatened by the security forces. Adana Branch Chairperson Metin Çelik and Executive Board Member Ayfer Güneşer were detained while hanging the posters of the campaign that we have launched in connection with the disappearances. Osman Özer, Bursa Branch Executive Board Member, was detained and tortured."

The special issue of the Human Rights Bulletin published by the İHD Headquarters, which was released on the occasion of the 1 September World's Peace Day was confiscated by the Ankara SSC under the "Law to Fight Terrorism." Because of the investigation launched in connection with the confiscated bulletin, İHD Chairperson Akın Birdal and Secretary General Hüsni Öndül went to the Ankara SSC Prosecution Office and testified on 21 September. At the end of the investigation, a trial was launched against 17 members of the İHD General Executive Board under Article 8 of the "Law to Fight Terrorism."

The İHD İskenderun Branch was closed down for 10 days by the District Governorate on 27 October on the grounds that illegal publications were kept in the branch and children and people who were not members of the association kept visiting at the branch. Branch Chairperson Sadullah Çağlar said, "By closing down the İHD, the police has exhibited itself, not us. It has demonstrated that we are right and legitimate." The İskenderun Branch started to work again on 6 November. The Branch had also been kept closed in 1994 for 1 month. In the meantime, the İskenderun Public Prosecution Office, basing on the claims that led the closure of the branch, launched a closure trial against the branch. The first hearing of the trial was held at the İskenderun Penal Court of First Instance No.1 on 29 December. Sadullah Çağlar defended that the trial had been brought as a result of a conspiracy, and said, "This trial is against the principles of a state of

law and democracy. With this trial, they want to intimidate people. The İHD, the voice of those whose rights are abused, is demanded to be silenced.”

The Mersin Public Prosecution Office launched an investigation against the executives of the İHD Mersin Branch on the grounds that they had participated in the Newroz celebrations. İHD Mersin Branch Chairperson Hamza Yılmaz, who testified on 28 December in connection with the investigation, stated that they had attended the Newroz celebrations as observers, which were held after acquiring official permissions from the Governorate and the Security Directorate, and criticized the investigation.

c)- Closed associations, prevented activities

In 1995, numerous mass organizations faced attacks and pressure similar to those faced by the İHD. Demonstrations were banned or prevented by security officers through coercion. Fire was opened on demonstrators, and people were killed or wounded. Leaders and members of democratic mass organizations were attacked, detained and arrested. Trials requesting fines and imprisonment sentences were launched against these people, and they were convicted. During the year, a total of **18** democratic mass organizations (**2** of them İHD branches mentioned in the previous section) were closed upon the orders by local administrators. The closed associations (except the İHD branches) are as follows:

- **Mersin Halkevi (a kind of a cultural house-10 days)**
- **Yüreğir Solidarity and Cultural Association (Adana-twice)**
- **Gazi People Cultural House (İstanbul)**
- **Mesopotamian Cultural Center İzmir Branch**
- **Pir Sultan Abdal Cultural Association Adana Branch**
- **Ortaköy Cultural Center (İstanbul)**
- **Association of Tunceli Residents Mersin Branch**
- **Bayraklı Folk Cultural Education Association (İzmir)**
- **Anadolu Cultural Center (Tarsus)**
- **Association for Solidarity with Families of Prisoners and for Human Rights-TİYAD**
- **Association for Uniting Laborer Women Kartal Branch**
- **Meydan Quarter Halkevi (Adana)**
- **Tarsus Halkevi**
- **Mesopotamian Cultural Center Diyarbakır Branch**
- **Yenigün Cultural Center (İstanbul)**
- **Educators Association (Eğit Der) İzmir Branch**

Following are some sample cases out of the hundreds of incidents witnessed in 1995, during which the freedom of association was violated:

A group of 200 people who held a demonstration at the İstanbul Kadıköy Quay Square on 16 January on the demand that the fate of İsmail Bahçeci, who had disappeared after being detained, should be made clear, was barred by force. Police officers, who dispersed the demonstrators by beating them with truncheons, detained 15 people. During the dispersion, some persons got slightly injured because of truncheon blows to their heads.

A demonstration held by a group of 40 people who blockaded the Bosphorus Bridge on 31 January in order to protest the Russian invasion of Chechnya, was prevented by the police using coercion. During the prevention of the group who carried banners that read “United Nations to Chechnya,” a woman named Nevin Aslan (60) was beaten by the police, whereas some people were harassed. The demonstrators, who were taken to the Beşiktaş Police Station, were released

after receiving their testimonies. As the incident provoked protests, commissioner Sami Doğan who pummeled Nevin Aslan and security chief Hasan Ergün who harassed the demonstrators, were removed from duty. In the meantime, in a news story published in the 2 February 1995 issue of the newspaper Sabah, it was stated that some of the security officers, who had barred the demonstrators, defended themselves saying “We behaved to demonstrators in a ruth-less manner since we thought them families of prisoners.”

A trial was launched against 35 people (9 foreigners), including Greenpeace members and Turkish environmentalists, in connection with the demonstration they held on 11 November 1994 in front of the General Directorate building of the Turkish Electricity Authority (TEK) in protest of the nuclear power plant planned to be constructed in Sinop, Akkuyu. Following the demonstration, 33 of the demonstrators (28 of whom foreigners) had been harassed and detained being dragged on ground by the police. The detainees had been released 5 hours later, upon intervention by Environmental Minister Rıza Akçalı and Ankara Governor Erdoğan Şahinoğlu. The indictment read out in the trial that started at the Ankara Court of First Instance No.6 on 16 February, requested sentences of 1 to 3 years in prison for 35 people on charges of acting in contravention of the “Law on Meetings and Demonstrations.” Fourteen defendants who attended the hearing were cross-examined during the hearing. They stated that the act had been held in order to protect peace and environment, and nobody had been harmed. The trial ended in acquittal of all defendants on 24 April.

Hacı Bektaş-ı Veli Association functioning in Malatya was attacked by unknown people with stones and clubs on the night of 18 February. In consequence of the attack, the association building was damaged. Nobody claimed responsibility for the attack.

A trial was launched against Liman İş Trade Union Chairperson Hasan Biber, folk singers Şah Turna Dumlupınar and Ali Ekber Eren, and Emel Sungur, one of the leaders of the Pir Sultan Abdal Cultural Association, in connection with the speeches they had delivered during the meeting held in Ankara on the occasion of the first anniversary of the Sivas incidents of 2 July 1993. In the trial launched by the Ankara Public Prosecution Office, the 4 people were charged of inciting people to committing crimes and praising the acts ascribed as crime by the laws. The indictment requested a sentence of 1 to 5 years in prison for Emel Sungur, 6 months to 2 years in prison for Hasan Biber and Şah Turna Dumlupınar, and 3 months to 3 years in prison for Ali Ekber Eren.

The center of the Association for Solidarity with Families of Prisoners and for Human Rights (TİYAD) in İstanbul, was raided by the police during the opening ceremony on 26 February, and 20 people, including 7 lawyers and 4 reporters, were detained. The detainees were released on the same day. The TİYAD was later closed down by the İstanbul Governorate.

In consequence of an explosion in the center of the “Atatürkçü Düşünce Derneği” (Atatürk Ideology Association) in Ankara Kızılay, at about 11.15 a.m. on 27 February, a person named Cahit Ayaz (24) died. It was reported that Cahit Ayaz had died when the bomb exploded while he had been trying to place it. It came out that Cahit Ayaz had ties with the radical pro-Islamic İBDA-C organization.

The trial launched on the request of up to 3 years in prison against executives of the İzmir Medical Association, Genel Sağlık İş and Tüm Sağlık Sen trade unions on charges of acting in contravention of the Law on Associations, resulted in acquittal. The trial, which ended in March at the İzmir Court of First Instance No.9, had been launched in connection with a press statement made by the 3 organizations. In the meantime, a decision of non-prosecution was issued at the end of the investigation launched against the members of the Central Council of the TTB in con-

nection with their statements criticizing the implementation of rotation (sending of physicians to certain settlements in the Southeast for certain periods).

The May Day Worker's Holiday was celebrated on 1 May with authorized demonstrations and meetings in many settlements, firstly in İstanbul, Ankara, İzmir, Adana and Bursa with the participation of thousands of workers. The meetings and demonstrations ended almost without any incidents because the police did not intervene and preferred to watch the demonstrations from far. A group of people were beaten and dispersed by the police in the Uğur Mumcu Park in Adana when they wanted to march after the demonstration. During the incident, Akın Sönmez, Hüseyin Tiryaki and Özlem Yıldırım were wounded because of truncheon blows, and 24 people were detained. Before the demonstration in İstanbul, a clash with clubs and stones broke out between the police and a group who opposed the police who wanted to search them. In the clash, a youth named Cihan Yaşar was injured in the head. Fifteen people who were carrying banners and held a demonstration in the İstanbul Taksim Square at about 04.00 p.m. were detained by the police. In the meantime, the İstanbul Governorate banned the hanging of posters prepared by the HADEP on the occasion of the May Day.

"Halk Kültürevi" (People's Cultural House), which was opened in the Gazi Quarter of İstanbul Gaziosmanpaşa on 28 May, was raided by the police on that evening. During the raid, 66 people including members of the music band "Grup Yorum," Kemal Sahir Gürel, Ufuk Lüker, Hakan Atak and Özcan Şahver, were detained. The detainees were interrogated for a while at the İstanbul Political Police Center. The Gazi Halk Kültürevi was raided again and closed by the police on 6 June.

The İzmir Branch of the Mesopotamian Cultural Center (MKM) was raided by the police at about 03.00 p.m. on 8 June. During the raid, which continued until 05.00 p.m., 25 people in the center were interrogated after their identity cards were checked. Director of the center, Ali Aksu, staff members Mustafa Borak and Fadime Genç, and a person named Ahmet Dođramacı were detained. Subsequently, the branch office was sealed and closed. The detainees were released on 14 June. However, Ali Aksu was detained again on that evening by the police coming to his house, and interrogated until 16 June. Additionally, the Adana Branch of the MKM was raided and searched by the police at about 03.30 p.m. on 25 June. During the raid, which lasted till 06.00 p.m., certain publications and documents were seized and a young man named Metin Çelik was beaten. After the raid, 17 people including executives of the center, Hüsnü Adıbelli and Hasan Kaya, were detained. Of the detainees who were taken to the Adana Security Directorate, 16 were released shortly afterwards, whereas a young man named Salih Şimşek was kept in detention on the grounds that "he was wanted."

The Ortaköy Cultural Center (OKM) in İstanbul was raided by the police at about 10.30 a.m. on 29 June. In the raid, 14 people who were in the center were beaten and detained. The names of the detainees were as follows: "Hakan Atak, Ethem Elma, Güler Algül, Arzu Kuzey, Okay Karadağ, Sadık Çelik, Güler Sönmez, Bora Şenol, Gülkat Gürsoy, Ufuk Bekki, Latif Tiftikçi, Hakan Şimşek, Ebru Dinçer and Bülent Sönmez." A banner which was hanged on the external wall of the OKM and which read "Revolutionary Art Cannot be Silenced!" was shown as grounds for the raid. Later a trial was launched against the detainees on accusations of "resisting to the police and hanging banners." The OKM was closed by the İstanbul Governorate on 9 July on the grounds that the center was a place where members of illegal organizations met and activities aiming at separating the country were carried out. Seven members of the music band "Grup Yorum" occupied the İstanbul Provincial Center of the CHP for a while on 4 August in order to protest the closure of the OKM. The occupation, which lasted for 3,5 hours, ended when the group members left the building on their own. Then the members were detained by the police, and kept in detention for 24 hours.

Various protest demonstrations were held in Ankara, İstanbul, Sivas, Mersin, İzmir, Bursa and Hacıbektaş on the occasion of the second anniversary of the Sivas incidents of 2 July 1993, which had resulted in the killing of 37 people. The meetings held on 2 July ended without any important incidents except the meetings in Ankara and İstanbul. A group of people who marched after the rally in the Ankara Tandoğan Square, were beaten and dispersed by the police on the Necatibey Street. Five people were injured due to truncheon blows to their heads, and 15 people were detained. During the rally held in the İstanbul Kadıköy Square, a clash with clubs and stones arose when a group of people opposed the police who wanted to search them.

Of executives and members of democratic organizations who wanted to hold a commemoration meeting in the Adana Sanatçılar Park on the occasion of the Sivas incidents, 35 were detained. İHD Adana Branch Chairperson Metin Çelik, İHD Mediterranean Regional Representative Hüseyin Yıldırım and İHD Adana Branch Executive Board members Mehmet Dağdoğan and Badegül Sevgili were among the detainees. The detainees were released the next day. The Adana Governorate had not granted permission for the meeting.

Lawyer Talat Tepe, the Chairperson of the Foundation for Social Jurisprudence Researches (TOHAV), was detained by the police at the İstanbul Atatürk Airport, where he had gone to go abroad on the morning of 9 July. It was disclosed that Talat Tepe had been wanted since 1993 and detained for this reason. He was taken to Bitlis for interrogation, and released on 21 July. After being released, Talat Tepe stated that he had been tortured in detention, and that his detention was a violation of the law.

Five people, against whom a trial was launched because of their speeches in a meeting on the Kurdish problem held in Ankara in 1993 by the Mazlum Der, were acquitted on 17 July. The trial against Mazlum Der Chairperson İhsan Arslan and Mehmet Pamak, Mustafa İslamoğlu, Haşim Haşimi (former Cizre Mayor) and Abdullah Ünalın had been launched at the Ankara SSC under Article 8 of the “Law to Fight Terrorism.”

The İstanbul Governorate did not allow the “Rights and Freedoms Night,” which was planned to be held by the İHD, Writers Trade Union of Turkey and Divriği Cultural Association on the evening of 30 July. The meeting was reportedly banned on the grounds that public order might be broken.

The Hatay Governorate did not give permission for a meeting planned to be held in Antakya for poet Can Yücel. The permission was reportedly denied on the grounds that the acts by the PKK had intensified in the region and that Zekai Cingiloğlu, one of the artists to attend the meeting, had been convicted in a political case after the 12 September military coup.

A group of environmentalists staged a demonstration in İstanbul on 19 August, pro-testing the nuclear experiments held by China. Members of the Greenpeace and Anti-Nuclear Platform, who came to the front of the Chinese Consulate General on the Mecidiyeköy Ortaklar Street at about 10.00 a.m., started to demonstrate while carrying banners that read “Stop nuclear experiments!” in Turkish, English and Chinese. The demonstrators, who chained themselves to the iron fences around the building, drew “radioactivity” symbols on the sidewalks with yellow paint and continuously sounded sirens. The demonstration continued for 2 hours, and ended when the police intervened. The police officers cut the chains by iron scissors, and detained 32 people, including 8 foreigners. The detainees were released at evening hours. Subsequently, a trial was launched against the 32 people. The first hearing of the trial, which was launched on charges of “acting in contravention of the Law on Meetings and Demonstrations,” was held at the Şişli Penal Court of First Instance No.2 on 23 November.

The center of the Helsinki Citizens Assembly in İstanbul Harbiye was raided by the police on the evening of 31 August. Seven people in the office were detained and taken to the Şişli Central Police Station. The detainees were released at midnight.

In Samsun, about 80 vehicle owners who held a demonstration with a convoy in the Samsun provincial center on 1 September, on the occasion of the World's Peace Day, were each fined to TL 3,900,000 by the Samsun Provincial Environmental Board. The fines were given on the grounds that the demonstrators on charges of causing environmental pollution by throwing leaflets and making noise by honking horns. The owners of the vehicles were determined by the police and notified to the Provincial Environmental Board.

A crowded group of teachers, students and parents of students held a demonstration in front of the İstanbul National Education Directorate building at about 11.00 a.m. on 6 September in protest of the money collected at primary and secondary schools under the name of "contribution to education." The demonstrators were beaten and dispersed by police. During the dispersion, some of the demonstrators were slightly injured due to truncheon blows to their heads and faces. In addition, 20 people were detained, including Servet Öncü and Alaattin Dinçer, the chairpersons of the Eğitim Sen (Trade Union of Education and Science Workers) İstanbul Branches No.1 and No.2, respectively, and some journalists were harassed by the police. On the other hand, demonstrations held in Ankara, İzmir, Bursa, Samsun, Adana, Malatya and Eskişehir ended without any incident since the police did not intervene. The detainees in İstanbul were released by the prosecution office on 7 September. However, a trial was launched against Servet Öncü and Alaaddin Dinçer on charges of "acting in contravention of the Law on Meetings and Demonstrations."

Seven high school students, Deniz Kaya, Tayfun Demir, Özcan Tekin, Ayhan Akdeniz, Mustafa Bilgin, Ekin Koçiltar and Sinan Rey, were detained after a demonstration held in front of the İstanbul Avcılar Municipality building on the morning of 4 October in protest of the money collected at primary and secondary schools under the name of "contribution to education." The students were released the next day by the Küçükçekmece Public Prosecution Office. Additionally, about 150 high school students who wanted to hold a demonstration in front of the İstanbul National Education Directorate, were prevented by the police. The students who came in front of the National Education Directorate in Cağaloğlu at noon hours while shouting slogans, were beaten, kicked and dispersed by the police, and about 15 students were detained. A group of 200 people who wanted to deliver the signatures collected in order to protest money collection, to the Adana Governorate on 24 November, were beaten and dispersed by the police. Nobody was detained during the incident, but signatures could not be given to the Governorate.

A group of students who wanted to stage a protest demonstration at the Trabzon Karadeniz Technical University on 6 October in order to protest the education with tuition, were beaten with truncheons and rifle butts and dispersed by gendarmes. Additionally, 20 students were detained.

About 1,500 students protesting the 350 percent increase in the money collected at the universities in the name of "tuition," held a rally in Ankara's Kızılay Square on 20 October. Despite the obstacles by police officers, the students gathered at the square at noon and demonstrated for an hour and shouted slogans. In the meantime, a petition signed by 350,000 people in order to protest the increase in the tuition, was submitted to the Parliamentary Presidency by the representatives of the students. During the rally, disputes and fights between the police officers and the students were frequently witnessed. A group of 400 students, who wanted to march towards the Cebeci Quarter after the rally, were beaten with truncheons by the police who were trying to disperse them. In the clash which broke out when the students responded by throwing

stones, windows of various buildings and vehicles around were broken, while 10 students were detained. In the meantime, most of the students who came to Ankara from other provinces in order to attend the rally, were extensively prevented. About 200 students who came to Ankara by train from İstanbul, were not let out of the station by police. Three buses of students coming from Eskişehir were prevented from entering Ankara. Thirty-nine buses of students coming to Ankara from various provinces were halted by the police at the entrance to the city in the morning hours. With the students in them, the buses were taken to the Security Directorate. The students were kept in custody until the end of the rally. Additionally, about 150 students from various universities in Ankara were detained by the police who raided parks and cafeterias in the vicinity of Kızılay, while another 50 were detained by the police who took security measures in the vicinity of the universities. All of the detained students were released after the rally ended.

Kemal Sahir Gürel, Ufuk Lüker, İrşat Aydın and Özcan Şanvar, members of the music band “Grup Yorum,” and Hülya Şenol, Boran Şenol, Barış Pehlivan and Özlem Çivitçi, staff of the Ortaköy Cultural Center, were each sentenced to 3 months in prison on accusations of “organizing a meeting without permission.” In the trial that ended at the İstanbul Penal Court of Peace No. 1 on 23 October, the sentences were commuted into fines of TL 70,000 and reprieved.

The Tarsus Halkevi (Cultural House) was raided and searched on 31 October by the police. Kemal Aslanoğlu, the Chairperson of the Tarsus Halkevi, was detained during the raid. During the operations held by the police in certain quarters after the raid, 15 people were detained, including Tarsus Halkevi Deputy Chairperson Meryem Günasan, and members of the Halkevi, Orhan Özak, Oktay Yılmaz and Valka Oğuz.

The Diyarbakır Branch of the Mesopotamian Cultural Center (MKM) was raided by the police on 10 November and 10 people were detained. Additionally, the MKM was closed for 1 month. Of the detainees, Nuray Şen (MKM Chairperson), Nazmi Kırık, Turan Yapıştiran, Medeni Uğürel, Osman Uluğ, Şehnaz Gül, Yusuf Karakuş and Pervin Kaya were arrested on 24 November while Reşat Uluğ and Selahattin Uluğ were released. Nuray Şen said the following in the statement she made at the Diyarbakır Closed Prison: “We were demanded to accept that the Mesopotamian Cultural Center is an illegal organization. Due to this aim, we were tortured and sexually harassed. Intense pressure was inflicted upon our friend Pervin Kaya to make her accept to become an informer. For this reason, this person is currently living in a state of fear.” The trial launched against the 8 people on the request of sentences of 15 years in prison, started at the Diyarbakır SSC on 15 February 1996. In the hearing, which was held closed to the press, Nuray Şen, Pervin Kaya, Medeni Uğürel, Osman Uluğ, Yusuf Karakuş and Şehnaz Gül were released.

The İstanbul Governorate canceled the “2nd Culture and Arts Festival” planned to be held between 25 November and 16 December by the İstanbul Branch of the Altı Nokta Körler Derneği (Six Dots Association of the Blind) on the pretext of the election bans.

The Yenigün Cultural Center in the Gazi Quarter of İstanbul, was closed by the İstanbul Governorate for an indefinite period of time on 30 November. The closure was ordered on the grounds that the center had activities which did not fit its aims and had carried out illegal activities. The Yenigün Cultural Center, which was established in June 1995, were frequently raided by police, and its executives, Musa Kılıç and Mert Ali Karaalp, were arrested. Musa Kılıç and Mert Ali Karaalp, who were prosecuted at the İstanbul SSC on charges of “being members of an illegal organization,” were released on 31 January 1996.

At the Beytepe Campus of the Ankara Hacettepe University, about 100 left-wing students were beaten and dispersed by gendarmes when they wanted to make a demonstration at noon on 30 November in order to protest the death penalty. About 40 students were detained by the gendarmes, who carried out a search at the university after the dispersion of the crowd. A student

named Sevgi Aktaş was wounded during the incident. Of the 42 students who were detained, 26 were released by the Ankara SSC on 1 December and the rest on 7 December.

d)- Pressure on political parties

1995 was not a positive year from the view of political parties and political activities. The pressure on dissident political parties and groups continued as in the previous years. Firstly the HADEP, and then Worker's Party (İP), the Socialist Union Party-United Socialist Party (SBP-BSP), the Socialist Power Party (SİP), and the Labor Party (EP; during the studies to establish this party), and leaders and members of these parties faced various pressure and attacks.

The Constitutional Court decided to close down the Socialist Union Party, and transfer of its properties to the Treasury. The closure decision, which was disclosed on 19 July, was taken on the grounds that the statute and the program of the SBP were in contravention of the Constitution and the Law on Political Parties, and separatism was spread in those documents. The trial against the SBP had been launched in December 1993. After the trial was launched, leaders and members of the SBP put an end to activities of the party and joined in the United Socialist Party (BSP). Criticizing the closure of the party, BSP Chairperson Sadun Aren said: "It is an obvious fact that there are Kurds in Turkey. In such a case, to mention about the existence of Kurdish people, is not to mention about a new thing. This means to accept the fact. The Constitutional Court should have made modern interpretations on such kinds of law provisions, and thus it might have opened the future of the country and removed the hitches before democracy."

In June, the Prosecution Office of the Supreme Court launched a trial with the request of closure of the Democracy and Change Party (DDP), which was founded on 3 April and the chairperson of which was İbrahim Aksoy (*) (former Secretary General of the HEP). The indictment stated that there were sections in the statute and program of the party, contradicting to the Constitution and the Law on Political Parties, and that defending the cultural, social and political rights of the Kurds would clearly pave the way for the division of Turkey. The indictment claimed that separatism was made by "demanding cultural rights for the Kurds," and said, "The Turkish Nation is not composed of various people living together, but instead it was made up of a single people, the Turkish People, which has decided, with its own will, to be integrated within the common culture created by the common past." The indictment said the following about Kurdish language: "When the widespread usage and prevalent nature of the Turkish language is taken into consideration, it is unacceptable to think to use the languages of local people as the language of a general communication instead of the official language. The local and undeveloped languages cannot provide the individuals with an opportunity to develop their individual spirit." The indictment said: "Our citizens of the Kurdish origin had shown outstanding merits by actually participating in the Independence War and rescuing our country from the enemies at the expense of their lives, tears and blood, and then the founding of the Turkish Republic. Even today it has been observed that they have not lost the sense of living together with the Turkish nation in unity. Nevertheless, our citizens escaping from the separatist terror in the Southeast and East do not take asylum in Iraq and Iran where people of the same origin are living, instead all of them want to migrate to the cities such as İstanbul, Ankara, İzmir, Adana, and secure their future together with the citizens in other parts of the country."

(*) İbrahim Aksoy was arrested on 14 October when the sentences passed on him in connection with his articles and speeches were upheld by the Supreme Court. (Detailed information is on page 349.) The DDP was closed down by the Constitutional Court in 1996. İbrahim Aksoy, in the statement he made after the establishment of the DDP, had said that they had come out in order to solve 3 main problems, the Kurdish problem, democracy and economic problem, and that they were not an extension of any political front.

Armed attacks and bombings against leaders, members and candidates of the political parties and against buildings, meetings or activities of these parties continued in 1995. Most of the attacks were directed at the executives and members of the HADEP. None of the assailants of the attacks against the HADEP were revealed. In the meantime, attacks were carried out against certain other political parties, their executives, members, buildings and meetings. Additionally, certain clashes were witnessed due to some political disagreements.

The breakdown (***) of the political party leaders, mayors and other people killed in the attacks or in the clashes due to political disagreements (8 people in total) is as follows:

01)- Hacı Sait Macir	HADEP Yüreğir DOE	01 January 1995	Adana	UA
02)- Zeki Adlığ	HADEP Batman POE	17 January 1995	Batman	UA
03)- Vasıf Çetin	HADEP Batman POE	30 January 1995	Batman	UA
04)- Burhan Kerküklü	Kilis Mayor	31 January 1995	Kilis	AA
05)- Hüseyin Parlatici	İP Tarsus DC	11 March 1995	Tarsus	UA
06)- Mehmet Latifeci	HADEP Samandağ DC	30 March 1995	Samandağ	AA
07)- Kemal Tekin	Nazımiye Mayor	07 April 1995	Nazımiye	PKK
08)- Hüseyin Koku	HADEP Elbistan DC	27 April 1995	Around Pötürge	UA

The pressure in connection with the political activities were not restricted to the bombings and armed attacks. Numerous political party leaders and members, and some candidates were detained, tortured, arrested and sentenced to various prison terms. The names of the some of the arrested political party leaders (13 people) are as follows:

Şahabettin Özarslaner (HADEP Deputy Chairperson), Hikmet Fidan (HADEP Deputy Chairperson), Şeyhmuz Çağro (HADEP Deputy Secretary General), Ferhan Türk (HADEP Ankara Provincial Organization executive), Fırat Anlı (HADEP Diyarbakır Provincial Chairperson), Veli Türkyılmaz (HADEP Diyarbakır Provincial Organization executive), Hayrettin Yılmaz (HADEP İskenderun District Chairperson), Hamit Özgüç (HADEP İskenderun District Organization executive), Kasım Başarıcı (HADEP Osmaniye District Chairperson), Nurettin Sönmez (HADEP Ankara Provincial Organization executive), İlhan Kamil Turan (BSP Ankara Provincial Chairperson), Mehmet Nuri Güneş (HADEP Party Assembly Member) and Salih Özdemir (DEP Batman former Provincial Chairperson).

Conviction of the deputies: The DEP deputies, who had been arrested in 1994 and who had been convicted to heavy imprisonment terms and fined by the Ankara SSC in the trial they had been prosecuted with the request of the death penalty, frequently attracted public attention in 1995. The conviction of the DEP deputies and imprisonment of some of them put Turkey into trouble in the international arena and in diplomatic relations.

In June 1994, the Ankara SSC Prosecution Office launched a trial against the arrested deputies, Hatip Dicle, Leyla Zana, Orhan Doğan, Ahmet Türk, Mahmut Alınak and Sırrı Sakık. The 482-page indictment sought the death penalty for the defendants under Article 125 of the Turkish Penal Code. The indictment claimed, "The deputies betrayed their country, tried to separate Turkey and had relations with the PKK." The prosecution of the 6 deputies started at the Ankara SSC on 3 August 1994. In the first hearing, firstly the indictment was read. The reading of the indictment was completed in the hearing held on 4 August 1994. Then Ahmet Türk, Leyla Zana, Orhan Doğan, Sırrı Sakık, Hatip Dicle and Mahmut Alınak were cross-examined.

(**) POE : Provincial Organization Executive
AA : Armed attack
PC : Provincial Chairperson

DOE : District Organization Executive
UA : Unknown assailants
DC : District Chairperson

In the hearing held on 7 September 1994, the written documents, testimonies and records inscribed in the case file were started to be examined. The deputies and their lawyers raised objection to the inspection of those documents that were deemed as evidence. The defendants and their lawyers said that most of those documents were fake and unreal, obtained by illegal and immoral methods. Meanwhile, a trial was launched against Selim Sadak and Sedat Yurtdaş, who were arrested after their parliamentary memberships had been lifted, by the Ankara SSC Prosecution Office in September 1994. In the trial, the death penalty was sought for Sedat Yurtdaş and Selim Sadak under Article 125 of the Turkish Penal Code. Their prosecution started on 26 October at the Ankara SSC. In the hearing held on 9 November 1994, this trial was decided to be unified with the trial against the 6 deputies.

In the hearing held on 24 November, demands by the defendants' lawyers for the expansion of the investigation and listening to certain witnesses were rejected. Protesting this decision, lawyer Hasip Kaplan shouted, "We once more see that there will not be fair trial here," while lawyer Feridun Yazar said, "The decision on the trial have already been issued in other places." Subsequently, the lawyers left the court hall. Then the SSC Prosecutor disclosed his final remarks on the case file and stated that Hatip Dicle, Leyla Zana, Ahmet Türk, Sırrı Sakık, Sedat Yurtdaş, Orhan Doğan, Selim Sadak and Mahmut Alınak should be given the death penalty under Article 125 of the Turkish Penal Code. The deputies who silently listened to the charges and the death penalty request against them, stated they would not defend themselves as the prosecution was not fair.

In the trial that ended on 8 December 1994, Hatip Dicle, Orhan Doğan, Ahmet Türk, Leyla Zana and Selim Sadak were each sentenced to 15 years in prison under Article 168/2 of the Turkish Penal Code. In the trial, Sedat Yurtdaş was sentenced to 7 years 6 months under Article 169 of the Turkish Penal Code, and Sırrı Sakık and Mahmut Alınak were each sentenced to 3 years 6 months in prison and fined TL 60,000,000 under Article 8 of the "Law to Fight Terrorism." Subsequently, Sırrı Sakık and Mahmut Alınak were decided to be released, taking into account the period they served in prison. The verdict was reached by the majority vote. Çetin Güvener, one of the members of the Court Board, opposed to the verdict by saying, "The defendants should be exposed to more severe punishments in accordance with Article 168/1 of the Turkish Penal Code." The lawyers of the defendants did not participate in the hearing during which the verdict was disclosed. Sırrı Sakık and Mahmut Alınak (*) were released on the same day.

Detailed verdict of the Ankara SSC against the 8 deputies was disclosed in February 1995. The 750-page detailed verdict claimed that the convicted 8 deputies acted as PKK members under almost all circumstances, and stated: "If each delegate of a party disseminates propaganda of the PKK, is it possible to say that chairperson and executives of this party who are elected by these delegates, are not members of the PKK? It will be misleading and wrong if only military wing of the PKK is described as terrorist. The ERNK, the political wing of the PKK, as well as the HEP and DEP which activate in Turkey, and their members should be included in the description of terrorist. The DEP deputies had carried out activities against Turkey on the international platforms in line with the directives by the PKK." The detailed verdict which had serious accusations against the deputies, claimed the following about DEP Chairperson Hatip Dicle: (**)

(*) After being released, Mahmut Alınak was not allowed to go abroad. He was prevented at the Ankara Esenboğa Airport on 9 March, when he wanted to go to Germany as a guest of the Greens Party, his diplomatic passport was canceled. He said, "I do not know whether in the world there is a parliamentarian whose passport has been seized. But, I am the sole parliamentarian without a passport in Turkey."

(**) Hatip Dicle was sentenced to 8 months in prison and fined TL 66,000,000 in the trial launched at the Ankara SSC in connection with a letter he had sent to a prisoner in the Çankırı Prison.

“The defendant is a fiery militant of the terrorist PKK organization to an extent of showing all of its acts as legitimate and just acts. Hatip Dicle is a terrorist. He is a terrorist not because he spoke or expressed his thoughts but because he personally undertook a duty in the PKK.”

In May, lawyers of the deputies, Yusuf Alataş, Hasip Kaplan, Aydın Erdoğan, Nuri Özmen and Selahattin Esmer, objected to the verdict against the DEP deputies. The following was said in the appeal petition submitted to the Supreme Court:

“The prosecuted opinions and expressions are not of the deputies, but of the people who have elected them. In other terms, it is not the deputies who are prosecuted but the Kurdish people in their personality. What is put on trial is their dissident opinions, and they think different on the determination and solution of a political problem from those who rule. Our clients were kept in detention for 15 days, subjected to psychological pressure and harassment, interrogated under these circumstances, and their testimonies were used as evidences. Illegally received telephone recordings, voice and video tapes were accepted as evidence and used as a basis for the verdict. They were accused collectively, thus justice and politics were mixed. The Parliament, Constitutional Court and SSC Prosecution Office acted biased. The trial was launched belatedly, but concluded rapidly, and this time the disclosure of the detailed verdict was late. The village guards, who were heard as witnesses, are people who have established crime organizations. Prior to the trial, the state television declared the deputies as guilty and almost as monsters. The principle of innocence was violated. It is against justice to base the verdict on the statements by repentants who have been allowed out of the prison and involved in numerous incidents. The court’s way of handling the evidences is political and ideological. Our clients defend their political opinions under every circumstances. They will in any case readily accept a sentence to be given to them for their opinions and thoughts. Conviction of the clients under Article 168 of the Turkish Penal Code aims to conceal the fact that the trial is a political one, and that the accusations are in essence aim to punish the thoughts.”

In the meantime, on 12 September, the Constitutional Court rejected the appeal for restoring the parliamentary membership of the DEP deputies, who were dethroned by the closure of the DEP. Lawyers of the DEP deputies had applied to the Constitutional Court after the amendments to Article 84 of the Constitution, and demanded that the decision lifting the parliamentary memberships of their clients be abolished in accordance with the amendments. Yılmaz Aliefendioğlu, a member of the Constitutional Court, opposed to the decision. He had also opposed to the decision to close down the DEP. Criticizing the decision of the Constitutional Court, Lawyer Yusuf Alataş said: “Lifting the parliamentary memberships of our clients contradicted to the penal law and democracy. Their memberships were lifted because of a provision on the Constitution. Later, this provision was amended and then we applied for restoring of the parliamentary memberships. However, the Constitutional Court missed an extremely important opportunity which will secure human rights, democracy and internal peace.”

The Penal Chamber No.9 of the Supreme Court started to examine the appeal made by the 8 deputies, 6 of whom were under arrest, on 21 September. In the first hearing, the notification of the Chief Public Prosecution Office of the Supreme Court about the trial was read out. The notification demanded the sentences given to Selim Sadak, Leyla Zana and Hatip Dicle be upheld, sentences given to Mahmut Alınak and Sırrı Sakık be increased, and sentences given to Ahmet Türk, Orhan Doğan and Sedat Yurtdaş be overturned. In the hearing, Yusuf Alataş and Hasip Kaplan, the lawyers of arrested deputies, and Mahmut Alınak and Sırrı Sakık made their statements.

The Supreme Court disclosed its decision on 26 October. Accordingly, the sentences given to Ahmet Türk and Sedat Yurtdaş were overturned on the request that “they should be

prosecuted under Article 8 of the 'Law to Fight Terrorism' instead of the Turkish Penal Code," and those given to Mahmut Alnak and Sırrı Sakık on the request that "the fines should be heavier." The sentences passed on Hatip Dicle, Leyla Zana, (*) Orhan Doğan and Selim Sadak were upheld. The decision opened the way for the release of Ahmet Türk and Sedat Yurtdaş. However, they were not released until the next day since the bureaucratic procedure was not completed in due time. Hatip Dicle, Leyla Zana, Orhan Doğan and Selim Sadak will be kept in prison until June 2005.

The decision of the Supreme Court arose different reactions. Ankara SSC Prosecutor Nusret Demiral cheered up at the decision: "Oh, that's it. I was sure about the result. They are traitors. In our opinion, their sentences should be the death penalty. The defendants whose sentences were overturned will be put on re-trial. However, some of the sentences were upheld. I still claim that they should be sentenced under Article 125." On the other hand, Yusuf Alataş, one of the lawyers of the deputies, protested the decision, and reported that they would appeal to the European Human Rights Commission. He said, "We were expecting the law would prevail when the case file was under the examination of the Supreme Court. With this hope, we expected that the Supreme Court would overturn the verdict. However, we saw that separation of forces turns into unity of forces in Turkey when the Kurdish problem is the matter at issue."

In line with the decision by the Supreme Court, Ahmet Türk, Sedat Yurtdaş, Mahmut Alnak and Sırrı Sakık were put on re-trial at the Ankara SSC. In the trial that ended on 11 April 1996, they were each sentenced to 1 year 2 months in prison and fined TL 116,000,000 under Article 8 of the "Law to Fight Terrorism."(*)

Hasan Mezarcı: Hasan Mezarcı, whose parliamentary immunity was lifted on 3 March 1994, was detained by policemen coming to his house in İstanbul on the night of 2 March 1994. He was about to be taken to the İstanbul Security Directorate after being detained, but he was released when it came out that his parliamentary immunity had not been lifted yet. Osman Ülker, the İstanbul 7th Region Security Director, who had instructed the police to detain him before his parliamentary immunity was lifted, was suspended from duty by the Ministry of Interior Affairs. After his parliamentary immunity was lifted, Hasan Mezarcı was detained again on the night of 3 March 1994, and sent the next morning to the Bandırma District of Balıkesir in connection with an investigation about a speech he had made in 1992.

(*)Leyla Zana was awarded the 1995 Sakhorov Freedom of Expression Award. Claudia Roth, the Chairperson of the Greens Party Group in the European Parliament, stated that the award given to Leyla Zana was a message indicating that the European Parliament supported those who give a struggle for the peaceful solution of the Kurdish problem in Turkey and the respect for human rights. She said: "Leyla Zana is the brave and undaunted warrior of the struggle for peace and democracy. We hope that this award will courage Leyla Zana as well as other people who give a struggle in Turkey and abroad for the true reforms." The aforesaid award was previously given to Teslima Nasrin, Alexander Dubcek and Nelson Mandela. Mehdi Zana, the husband of Leyla Zana, received the award with a ceremony held on 17 January 1996. Klaus Haench, the President of the European Parliament, said the following before giving the award to Mehdi Zana: "We have given the award to Leyla Zana on the basis that led us to give our consent to the customs union." In the speech he made in Kurdish, Mehdi Zana made a call for peace and solidarity, and said, "We are living a difficult period, but we do have hope for the peace. We are living there despite the pressure and policy of annihilation, and we do have hope for better days. It is necessary that the United States and Europe should continue to exercise pressure on Turkey regarding human rights and democratization."

(*) The book "Türkiye Siyasetinde DEP Depremi" (The DEP Earthquake in the Turkish Politics) written by journalist Ali Osman Sönmez was confiscated by the Ankara SSC on the grounds that "separatist propa-ganda was disseminated in certain sections of the book." The book gives a detailed account of the establishment of the DEP, its activities, attacks against it, and prosecution of the deputies at the Ankara SSC.

Hasan Mezarıcı, who testified at the Bandırma Public Prosecution Office, was immediately sent to court on the request of arrest. However, the court did not find the request appropriate, and released him. A trial was brought against him on the claim that he had insulted Mustafa Kemal Atatürk, the founder of the Turkish Republic, in a speech he delivered in a meeting held by the Bandırma Municipality on 4 June 1992. In the trial, which was launched by the Bandırma Public Prosecution Office under the Law to Protect Atatürk, Hasan Mezarıcı faced a sentence between 1 and 4 years in prison. The trial started at the Bandırma Penal Court of First Instance on 15 April 1994. While defending himself, Hasan Mezarıcı stated that his speech had been diverted by the press, he had not insulted Atatürk, and that Turkey experienced a kind of secular terror. Hasan Mezarıcı was acquitted in this trial, but the Supreme Court overturned the verdict. At the end of re-prosecution, the trial against him was dropped. The decision was made in the hearing held at the Bandırma Court First Instance on 17 February, on the grounds that it was not an offense for deputies to repeat the speeches they had delivered in the Assembly sessions outside. However, this verdict was also overturned by the Supreme Court. Hasan Mezarıcı was sentenced to 18 months in prison on 29 January 1996, and imprisoned on 26 December 1996.

The HADEP trial: One of the developments that provoked protests in 1995 was the trial launched against certain executives of the HADEP and the incidents witnessed in the first hearing of this trial. HADEP Vice Chairperson Şahabettin Özarslaner, and lawyers Mehmet Nuri Özmen and Mehmet Balkır were detained by the police on the morning of 26 April. The house of Şahabettin Özarslaner was searched by police officers on 26 April, and they recorded in a minute that there was no criminal elements in the house. The police operation continued, and Hikmet Fidan (HADEP Vice Chairperson), Şeyhmuz Çağro (Vice Secretary General), Celal Kılıç, Ferhan Türk and Süleyman Savaş were also detained. Of the detainees, Hikmet Fidan, Şahabettin Özarslaner, Şeyhmuz Çağro and Ferhan Türk were arrested, others were released. A trial was launched against the arrested 4 executives of the HADEP on the request of imprisonment terms no less than 15 years in prison.

The prosecution of Şahabettin Özarslaner, Hikmet Fidan, Şeyhmuz Çağro and Ferhan Türk started on 6 July. (*) People who wanted to watch the hearing, were not allowed to enter the court hall. Some of them protested the decision by clapping their hands and the lawyers of the defendants left the hearing hall. Thereupon, Ankara SSC Chief Prosecutor Nusret Demiral instructed the police to detain all of them, including the lawyers. In line with the instruction, 242 people were detained, including Sırrı Sakık, former Muş Deputy, Yavuz Önen, the President of the HRFT, Hüsnü Öndül, the Secretary General of the İHD, and Nazmi Gür, the Vice Chairperson of the İHD.

The detainees were taken to the Sports Hall of the Security Directorate. In a statement on the incident, Nusret Demiral said, "Everybody should be respectful to laws. We are talking to the detainees at the security directorate. Anyway, an additional detention period can be given. They made much ado. They have to know their place. They showed-off on the corridors of the court."

(*) The HADEP executives who were cross-examined on 8 August, rejected the testimonies they gave at the police, and maintained that the HADEP was a legal party and that they had no connections with the PKK. Şahabettin Özarslaner disclosed that he had been tortured in detention, whereas Şeyhmuz Çağro said, "The Kurdish people is under prosecution here today. This trial is the extension of the DEP trial." Şahabettin Özarslaner, Hikmet Fidan, Şeyhmuz Çağro and Ferhan Türk were then released. In the meantime, spectators and journalists were not allowed to follow the first session of the hearing. The ban was lifted upon the objection raised by lawyers. For this reason, the journalists could enter the court hall one hour later. The Court Board allowed a limited number of spectators to follow the afternoon session of the hearing. The trial ended in acquittal on 19 December.

Of the detainees, lawyer Hüsnü Öndül was released at evening on the same day, while Yavuz Önen and Nazmi Gür on 7 July. On the evening of 8 July, 64 of the detainees (44 of whom were women and children), including HADEP executives Aynur Gürbüz, Selam Kutlu, Nurhayat Altun and Ayşe Karadağ were released. (**) Some of them disclosed after being released that the police had insulted them in detention.

The detainees were released in groups later. On 12 July, 16 detainees, 9 of whom women, were arrested under Article 8 of the "Law to Fight Terrorism." Sırrı Sakık, the Muş Deputy for the DEP which was closed down by the Constitutional Court, was among the arrested 16 people. The names of the arrested people are: "Hediye Tunç, Nuriye Sincar, Bedriye Demir, Remziye Özbay, Fatma Tufan, Zehra Tan, Behice Beyaz, Güler Işık, Türkan Uzel, Nurettin Güneş, Abdülşamet Kocaman, Abdülcelil Ülkü, Mehmet Saklı, Nedim Oğuz and Veysel Çağdaş."

A trial was launched later against the 16 people with a request of prison sentences ranging between 2 and 5 years under Article 8 of the "Law to Fight Terrorism." The defendants who were cross-examined in the trial that started at the Ankara SSC on 16 August, rejected the accusations and said that they had been unjustly arrested and put on trial. During his cross-examination, Sırrı Sakık, one of the defendants, accused Ankara SSC Prosecutor Nusret Demiral of satisfying his ego, and said: "Nusret Demiral will retire soon. Since his intention is to engage in politics, he tries to make show by using us." At the end of the hearing the arrested defendants were released. The trial ended in acquittal of all of the defendants on 23 November.

Attacks and pressure on the HADEP

Hacı Sait Macir, one of the executives of the HADEP Adana Yüreğir District Organization, was severely wounded in the fire opened by 2 unknown people in the Mutlu Quarter of Adana on 30 December 1994. Hacı Sait Macir died at hospital on the night of 1 January. His wife Beyaz Macir stated that her husband had frequently been disturbed by the police, and said: "The cafeteria run by my husband was searched by the police once in two days. Finally, the cafeteria was arbitrarily closed for 3 days in the last week of December. At that time, my husband was taken to the Serinev Police Station and threatened to be killed. The attack was carried out after these incidents, and this makes me think deeply." Rebih Çabuk, the Chairperson of the HADEP Yüreğir District Organization, and Sefer Cerf, one of the executives of the district organization, had been killed by unknown people in front of the cafeteria owned by Hacı Sait Macir on 3 October 1994.

Zeki Adlığ, an executive of the HADEP Batman Provincial Organization, was killed as a result of fire opened by 2 unknown people after he left his house in the 19 Mayıs Quarter at 11.00 a.m. on 17 January. Zeki Adlığ had been kept under detention for 12 days in November 1994.

Ali Gökot, the Chairperson of the HADEP Maraş Provincial Organization, was beaten by clubs and injured in an attack by 10 people on the morning of 18 January. Ali Gökot, who received a medical report certifying his inability to work for 3 days, stated that the people who had attacked him were a restaurant owner named Mehmet Toygun and his waiters. He said, "The police did not intervene in the incident. All of the assailants are MHP supporters and they deal with drug trafficking." In September, he was kept in detention for a while by the police.

Vasıf Çetin (45), an executive of the HADEP Batman Provincial Organization, was shot dead by unknown people in the 19 Mayıs Quarter of Batman at about 04.30 p.m. on 30 January.

(**) The names of the children are: "Selma Çakar (10), Abdülcelil Ülkü (16), Faruk Şaman (12), Mehmet Padak (15), Gülçin Eylem Özarslan (17), Şehnaz Akın (15), Gülbahar Ekinci (14), Lütfi Patak (17), Evin Toprak (15), Eylem Fidan (17), Nursel Kocabey (15) and Cahide Güner (15)."

Mehmet Latifeci (36), the former Chairperson of the HADEP Samandağ (Hatay) District Organization, was killed in an armed attack he encountered in the Sutaşı Village of Samandağ on the night of 30 March. In the fire opened by the assailants while escaping, 4 people named Yusuf Hüzmeli, Kamil Hüzmeli, Ali Latifeci and Arif Hüzmeli were wounded. In the fire opened by armed people who went to the house of Mehmet Latifeci on the same night, his father Yahya Latifeci (39) was killed and his mother Daviye Latifeci was wounded.

Abdullah Saydın, the HADEP Deputy Secretary General, who was put on trial at the İzmir SSC on charges of being a member of the Rızgari organization, was released in the hearing held on 19 April. He had been arrested in İzmir on 27 December 1994.

A HADEP member named Rüstem Akan (47) was shot dead in an attack by unknown people at about 04.30 p.m. on 12 April in the 19 Mayıs Quarter of the Yüreğir District of Adana. The HADEP executives said that it was preoccupying that the armed attack had been carried out just after the police operation in the 19 Mayıs Quarter.

Hüseyin Koku, the Chairperson of the HADEP Elbistan District Organization, who had been abducted by unknown people introducing themselves as police officers on 24 October 1994, was found dead on 27 April in the vicinity of the Pötürge District of Malatya. He was identified by his wife Fadime Koku thanks to the clothes he had been wearing and some papers in his pocket. (Detailed information is on pages 281-282.)

Tahir Han, one of the founding members of the HADEP, who was detained by the police officers coming to his office in Ankara on 29 April, disclosed that he had been tortured in detention. Making a statement after being released on 5 May, Tahir Han expressed that he had been put into a room which was covered with carpet after 3 days under torture at the Ankara Political Police Center and that he had been treated there, and they continuously massaged him by rubbing ointment. He said, "When torture traces on my body disappeared I was first taken to a physician and then to the prosecution office, and released."

Nevzat Sağnıç, a member of the Party Council of the HADEP, and his wife Mine Sağnıç, an executive of the HADEP İzmir Provincial Organization, were detained by the police on 10 May in Antalya. They were arrested by the İzmir SSC on 17 May. Nevzat Sağnıç disclosed that he had been tortured at the Antalya Security Directorate where he had been interrogated, and added, "The İzmir SSC did not take into account the Forensic Medicine Institute's report verifying the torture on me." They were released on 1 March 1996.

Unknown people threw a Molotov cocktail into the HADEP İzmir Provincial Center on the night of 30 May. The attack did not cause a severe damage to the building. HADEP Provincial Organization Chairperson Cevdet Turgut stated that the attack might have been carried out by MHP supporters.

A HADEP member named İzzettin Görnü, who was severely wounded in the fire opened by unknown people in the 19 Mayıs Quarter of Adana on 3 June, lost his life at hospital. Two sons of İzzettin Görnü had encountered an armed attack by unknown assailants on 24 August 1992 in Batman. In the attack, Ekrem Görnü had died and Aydın Görnü had been paralyzed. İzzettin Görnü had left Batman upon the incident.

In Diyarbakır, HADEP Deputy Secretary General Zeynettin Ünay and the General Center executives, Melik Aygül and Abdullah Akin, were detained by police officers raiding the house where they were staying at about 01.00 a.m. on 4 June. Of the detainees, Zeynettin Ünay and Melik Aygül were released on 5 June.

Şükrü Çallı, former Hakkari Mayor, Hüseyin Ümit, a DEP-member lawyer, and Abdülkerim Demirel, the İHD Hakkari Branch Chairperson, were detained in Hakkari on 15, 16 and 18 June, respectively. Şükrü Çallı, Hüseyin Ümit and Abdülkerim Demirel, who were released on 27 June, were interrogated on charges of “aiding the PKK and harboring its members.”

HADEP Chairperson Murat Bozlak and other party executives, who left Diyarbakır on 9 June with a convoy of about 100 vehicles to attend a meeting in Batman, were stopped near the Bağdere Gendarmerie Station 20 kilometers away from Silvan. The soldiers, who blocked the road, searched the vehicles one by one and controlled the ID cards of the people in the vehicles. While the search was under way, the soldiers who took up positions in front of the station opened fire into the air when the people got off the vehicles and danced *halay*. The convoy that continued its way later, was stopped and searched again in the vicinity of Malabadi Village. Because of the prevention, the vehicles carrying the HADEP executives could take the 133-kilometer road between Diyarbakır and Batman in 5 hours. In a statement he made in Batman, Murat Bozlak said: “The rulers who hold the power of the state in the region, act unlawfully. We are pleased to have experienced the incidents that our people experience every day. We are pleased not because we accepted such an injustice, but since we have gone through what you experience.”

A HADEP member named Cemal Kahraman, who was detained by police after leaving the HADEP Adana Provincial Center on 31 July, disclosed that he had been beaten in the Bankalar Police Station. He said that he had been kept for 24 hours in custody and then released. He added that he had been beaten, insulted, threatened with death and forced to be an informer for the police.

The HADEP Gazimir (İzmir) District Center was bombed by unknown assailants on the night of 19 September. In the bombing nobody was killed or wounded since there was nobody in the center, but the building was destroyed. HADEP Gazimir District Center Chairperson Levent Kandemir said it was preoccupying that the district center had been bombed just after the bombing in Gazimir which had resulted in the killing of 5 people on 17 September. (Detailed information is on pages 122-123.)

The HADEP Malatya Provincial Organization Center was burnt by unknown people who entered in the building at about 02.00 a.m. on 22 October. The fire was put out before spreading as the firemen arrived at the spot immediately, but two rooms were damaged. HADEP Malatya Provincial Chairperson Mustafa Türk said, “The people who sabotaged our Ankara and İzmir buildings previously, are those who sabotaged our Malatya building, too.”

Mehmet Nuri Güneş, a member of the HADEP Party Assembly and deputy candidate for Iğdır, was detained by police on 6 December on the grounds that there was an arrest warrant in absentia issued against him by the Erzurum SSC. Protesting the incident, HADEP Deputy Secretary General Zeynettin Ünay said that the detention of Mehmet Nuri Güneş was the first sign of the attempts to put pressure on and restrict the electoral activities of the HADEP. Mehmet Nuri Güneş was arrested on 7 December.

At noon on 14 December, village guards opened fire on a convoy of vehicles carrying people who were going to the Baykan District of Siirt to attend the meeting organized by the HADEP. During the incident which took place in the vicinity of Baykan, a person named Yasin Aydın was shot and wounded in the hip while Baki Durmuş in the hand.

Two unknown persons, who raided a house in the Küçükköy Quarter of Gaziosmanpaşa, İstanbul, on the night of 14 December, shot dead a HADEP member named Abdullah Tuğrul. Naif Tuğrul, the elder brother of minibus driver Abdullah Tuğrul, stated that his brother had been

killed by dark agents, and said, “My brother was a person who loved his people. He did not have enmity towards anybody.”

People participating in the meeting organized by the HADEP in the Malazgirt District of Muş on 19 December, were subjected to insults of about 15 village guards in the vicinity of the meeting area. A fight arose and one person was slightly injured when those participating in the meeting protested this situation. During the fight, the village guards opened fire into the air for 5 or 6 times. Fourteen people, 7 of whom are village guards, were detained after the incident.

Unknown people threw explosives at the HADEP Aydın Provincial Center on the night of 21 December. As a result of the explosion of the bomb that fell nearby, the building and its surroundings were damaged. HADEP Aydın Provincial Chairperson Kemal Altok stated that the bombing had been carried out by dark agents as a reprisal for the widespread participation in the meeting organized by the HADEP in Aydın on 21 December.

Other political parties

A trial was launched against Doğu Perinçek, the Chairperson of the Worker’s Party, under Article 8 of the “Law to Fight Terrorism” in connection with his article published in the journal “Özgür Bilim.” In the trial, a sentence between 2 years to 5 years in prison and a fine of up to TL 100,000,000 were requested for Doğu Perinçek, who was accused of disseminating separatist propaganda through publication. His prosecution started on 27 January at the Ankara SSC. Doğu Perinçek, who was cross-examined in the hearing stated that he had defended brotherhood of the Turkish and Kurdish people, had not made separatist propaganda, and that 15 similar cases launched against him had resulted in acquittal. He was acquitted after the amendments to Article 8 of the “Law to Fight Terrorism.”

A trial was launched against Aydemir Güler, the Chairperson of the Socialist Power Party (SİP), on the grounds that “he incited people to enmity against each other by making racial discrimination” in his speeches. In the trial launched by the İstanbul SSC Prosecution Office, a sentence between 1 and 3 years in prison was sought for Aydemir Güler under Article 312/1 of the Turkish Penal Code. The trial started at the İstanbul SSC on 20 February. Additionally, an official complaint (*) was lodged against him for his statements during his cross-examination in the first hearing. Mehmet Kuzulugit, a SİP executive, Mehmet Akdemir, the chief editor of the newspaper İşçi Hareketi, and a municipality worker, Mehmet Demirci, were also prosecuted in the trial in connection with their speeches during the same meeting. The trial ended in acquittal.

Hüseyin Parlaticı, the Chairperson of the Tarsus District Organization of the Worker’s Party, was shot in his head to death by unknown assailants in the Fatih Quarter of Tarsus at about 06.45 p.m. on 11 March. The assailants reportedly used a gun with silencer. Nobody claimed the responsibility for the attack.

Kemal Tekin, the Mayor of the Nazımiye District of Tunceli, was killed by 2 unknown assailants who went to his house at about 09.30 p.m. on 7 April. It came out that Kemal Tekin, who had won the local elections held on 27 March 1994 as an independent candidate, was killed by PKK militants. The PKK disclosed that Kemal Tekin had been killed on the grounds that he had cooperated with the state.

The General Penal Board of the Supreme Court decided that Worker’s Party Chairperson Doğu Perinçek should be prosecuted and convicted on charges of “insulting the Constitutional

(*) Another trial was launched against Aydemir Güler upon the official complaint. This trial, which was launched under Article 312 of the Turkish Penal Code and started at the İstanbul SSC on 21 June, ended in acquittal on 14 January 1996.

Court.” Doğu Perinçek had been prosecuted at the Ankara Penal Court of First Instance No.2 in connection with a statement he made upon the closure down of the Socialist Party by the Constitutional Court on 1 July 1992, had been acquitted in 1993, but this decision had been overturned by the Supreme Court on 23 November 1993 upon the objection raised by the Ankara Public Prosecution Office. During the re-prosecution, the Ankara Penal Court of First Instance had insisted on its previous decision, and then the case file had been referred to the General Penal Board of the Supreme Court. Additionally, Doğu Perinçek was sentenced to 2 years 4 months in prison and fined TL 58,000,000 in connection with a speech he had delivered in a television channel before general elections. The trial, which ended at the Ankara SSC on 6 June, had been launched under Article 8 of the “Law to Fight Terrorism.” He had been prosecuted at the Ankara SSC in connection with the speech he had delivered (when he was the Chairperson of the Socialist Party closed down by the Constitutional Court) during a panel discussion broadcast by a television channel before the elections on 20 October 1991, and sentenced to 2 years in prison and fined TL 50,000,000 on 15 January 1993. The Supreme Court had overturned the verdict on 1 July 1993 on the grounds that the sentence was insufficient. However, in the re-prosecution, the Ankara SSC had had insisted on its first verdict. Then the case file had been referred to the General Penal Board of the Supreme Court, which concluded that the sentence given to Doğu Perinçek should be increased.

The BSP Rize Provincial Organization Center was raided by the police on 29 July in connection with the posters hung on the outer walls of the building. Four people, including party executive Vahit Tekiroğlu, were detained during the raid. The detainees were reportedly beaten while they were being taken out of the building.

A sentence of 1 year in prison given to Konya Metropolitan Mayor Halil Ürün on charges of insulting Atatürk, the founder of the Turkish Republic, was upheld by the Supreme Court at the end of July. Halil Ürün had been prosecuted at the Konya Penal Court of First Instance No.1 in connection with his speech in a meeting organized by the RP in the Selçuklu District of Konya in 1992, and convicted on 15 June 1994. The prison sentence given to Halil Ürün had been commuted into a fine of TL 1,825,000.

Cafer Keskin, an executive of the Democracy and Change Party Adana Provincial Organization, who was detained by the police without any grounds when he left the party building on 27 August, was released on 28 August. He disclosed that he had been tortured in detention.

In a police raid against an office in the Alsancak Quarter of İzmir on the evening of 31 August, 20 people were detained. The raided office was reportedly used as a liaison office of the Labor Party, establishment works for which was then under way. Police authorities claimed that the office had been raided on charges that activities in violation of the Law on Demonstrations and Assemblies had been carried out in the office. The 20 people were released on 1 September.

Nurettin Sönmez, one of the executives of the HADEP Ankara Provincial Organization, and İlhan Kamil Turan, the BSP Ankara Provincial Organization Chairperson, who were detained by police raiding their houses on the morning of 4 September, were released by the Ankara SSC on 12 September. However, the Ankara SSC Prosecution Office objected to the decision of release, and arrest warrants in absentia were issued for Nurettin Sönmez and İlhan Kamil Turan. Thereupon, Nurettin Sönmez and İlhan Kamil Turan were arrested and taken to prison by police officers who went to their officers on 14 September. Meanwhile, 3 BSP supporters, Bayram Işık, Ali Özgür Dedeoğlu and Nurettin Kasırga, who were detained on 31 August while they were announcing activities organized for the World’s Peace Day, were released on 12 September. Later, a trial was launched against the 3 people on charges of spreading propaganda to provoke the people against military service.

The trial launched against Şerafettin Elçi, former Minister of Public Works and Settlement, because of a speech he delivered in a meeting held in Ankara in 1994, started at the Ankara SSC on 16 October. The indictment heard in the hearing of the trial requested that Şerafettin Elçi be sentenced under Article 8 of the "Law to Fight Terrorism." In his cross-examination, Şerafettin Elçi stated that the speech that caused him to be prosecuted had been delivered during the preliminary meeting of a political party which was planned to be established, and said, "When the speech is examined, it will be seen that we did not intend to make separatism and we did not make any statements in this respect. As a political party, it falls on us to analyze the problems of the country. We want Kurdish and Turkish people to live together, and the abolition of the injustice and the armed clashes." The trial ended in acquittal on 4 December.

Tevfik Vural, the DYP-member Mayor of the Dargeçit District of Mardin, and Abdurrahman Bozkurt, the CHP-member Mayor of the Kılavuz Town, were detained by security officers on 22 December on accusations of "aiding the PKK and harboring its members." Tevfik Vural and Abdurrahman Bozkurt were released on 3 January 1996.

e)- Elections and political clashes

The most important development in the political arena in 1995 was the early elections held on 24 December. The Early Elections Bill prepared by the DYP and CHP passed in the Parliament on 26 October, after debates that lasted until late in the night. Subsequently, Turkey got in an atmosphere of elections. In the period prior to the elections, pressure in numerous settlements (particularly in the villages and towns in the State of Emergency Region) was intensified on the pretext of maintaining the security of the elections. The pressure mainly targeted the HADEP and its candidates. In the Western provinces, particularly in İstanbul, armed attacks and bombings were carried out by the illegal organizations against buildings or meetings of the DYP, ANAP, RP, DSP and MHP.

Unknown people opened fire with automatic guns at a coffee house on the Cengiz Topel Street of İstanbul Gaziosmanpaşa, which was used as an election office by the DYP, at about 05.00 p.m. on 10 December. In the attack, Murat Allı (16) died, whereas 6 people were wounded. The DHKP-C claimed responsibility for the attack. Meanwhile, unknown people threw explosives at an election campaign bus of the DYP, while it was waiting on Gaziosmanpaşa Ordu Street, at about 05.00 p.m. on the same day. The attack caused no casualties.

Some of the vehicles participating in the city tour organized to introduce deputy candidates of the HADEP for Ankara, encountered an attack with stones by a group of MHP supporters in the Keçiören Quarter. Following the incident that took place at noon on 17 December, a clash with stones and clubs broke out between the MHP supporters and people in the HADEP convoy. During the clash, a policeman named Ali Turhal, who was incumbent with the protection of a MHP electoral campaign office, died due to a heart attack, and 2 people were slightly injured. In Gebze, 2 people named İsrail Kılıç and Abdülcabbar Yörük were wounded in an armed attack by the RP supporters against an electoral campaign vehicle of the HADEP.

Eight people were detained by the police on 17 December while they were distributing the electoral campaign leaflets of Hasan Kazım Tuğnal, the Labor Party initiative Independent Deputy Candidate for Antakya. The detainees were released after a short while.

Unknown people opened fire against the house of Haşim Haşimi, the RP Deputy Candidate for Diyarbakır, in the Kayapınar Town of Diyarbakır on the night of 17 December. During the incident that took place at about 11.00 p.m., Haşim Haşimi's son Ahmet Nidar Haşimi (15) was slightly wounded with a bullet in the leg. On the same night, unknown people threw explosives at 2 electoral campaign offices of the RP in the Alibeyköy and Esenler quarters of İstanbul and electoral campaign office of the DSP on Hasköy Fatih Sultan Mehmet street.

A convoy of about 200 vehicles carrying supporters of the HADEP, going to Şırnak from Diyarbakır for electoral propaganda on 18 December, was not allowed to enter Şırnak. It took 8 hours for the convoy to go Cizre from Diyarbakır due to the searches. Security officers, who stopped the convoy in the vicinity of Cizre, said, “The village guards are reactive against you. We may not be able to control them. You have to be careful about these. We do not want the peace maintained in Şırnak to deteriorate,” and sent the vehicles back. In the meantime, unknown people threw explosives at the electoral campaign offices of the DYP, CHP and İP in the Kağıthane Quarter of İstanbul on the same day.

Unknown people opened fire at about 07.30 p.m. on 20 December against an electoral campaign office of the RP on the Cengiz Topel Street of Ümraniye, İstanbul. In the attack, 2 people in the office, Mehmet Akagündüz and Yüksel Kılıç, were wounded. In İstanbul, bombings or armed attacks were carried out against a total of 8 electoral campaign offices of the DYP, RP and MHP on the night of 19 December or on the morning of 20 December.

A police officer named Adil Gözalıcı was shot dead in an armed attack and bombing carried out by unknown people on the morning of 22 December against an electoral campaign office of the DYP on the Zümrüt Street of Bahçelievler, Pendik, İstanbul. The attack caused material damage in the building. The DHKP-C claimed responsibility for the attack. In İstanbul on the same day, explosives were thrown by unknown people against electoral campaign offices of the DYP in Kartal Esentepe, Zeytinburnu 5 Telsiz and Bahçelievler Kocasinan, of the RP in Çağlayan Vatan and Ümraniye Atakent, of the ANAP in Çağlayan Hürriyet and Kağıthane Yüksel, and of the MHP in the Gümüşpala Quarter of Avcılar.

A clash with stones and clubs broke out when a group of MHP supporters wanted to prevent HADEP supporters who were carrying out propaganda activities on the Sakarya Street of the Balçova District of İzmir on 23 December. In the clash, arm of a HADEP supporter named Ayhan Artuğ was broken, and some vehicles and shops were damaged. In the meantime, an electoral campaign office of the RP on the Hatipoğlu Street in Esenler, İstanbul, was bombed by unknown people on the morning of 23 December.

General elections were held on 24 December, and about 85 % of the voters cast votes in the elections. The elections, contrary to the ones in the previous years, ended peacefully except for a few incidents. In incidents which broke out during the elections, 1 person was killed and 4 people were wounded. A total of 4 people were wounded in clashes with stones and clubs between DYP and RP supporters in the Kağızman District of Kars, and between DYP and ANAP supporters in the Koç Village of the Arpaçay District of Kars. A person named Şevket Yiğit was shot dead in an armed attack that took place in the Van Ferit Melen Primary School. Three people were detained after a fight that arose between DYP and HADEP supporters in the Sason District of Batman. In the meantime, unknown people opened fire against the house of Mehmet Ergen, the RP Doğanşehir (Malatya) District Chairperson, on the morning of 25 December.

According to the results of the elections, the RP which collected 21.3 % of the valid votes won 158 seats in the Parliament, the ANAP won 132 seats with 19.6 %, the DYP won 135 seats with 19.2 %, the DSP won 75 seats with 14.6 %, the CHP won 50 seats with 10.7 %. The Nationalist Movement Party (8.2 %), the People’s Democracy Party (*) (4.2 %), the New Democracy Movement (0.5 %), the Nation Party (0.5 %), the Re-Birth Party (0.5 %), the Worker’s Party (0.3

(*) The Democracy and Change Party, Socialist Power Party, United Socialist Party and representatives of certain leftist groups entered the elections as candidates from the lists of the HADEP, under the name “Labor-Peace-Freedom Bloc.” The HADEP came in first with a significant lead in Diyarbakır, Batman, Siirt, Hakkari and Van, and came in second in Ağrı, Mardin, Şırnak, Tunceli and Muş.

%) and the New Party (0.1 %) could not win any seats because they could not get the ten percent of the national threshold. The independent candidates collected 0,5 % of the votes. According to the election results, none of the political parties won enough votes to govern alone. A government crisis was experienced for a while, which ended upon the forming of a coalition government headed by Mesut Yılmaz. However, the government was not a long-standing one, and replaced on 30 June 1996 by the RP-DYP (Refahyol) coalition government headed by Nec-mettin Erbakan. The government secured a vote of confidence on 8 July 1996.

Pressure inflicted prior to the elections also continued during and after the elections, intensifying in certain settlements in the State of Emergency Region where majority of people voted for the HADEP. The İHD Diyarbakır Branch stated on 29 December that soldiers, village guards and special team members had warned the people in the region, especially the villagers, for “not giving votes to the HADEP,” and added that this pressure had turned into physical attacks after the elections. The statement read, “Those who cast votes taking every kind of risk are facing oppression. We invite the human rights and the democratic public to the region and fulfill their task as observers, which they did not carry during the elections, and help the villagers against oppression that appeared after the elections and against threats.”

Do the villages not want HADEP? (30 December 1995-Hürriyet, Fatih Altaylı)

I could not believe when Murat Bozlak told. There are strange data for the Southeast where the votes of HADEP burst. Murat Bozlak claims that the citizens could easily vote in the city and town centers, whereas others living in the rural areas came across with great pressure. The numbers also confirm Murat Bozlak. For example, in the center of Kızıltepe, HADEP collected 12,822 of the votes, whereas RP 2,150 and DYP 1,952.

However, the results are extremely contrasting in the villages of the same district. In the villages, DYP collected 9,154 of the votes, ANAP 7,363, RP 4,737 and HADEP 836. Either the ones in the villages are happier than the ones in the district centers or (?).

Another example: not a single vote had been cast for the HADEP in Akarsu village, the hometown of Musa Anter. In a similar way, the HADEP had received no votes from the village of Cemal Verske, who was the 3rd deputy candidate in the HADEP list in Mardin. That means, his wife, children and relatives had not cast votes for Verske. Interesting, very interesting. It is extremely funny to think to solve the Kurdish problem with this attitude.

Political clashes

In 1995, political clashes, fights, attacks or tension were frequently witnessed, some resulting in deaths or serious injuries. Similar incidents also took place in education establishments, particularly in universities. During these incidents, some of which has been written in the previous sections and some has been listed below, **12** people died and **106** people were wounded.

Burhan Kerküklü, the MHP-member Mayor of the Kilis District of Gaziantep, was killed in an armed attack on 31 January. It was learnt that he had been killed due to a financial dispute between the MHP members. Of 13 people who were involved in his killing, İsmail Mısırlı was sentenced to 30 years in prison by the Ankara Heavy Penal Court No.6, whereas 6 people received sentences ranging from 4 months to 17 months in prison, and 6 people were acquitted.

A group of 30 right-wing people raided restaurant and cafeteria in the İstanbul Marmara University Göztepe Campus at noon on 22 February, and attacked with knives, meat cleavers and clubs against the non-fasting students. The police did not intervene in the attack, during which 8 students were wounded. None of the assailants were detained after the attack. This incident caused tension in the university. About 150 students, who gathered in the canteen at noon on 24 February, held 2 MHP supporters, Ali Sait Ateşoğlu (over whom a knife was found) and Bünyamin İpek, as captives. Subsequently, the canteen was surrounded by the police. Police of-

Officers who entered the canteen after the MHP supporters were set free, beat and detained the 150 students. The detainees were released on the night of 25 February. Tolerant behavior of the police towards the right-wing students during the previous incidents at the university and their using force against left-wing students drew protests. Another clash broke out in the campus between right-wing and left-wing students on 25 February.

During a clash which broke out between left and right-wing students in Malatya on the evening of 23 February, 5 youth people, Metin Memiş, Murat Tanrıvermiş, Orhan Belenay, Metin Aslan and Bülent Akay, were wounded. Following the clash, classes at the Malatya İnönü University were suspended for one week.

During a fighting which arose between left and right-wing students at the Ankara University Faculty of Linguistic, History and Geography on 24 February, 2 students were knifed and wounded while 8 students were wounded due to club blows. On the same day, 4 students were wounded during a clash which broke out when a group of MHP supporters attacked on non-fasting students in the canteen of the Political Sciences Faculty of the İstanbul University.

A cafeteria in the center of Sivas, which is generally frequented by university students, was raided and damaged by a group of radical Islamic people on the night of 27 February. During the raid, 7 people in the cafeteria, Adem Saraç, Sebahattin Bayrak, Selahattin Tırnakçı, Ze-keriya Çiğdem, Mustafa Fuat Testiğ, Hakan Buğur and Aziz Derviş, were wounded because of stone and club blows. Eight of the assailants were apprehended and arrested after the incident. It was reported that the cafeteria was raided for giving food to non-fasting people.

A coffee house in the Zeytinburnu Quarter of İstanbul was raided by 5 people who were wearing masks, on the night of 5 March. During a clash which arose between a police officer who was in the coffee house and the armed people, Orhan Özer, who was reportedly involved in the raid, and a waiter named Durali Koşar were wounded. It was learnt that the raided coffee house was frequented by MHP supporters.

Zarif İlhan (31), former Chairperson of the İstanbul Fikirtepe *Ülkü Ocağı* (radical nationalist youth centers activating in line with the MHP ideology), was killed in an armed attack at about 00.45 a.m. on 10 May in front of the National Youth Foundation on the İstasyon Street in Erenköy. It was revealed that Zarif İlhan had been killed by a person named Musa, who was his driver and guard when he was the Chairperson of the Ülkü Ocağı.

A leftist person named Muharrem Sarıtepe was knifed to death 2 MHP supporters in the Tahtakale Trafo Quarter of İstanbul Altınşehir. (Detailed information is on page 81.)

On the evening of 23 May, police officer İzzet Yavuzylmaz in Samsun and Reşit Atasoy in the Village Kızılkaya of Sakarya Geyve were shot dead as a result of random fire opened by people bidding youths farewell on the way out for military service. (Page 81)

A group of 20 MHP supporters attacked left-wing students in the Adana Abdulkadir Paksoy High School on 1 June. In the incident, 3 students were knifed. The wounded students asserted that the police did not intervene in the attack, and even encouraged the assailants. In the same school, 2 students named Burhan Kızıl (16) and Mahmut Çelik (18) were wounded in an armed attack that arose among the MHP supporters on the morning of 26 December.

A clash arose between MHP supporter students and radical Islamic students staying at the Adana Çukurova University Fevzi Çakmak Students' Dormitory, on the evening of 13 June. In the clash during which clubs and knives were used, a MHP supporter student named Tayfun Uğur was knifed and wounded.

A MHP supporter named Ahmet Kenar was knifed to death in a fight which arose in the Kanarya Quarter of İstanbul Küçükçekmece on the night of 23 June. It was disclosed that Ahmet

Kenar was one of the executives of the *Ülkü Ocağı* in Kanarya quarter. During the operations carried out after the incident, a HADEP member, Adnan Öztürk, was detained as the assailant of the incident. Adnan Öztürk had been beaten and threatened with death by 2 MHP supporters in the beginning of June. However, it was learnt at the end of the investigation that Ahmet Kenar had been killed by a taxi driver named Salih Küçükterzi during the fight which arose for non-political reasons. Upon this, Salih Küçükterzi was arrested and Adnan Öztürk was released.

A fight arose at a restaurant serving alcohol in the Gülsuyu Quarter in Maltepe, İstanbul on 30 June, between a group demanding tribute and owner and waiters of the restaurant. During the fight, Mustafa Karaman, one of the people who wanted money, died, waiter Şahin Demircan was wounded. It was claimed that Mustafa Karaman was known as a “MHP supporter” in the region. After the incident, 4 people, including the restaurant’s owner, Doğan Erkan, were detained and taken to the Alemdağ Gendarmerie Station. After being interrogated for a while, the 4 people were found innocent and released. Yusuf Armutlu, one of the released people, was shot dead in an armed attack by Mustafa Karaman’s son Salih Karaman and relative Harun Öztürk, when he was leaving the gendarmerie station. Salih Karaman was arrested after the attack.

On 21 August, a 14-year old child shot and wounded an 11-year old child while he was tampering with a gun he had found in the building of the Küçükpazar *Ülkü Ocağı* on the Hacıkadın Street in the Küçükpazar Quarter of İstanbul.

A left-wing person, Erdal Yıldırım, was killed in the fire opened by a group of MHP supporters in the Ovacık Quarter of the Keçiören District of Ankara on the evening of 30 August. The incident provoked protests in Ovacık. The residents of the quarter stated that they had been threatened by MHP supporters for a long time. They stated that the assailants had implemented the order given by Keçiören Mayor Turgut Altınok, and that police officers around the region during the attack had intervened in the incident belatedly. In the operation carried out after the attack, 9 people, Abdülkadir Yaşartürk, Hakkı Şener, Alaattin Çaç, Ahmet Harmançık, Adnan Erdoğan, Tarkan Dündar, Muharrem Dalkılıç, Emir Harmançık and Murat Sarıkaya, were detained. Eight of the detainees were released, but Abdülkadir Yaşartürk, who accepted that he had killed Erdal Yıldırım, was arrested. However, an arrest warrant was issued against Adnan Erdoğan, Hakkı Şener, Ahmet Harmançık, Alaattin Çaç, Tarkan Dündar and Emir Harmançık, who were among the released people, upon the objection raised by the lawyers of the Yıldırım family. The Ankara Public Prosecution Office launched a trial against the 7 defendants. The trial started at the Ankara Heavy Penal Court No.7 on 17 October. Abdülkadir Yaşartürk, who was cross-examined in the hearing, said, “Nobody used guns during the incident, except me and Hakkı. I’m not sure, but Erdal Yıldırım might have shot with bullets from by gun.” In the hearing, Adnan Erdoğan, Ahmet Harmançık, Tarkan Dündar, Emir Harmançık and Alaattin Çaç were released. In the trial that ended on 5 December, Abdülkadir Yaşartürk was sentenced to 15 years in prison whereas Hakkı Şener to 1 year 7 days. Hakkı Şener was released later. The remaining defendants were acquitted. The verdict of the court provoked protests of the relatives and friends of Erdal Yıldırım. Two people were wounded during a fight which arose when the police wanted to prevent Erdal Yıldırım’s relatives who demonstrated in the Court House.

On the night of 11 September, a group of 8 people on their way out from a wedding held in İstanbul Haramidere, were attacked by Great Union Party supporters on the grounds that “they had sung songs in Kurdish at the wedding.” As a result of the attack, a construction worker named Felemez Nazlier (19) died and Halil Şimşek, Ekrem Şimşek and Mehmet Benici were wounded. (Detailed information is on page 82.)

A group of 10 MHP supporters raided the Alibeyköy Industrial Vocational High School in İstanbul at about 05.00 p.m. on 13 September, and beat a teacher named Cahit Özbek. In the

incident, vice director of the school, Hasan Aslan, and an employee were injured when they wanted to prevent the assailants.

Brothers Deniz Akyol and Ulaş Akyol, who were students at the Keçiören Kalaba High School in Ankara, were attacked and beaten by a group of 20 MHP supporters on 18 September. After the incident, Ulaş Akyol was given a medical report from the Forensic Medicine Institute certifying his inability to work for 10 days.

Two students were slightly injured in a clash that broke out when MHP supporter students tried to prevent the leftist students collecting signatures in the Communication Faculty of the İzmir Ege University on 5 October to protest the education with tuition. This incident caused tension in the university and a second clash broke out in front of the Agricultural Faculty on 6 October. In the clash, a leftist student named Uğur Hüseyin Çalkın was knifed and wounded.

MHP supporters raided a cafeteria in the vicinity of the Technical and Industrial Vocational High School in the Darıca District of Kocaeli on the morning of 21 November. In the raid, the assailants hit to the head of a leftist student with the butt of a gun and shot another in the leg. Polat Ağrılı, one of the people who raided the cafeteria, was arrested.

A clash broke out between right and left-wing students in the Zonguldak Karaelmas University on the morning of 4 December. In the clash, in which clubs and stones were used, a student named Fatih Sağıt was wounded. Thirty-two students were detained. Of the 32 students, 18 were released and 14 were sent to the Ankara SSC. Seven of the students, who were interrogated at the Ankara SSC on the morning of 12 December, were arrested while 7 were released on condition that they be prosecuted without arrest.

A clash broke out between MHP and BBP (Great Unity Party) supporter youths on the evening of 7 December on Sivas Atatürk Street. During the clash, a youth named Şükrü Arslanbükten was wounded. About 1 hour after this incident, unknown persons opened fire with a gun at the house of Nevzat Yanmaz, the former Sivas District Chairperson of the BBP. Nobody was killed or wounded in the attack.

A clash with stones and clubs broke out between left and right-wing students at noon hours on 11 December at the cafeteria of the Mining Faculty of the İstanbul Technical University. The clash reportedly began when a group of right-wing students raided the cafeteria. In the clash, 15 students were wounded.

A person named Şaban Atlı was shot dead in a clash which broke out between MHP members at the Diyarbakır Provincial Center of the MHP on the night of 14 December. Three people were detained by police officers coming to the office after the incident. Of the detainees, Hasan Taş was arrested on claims of killing Şaban Atlı, while the remaining 2 people were released. It was reported that the clash had stemmed from disputes among the party members.

f)- Labor issues and trade unions

Expectations about labor life were frustrated and promises in this issue were not kept in 1995. No amendments were made to the legal framework of the 12 September regime, which restricts the workers' rights and abolishes trade union freedoms. The amendments, which were among the most important promises of the DYP/SHP-CHP coalition governments, were postponed. On the contrary, a row of negative incidents were witnessed in the daily life. Dismissals continued at an increasing pace, and the number of the people dismissed from their jobs exceeded hundreds of thousands. Many of the dismissals were witnessed in the textile and metal-work industries and in municipalities. Workers, working generally under unhealthy conditions without security of work, frequently faced with industrial accidents. For this reason, numerous workers died or were crippled.

For example, a private enterprise's coal mine in the Sorgun District of Yozgat caved in at about 04.00 p.m. on 26 March. As a result, 40 workers died, 10 workers were wounded. The coal mine where the accident took place, had been closed by inspectors of the Ministry of Labor on the grounds that there had been no life security, but the closure decision had been annulled by the Kayseri Labor Court. In a statement he made about the accident, İHD Secretary General Hüsni Öndül said, "Human rights are integrated. It is not possible to prefer one to the other. Therefore, individual and political rights are integrated with economic, social and cultural rights. All of the rights written in the human rights documents and ILO contracts should be put into practice. Rights and freedoms should not be postponed and become unusable on the pretext of economic and political conditions." Meanwhile, Minister of Labor Ziya Halis disclosed that the accident had taken place when dynamite had been exploded at the time the proportion of the methane gas in the air exceeded the explosion level, and that the employer had been significantly negligent in the accident. Ziya Halis, who stated that the officials of the Ministry had no responsibility in the incident, said, "During the investigation carried out after the accident, it was revealed that even methane gas measuring apparatus, which is used frequently in order to avoid firedamp, was not used in that shift. This proves that in that mine, necessary measures were not taken to maintain workers' health and safety in that shift. Thus, he failed to implement health and safety measures for workers, the employer has a serious liability in the accident."

Workers resisted when the terms of collective bargaining negotiations were not fulfilled or when their wages were not paid. Security forces intervened in the resistance acts by workers. Workers and unionists were harassed, beaten, detained, arrested and prosecuted. Reaching a conclusion in the collective bargaining negotiations sometimes took a long period of time. Occasionally, strikes were suspended. (*) Long-lasting negotiations led protests by workers and certain acts by trade unions. The strikes reached a record level in 1995. A total of 489 decisions of strike were taken in 1995, 171 of which in state enterprises and 329 in private enterprises. Of these decisions, 366 ended in agreement. A total of 4,841,317 work days were lost in the strikes which were out into implementation; 4,246,086 workdays in 70 strikes staged in state enterprises and 595,231 work days in 51 strikes staged in private enterprises.

Workers who were dismissed from the jobs at the İstanbul Eminönü Municipality on 15 May, occupied the Municipal Undertakings Directorate in Edirnekapı on 13 June. About 200 workers working at the Municipal Undertakings Directorate, ceased working in order to support the act, which was held in order to force Mayor Ahmet Çetinsaya for reinstatement of the workers. Meanwhile, a sit-in act was staged in front of the Municipal building. Police intervened in the sit-in act at about 04.00 a.m. on 27 July. Police officers stated that the act had been banned, and harassed and detained about 50 people. In addition, 6 people, Erol Ekinçi, Hüseyin Gürgen, Hüseyin Aslan, Haydar Aslan, Sami Yiğit and Müslüm Baş, who were on death fast, were taken to hospital. The 6 workers, who rejected any medical treatment, were kept at police station for a

(*) On 24 February, the Council of Ministers suspended for 60 days the strike which was to be staged at the Turkish Airlines. The suspension decision, which was taken for "national security" reasons, promulgated in the 23 February 1995 issue of the Official Gazette and put into force. The strike was reportedly suspended in order to prevent any defects that may occur during soldier transfers to the State of Emergency Region, and problem that may be experienced during pilgrimage period to start in April. Strike decision taken by the workers of the Turkish Airlines drew reactions from the authorities of the General Staff who put the "soldier transfers" on the agenda. Protesting the decision, more than 2,000 airline workers gathered in front of the General Headquarters of the Turkish Airlines in İstanbul, Yeşilköy on 23 February, and held a demonstration. Atılay Ayçın, the Chairperson of the Hava İş Trade Union, delivered a speech during the demonstration and protested the decision. He accused the government of being "an enemy of workers."

while, and then released. In the meantime, physician Nermin Sezgin was also detained when she opposed the police when they wanted to take the workers to the police station.

Workers who were dismissed from their jobs at the İstanbul Şişli Municipality, staged a resistance act in front of the Municipal Undertakings Directorate in Okmeydanı on 2 June. The workers began to march to the Şişli Municipality at noon on 21 June, but the police tried to prevent this march. When the workers did not disperse and continued marching, a clash arose between the police and the workers. In the clash that lasted for half an hour, 17 workers and 11 police officers were wounded. Some police officers opened fire into the air during the clash. After the clash ended, about 103 workers, who had occupied a warehouse of the Municipal Undertakings Directorate, were ousted from the warehouse and detained. Of the detained workers, 79 were arrested and the rest were released to be prosecuted without arrest. Of the arrested 79 workers, 64, including Hıdır Bal, an executive of the Belediye İş Trade Union, were released on bail on 27 June. In a statement he made on the same day, Fuat Alan, the Chairperson of the Belediye İş Trade Union, said that a total of 512 workers had been dismissed from the Şişli Municipality, 150 of whom without receiving any compensation. He added that Mayor Gülay Atıf had dismissed the workers despite all the warnings by the trade union, and said that the Mayor had preferred to disturb the peace of work.

Dismissals were also witnessed in other work branches. Security forces tried to forcibly prevent protest acts staged by the dismissed workers. For example, on 19 June, 140 of workers were dismissed from their jobs at a British transportation company (Inchcape Retrains), which is located in the vicinity of the Şekerpınar Village of Gebze, for being members of a trade union. The workers, who were dismissed for being members to the TÜMTİS (Trade Union of Workers of Motor Vehicles), staged a resistance after being dismissed. Upon the resistance, the dismissed workers were reinstated. The workers were again forced to resign from the trade union, and they were dismissed again on 30 June when they rejected to resign. A resistance was staged again, which continued for months and during which certain incidents and various attacks against the workers were witnessed. The workers, who wanted to enter the workplace on 3 July, were prevented by gendarmes and company's security. A clash arose upon this, during which 3 workers, Mürsel Genç, Erdoğan Yıldız and Erdoğan Dilek were injured. On the night of 10 July, the gendarmes raided the workers' tents, and detained 63 workers and TÜMTİS executive Kenan Öztürk. The detainees were taken to the Gebze Gendarmerie Station and kept there for a while, where they were threatened by a non-commissioned officer who said, "Give up trade union membership and find other jobs for yourself, or you'll be in trouble." On the morning of 27 August, fire was opened from a minibus licensed 34 EPG 31 on the minibus of workers in the vicinity of the Aydınlı village, while they were on their way to the Şekerpınar village in order to get some water. On the morning of 1 September, the gendarmes beat and detained 35 workers. In the incident, the tents used by the workers were also destroyed and became unusable. It was reported that the workers were detained in line with the demand by the British Embassy and upon instructions given by the Ministry of Interior Affairs. On the morning of 13 September, the gendarmes beat and detained 50 workers. A group of 45 people, including Sabri Topçu and Yurdal Şenol, the Chairperson and Secretary General of the TÜMTİS, went to the company after this incident, but they were also detained. The 95 people, who were kept in detention for 9 hours, were released by the prosecution office. Ninety-seven workers were detained by the gendarmes on the morning of 16 September. The detainees were later taken to basement of a construction near the company. Hüseyin Seyrek, Kenan Öztürk and İlker Dilcan, executives of the TÜMTİS, were among the detainees. The workers were released 5 hours later.

The most important development regarding the labor life was the strike which started in the beginning of September and which was the most widely participated one of the Republican

era. The government's starting the collective bargaining negotiations with an offer of 5 % increase, and its insistence on this offer deadlocked the negotiations. Workers held various demonstrations on 21 July to protest the offer of 5 % increase in their wages. In the action, which was held upon the call by the Türk İş, the workers altogether went to their work places by walking.

Upon the call by the Türk İş, a meeting was held in Ankara on 5 August, under the name "Respect to Labor." About 200,000 people coming from all over Turkey, most of whom were Türk İş members, attended the meeting. Ten thousands of people gathered in the Tandoğan Square in morning, and started to march while shouting slogans like "Workers and civil servants are hand in hand for a general strike," "Government resign" and "Long live our struggle for job and bread." The group then came to Kızılay Square, and dispersed after the meeting. Meanwhile, 2 demonstrations, Fatma Yaman and Esin Oray, were detained.

Workers staged a not-working act in overall Turkey on 8 August. The act was attended by workers of state institutes and enterprises, and realized in the form of "going to workplaces but not working for the whole day." The act affected the daily life in İstanbul to a great extent; public transport could hardly be maintained, electricity and plumbing breakdowns could not be overcome and phone calls could be made with hitches. The electricity, plumbing and phone line breakdowns also affected the daily life in other cities. In the demonstrations held in İstanbul, İzmit and Gölcük by the workers, the attitude of the government was protested. The demonstrations ended without any incidents as the police did not intervene. An investigation was launched against the leaders of the Türk İş in connection with the acts on 5 and 8 August.

When the collective bargaining negotiations deadlocked, about 160,000 workers at the state-owned plants and enterprises went on a strike beginning from the morning of 20 September. After the decision to strike was put into practice, protest demonstrations were held especially in Ankara, İstanbul, İzmir and Zonguldak by thousands of workers. The number of the workers on strike exceeded 300,000 in a short period of time. A great majority of the workers participated in the strike, which was the most widely participated strike of the Republican era, were the Türk İş-member workers. The strikes continued despite the government's pressure and its intransigence. While the strike was under way, protest demonstrations were held on 25 September in Ankara, İstanbul, İzmir, Kocaeli and İskenderun with the participation of thousands of workers. The demonstrations, during which various slogans were shouted, ended without any incidents since the police did not intervene.

Thousands of workers gathered in front of the Türk İş Headquarters in Ankara and demonstrated for a long time at noon on 5 October. The demonstration, during which various slogans were shouted, ended without incident since the police did not intervene. About 1,000 civil servants who gathered on the Sakarya Street in Kızılay at about the same hour, made a demonstration on the demands of "increase in their salaries" and "an end to the duress on the trade unions of civil servants." Similar acts by civil servants were staged in İstanbul, İzmir, Adana, Samsun, Zonguldak and Bursa. Members of the Türk İş Council of Chairpersons and workers on strike were prevented by the police when they attempted to march towards the Atatürk Sports Hall on 9 September, where the CHP Ordinary Party Congress was being held. Only Türk İş Chairperson Bayram Meral and chairpersons of trade unions were let in the Congress Hall.

Protesting the government's attitude towards the strikes, tens of thousands of workers held a rally in Ankara on 15 October. The workers, who gathered in Kızılay Square, continued their demonstration until the start of the balloting of the vote of confidence for the government headed

by Tansu Çiller at 03.00 p.m., (*) while shouting slogans such as “Damn the International Monetary Fund, keep an independent Turkey,” “Government resign, Tansu go to the States,” “Workers and civil servants are hand in hand for a general strike” and “Long live our struggle for job, bread and freedom.” Attendance to the rally was much less than the expected, as workers coming from different parts of Turkey were prevented from entering Ankara by the police and gendarmerie or buses carrying workers were not permitted to set out in many settlements. Workers coming from different parts of Turkey, particularly from İstanbul, Kocaeli, Düzce and Sakarya were prevented from entering Ankara. Buses carrying workers from other regions were not allowed to set out for the demonstration. Tens of thousands of workers mainly in İzmir, Adana, Bursa, Mersin, Samsun and Eskişehir were prevented from going to Ankara. Worker groups coming from İstanbul, Kocaeli, Düzce and Sakarya experienced great difficulties because of the police and gendarmerie barricades. These groups could cross barricades after struggles occasionally, but they were halted by the police 20 kilometers to Ankara. Upon this, the workers got out of the buses, blockaded the traffic and started to march towards Ankara. This time, marching workers were tried to be dispersed by the police who beat them with truncheons. Clashes broke out occasionally when the workers responded by throwing stones. Meanwhile, some policemen broke the windows of the buses carrying workers while some others fired into the air. Because of the resistance of the workers, the number of whom reached 10,000 in a short time, the policemen had to withdraw, so that the buses were able to go ahead towards Ankara. In the incidents, 10 people were wounded, 3 of whom were police officers. The Ankara Security Directorate lodged an official complaint against the Türk İş leaders because of the demonstration.

In the meantime, the Council of Ministers postponed for 60 days strikes which were staged at the railroads, sugar factories, harbors, paper mills and the Institution of Mechanical and Chemical Industry. The postponement, which affected nearly 95,000 workers, was decided on grounds that “national security and public order had deteriorated.” The postponement was promulgated in the 17 October 1995 issue of the Official Gazette, and put into force. With this decision, the number of the workers on strike decreased to 225,000. Türk İş Chairperson Bayram Meral made a statement upon the decision, and said, “Postponements are attacks against the democracy and law. The right of collective bargaining is violated.”

The collective bargaining negotiations between the government and Türk İş resulted in an agreement on 27 October. According to the agreement between Prime Minister Tansu Çiller and Türk İş Chairperson Bayram Meral, wages of about 550,000 workers were increased, on average, by 25 percent and 30 percent for 1995 and 1996, respectively. Upon this agreement, the strikes ended consecutively.

Civil servants’ trade unions

1994 did not secure long-awaited union rights for civil servants working for the state. However, the promise that “the civil servants would be awarded union rights” had taken an important part in the government program. No further development could be observed regarding the union rights in 1995, as in the previous years. The Constitution was amended, but nothing changed in practice as the necessary amendment were not made in related laws.

(*) The minority government of the DYP could not secure a vote of confidence. Out of the 421 deputies who voted in the ballot, 230 cast votes against the government while 191 of them voted for the government. Türk İş Chairperson Bayram Meral, who went to the Parliament to watch the ballot, was attacked by a group of DYP-members, among whom were some deputies. As police officers intervened, Bayram Meral was able to escape from being beaten or harassed.

Civil servants' trade unions, which could not acquire a legal status, faced various kinds of administrative pressure and restrictions in their activities, or they were prevented from acting at all. Many activities organized by the civil servants' trade unions were not allowed. Every kind of obstruction methods were applied in order to prevent establishment of trade unions and their branches. Despite all pressure, members of the civil servants' trade unions were continuously in action to acquire their rights. Thousands of civil servants organized rallies, marches and meetings in numerous provinces, especially in Ankara, and sometimes they quit duty or slowed down their work. In most cases, police intervened in those acts.

On 17 and 18 June, ten thousands of civil servants staged the most widely participated act of the recent years, demanding "the right to the union that enjoyed the freedoms of strike and collective bargaining" and "a democratic constitution". Civil servants who came from various parts of Turkey to Ankara by buses gathered at the Hipodrom Square on the morning of 17 June. The civil servants who followed the route of İstasyon Square, Opera Bridge and Sıhhiye starting from 10.00 a.m., arrived at the Zafer Square and met there with the civil servants of Ankara. The civil servants, the number of whom exceeded 70,000, staged a sit-in act in the Kızılay Square. The sit-in act that also continued on the night of 17 June, ended on the evening of 18 June.

Civil servants staged an act of quitting work on 21 June. Prior to the act, leaders of certain civil servants' trade unions were detained on the pretext of the demonstrations held on 17 and 18 June. In the operation launched upon the instructions by Minister of Interior Affairs Nahit Meteşe, 37 people were detained and a trial was launched against them. In the trial launched by the Ankara Public Prosecution Office within 2 hours on 20 June, sentences between 1 and 3 years in prison were sought for the 37 trade union leaders. In the first hearing of the trial that started at the Ankara Penal Court of First Instance No.14 on the same day, the defendants were decided to be tried without arrest. About 1,000 workers gathered in front of the Court House where the hearing was held, and supported their friends on trial by shouting slogans. The 37 trade union leaders were acquitted on 11 September.

The act of quitting the work on 21 June was mostly effective on railway transportation, communication services, at tax offices, municipalities, social security institutes and at some hospitals. Civil servants who participated in the act gathered in the central areas of provinces at noon, and held demonstrations that voiced their demands. The demonstrations ended without any incidents since the police did not intervene. The demonstrations continued on 22 June. About 1,000 civil servants gathered in front of the DYP Headquarters in Ankara, and protested the attitude of this party on this issue. In İstanbul, civil servants who wanted to march to the Provincial Center of the same party, were prevented by the police. Meanwhile, 58 civil servants incumbent at the İstanbul Haydarpaşa and Sirkeci train stations were suspended from duty while workplaces of 3 others were changed because they participated in the act.